~~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 Joshua 1:9: “Do not be frightened and do not be dismayed, for the Lord your God is with you wherever you go.”

Let us pray. We give You thanks, O Lord, for Your protection and guidance. As You have lead these Representatives and staff through this Session, remain with them, as they continue the work of the people. Grant Your blessings on our leaders of Nation and State. Go with them wherever they go. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

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

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

**MOTION ADOPTED**

Rep. ALLISON moved that when the House adjourns, it adjourn in memory of Gail Marchbanks Sanders of Liberty, which was agreed to.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1296 -- Senator S. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 176 AND NEW HOPE CHURCH ROAD IN UNION COUNTY "JOAN BURGESS INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT EACH ENTRANCE OF THIS INTERSECTION THAT CONTAIN THIS DESIGNATION.

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. 1323 -- Senator Campsen: A CONCURRENT RESOLUTION TO HONOR WILLIAM H. LEWIS FOR HIS MANY YEARS OF SERVICE TO THE UNITED STATES NAVY CIVIL ENGINEER CORPS AND TO THE CHARLESTON COUNTY SCHOOL DISTRICT, TO CONGRATULATE HIM ON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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:

S. 422 -- Senator Lourie: A BILL TO AMEND SECTION 38-71-145, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRED COVERAGE FOR MAMMOGRAMS BY INDIVIDUAL AND GROUP HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE ORGANIZATION POLICES, SO AS TO REQUIRE SUPPLEMENTAL COVERAGE FOR BREAST ULTRASOUND SCREENING WHEN A MAMMOGRAM DEMONSTRATES HETEROGENEOUS OR DENSE BREAST TISSUE, AND TO REQUIRE A MAMMOGRAPHY REPORT INCLUDING SPECIFIC INFORMATION BE PROVIDED TO A PATIENT WHO RECEIVES THIS ULTRASOUND SCREENING.

Referred to Committee on Labor, Commerce and Industry

S. 894 -- Senators Massey and Alexander: A BILL TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS APPLICABLE TO COURTS, BY ADDING SECTION 14-1-240, TO PROVIDE THAT A FIVE DOLLAR SURCHARGE TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE LEVIED ON ALL FINES, FORFEITURES, ESCHEATMENTS, OR OTHER MONETARY PENALTIES IMPOSED IN THE GENERAL SESSIONS COURT OR IN MAGISTRATES OR MUNICIPAL COURT FOR MISDEMEANOR TRAFFIC OFFENSES OR FOR NONTRAFFIC VIOLATIONS.

Referred to Committee on Judiciary

S. 1163 -- Senators Young, Lourie, Shealy, L. Martin and Alexander: A BILL TO AMEND SECTION 63-7-940 OF THE 1976 CODE, RELATING TO THE USE OF UNFOUNDED ABUSE AND NEGLECT CASE INFORMATION AND SECTION 63-7-1990, RELATING TO THE CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION CONCERNING THE CENTRAL CHILD ABUSE AND NEGLECT REGISTRY, TO PROVIDE THAT INFORMATION WHICH MUST OTHERWISE REMAIN CONFIDENTIAL MAY BE RELEASED BY THE DIRECTOR OR DESIGNEE TO CONFIRM, CLARIFY, OR CORRECT INFORMATION CONCERNING A CASE THAT HAS BEEN MADE PUBLIC BY SOURCES OTHER THAN THE DEPARTMENT, TO RESPOND TO AN INQUIRY FROM A COMMITTEE OR SUBCOMMITTEE OF THE SENATE OR THE HOUSE OF REPRESENTATIVES OR A JOINT COMMITTEE OF THE GENERAL ASSEMBLY, OR TO COMPLY WITH REQUIREMENTS OF THE FEDERAL CHILD ABUSE PREVENTION AND TREATMENT ACT AND TO LIMIT CIVIL LIABILITY RESULTING FROM THE DISCLOSURE.

Referred to Committee on Judiciary

S. 1243 -- Senators S. Martin and Bright: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-180 SO AS TO PROVIDE THAT ANY PUBLIC, PRIVATE, OR NONPROFIT ENTITY WHICH IS ENGAGED IN HELPING TO REHABILITATE AND REINTRODUCE PAROLED PRISON INMATES INTO THE COMMUNITY AND WHICH AS A PART OF ITS PROGRAM PROVIDES RESIDENTIAL HOUSING IN THE COMMUNITY TO THESE PAROLEES MUST PROVIDE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITY OF THE ADDRESSES WHERE THESE RESIDENTIAL HOUSING FACILITIES WILL BE LOCATED, AND ALSO MUST CONDUCT A PUBLIC HEARING REGARDING THE PROGRAM AND THE LOCATION OF THESE RESIDENTIAL HOUSING FACILITIES IN THE COMMUNITY WHERE THEY WILL BE LOCATED.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Branham | Brannon |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cole |
| Daning | Delleney | Dillard |
| Douglas | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hamilton | Hardwick |
| Harrell | Hayes | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Loftis |
| Long | Mack | McEachern |
| M. S. McLeod | W. J. McLeod | D. C. Moss |
| Nanney | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Ridgeway | Rivers | Robinson-Simpson |
| Rutherford | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Weeks |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, May 27.

|  |  |
| --- | --- |
| William Bowers | Grady Brown |
| Gilda Cobb-Hunter | Heather Crawford |
| Kris Crawford | Tracy Edge |
| Shannon Erickson | Jerry Govan |
| Kevin Hardee | Chris Hart |
| Phyllis Henderson | William G. Herbkersman |
| Phillip Lowe | James Lucas |
| Peter McCoy, Jr. | James Merrill |
| Harold Mitchell | V. Stephen Moss |
| Elizabeth Munnerlyn | Chris Murphy |
| Joseph Neal | Richard "Rick" Quinn |
| Robert Riley | Mike Ryhal |
| Bakari Sellers | Leon Stavrinakis |
| Ted Vick | Jackson "Seth" Whipper |

**Total Present--121**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NEWTON a leave of absence for the day to attend a family funeral.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CROSBY a leave of absence for the day due to illness.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LUCAS a temporary leave of absence due to traffic on I-20.

**STATEMENT OF ATTENDANCE**

Rep. H. A. CRAWFORD signed a statement with the Clerk that she came in after the roll call of the House and was present for the Session on Thursday, May 22.

**DOCTOR OF THE DAY**

Announcement was made that Dr. C. Wendell James of Greenville was the Doctor of the Day for the General Assembly.

**CO-SPONSOR REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 5221 |
| Date: | REMOVE: |
| 05/27/14 | G. R. SMITH |

**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 of each be changed to that of an Act, and that they be enrolled for ratification:

S. 812 -- Senator O'Dell: A BILL TO AMEND SECTION 11-50-50, AS AMENDED, SECTIONS 11-50-60, 11-50-90, AND 11-50-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO UPDATE THE LIST OF COUNTIES IN WHICH A BOARD MEMBER MAY RESIDE OR REPRESENT, TO REMOVE THE AUTHORITY FROM THE JURISDICTION OF THE ADMINISTRATIVE PROCEDURES ACT, AND TO NO LONGER REQUIRE THE AUTHORITY TO OBTAIN REVIEW AND APPROVAL OF THE JOINT BOND REVIEW COMMITTEE BEFORE PROVIDING FINANCIAL ASSISTANCE, BUT TO REQUIRE THE AUTHORITY TO SUBMIT AN ANNUAL REPORT TO THE JOINT BOND REVIEW COMMITTEE REGARDING LOANS AND OTHER FINANCIAL ASSISTANCE.

**H. 4996--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4996 -- Reps. Brannon and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-277 SO AS TO REQUIRE ACCIDENT AND HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE ORGANIZATIONS TO COVER CERTAIN AMINO ACID-BASED ELEMENTAL FORMULAS FOR THE TREATMENT OF CERTAIN DISEASES OR DISORDERS, TO PROHIBIT DENIAL OF THIS COVERAGE FOR TREATMENT ORDERED AS MEDICALLY NECESSARY BY A TREATING PHYSICIAN, AND TO PROVIDE THIS COVERAGE MUST BE FAVORABLE FOR PRESCRIPTION DRUGS AND SERVICES COVERED BY THE PLAN.

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

**S. 890--DEBATE ADJOURNED**

The following Bill was taken up:

S. 890 -- Senators Cleary and Rankin: A BILL TO AMEND SECTION 48-39-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS REQUIRED FOR COASTAL ZONE CRITICAL AREAS, SO AS TO DELETE THE EMERGENCY ORDER EXCEPTION TO ORDERS BY APPOINTED OFFICIALS OF COUNTIES AND MUNICIPALITIES; TO AMEND SECTION 48-39-280, RELATING TO THE SHORELINE FORTY-YEAR RETREAT POLICY, SO AS TO PROHIBIT THE SEAWARD MOVEMENT OF THE BASELINE AFTER JULY 1, 2014, AND TO ELIMINATE THE RIGHT OF LOCAL GOVERNMENTS AND LANDOWNERS TO PETITION THE ADMINISTRATIVE LAW COURT TO MOVE THE BASELINE SEAWARD UPON COMPLETION OF A BEACH RENOURISHMENT PROJECT; AND TO AMEND SECTION 48-39-290, AS AMENDED, RELATING TO CONSTRUCTION RESTRICTIONS SEAWARD OF THE BASELINE, EXCEPTIONS TO RESTRICTIONS, AND SPECIAL PERMITS, SO AS TO ELIMINATE THE EXCEPTION OF GOLF COURSES FROM A PERMIT REQUIREMENT AND TO SUBSTITUTE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AS THE DIVISION TO CONSIDER APPLICATIONS FOR SPECIAL PERMITS.

Rep. HIOTT moved to adjourn debate on the Bill, until Thursday May 29, which was adopted.

**S. 840--DEBATE ADJOURNED**

The following Bill was taken up:

S. 840 -- Senator Bryant: A BILL TO AMEND SECTION 44-53-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF CERTAIN INFORMATION BY DISPENSERS AS PART OF THE STATE PRESCRIPTION MONITORING PROGRAM, SO AS TO REVISE THE MANNER OF SUBMISSION; AND TO AMEND SECTION 44-53-1650, RELATING TO CONFIDENTIALITY AND RELEASE OF DATA FROM THE STATE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE A COURT ORDER FOR THE RELEASE OF CERTAIN INFORMATION FOR RESEARCH AND EDUCATION PURPOSES, AND TO REQUIRE A COURT ORDER TO RELEASE INFORMATION TO CERTAIN INDIVIDUALS WHEN THE REQUEST IS FOR SYSTEM DATA MAINTAINED FOR LONGER THAN ONE YEAR.

Rep. WHITE moved to adjourn debate on the Bill until Thursday, May 29, which was agreed to.

**S. 495--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 495 -- Senators Lourie and Rankin: A BILL TO AMEND SECTION 23-3-115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, COUNTY, OR THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM.

The Committee on Judiciary proposed the following Amendment No. 1 to S. 495 (COUNCIL\MS\495C001.MS.AHB14), 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 23‑3‑115(B) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(B) The fee allowed in subsection (A) is fixed at eight dollars if the criminal record search is conducted for a charitable organization, a bona fide mentor, or for the use of a charitable organization. An organization that is authorized to receive the reduced fee shall not charge the volunteer, mentor, member, or employee more than eight dollars or any additional fee that is not required by the State Law Enforcement Division. All criminal record searches conducted pursuant to this subsection must be for a volunteer, mentor, member, or employee performing in an official capacity of the organization and must not be resold. The division shall develop forms on which a mentor or charitable organization shall certify that the criminal record search is conducted for the use and benefit of the charitable organization or mentor. For purposes of this subsection, the phrase ‘charitable organization’ means:

(1) an organization which has been determined to be exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended;

(2) a bona fide church, including an institution such as a synagogue or mosque;

(3) an organization which has filed a statement of registration or exemption under the Solicitation of Charitable Funds Act, Chapter 56, Title 33; or

(4) local parks and recreation volunteers through a commission ~~volunteers~~, municipality, county, or the South Carolina Department of Parks, Recreation and Tourism.”

SECTION 2. Section 30‑2‑50 of the 1976 Code is amended to read:

“Section 30‑2‑50. (A) A person or private entity shall not knowingly obtain or use any personal information obtained from a state or local agency for commercial solicitation directed to any person in this State.

(B) Each state agency shall provide a notice to all requestors of records pursuant to this chapter and to all persons who obtain records pursuant to this chapter that obtaining or using public records for commercial solicitation directed to any person in this State is prohibited.

(C) All state and local agencies shall take reasonable measures to ensure that no person or private entity obtains or distributes personal information obtained from a public record for commercial solicitation.

(D) A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.

~~(E)~~ ~~This chapter does not apply to a local governmental entity of a subdivision of this state or local government.~~”

SECTION 3. Section 17‑1‑40 of the 1976 Code, as last amended by Act 75 of 2013, is further amended to read:

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

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

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

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

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

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

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

(F)(1) A person or entity who publishes on the person or entity’s website the arrest and booking records, including mug shots, of a person who is arrested and booked in South Carolina is deemed to be transacting business in South Carolina.

(2) Except as provided in item (3), within thirty days of the sending of a written request by a person described in subsection (A), including the person’s name, date of birth, date of arrest, and the name of the arresting law enforcement agency, a person or entity shall, without fee or compensation, remove from the person or entity’s website any arrest and booking records, including mug shots, of the person described in subsection (A).

(3) If the original charge against the person described in subsection (A) is discharged or dismissed as a result of the person pleading to a lesser offense, the person or entity who publishes the website is not required to remove the records; however, the person or entity shall change any published information to reflect the lesser offense instead of the original charge.

(4) The written request must be sent via certified mail, return receipt requested, to the registered agent, principal place of business, or primary residence of the person or entity who publishes the website.

(5) A person or entity who publishes a website and violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or be imprisoned not more than thirty days, or both.

(6) A person described in subsection (A) may file a civil cause of action against a person or entity who publishes a website and violates this subsection.”

SECTION 4. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

**POINT OF ORDER**

Rep. POPE raised the Point of Order that under Rule 9.3, Amendment No. 1, the Judiciary Committee Amendment to S. 495, was out of order in that it was not germane to the Bill.

SPEAKER HARRELL sustained the Point of Order stating that S. 495 dealt primarily with charitable organizations paying a reduced fee, under certain circumstances, for criminal background checks; however, Amendment No. 1 would go beyond the scope of the Bill and require mug shots and criminal records to be available electronically on the internet in specific circumstances. He sustained the Point of Order and ruled Amendment No. 1 out of order.

Rep. BANNISTER explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Daning | Delleney |
| Dillard | Douglas | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Long | Lowe | Mack |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | Munnerlyn |
| Murphy | Nanney | Norman |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

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

**S. 516--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

S. 516 -- Senators Peeler, Fair, Hayes, Courson, Young, Setzler, Malloy, Leatherman, Lourie, L. Martin, Johnson, Jackson, Allen, Rankin, Scott and Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA READ TO SUCCEED ACT"; BY ADDING CHAPTER 155 TO TITLE 59 SO AS TO CREATE THE SOUTH CAROLINA READ TO SUCCEED OFFICE AND A READING PROFICIENCY PANEL WITHIN THE OFFICE, AND TO PROVIDE RELATED REQUIREMENTS OF THE DEPARTMENT OF EDUCATION, STATE SUPERINTENDENT OF EDUCATION, SCHOOL DISTRICTS, COLLEGES, AND UNIVERSITIES THAT OFFER CERTAIN RELATED GRADUATE EDUCATION, AND EDUCATORS AND ADMINISTRATORS, AMONG OTHER THINGS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to S. 516 (COUNCIL\AGM\516C001. AGM.AB14), which was adopted:

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

/ Whereas, the South Carolina General Assembly finds that national research has documented that students unable to comprehend grade‑level text struggle in all their courses; and

Whereas, the South Carolina General Assembly finds that while reading typically has been assessed through standardized tests beginning in third grade, research has found that many struggling readers reach preschool or kindergarten with low oral language skills and limited print awareness. Once in school, they and other students fail to develop proficiency with reading and comprehension because of inadequate instruction and engaged practice; and

Whereas, the South Carolina General Assembly finds that research has also shown that students who have difficulty comprehending texts struggle academically in their content area courses but seldom receive effective instructional intervention during middle and high school to improve their reading comprehension. These are the students least likely to graduate; and

Whereas, the South Carolina General Assembly finds that one recent longitudinal study found that students reading below grade level at the end of third grade were six times more likely to leave school without a high school diploma; and

Whereas, the South Carolina General Assembly finds that reading proficiency is a fundamental life skill vital for the educational and economic success of our citizens and State. In accordance with the ruling of the South Carolina Supreme Court that all students must be given “an opportunity to acquire the ability to read, write, and speak the English language”, the South Carolina General Assembly finds that all students must be given high quality instruction and engage in ample time actually reading and writing in order to learn to read, comprehend, write, speak, listen, and use language effectively across all content areas; and

Whereas, to guarantee that all students exhibit these abilities and behaviors, the State of South Carolina must implement a comprehensive and strategic approach to reading proficiency for students in prekindergarten through twelfth grade that begins when each student enters the public school system and continues until he or she graduates. Now, therefore,

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

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 155

South Carolina Read to Succeed Act

Section 59‑155‑110. There is established within the South Carolina Department of Education the South Carolina Read to Succeed Office to implement a comprehensive, systemic approach to reading which will ensure that:

(1) classroom teachers use evidence‑based reading instruction in prekindergarten through grade twelve, to include oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; administer and interpret valid and reliable assessments; analyze data to inform reading instruction; and provide evidence based interventions as needed so that all students develop proficiency with literacy skills and comprehension;

(2) classroom teachers periodically reassess their curriculum and instruction to determine if they are helping each student progress as a proficient reader and make modifications as appropriate;

(3) each student who cannot yet comprehend grade‑level text is identified and served as early as possible and at all stages of his or her educational process;

(4) each student receives targeted, effective comprehension support from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade‑level texts;

(5) each student and his parent or guardian is continuously informed in writing of:

(a) the student’s reading proficiency needs, progress, and ability to comprehend and write grade‑level texts;

(b) specific actions the classroom teacher and other reading professionals have taken and will take to help the student comprehend and write grade‑level texts; and

(c) specific actions that the parent or guardian can take to help the student comprehend grade‑level texts by providing access to books, assuring time for the student to read independently, reading to students, and talking with the student about books;

(6) classroom teachers receive preservice and in‑service coursework which prepares them to help all students comprehend grade‑level texts;

(7) all students develop reading and writing proficiency to prepare them to graduate and to succeed in their career and postsecondary education; and

(8) each school district publishes annually a comprehensive research‑based reading plan that includes intervention options available to students and funding for these services.

Section 59‑155‑120. As used in this chapter:

(1) ‘Board’ means the State Board of Education.

(2) ‘Department’ means the State Department of Education.

(3) ‘Discipline specific literacy’ means the ability to read, write, listen, and speak across various disciplines and content areas including, but not limited to, English language arts, science, mathematics, social studies, physical education, health, the arts, and career and technology education.

(4) ‘Readiness assessment’ means assessments used to analyze students’ literacy, mathematical, physical, social, and emotional‑behavioral competencies in prekindergarten or kindergarten.

(5) ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add‑on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education.

(6) ‘Reading portfolio’ means an organized collection of evidence and assessments documenting that the student has demonstrated mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment.

(7) ‘Reading proficiency’ means the ability of students to meet state reading standards in kindergarten through grade twelve, demonstrated by readiness, formative, or summative assessments.

(8) ‘Reading proficiency skills’ means the ability to understand how written language works at the word, sentence, paragraph, and text level and mastery of the skills, strategies, and oral and written language needed to comprehend grade‑level texts.

(9) ‘Research‑based formative assessment’ means assessments used within the school year to analyze strengths and weaknesses in reading comprehension of students individually to adapt instruction to meet student needs, make decisions about appropriate intervention services, and inform placement and instructional planning for the next grade level.

(10) ‘Substantially fails to demonstrate third‑grade reading proficiency’ means a student who does not demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the statewide summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS).

(11) ‘Summative assessment’ means state‑approved assessments administered in grades three through eight and any statewide assessment used in grades nine through twelve to determine student mastery of grade‑level or content standards.

(12) ‘Summer reading camp’ means an educational program offered in the summer by each local school district or consortia of school districts for students who are unable to comprehend grade‑level texts and who qualify for mandatory retention.

(13) ‘Third‑grade reading proficiency’ means the ability to read grade‑level texts by the end of a student’s third grade year as demonstrated by the results of state‑approved assessments administered to third grade students, or through other assessments as noted in this chapter and adopted by the board.

(14) ‘Writing proficiency skills’ means the ability to communicate information, analysis, and persuasive points of view effectively in writing.

Section 59‑155‑130. The Read to Succeed Office must guide and support districts and collaborate with university teacher training programs to increase reading proficiency through the following functions, including, but not limited to:

(1) providing professional development to teachers, school principals, and other administrative staff on reading and writing instruction and reading assessment that informs instruction;

(2) providing professional development to teachers, school principals, and other administrative staff on reading and writing in content areas;

(3) working collaboratively with institutions of higher learning offering courses in reading and writing and those institutions of higher education offering accredited master’s degrees in reading‑literacy to design coursework leading to a literacy teacher add‑on endorsement by the State;

(4) providing professional development in reading and coaching for already certified reading/literacy coaches and literacy teachers;

(5) developing information and resources that school districts can use to provide workshops for parents about how they can support their children as readers and writers;

(6) assisting school districts in the development and implementation of their district reading proficiency plans for researched‑based reading instruction programs and assisting each of their schools to develop its own implementation plan aligned with the district and state plans;

(7) annually designing content and questions for and review and approve the reading proficiency plan of each district.

(8) monitor and report to the State Board of Education the yearly success rate of summer reading camps. Districts must provide statistical data to include the:

(a) number of students enrolled in camps;

(b) number of students by grade level who successfully complete the camps;

(c) number of third‑graders promoted to fourth grade;

(d) number of third‑graders retained; and

(e) total expenditure made on operating the camps by source of funds to include in‑kind donations; and

(9) provide an annual report to the General Assembly regarding the implementation of the South Carolina Read to Succeed Act and the State and the district’s progress toward ensuring that at least ninety‑five percent of all students are reading at grade level.

Section 59‑155‑140. (A)(1) The department, with approval by the State Board of Education, shall develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools. The State Reading Proficiency Plan must be approved by the board by February 1, 2015, and must include, but not be limited to, sections addressing the following components:

(a) reading process;

(b) professional development to increase teacher reading expertise;

(c) professional development to increase reading expertise and literacy leadership of principals and assistant principals;

(d) reading instruction;

(e) reading assessment;

(f) discipline specific literacy;

(g) writing;

(h) support for struggling readers;

(i) early childhood interventions;

(j) family support of literacy development;

(k) district guidance and support for reading proficiency;

(l) state guidance and support for reading proficiency;

(m) accountability; and

(n) urgency to improve reading proficiency.

(2) The state plan must be based on reading research and proven‑effective practices, applied to the conditions prevailing in reading‑literacy education in this State, with special emphasis on addressing instructional and institutional deficiencies that can be remedied through faithful implementation of research‑based practices. The plan must provide standards, format, and guidance for districts to use to develop and annually update their plans, as well as to present and explain the research‑based rationale for state‑level actions to be taken. The plan must be updated annually and must incorporate a state reading proficiency progress report.

(3) The state plan must include specific details and explanations for all substantial uses of state, local, and federal funds promoting reading literacy and best judgment estimates of the cost of research supported, thoroughly analyzed proposals for initiation, expansion, or modification of major funding programs addressing reading and writing. Analyses of funding requirements must be prepared by the department for incorporation into the plan.

(B)(1) Beginning in Fiscal Year 2015‑2016, each district must prepare a comprehensive annual reading proficiency plan for prekindergarten through twelfth grade consistent with the plan by responding to questions and presenting specific information and data in a format specified by the Read to Succeed Office. Each district’s PK‑12 reading proficiency plan must present the rationale and details of its blueprint for action and support at the district, school, and classroom levels. Each district shall develop a comprehensive plan for supporting the progress of students as readers and writers, monitoring the impact of its plan, and using data to make improvements and to inform its plan for the subsequent years. The district plan piloted in school districts in Fiscal Year 2013‑2014 and revised based on the input of districts shall be used as the initial district reading plan framework in Fiscal Year 2014‑2015 to provide interventions for struggling readers and fully implemented in Fiscal Year 2015‑2016 to align with the state plan.

(2) Each district PK‑12 reading proficiency plan shall:

(a) document the reading and writing assessment and instruction planned for all PK‑12 students and the interventions in prekindergarten through twelfth grade to be provided to all struggling readers who are not able to comprehend grade‑level texts. Supplemental instruction shall be provided by teachers who have a literacy teacher add‑on endorsement and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or both;

(b) include a system for helping parents understand how they can support the student as a reader at home;

(c) provide for the monitoring of reading achievement and growth at the classroom, school, and district levels with decisions about intervention based on all available data;

(d) ensure that students are provided with wide selections of texts over a wide range of genres and written on a wide range of reading levels to match the reading levels of students;

(e) provide teacher training in reading and writing instruction; and

(f) include strategically planned and developed partnerships with county libraries, state and local arts organizations, volunteers, social service organizations, and school media specialists to promote reading.

(3)(a) The Read to Succeed Office shall develop the format for the plan and the deadline for districts to submit their plans to the office for its approval. A school district that does not submit a plan or whose plan is not approved shall not receive any state funds for reading until it submits a plan that is approved. All district reading plans must be reviewed and approved by the Read to Succeed Office. The office shall provide written comments to each district on its plan and to all districts on common issues raised in prior or newly submitted district reading plans.

(b) The Read to Succeed Office shall monitor the district and school plans and use their findings to inform the training and support the office provides to districts and schools.

(c) The department may direct a district that is persistently unable to prepare an acceptable PK‑12 reading proficiency plan or to help all students comprehend grade‑level texts to enter into a multidistrict or contractual arrangement to develop an effective intervention plan.

(C) Each school must prepare an implementation plan aligned with the district reading proficiency plan to enable the district to monitor and support implementation at the school level. The school plan must be a component of the school’s strategic plan required by Section 59‑18‑1310. A school implementation plan shall be sufficiently detailed to provide practical guidance for classroom teachers. Proposed strategies for assessment, instruction, and other activities specified in the school plan must be sufficient to provide to classroom teachers and other instructional staff helpful guidance that can be related to the critical reading and writing needs of students in the school. In consultation with the School Improvement Council, each school must include in its implementation plan the training and support that will be provided to parents as needed to maximize their promotion of reading and writing by students at home and in the community.

Section 59‑155‑150. (A) With the enactment of this chapter, the State Superintendent of Education shall ensure that every student entering publically funded prekindergarten and kindergarten beginning in Fiscal Year 2014‑2015 will be administered a readiness assessment by the forty‑fifth day of the school year. Initially the assessment shall focus on early language and literacy development. Beginning in Fiscal Year 2016‑2017, the assessment must assess each child’s early language and literacy development, mathematical thinking, physical well‑being, and social‑emotional development. The assessment may include multiple assessments, all of which must be approved by the board. The approved assessments of academic readiness must be aligned with first and second grade standards for English language arts and mathematics. The purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, health problems, and concerning appropriate instruction for each child. The results of the assessment and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language skills are assessed to be below the norm of their peers in the State must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The results of each assessment also must be reported to the Read to Succeed Office.

(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon formal diagnostic assessments or through teacher observations, must be provided intensive in‑class and supplemental reading intervention immediately upon determination. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in‑class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write text at grade‑level independently. In addition, the parent or guardian of the student must be notified, in writing, of the child’s inability to read grade‑level texts, the interventions to be provided, and the child’s reading abilities at the end of the planned interventions. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office.

(C) Programs that focus on early childhood literacy development in the State are required to promote:

(1) parent training and support for parent involvement in developing children’s literacy; and

(2) development of oral language, print awareness, and emergent writing; and are encouraged to promote community literacy including, but not limited to, primary health care providers, faith‑based organizations, county libraries, and service organizations.

(D) Districts that fail to provide reports on summer reading camps pursuant to Section 59‑15‑130(8) are ineligible to receive state funding for summer reading camps for the following fiscal year; however, districts must continue to operate summer reading camps as defined in this act.

Section 59‑155‑160. (A) Beginning with the 2017‑2018 school year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS). A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose individual education plan or Section 504 plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third‑grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading;

(4) who have received two years of reading intervention and were previously retained;

(5) who through a reading portfolio document, the student’s mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student’s mastery of the state English language arts standards that are assessed by the Grade three state reading assessment. The Read to Succeed Office shall develop the assessment tool for the student portfolio; however the student portfolio must meet the following minimum criteria:

(a) be selected by the student’s English/language arts teacher or summer reading camp instructor;

(b) be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom;

(c) include evidence that the benchmarks assessed by the Grade three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school’s adopted core reading curriculum that are aligned with the state English language arts standards or teacher‑prepared assessments;

(d) be an organized collection of evidence of the student’s mastery of the English/language arts state standards that are assessed by the Grade three state reading assessment. For each benchmark there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and

(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills; and

(6) who successfully participate in a summer reading camp at the conclusion of the third grade year and demonstrate through either a reading portfolio or through a norm‑referenced, alternative assessment, selected from a list of norm‑referenced, alternative assessments approved by the Read to Succeed Office for use in the summer reading camps, that the student’s mastery of the state standards in reading is equal to at least a level above the lowest level on the state reading assessment.

(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student’s academic record. This evidence must be limited to the student’s individual education program, alternative assessments, or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent’s acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(4) A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal.

(C)(1) Students eligible for retention under the provisions in Section 59‑155‑160(A) may enroll in a summer reading camp provided by their school district or a summer reading camp consortium to which their district belongs prior to being retained the following school year. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. The camps must be taught by compensated teachers who have at least an add‑on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade level texts. The Read to Succeed Office shall assist districts that cannot find qualified teachers to work in the summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith‑based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student’s participation in the summer reading camp.

(2) A district may include in the summer reading camps students who are not exhibiting reading proficiency at any grade and do not meet the good cause exemption. Districts may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59‑19‑90, except where a child is found to be reading below grade level in the first, second, or third grade and does not meet the good cause exemption.

(D) Retained students must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading and writing instruction, supplemental text‑based instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student’s individual reading proficiency skills through small group instruction, reduced teacher‑student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The school must report to the Read to Succeed Office on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third‑grade reading proficiency by the end of the second grading period of the third grade:

(1)(a) his parent or guardian timely must be notified, in writing, that the student is being considered for retention and a conference with the parent or guardian must be held prior to a determination regarding retention is made, and conferences must be documented;

(b) within two weeks following the parent teacher conference, copies of the conference form must be provided to the principal, parent or guardian, teacher and other school personnel who are working with the child on literacy, and summary statements must be sent to parents or legal guardians who do not attend the conference;

(c) following the parent/teacher retention conference, the principal, classroom teacher, and other school personnel who are working with the child on literacy must review the recommendation for retention and provide suggestions for supplemental instruction; and

(d) recommendations and observations of the principal, teacher, parent or legal guardian, and other school personnel who are working with the child on literacy must be considered when determining whether to retain the student.

(2) The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced‑based services outside the instructional day.

(F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions shall be provided by reading interventionists in the classroom and supplementally by teachers with a literacy teacher add‑on endorsement or reading/literacy coaches. This supplemental support will be provided during the school day and, as appropriate, before or after school as documented in the district reading plan, and may include book clubs or summer reading camps.

Section 59‑155‑170. (A) To help students develop and apply their reading and writing skills across the school day in all the academic disciplines, including, but not limited to, English language arts, mathematics, science, social studies, the arts, career and technology education, and physical and health education, teachers of these content areas at all grade levels must focus on helping students comprehend print and non‑print texts authentic to the content area. The Read to Succeed Program is intended to institutionalize in the public schools a comprehensive system to promote high achievement in the content areas described in this chapter through extensive reading and writing. Research‑based practices must be employed to promote comprehension skills through, but not limited to:

(1) vocabulary;

(2) connotation of words;

(3) connotations of words in context with adjoining or prior text;

(4) concepts from prior text;

(5) personal background knowledge;

(6) ability to interpret meaning through sentence structure features;

(7) questioning;

(8) visualization; and

(9) discussion of text with peers.

(B) These practices must be mastered by teachers through high quality training and addressed through well‑designed and effectively executed assessment and instruction implemented with fidelity to research‑based instructional practices presented in the state, district, and school reading plans. All teachers, administrators, and support staff must be trained adequately in reading comprehension in order to perform effectively their roles enabling each student to become proficient in content area reading and writing.

(C) During Fiscal Year 2014‑2015, the Read to Succeed Office shall establish a set of essential competencies that describe what certified teachers at the early childhood, elementary, middle or secondary levels must know and be able to do so that all students can comprehend grade‑level texts. These competencies, developed collaboratively with the faculty of higher education institutions and based on research and national standards, must then be incorporated into the coursework required by Section 59‑155‑180. The Read to Succeed Office, in collaboration with South Carolina Educational Television, shall provide professional development courses to ensure that educators have access to multiple avenues of receiving endorsements.

Section 59‑155‑180. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in pre‑kindergarten through grade twelve, the State shall strengthen its preservice and in‑service teacher education programs.

(B)(1) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs including MAT degree programs must require all candidates seeking certification at the early childhood or elementary level to complete a twelve credit hour sequence in literacy that includes a school‑based practicum and ensures that candidates grasp the theory, research, and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing an effective intervention. All teacher preparation programs must be approved for licensure by the State Department of Education to ensure that all teacher education candidates possess the knowledge and skills to assist effectively all children in becoming proficient readers. The General Assembly is not mandating an increase in the number of credit hours required for teacher candidates, but is requiring that pre‑service teacher education programs prioritize their missions and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(2) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs, including MAT degree programs, must require all candidates seeking certification at the middle or secondary level to complete a six credit hour sequence in literacy that includes a course in the foundations of literacy and a course in content‑area reading. All middle and secondary teacher preparation programs must be approved by the department to ensure that all teacher candidates possess the necessary knowledge and skills to assist effectively all adolescents in becoming proficient readers. The General Assembly is not mandating an increase in the number of semester hours required for teacher candidates but rather is requiring that pre‑service teacher education programs prioritize their mission and resources so all middle and secondary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children and adolescents in becoming proficient readers, multiple pathways are needed for developing this capacity.

(2) A reading/literacy coach shall be employed in each elementary school. Reading coaches shall serve as job‑embedded, stable resources for professional development throughout schools in order to generate improvement in reading and literacy instruction and student achievement. Reading coaches shall support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading coach shall:

(a) model effective instructional strategies for teachers by working weekly with students in whole, and small groups, or individually;

(b) facilitate study groups;

(c) train teachers in data analysis and using data to differentiate instruction;

(d) coaching and mentoring colleagues;

(e) work with teachers to ensure that research‑based reading programs are implemented with fidelity; and

(f) work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in the classrooms;

(g) help lead and support reading leadership teams.

(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. No later than August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014‑2015, reading/literacy coaches are required to earn the add‑on certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department for the add‑on. During the six‑year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy add‑on endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in‑school services from department‑approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

(4) Beginning in Fiscal Year 2015‑2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add‑on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. Inservice hours earned through professional development for the literacy teacher endorsement must be used for renewal of teaching certificates in all subject areas. The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand‑alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add‑on Reading Teacher certification can take a content area reading course to obtain their Literacy Teacher add‑on endorsement. Individuals who possess a literacy teacher add‑on endorsement or who have earned a master’s or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts the to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add‑on certificate.

(5) Beginning in Fiscal Year 2015‑2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add‑on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add‑on endorsement or who have earned a master’s or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts the to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add‑on certificate.

(6) Beginning in Fiscal Year 2015‑2016, principals and administrators who are responsible for reading instruction or intervention and school psychologists in a school district or school are required to take at least one course or three credit hours within five years of their most recent certification, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office. The course or professional development shall include information about reading process, instruction, assessment, or content area literacy and shall be approved by the Read to Succeed Office.

(7) The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add‑on endorsement. Annually by January first the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add‑on endorsement.

Section 59‑155‑190. Local school districts are encouraged to create family‑school‑community partnerships that focus on increasing the volume of reading, in school and at home, during the year and at home and in the community over the summer. Schools and districts should partner with county libraries, community organizations, local arts organizations, faith‑based institutions, pediatric and family practice medical personnel, businesses, and other groups to provide volunteers, mentors, or tutors to assist with the provision of instructional supports, services, and books that enhance reading development and proficiency. A district shall include specific actions taken to accomplish the requirements of this section in its reading proficiency plan.

Section 59‑155‑200. The Read to Succeed Office and each school district must plan for and act decisively to engage the families of students as full participating partners in promoting the reading and writing habits and skills development of their children. With support from the Read to Succeed Office, districts and individual schools shall provide families with information about how children progress as readers and writers and how they can support this progress. This family support must include providing time for their child to read, as well as reading to the child. To ensure that all families have access to a considerable number and diverse range of books appealing to their children, schools should develop plans for enhancing home libraries and for accessing books from county libraries and school libraries and to inform families about their child’s ability to comprehend grade‑level texts and how to interpret information about reading that is sent home. The districts and schools shall help families learn about reading and writing through open houses, South Carolina Educational Television, video and audio tapes, websites, and school‑family events and collaborations that help link the home and school of the student. The information should enable family members to understand the reading and writing skills required for graduation and essential for success in a career. Each institution of higher learning may operate a year‑round program similar to a summer reading camp to assist students not reading at grade level.

Section 59‑155‑210. The board and department shall translate the statutory requirements for reading and writing specified in this chapter into standards, practices, and procedures for school districts, boards, and their employees and for other organizations as appropriate. In this effort, they shall solicit the advice of education stakeholders who have a deep understanding of reading, as well as school boards, administrators, and others who play key roles in facilitating support for and implementation of effective reading instruction.”

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

“CHAPTER 156

Child Early Reading Development and Education Program

Section 59‑156‑110. There is created the South Carolina Child Early Reading Development and Education Program which is a full day, four‑year old kindergarten program for at‑risk children which must be made available to qualified children in all public school districts within the State. The program must focus on:

(1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district’s comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59;

(2) successfully completing the readiness assessment administered pursuant to Section 59‑155‑150;

(3) the developmental and learning support that children must have in order to be ready for school;

(4) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59‑155‑110, 59‑155‑130, and 59‑155‑140; and

(5) identifying community and civic organizations that can support early literacy efforts.

Section 59‑156‑120. (A)(1) The South Carolina Child Early Reading Development and Education Program first must be made available to eligible children from the following eight trial districts in Abbeville County School District et al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3.

(2) With any funds remaining after funding the eight trial districts, the program must be expanded to the remaining plaintiff school districts in Abbeville County School District et al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006‑2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at‑risk four‑year‑old children.

(3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded.

(B) Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers, especially reading barriers, may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

Section 59‑156‑130. (A) Each child residing in the program’s district, who has attained the age of four years on or before September first of the school year and meets the at‑risk criteria, is eligible for enrollment in the South Carolina Child Early Reading Development and Education Program for one year.

(B)(1) The parent of each eligible child may enroll the child in one of the following programs:

(a) a school‑year four‑year‑old kindergarten program delivered by an approved public provider; or

(b) a school‑year four‑year‑old kindergarten program delivered by an approved private provider.

(2) The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child’s birth certificate, immunization documentation, and documentation of the student’s eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty‑five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility.

(3) In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of six and one‑half hours of instructional time daily and operates for a period of not less than one hundred eighty days a year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

(C)(1) No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this chapter. Nothing in this chapter prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(2) If by October first of the school year at least seventy‑five percent of the total number of children eligible for the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child Early Reading Development and Education Program providers may then enroll pay‑lunch children who score at or below the twenty‑fifth national percentile on two of the three DIAL‑3 subscales and may receive reimbursement for these children if funds are available.

Section 59‑156‑140. (A) Public school providers participating in the South Carolina Child Early Reading Development and Education Program must submit an application to the Department of Education. Private providers participating in the South Carolina Child Early Reading Development and Education Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this section, and will comply with all reporting and assessment requirements.

(B) Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the educational needs of the child and report at least quarterly to the parent or guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program, including, but not limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents and guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

(C) Providers may limit student enrollment based upon space available, but, if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre‑kindergarten readiness assessment. Private providers must not be required to expand their programs to accommodate all children desiring enrollment, but are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

Section 59‑156‑150. The Department of Education, the Read to Succeed Office, and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research‑based preschool curricula for use in the program based upon the South Carolina Content Standards, and provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre‑kindergarten readiness assessments to be used in conjunction with the program, and provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

Section 59‑156‑160. (A) Providers of the South Carolina Child Early Reading Development and Education Program shall offer a complete educational program in accordance with age‑appropriate instructional practice and a research‑based preschool curriculum aligned with school success. The program must focus on:

(1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district’s comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59;

(2) successfully completing the readiness assessment administered pursuant to Section 59‑155‑150;

(3) the developmental and learning support that children must have in order to be ready for school;

(4) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59‑155‑110, 59‑155‑130, and 59‑55‑140, including strengthening parent involvement in the learning process with an emphasis on interactive literacy; and

(5) identifying community and civic organizations that can support early literacy efforts.

(B) Providers shall offer high‑quality, center‑based programs, including, but not limited to, the following:

(1) employ a lead teacher with a two‑year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education for public schools or from the Office of First Steps to School Readiness for private centers;

(2) employ an education assistant with preservice or in‑service training in early childhood education;

(3) maintain classrooms with at least ten four‑year‑old children, but no more than twenty four‑year‑old children, with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case‑by‑case basis;

(4) offer a full day, center‑based program with six and one‑half hours of instruction daily for one hundred eighty school days;

(5) provide an approved research‑based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social and emotional development;

(6) engage parents’ participation in their child’s educational experience that shall include a minimum of two documented conferences for each year; and

(7) adhere to professional development requirements outlined in this chapter.

Section 59‑156‑170. (A) Every classroom providing services to four‑year‑old children established pursuant to this chapter must have a qualified lead teacher and an education assistant as needed to maintain an adult to child ratio of 1:10.

(B)(1) In classrooms in private centers, the lead teacher must have at least a two‑year degree in early childhood education or a related field and who is enrolled and is demonstrating progress toward the completion of a teacher educational program within four years.

(2) In classrooms in public schools, the lead teacher must meet state requirements pertaining to certification.

(C) All education assistants in private centers and public schools must have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The assistant must have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to First Steps or the Department of Education, as applicable, and provide appropriate documentation as to the qualifications of the teaching assistant.

Section 59‑156‑180. The General Assembly recognizes there is a strong relationship between the skills and preparation of pre‑kindergarten instructors and the educational outcomes of students. To improve these educational outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Early Reading Development and Education Program to participate annually in a minimum of fifteen hours of professional development, including, teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age‑appropriate progress of pre‑kindergarten students in developing emergent literacy skills, including, but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

Section 59‑156‑190. Both public and private providers are eligible for transportation funds for the transportation of children to and from school. Nothing in this section prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56‑5‑195. Providers must not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four‑year‑old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than one hundred eighty‑five dollars for each student may be retained by the Department of Education for the purposes of transporting four‑year‑old students. This amount annually must be increased by the same projected rate of inflation as determined by the Division of Research and Statistics of the State Budget and Control Board for the Education Finance Act.

Section 59‑156‑200. For all private providers approved to offer services pursuant to this chapter, the Office of First Steps to School Readiness shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four‑year‑old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the program.

Section 59‑156‑210. For all public school providers approved to offer services pursuant to this chapter, the Department of Education shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four‑year‑old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the program.

Section 59‑156‑220. (A) Eligible students enrolling with private providers during the school year must be funded on a pro‑rata basis determined by the length of their enrollment.

(B) Private providers transporting eligible children to and from school must be eligible for a reimbursement of up to five hundred fifty dollars for each eligible child transported, funded on a pro‑rata basis determined by the length of the child’s enrollment. Providers who are reimbursed are required to retain records as required by their fiscal agent.

(C) Providers enrolling between one and six eligible children must be eligible to receive up to one thousand dollars for each child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed ten thousand dollars.

(D) Providers receiving equipment grants are expected to participate in the program and provide high‑quality, center‑based programs for a minimum of three years. A provider who fails to participate for three years shall return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

Section 59‑156‑230. The Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this chapter.

Section 59‑156‑240. The Office of First Steps to School Readiness is responsible for the collection and maintenance of data on the state‑funded programs provided through private providers.”

SECTION 3. This act takes effect upon approval by the Governor and is subject to the availability of state funding. /

Renumber sections to conform.

Amend title to conform.

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA READ TO SUCCEED ACT”; BY ADDING CHAPTER 155 TO TITLE 59 SO AS TO CREATE THE SOUTH CAROLINA READ TO SUCCEED OFFICE AND A READING PROFICIENCY PANEL WITHIN THE OFFICE, AND TO PROVIDE RELATED REQUIREMENTS OF THE DEPARTMENT OF EDUCATION, STATE SUPERINTENDENT OF EDUCATION, SCHOOL DISTRICTS, COLLEGES, AND UNIVERSITIES THAT OFFER CERTAIN RELATED GRADUATE EDUCATION, AND EDUCATORS AND ADMINISTRATORS, AMONG OTHER THINGS. /

Rep. PATRICK explained the amendment.

The amendment was then adopted.

Rep. WHITE moved to adjourn debate on the Bill until Wednesday, May 28, which was agreed to.

**S. 1008--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1008 -- Senators Setzler and Lourie: A BILL TO AMEND SECTION 9-8-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO INCLUDE ADMINISTRATIVE LAW JUDGES IN THE DEFINITION OF "JUDGE"; AND TO AMEND SECTION 9-8-40, AS AMENDED, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO ALLOW ADMINISTRATIVE LAW JUDGES SERVING ON JULY 1, 2014, TO ELECT TO BECOME A MEMBER.

The Committee on Ways and Means proposed the following Amendment No. 1 to S. 1008 (COUNCIL\BBM\1008C004. BBM.HTC14), which was adopted:

Amend the bill, as and if amended, page 2, by striking SECTION 3 and inserting:

/ SECTION 3. A. Section 9‑8‑60(1) of the 1976 Code, as last amended by Act 278 of 2012, is further amended to read:

“(1) A member of the system may retire upon written application to the board setting forth at what time, not later than the end of the calendar year in which the member attains age seventy‑two and not more than ninety days prior nor more than six months subsequent to the execution and filing thereof, the member desires to be retired, if the member at the time so specified for retirement is no longer in the service of the State, except as a member of the General Assembly or as allowed pursuant to subsection (7), and has completed ten years of earned service as a judge or eight years of earned service as a solicitor or circuit public defender or was in service as a judge or solicitor on July 1, 1984, and has either:

(a) attained the age of sixty‑five and completed at least twenty years of credited service;

(b) attained age seventy and completed at least fifteen years of credited service; or

(c) completed at least twenty‑five years of credited service in the system for a judge, or twenty‑four years of credited service in the system for a solicitor or circuit public defender, regardless of age. A member may retire under this section if the member was a member of this system as of June 30, 2004; attained age sixty‑five with at least four years’ earned service in the position of judge, solicitor, or circuit public defender; and, as of June 30, 2004, had a total of twenty‑five years of credited service with the State in the South Carolina Retirement System, the Police Officers Retirement System, or the Retirement System for Members of the General Assembly.

~~A person is not eligible to receive a retirement allowance under this system while under employment covered by the South Carolina Retirement System and the South Carolina Police Officers Retirement System except as provided in Section 9‑8‑65.~~

A person receiving retirement allowances under this system who is elected to the General Assembly continues to receive the retirement allowances while serving in the General Assembly, and also must be a member of the retirement system unless the person files a statement with the board on a form prescribed by the board electing not to participate in the applicable system while a member of the General Assembly. A person making this election shall not make contributions to the applicable retirement system nor shall the State make contributions on the member’s behalf and the person is not entitled to benefits from the applicable retirement system after ceasing to be a member of the General Assembly.”

B. Section 9‑8‑120(2) of the 1976 Code, as last amended by Act 108 of 2007, is further amended to read:

(2)(a) A retired member of the system who has been retired for at least thirty consecutive calendar days may be hired and return to employment covered by the South Carolina Retirement System or the South Carolina Police Officers Retirement System and earn up to ten thousand dollars without affecting the monthly retirement allowance the member is receiving from the system. If the retired member continues in service after earning ten thousand dollars in a calendar year, the member’s allowance must be discontinued during his period of service in the remainder of the calendar year. If a retired member of the system returns to employment covered by the South Carolina Retirement System or South Carolina Police Officers Retirement System sooner than thirty days after retirement, the member’s retirement allowance is suspended while the member remains employed by the participating employer. If an employer fails to notify the system of the engagement of a retired member to perform services, the employer shall reimburse the system for all benefits wrongly paid to the retired member. ~~Except as otherwise provided below, if this return is in a position other than as a solicitor or circuit public defender, the beneficiary, upon cessation of service in the position, is entitled to apply for a retirement allowance at the same rate to which the beneficiary was previously entitled, disregarding any reduction resulting from a previous election of an option.~~ If the beneficiary’s return is as a member of the General Assembly, retirement allowances continue as provided pursuant to Section 9‑8‑60(1).

(b) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:

(i) the member retired before July 1, 2014;

(ii) the member had attained the age of sixty‑two years at retirement; or

(iii) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction.

(c) A member retiring before July 1, 2014 is not subject to the thirty-day separation from service requirement pursuant to this item and the retired member’s retirement allowance is not suspended if the retired member returns to employment covered by the South Carolina Retirement System or the Police Officers’ Retirement System sooner than thirty days after retirement.

(d) If a participating employer in the South Carolina Retirement System or the South Carolina Police Officers Retirement System employs a retired member of the system, the retired member and the participating employer shall pay to the South Carolina Retirement System or the South Carolina Police Officers Retirement System, as applicable, the employee and employer contributions, respectively, that would be required if the member were an active contributing member of the applicable system. A retired member so employed may not become a member of the South Carolina Retirement System or the South Carolina Police Officers Retirement System and does not accrue service credit in either system by reason of the contributions required pursuant to this subitem.”

C. Section 9‑8‑65 of the 1976 Code is repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Daning |
| Delleney | Dillard | Douglas |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Long | Lucas | Mack |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

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

**S. 1033--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1033 -- Senators Campbell, Leatherman, Setzler, O'Dell and Alexander: A BILL TO AMEND CHAPTER 2, TITLE 12 OF THE 1976 CODE, RELATING TO TAXATION, BY ADDING SECTION 12-2-110, TO PROVIDE AN OUT-OF-STATE BUSINESS THAT CONDUCTS OPERATIONS WITHIN THIS STATE FOR THE PURPOSES OF PERFORMING WORK OR SERVICES RELATED TO A DECLARED STATE DISASTER OR EMERGENCY DURING A DISASTER PERIOD MUST NOT BE CONSIDERED TO HAVE ESTABLISHED A LEVEL OF PRESENCE THAT WOULD REQUIRE THAT BUSINESS TO REGISTER, FILE, AND REMIT STATE OR LOCAL TAXES OR THAT WOULD REQUIRE THAT BUSINESS OR ITS OUT-OF-STATE EMPLOYEES TO BE SUBJECT TO ANY STATE LICENSING OR REGISTRATION REQUIREMENTS OR ANY COMBINATION OF THESE ACTIONS.

Rep. ALLISON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Daning | Delleney |
| Dillard | Douglas | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pope | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Willis | Wood |

**Total--102**

Those who voted in the negative are:

**Total--0**

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

**H. 4520--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4520 -- Reps. Herbkersman and Bowers: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "UNCLE PRESTON'S LAW" TO ALLOW A TAXPAYER TO CLAIM THE FOUR PERCENT ASSESSMENT RATIO ON A RESIDENTIAL PROPERTY OTHER THAN THEIR LEGAL RESIDENCE IF THE ADDITIONAL RESIDENCE IS USED AS A RESIDENCE BY A FAMILY MEMBER WHO IS OVER THE AGE OF SIXTY-FIVE.

The Ways and Means Committee proposed the following Amendment No. 1 to H. 4520 (COUNCIL\BH\4520C001.BH.DG14):

Amend the bill, as and if amended, SECTION 2, page 1, by striking lines 29‑38 and inserting:

/ “( )(i) Notwithstanding any other provision of law, a taxpayer meeting all the other requirements of this subsection may claim the four percent assessment ratio on a residential property other than their legal residence if the additional residence is used as a residence by a family member who is over the age of sixty‑five or is permanently and totally disabled. This subitem does not apply if the family member pays rent. For purposes of this subitem, ‘family member’ means a parent, sibling, child, aunt, uncle, mother‑in‑law, father‑in‑law, son‑in‑law, daughter‑in‑law, brother‑in‑law, sister‑in‑law, grandparent, or grandchild. For purposes of this subitem, ‘permanently and totally disabled’ has the same meaning as provided in Section 12‑37‑250. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

Rep. G. R. SMITH moved to adjourn debate on the Bill, which was agreed to.

**S. 293--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 293 -- Senator Cleary: A BILL TO AMEND SECTION 4-23-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEVY AND COLLECTION OF TAXES IN THE MURRELL'S INLET-GARDEN CITY FIRE DISTRICT, SO AS TO AUTHORIZE THE LEVY AND COLLECTION OF AN ADDITIONAL TEN MILLS.

Rep. G. R. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 22; Nays 18

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Barfield | Bernstein |
| G. A. Brown | Burns | Clemmons |
| Gambrell | George | Hardee |
| Hardwick | Hart | Hayes |
| Lowe | M. S. McLeod | W. J. McLeod |
| V. S. Moss | Ryhal | G. R. Smith |
| Sottile | Southard | Vick |
| Wells |  |  |

**Total--22**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bedingfield | Daning |
| Delleney | Felder | Forrester |
| Goldfinch | Hamilton | Henderson |
| Limehouse | Lucas | D. C. Moss |
| Nanney | Norman | Rivers |
| Toole | Willis | Wood |

**Total--18**

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

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

**S. 1173--RECALLED FROM COMMITTEE ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

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

S. 1173 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 25 SO AS TO CREATE THE SOUTH CAROLINA PRISONER OF WAR MEDAL, TO PROVIDE THAT THE GOVERNOR MAY PRESENT THE MEDAL ON BEHALF OF THE PEOPLE OF THE STATE OF SOUTH CAROLINA, TO SET FORTH ELIGIBILITY, AND TO ALLOW THE MEDAL TO BE AWARDED TO A DECEASED OR ABSENT PERSON.

**R. 201, H. 5024--GOVERNOR'S VETO --DEBATE ADJOURNED**

The Veto on the following Act was taken up:

(R. 201) H. 5024 -- Rep. Sellers: AN ACT TO ALLOW THE BOARD OF TRUSTEES OF DENMARK-OLAR SCHOOL DISTRICT NO. 2 IN BAMBERG COUNTY TO IMPOSE A CAPITAL MILLAGE TO PROVIDE SCHOOL BUILDINGS IN THE DISTRICT, INCLUDING ANY ASSOCIATED LEASE PAYMENTS, AND TO MAKE FINDINGS THAT ILLUSTRATE THE UNIQUE ISSUES FACING THE DISTRICT.

Rep. BEDINGFIELD moved to adjourn debate on the veto until Wednesday, May 28.

Rep. SELLERS moved to table the motion to adjourn debate on the Veto.

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

Yeas 46; Nays 54

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bernstein | Branham | G. A. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Daning | Dillard | Douglas |
| Funderburk | George | Gilliard |
| Hardwick | Harrell | Hart |
| Hayes | Hosey | Howard |
| Jefferson | King | Knight |
| Mack | McEachern | M. S. McLeod |
| W. J. McLeod | Munnerlyn | Norrell |
| R. L. Ott | Parks | Pitts |
| Ridgeway | Robinson-Simpson | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Spires | Stavrinakis | Vick |
| Weeks | Wells | Whipper |
| Williams |  |  |

**Total--46**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Burns |
| Chumley | Cole | K. R. Crawford |
| Delleney | Felder | Finlay |
| Forrester | Gagnon | Gambrell |
| Goldfinch | Hamilton | Hardee |
| Henderson | Hiott | Horne |
| Huggins | Kennedy | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Pope | Quinn |
| Riley | Rivers | Ryhal |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Willis | Wood |

**Total--54**

So, the House refused to table the motion.

The question then recurred to the motion to adjourn debate until Wednesday, May 28, which was agreed to.

**H. 4701--DEBATE ADJOURNED**

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

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

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Wednesday, May 28, which was agreed to.

**H. 4702--DEBATE ADJOURNED**

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

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

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Wednesday, May 28, which was agreed to.

**H. 3540--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3540 -- Reps. Harrell, J. E. Smith, Bales, Hosey, Cobb-Hunter, Bannister, J. R. Smith, Patrick, Brannon, Erickson, Taylor, Huggins, Kennedy, Ballentine, Bernstein, Sellers, Williams, Jefferson, M. S. McLeod, Atwater, Bowers, R. L. Brown, Cole, Douglas, George, Hixon, Long, McCoy, Mitchell, Pitts, Pope, G. R. Smith, Tallon, Wood, Weeks, Knight and Hart: A BILL TO AMEND SECTION 1-3-240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE ADJUTANT GENERAL TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 25-1-320, RELATING TO THE STATE ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE 2014 GENERAL ELECTION, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY THAT FOLLOWS THE GENERAL ELECTION THAT MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS ACT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO ESTABLISH CERTAIN QUALIFICATIONS FOR THE OFFICE OF ADJUTANT GENERAL; TO AMEND SECTION 25-1-340, AS AMENDED, RELATING TO VACANCIES IN THE OFFICE OF ADJUTANT GENERAL, SO AS TO DELETE A REFERENCE TO THE ELIGIBILITY REQUIREMENTS OF CONSTITUTIONAL OFFICERS; AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE EFFECTIVE UPON THE RATIFICATION OF AMENDMENTS TO SECTION 7, ARTICLE VI, AND SECTION 4, ARTICLE XIII OF THE CONSTITUTION OF THIS STATE DELETING THE REQUIREMENT THAT THE STATE ADJUTANT GENERAL BE ELECTED BY THE QUALIFIED ELECTORS OF THIS STATE.

Rep. J. E. SMITH explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | K. R. Crawford |
| Daning | Delleney | Dillard |
| Douglas | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hodges |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Norrell | R. L. Ott |
| Parks | Pitts | Pope |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--98**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Vick |  |  |

**Total--1**

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

**H. 3541--SENATE AMENDMENTS CONCURRED IN AND JOINT RESOLUTION ENROLLED**

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

H. 3541 -- Reps. Harrell, J. E. Smith, Bales, Williams, Bannister, J. R. Smith, Patrick, Brannon, Erickson, Huggins, Kennedy, Ballentine, M. S. McLeod, Bernstein, Atwater, Cole, Funderburk, George, Hixon, Long, McCoy, W. J. McLeod, Pitts, Pope, G. R. Smith, Tallon, Taylor, Wood and Knight: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED; AND TO AMEND SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT AND INSPECTOR GENERAL, SO AS TO DELETE AN OBSOLETE REFERENCE TO INSPECTOR GENERAL, TO MAKE A CONFORMING CHANGE TO THE RANK OF THE ADJUTANT GENERAL, TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS AMENDMENT, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY FOLLOWING THE GENERAL ELECTION, WHICH MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS AMENDMENT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE.

Rep. J. E. SMITH explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Ballentine |
| Bannister | Bedingfield | Bernstein |
| Bingham | Bowen | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| K. R. Crawford | Delleney | Douglas |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| Knight | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Quinn | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Barfield |  |  |

**Total--1**

The Senate Amendments were agreed to, and the Joint Resolution 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.

**MOTION PERIOD**

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

**H. 4839--RECOMMITTED**

The following Bill was taken up:

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

Rep. VICK moved to recommit the Bill to the Committee on Agriculture, Natural Resources and Environmental Affairs, which was agreed to.

**H. 5072--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5072 -- Reps. K. R. Crawford, Hosey, Anderson, Bannister, Finlay, Brannon, Burns, Clyburn, Erickson, Sandifer, Bales, Barfield, Clemmons, Crosby, Daning, Goldfinch, Hamilton, Hardwick, Hayes, Henderson, Loftis, Lowe, V. S. Moss, Nanney, Pitts, Ryhal, G. R. Smith, Sottile, Stringer, Thayer, Wells, White and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14-7-1655 SO AS TO ESTABLISH PROTOCOLS FOR THE APPOINTMENT OF A SPECIAL PROSECUTOR FOR CONSTITUTIONAL OFFICERS AND CERTAIN OTHER OFFICERS ALLEGED TO HAVE COMMITTED CRIMINAL VIOLATIONS OF CHAPTER 13, TITLE 8 OR ALLEGED TO HAVE COMMITTED AN ACT OF PUBLIC CORRUPTION.

Rep. K. R. CRAWFORD moved to adjourn debate on the Bill until Wednesday, May 28, which was agreed to.

**H. 5073--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 5073 -- Reps. K. R. Crawford, Anderson, Finlay, Brannon, Bannister, Erickson, Burns, Williams, Hosey, Sandifer, Bales, Barfield, Clemmons, Crosby, Daning, Goldfinch, Hamilton, Hardwick, Hayes, Henderson, Loftis, Lowe, V. S. Moss, Nanney, Pitts, Ryhal, G. R. Smith, Sottile, Stringer, Thayer, Wells, White and Whitmire: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 24, ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THOSE CONSTITUTIONAL OFFICERS PROVIDED FOR THE ENFORCEMENT AND PROSECUTION OF THE CRIMINAL LAWS OF THIS STATE, ADMINISTRATIVE FUNCTIONS OF THE COURTS, THE AUTHORITY OF THE GENERAL ASSEMBLY TO PROVIDE FOR THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION, AND THE AUTHORITY OF THE ATTORNEY GENERAL AS THE CHIEF PROSECUTING OFFICER OF THE STATE WITH SUPERVISORY AUTHORITY OVER THE PROSECUTION OF ALL CRIMINAL CASES IN COURTS OF RECORD, SO AS TO DELETE LANGUAGE PROVIDING THAT THE ATTORNEY GENERAL IS THE CHIEF PROSECUTING OFFICER OF THE STATE WITH AUTHORITY TO SUPERVISE THE PROSECUTION OF ALL CRIMINAL CASES IN COURTS OF RECORD.

Rep. K. R. CRAWFORD moved to adjourn debate on the Joint Resolution until Wednesday, May 28, which was agreed to.

**S. 1070--INTERRUPTED DEBATE**

The following Bill was taken up:

S. 1070 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-525 SO AS TO PROVIDE THE DEPARTMENT OF NATURAL RESOURCES THE AUTHORITY TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; AND TO AMEND SECTION 50-11-520, AS AMENDED, 50-11-530, 50-11-540, AND 50-11-544, ALL RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' REGULATION OF THE HUNTING OF WILD TURKEYS, SO AS TO REVISE THE SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEYS, TO ESTABLISH "SOUTH CAROLINA YOUTH TURKEY HUNTING DAY", TO ESTABLISH BAG LIMITS FOR THE TAKING OF MALE WILD TURKEYS, TO PROVIDE THAT THE DEPARTMENT MUST CONDUCT AN ANALYSIS OF THE STATE'S WILD TURKEY RESOURCES AND ISSUE A REPORT TO THE GENERAL ASSEMBLY WHICH RECOMMENDS CHANGES TO THE WILD TURKEY SEASON AND BAG LIMITS, TO REVISE THE DEPARTMENT'S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, AND TO ALLOW IT TO PROMULGATE EMERGENCY REGULATIONS FOR THE PROPER CONTROL OF THE HARVESTING OF WILD TURKEYS, TO REVISE THE PENALTIES FOR VIOLATING THE PROVISIONS THAT REGULATE THE HUNTING OF WILD TURKEY, AND TO PROVIDE THAT ALL WILD TURKEY TRANSPORTATION TAGS MUST BE VALIDATED AS PRESCRIBED BY THE DEPARTMENT BEFORE A TURKEY IS MOVED FROM THE POINT OF KILL.

Rep. HARDWICK proposed the following Amendment No. 2 to S. 1070 (COUNCIL\MS\1070C004.MS.AHB14):

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

/SECTION 1. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑525. The department may promulgate regulations for wildlife management areas, heritage trust lands, and other properties owned or leased by the department to establish seasons, dates, areas, bag limits, and other restrictions for hunting and taking wild turkey.”

SECTION 2. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑580. (A) Notwithstanding the provisions of Section 50-11-520 or any other provision of law or regulation, the season for hunting and taking a male wild turkey is March 20 through May 5.

(B) The Saturday preceding March 20 of each year is declared to be ‘South Carolina Youth Turkey Hunting Day’. A person less than eighteen years of age may be considered to be a youth hunter. The license and permit requirements for hunting turkey are waived for youth during this day, however, the youth must possess a set of turkey tags when hunting turkey. A licensed hunter at least twenty‑one years of age must accompany a youth hunter in the field and may not harvest or attempt to harvest turkey during this special hunting day, but is permitted to call turkeys for the youth. The licensed hunter that accompanies the youth must have all licenses, permits, and tags required to hunt turkey.

(C) The season bag limit per person for male wild turkeys is three which may be taken with archery equipment or any lawful firearm and ammunition. An individual also may obtain an archery only turkey tag allowing them to take one additional male wild turkey during the open season by means of archery equipment only. The bag limits contained in this section are statewide unless otherwise specified by regulation.

(D) Within one hundred eighty days of the conclusion of the third turkey season following the effective date of this law, the department must conduct an analysis of the wild turkey resources in South Carolina and draft a report recommending any changes to the wild turkey season and bag limits. This report must be provided to the General Assembly.

(E) The department must provide an annual report of the wild turkey resources in South Carolina to the chairman of the Senate Fish, Game and Forestry Committee, and the chairman of the House Agriculture and Natural Resources Committee.”

SECTION 3. Section 50‑11‑530 of the 1976 Code is amended to read:

“Section 50‑11‑530. The department may~~, at its discretion, prescribe methods by which turkeys may be taken in each game zone and may fix the specific areas of the zones in which turkeys have become numerous enough to be harvested. The department may designate the sex of the turkeys that may be taken and may prescribe any other~~ promulgate emergency regulations considered necessary and expedient for the proper control of the harvesting of wild turkeys in the game zones.”

SECTION 4. Section 50‑11‑540 of the 1976 Code is amended to read:

“Section 50‑11‑540. Any person taking, attempting to take, or having in his possession turkey illegally or taking, attempting to take, or killing turkey in any way not prescribed by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than ~~one~~ five hundred dollars or imprisoned for not more than thirty days. In addition, a person taking a wild turkey unlawfully must be required to make restitution to the department in the amount of up to five hundred dollars for each bird taken. In addition, a person convicted of taking a wild turkey illegally forfeits hunting and fishing privileges for one year for each bird taken.”

SECTION 5. Section 50‑11‑544 of the 1976 Code is amended to read:

“Section 50‑11‑544. A person who hunts wild turkeys is required to possess a set of wild turkey transportation tags issued by the department at no cost. All turkeys taken must be tagged before being moved from the point of kill. All tags must be validated as prescribed by the department before a turkey is moved from the point of kill. No person may obtain or possess more than one set of turkey tags.”

SECTION 6. 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 7. This act takes effect upon approval by the Governor. Provided, upon the effective date of this act until November 7, 2017, the provisions of Section 50-11-520 are suspended. On November 7, 2017, the turkey hunting seasons and bag limits in effect for the respective counties prior to the effective date of this Act and delineated in Section 50-11-520 are effective, and Section 50-11-580 is repealed. /

Renumber sections to conform.

Amend title to conform.

Rep. HARDWICK explained the amendment.

Rep. BANNISTER moved that the House recede until 3:00 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of Amendment No. 2.

**THE HOUSE RESUMES**

At 3:00 p.m. the House resumed, Acting SPEAKER OWENS 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. MUNNERLYN a leave of absence for the remainder of the day due to a work conflict.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LIMEHOUSE a leave of absence for the remainder of the day to attend a funeral in Charleston.

**LEAVE OF ABSENCE**

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

**S. 1070--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment 2:

S. 1070 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-525 SO AS TO PROVIDE THE DEPARTMENT OF NATURAL RESOURCES THE AUTHORITY TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; AND TO AMEND SECTION 50-11-520, AS AMENDED, 50-11-530, 50-11-540, AND 50-11-544, ALL RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' REGULATION OF THE HUNTING OF WILD TURKEYS, SO AS TO REVISE THE SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEYS, TO ESTABLISH "SOUTH CAROLINA YOUTH TURKEY HUNTING DAY", TO ESTABLISH BAG LIMITS FOR THE TAKING OF MALE WILD TURKEYS, TO PROVIDE THAT THE DEPARTMENT MUST CONDUCT AN ANALYSIS OF THE STATE'S WILD TURKEY RESOURCES AND ISSUE A REPORT TO THE GENERAL ASSEMBLY WHICH RECOMMENDS CHANGES TO THE WILD TURKEY SEASON AND BAG LIMITS, TO REVISE THE DEPARTMENT'S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, AND TO ALLOW IT TO PROMULGATE EMERGENCY REGULATIONS FOR THE PROPER CONTROL OF THE HARVESTING OF WILD TURKEYS, TO REVISE THE PENALTIES FOR VIOLATING THE PROVISIONS THAT REGULATE THE HUNTING OF WILD TURKEY, AND TO PROVIDE THAT ALL WILD TURKEY TRANSPORTATION TAGS MUST BE VALIDATED AS PRESCRIBED BY THE DEPARTMENT BEFORE A TURKEY IS MOVED FROM THE POINT OF KILL.

Rep. HARDWICK proposed the following Amendment No. 2 to S. 1070 (COUNCIL\MS\1070C004.MS.AHB14), which was adopted:

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

/ SECTION 1. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑525. The department may promulgate regulations for wildlife management areas, heritage trust lands, and other properties owned or leased by the department to establish seasons, dates, areas, bag limits, and other restrictions for hunting and taking wild turkey.”

SECTION 2. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑580. (A) Notwithstanding the provisions of Section 50-11-520 or any other provision of law or regulation, the season for hunting and taking a male wild turkey is March 20 through May 5.

(B) The Saturday preceding March 20 of each year is declared to be ‘South Carolina Youth Turkey Hunting Day’. A person less than eighteen years of age may be considered to be a youth hunter. The license and permit requirements for hunting turkey are waived for youth during this day, however, the youth must possess a set of turkey tags when hunting turkey. A licensed hunter at least twenty‑one years of age must accompany a youth hunter in the field and may not harvest or attempt to harvest turkey during this special hunting day, but is permitted to call turkeys for the youth. The licensed hunter that accompanies the youth must have all licenses, permits, and tags required to hunt turkey.

(C) The season bag limit per person for male wild turkeys is three which may be taken with archery equipment or any lawful firearm and ammunition. An individual also may obtain an archery only turkey tag allowing them to take one additional male wild turkey during the open season by means of archery equipment only. The bag limits contained in this section are statewide unless otherwise specified by regulation.

(D) Within one hundred eighty days of the conclusion of the third turkey season following the effective date of this law, the department must conduct an analysis of the wild turkey resources in South Carolina and draft a report recommending any changes to the wild turkey season and bag limits. This report must be provided to the General Assembly.

(E) The department must provide an annual report of the wild turkey resources in South Carolina to the chairman of the Senate Fish, Game and Forestry Committee, and the chairman of the House Agriculture and Natural Resources Committee.”

SECTION 3. Section 50‑11‑530 of the 1976 Code is amended to read:

“Section 50‑11‑530. The department may~~, at its discretion, prescribe methods by which turkeys may be taken in each game zone and may fix the specific areas of the zones in which turkeys have become numerous enough to be harvested. The department may designate the sex of the turkeys that may be taken and may prescribe any other~~ promulgate emergency regulations considered necessary and expedient for the proper control of the harvesting of wild turkeys in the game zones.”

SECTION 4. Section 50‑11‑540 of the 1976 Code is amended to read:

“Section 50‑11‑540. Any person taking, attempting to take, or having in his possession turkey illegally or taking, attempting to take, or killing turkey in any way not prescribed by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than ~~one~~ five hundred dollars or imprisoned for not more than thirty days. In addition, a person taking a wild turkey unlawfully must be required to make restitution to the department in the amount of up to five hundred dollars for each bird taken. In addition, a person convicted of taking a wild turkey illegally forfeits hunting and fishing privileges for one year for each bird taken.”

SECTION 5. Section 50‑11‑544 of the 1976 Code is amended to read:

“Section 50‑11‑544. A person who hunts wild turkeys is required to possess a set of wild turkey transportation tags issued by the department at no cost. All turkeys taken must be tagged before being moved from the point of kill. All tags must be validated as prescribed by the department before a turkey is moved from the point of kill. No person may obtain or possess more than one set of turkey tags.”

SECTION 6. 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 7. This act takes effect upon approval by the Governor. Provided, upon the effective date of this act until November 7, 2017, the provisions of Section 50-11-520 are suspended. On November 7, 2017, the turkey hunting seasons and bag limits in effect for the respective counties prior to the effective date of this Act and delineated in Section 50-11-520 are effective, and Section 50-11-580 is repealed. /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS spoke in favor of the amendment.

Rep. PITTS spoke in favor of the amendment.

Rep. TALLON spoke against the amendment.

The amendment was then adopted.

Rep. TALLON proposed the following Amendment No. 3 to S. 1070 (COUNCIL\MS\1070C007.MS.AHB14), which was tabled:

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

/ SECTION 4. Section 50‑11‑540 of the 1976 Code is amended to read:

“Section 50‑11‑540. Any person taking, attempting to take, or having in his possession turkey illegally or taking, attempting to take, or killing turkey in any way not prescribed by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than ~~one~~ five hundred dollars or imprisoned for not more than thirty days. In addition, a person taking a wild turkey unlawfully must be required to make restitution to the department in the amount of five hundred dollars for each bird taken. In addition, a person convicted of taking a wild turkey illegally forfeits hunting and fishing privileges for one year for each bird taken.” /

Renumber sections to conform.

Amend title to conform.

Rep. TALLON explained the amendment.

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

Rep. TALLON proposed the following Amendment No. 4 to S. 1070 (COUNCIL\AGM\1070C005.AGM.AB14), which was tabled:

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

/ SECTION \_\_\_. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑23. Neither the Department of natural Resources nor any other public entity in this State may sell wild turkey that have been captured, but instead shall return the captured turkey to its nearest natural habitat if safe and practical.” /

Renumber sections to conform.

Amend title to conform.

Rep. TALLON explained the amendment.

Rep. PITTS spoke against the amendment.

Rep. TALLON spoke in favor of the amendment.

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

Rep. TALLON proposed the following Amendment No. 5 to S. 1070 (COUNCIL\MS\1070C006.MS.AHB14), which was tabled:

Amend the bill, as and if amended, SECTION 2, by deleting Section 50-11-580(C) and inserting:

/ (C) The season bag limit per person for male wild turkeys is three which may be taken with archery equipment or any lawful firearm and ammunition. The bag limits contained in this section are statewide unless otherwise specified by regulation. /

Renumber sections to conform.

Amend title to conform.

Rep. TALLON explained the amendment.

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

Rep. TALLON proposed the following Amendment No. 8 to S. 1070 (COUNCIL\GGS\1070C001.GGS.ZW14), which was tabled:

Amend the bill, as and if amended, SECTION 2, by deleting Section 50‑11‑580(A) and inserting:

/ (A) Notwithstanding the provisions of Section 50‑11‑520 or another provision of law or regulation, the season for hunting and taking a male wild turkey is the first Saturday after March 19 through May 5. /

Renumber sections to conform.

Amend title to conform.

Rep. TALLON explained the amendment.

Rep. PITTS spoke against the amendment.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Atwater | Ballentine | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Branham | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| H. A. Crawford | K. R. Crawford | Dillard |
| Douglas | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Kennedy | King | Knight |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| M. S. McLeod | W. J. McLeod | D. C. Moss |
| V. S. Moss | Nanney | Neal |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Pitts |
| Pope | Quinn | Riley |
| Robinson-Simpson | Rutherford | Ryhal |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Taylor | Thayer |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Willis | Wood |  |

**Total--92**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Bowers |
| Brannon | Cole | Daning |
| Delleney | Erickson | Felder |
| Hayes | Jefferson | McCoy |
| Merrill | Murphy | Patrick |
| Rivers | Southard | Stavrinakis |
| Tallon |  |  |

**Total--19**

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

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2014

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at 11:15 a.m. on Thursday, May 29, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. ANDERSON the invitation was accepted.

**REPORT OF STANDING COMMITTEE**

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

H. 5291 -- Rep. Munnerlyn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF THE CHERAW HIGHWAY IN MARLBORO COUNTY FROM ITS INTERSECTION WITH WEST MAIN STREET IN THE CITY OF BENNETTSVILLE TO ITS INTERSECTION WITH THE MARLBORO/CHESTERFIELD COUNTY LINE THE "JAMES S. 'JIMMY' MCLEOD, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5293 -- Reps. Bernstein, Finlay, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO COMMEND THE A.C. FLORA HIGH SCHOOL BOYS GOLF TEAM ON A SUPERB SEASON AND TO CONGRATULATE THE TEAM AND ITS COACHING STAFF ON WINNING THE 2014 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5295 -- Reps. J. E. Smith, M. S. McLeod, Bernstein, Cobb-Hunter, Jefferson, King, Douglas, W. J. McLeod, Funderburk, Stavrinakis, R. L. Brown and Rutherford: A HOUSE RESOLUTION TO CALL FOR THE RESIGNATION OF LILLIAN B. KOLLER, DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES, AND IN THE ALTERNATIVE STRONGLY URGE GOVERNOR NIKKI HALEY TO REMOVE DIRECTOR KOLLER FROM OFFICE.

Rep. J. E. SMITH requested immediate consideration on the House Resolution.

Five members objecting to immediate consideration, the Resolution was ordered referred to the Committee on Judiciary.

**HOUSE RESOLUTION**

The following was introduced:

H. 5296 -- Rep. M. S. McLeod: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE RIDGE VIEW HIGH SCHOOL GIRLS VARSITY TRACK TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR SETTING A NEW STATE RECORD IN THE 4X400-METER RELAY AT THE 2014 CLASS AAAA STATE CHAMPIONSHIP MEET.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5297 -- Reps. Gilliard, Harrell, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR QUINTIN WASHINGTON FOR HIS OUTSTANDING SERVICE IN THE FIELD OF NEWS AND BROADCAST JOURNALISM AND FOR THE SIGNIFICANT IMPACT OF HIS INTERVIEW WEB SHOW, QUINTIN'S CLOSE-UPS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5298 -- Reps. Harrell, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CORPORAL WILLIAM "KYLE" CARPENTER, UNITED STATES MARINE CORPS (RET.), OF LEXINGTON ON RECEIVING THE MEDAL OF HONOR, THE NATION'S HIGHEST AWARD FOR VALOR; TO THANK HIM FOR HIS FAITHFUL MILITARY SERVICE; AND TO COMMEND HIM FOR HIS HEROIC ACTIONS WHILE SERVING A TOUR OF DUTY IN AFGHANISTAN.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5300 -- Reps. Murphy, Harrell, Horne, Jefferson, Knight, Mack and Whipper: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR KRISH PATEL, AN EIGHTH-GRADE STUDENT AT PINEWOOD PREPARATORY SCHOOL IN DORCHESTER COUNTY, AND TO CONGRATULATE HIM FOR WINNING THE 2014 SOUTH CAROLINA STATE GEOGRAPHY BEE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5301 -- Reps. Dillard, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO CONGRATULATE MRS. EULA BELL SMITH OF GREENVILLE COUNTY ON THE OCCASION OF HER NINETIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5302 -- Reps. Whitmire, Sandifer, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE OUTSTANDING SERVICE OF JOHN LITTLE, CHAIRMAN OF THE OCONEE COUNTY PARKS, RECREATION AND TOURISM COMMISSION, AND THE MEMBERS OF THE COMMISSION

WHO ADMINISTERED THE DEVELOPMENT OF THE HIGH FALLS, SOUTH COVE, AND CHAU RAM COUNTY PARKS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5303 -- Reps. Bernstein, Finlay, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE A.C. FLORA HIGH SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE 2014 CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5304 -- Reps. G. M. Smith, Weeks, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE SUMTER HIGH SCHOOL VARSITY BASEBALL TEAM OF SUMTER COUNTY WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2014 SOUTH CAROLINA CLASS AAAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Sumter High School varsity baseball team of Sumter County with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2014 South Carolina Class AAAA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5305 -- Reps. G. M. Smith, Weeks, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE SUMTER HIGH SCHOOL VARSITY BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2014 CLASS AAAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5306 -- Reps. George and Goldfinch: A HOUSE RESOLUTION TO CONGRATULATE BARRETT HAYES COKER FOR HIS REMARKABLE ACCOMPLISHMENTS IN THE BOY SCOUTS OF AMERICA AND TO SALUTE HIM UPON ACHIEVING THE CELEBRATED RANK OF EAGLE SCOUT, THE HIGHEST AWARD IN SCOUTING.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5307 -- Rep. George: A HOUSE RESOLUTION TO CONGRATULATE SPENCER ROGERS COKER FOR HIS REMARKABLE ACCOMPLISHMENTS IN THE BOY SCOUTS OF AMERICA AND TO SALUTE HIM UPON ACHIEVING THE CELEBRATED RANK OF EAGLE SCOUT, THE HIGHEST AWARD IN SCOUTING.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5308 -- Reps. Knight, Daning, Crosby, Murphy, Clemmons and Bowers: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. MARGARET G. AMICK, LEGISLATIVE AIDE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES, UPON THE OCCASION OF HER RETIREMENT AFTER TEN YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5309 -- Reps. Erickson, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO CELEBRATE THE FIFTY-NINTH ANNUAL BEAUFORT WATER FESTIVAL, TO BE HELD FRIDAY, JULY 18, 2014, THROUGH SUNDAY, JULY 27, 2014, TO ENCOURAGE ALL SOUTH CAROLINIANS TO ATTEND AND ENJOY THIS FAMILY-FRIENDLY EVENT, AND TO WISH ITS ORGANIZERS EVERY SUCCESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5294 -- Reps. Gagnon, Gambrell, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE DIXIE HIGH SCHOOL VARSITY SOFTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2014 CLASS A STATE CHAMPIONSHIP TITLE.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5299 -- Reps. Harrell, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CORPORAL WILLIAM "KYLE" CARPENTER, UNITED STATES MARINE CORPS (RET.), OF LEXINGTON ON RECEIVING THE MEDAL OF HONOR, THE NATION'S HIGHEST AWARD FOR VALOR; TO THANK HIM FOR HIS FAITHFUL MILITARY SERVICE; AND TO COMMEND HIM FOR HIS HEROIC ACTIONS WHILE SERVING A TOUR OF DUTY IN AFGHANISTAN.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5310 -- Rep. McEachern: A CONCURRENT RESOLUTION TO CONGRATULATE MRS. PATCELIA BELTON OF RICHLAND COUNTY ON THE OCCASION OF HER NINETIETH BIRTHDAY

AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5311 -- Reps. Skelton, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO CONGRATULATE DR. BENTON BOX, FORMER VICE CHAIRMAN OF THE SOUTH CAROLINA FORESTRY COMMISSION, ON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5312 -- Rep. Cobb-Hunter: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 IN ORANGEBURG COUNTY FROM THE BOWMAN NATURE PARK TO ITS INTERSECTION WITH INTERSTATE HIGHWAY 95 "ARTHUR R. GLOVER MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5315 -- Reps. J. E. Smith, Cobb-Hunter, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO EXPRESS THE HEARTFELT GRATITUDE OF THE MEMBERS OF THE GENERAL ASSEMBLY FOR THE PUBLIC SERVICE OF ANNE CUSHMAN, KNOWING THAT HER CAREER-LONG SERVICE TO THIS STATE HAS MADE A MEANINGFUL AND ENDURING CONTRIBUTION TO THE WELFARE AND WELL-BEING OF ITS PEOPLE, AND ON THE OCCASION OF HER RETIREMENT WISH FOR HER YEARS OF GOOD HEALTH AND GOOD FORTUNE.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1327 -- Senator Grooms: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE PHILIP L. BYRD, JR. ON HIS SERVICE TO AMERICAN TRUCKING ASSOCIATIONS AND THE NATION'S TRUCKING INDUSTRY.

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

**INTRODUCTION OF BILLS**

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

H. 5313 -- Reps. Knight, Murphy, Horne, Whipper, Jefferson and Harrell: A JOINT RESOLUTION TO PROVIDE THAT NOTWITHSTANDING THE PROVISIONS OF A JOINT RESOLUTION OF 2014 BEARING RATIFICATION NUMBER 150 AND THE PROVISIONS OF SECTION 59-1-425, THE GOVERNING BODY OF DORCHESTER SCHOOL DISTRICT FOUR MAY WAIVE THE REQUIREMENT THAT SCHOOLS MAKE UP FULL DAYS MISSED DUE TO INCLEMENT WEATHER FOR FIVE OR FEWER FULL SCHOOL DAYS THAT STUDENTS WHO ATTEND SCHOOLS OR CHARTER SCHOOLS IN THE DISTRICT MISSED DUE TO INCLEMENT WEATHER DURING THE 2013-2014 SCHOOL YEAR REGARDLESS OF WHETHER THE DISTRICT HAS EXHAUSTED ALL STATUTORILY REQUIRED MAKE-UP DAYS REMAINING ON THE 2013-2014 SCHOOL CALENDAR.

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

H. 5314 -- Reps. Hixon, Clyburn, J. R. Smith, Taylor and Wells: A BILL TO AMEND ACT 588 OF 1986, AS AMENDED, RELATING TO THE ESTABLISHMENT OF SINGLE-MEMBER ELECTION DISTRICTS FOR THE SCHOOL BOARD OF AIKEN COUNTY, SO AS TO REAPPORTION THE DISTRICTS BEGINNING WITH THE SCHOOL BOARD ELECTIONS IN 2014, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS MAY BE FOUND, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REAPPORTIONED ELECTION DISTRICTS.

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

H. 5316 -- Reps. Limehouse and Stavrinakis: A JOINT RESOLUTION TO PROVIDE THAT NOTWITHSTANDING THE PROVISIONS OF A JOINT RESOLUTION OF 2014 BEARING RATIFICATION NUMBER 150 AND THE PROVISIONS OF SECTION 59-1-425, THE GOVERNING BODY OF THE CHARLESTON COUNTY SCHOOL DISTRICT MAY WAIVE THE REQUIREMENT THAT SCHOOLS MAKE UP FULL DAYS MISSED DUE TO INCLEMENT WEATHER FOR FIVE OR FEWER FULL SCHOOL DAYS THAT STUDENTS WHO ATTEND SCHOOLS OR CHARTER SCHOOLS IN THE DISTRICT MISSED DUE TO INCLEMENT WEATHER DURING THE 2013-2014 SCHOOL YEAR REGARDLESS OF WHETHER THE DISTRICT EXHAUSTS OR PLANS TO EXHAUST ALL STATUTORILY REQUIRED MAKE-UP DAYS REMAINING ON THE 2013-2014 SCHOOL CALENDAR.

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

S. 718 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-7-37 SO AS TO PROVIDE THAT A DRIVER OF A MOTOR VEHICLE MAY BE FOUND LIABLE OF A CIVIL PENALTY FOR VIOLATIONS REGARDING PASSING OR OVERTAKING A SCHOOL BUS IF THE VIOLATION IS CAPTURED ON A VIDEO RECORDING DEVICE MOUNTED ON THE SCHOOL BUS, TO PROVIDE PENALTIES, AND TO PROVIDE THE EVIDENTIARY PROCESS AND THE PROCESS BY WHICH A PERSON RECEIVES SERVICE OF PROCESS.

Referred to Committee on Judiciary

S. 1258 -- Senator Pinckney: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2014, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

Referred to Jasper Delegation

S. 1305 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4443, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1307 -- Senator Verdin: A BILL TO AMEND SECTION 7-7-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LAURENS COUNTY, SO AS TO REVISE BOUNDARIES OF EXISTING PRECINCTS AND TO DESIGNATE THE MAP NUMBER ON WHICH THE BOUNDARIES OF LAURENS COUNTY VOTING PRECINCTS AS REVISED BY THIS ACT MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

**H. 4996--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4996 -- Reps. Brannon and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-277 SO AS TO REQUIRE ACCIDENT AND HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE ORGANIZATIONS TO COVER CERTAIN AMINO ACID-BASED ELEMENTAL FORMULAS FOR THE TREATMENT OF CERTAIN DISEASES OR DISORDERS, TO PROHIBIT DENIAL OF THIS COVERAGE FOR TREATMENT ORDERED AS MEDICALLY NECESSARY BY A TREATING PHYSICIAN, AND TO PROVIDE THIS COVERAGE MUST BE FAVORABLE FOR PRESCRIPTION DRUGS AND SERVICES COVERED BY THE PLAN.

Rep. BRANNON moved to adjourn debate on the Bill until Wednesday, May 28, which was agreed to.

**H. 4520--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4520 -- Reps. Herbkersman and Bowers: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "UNCLE PRESTON'S LAW" TO ALLOW A TAXPAYER TO CLAIM THE FOUR PERCENT ASSESSMENT RATIO ON A RESIDENTIAL PROPERTY OTHER THAN THEIR LEGAL RESIDENCE IF THE ADDITIONAL RESIDENCE IS USED AS A RESIDENCE BY A FAMILY MEMBER WHO IS OVER THE AGE OF SIXTY-FIVE.

Rep. WHITE moved to adjourn debate on the Bill until Wednesday, May 28, which was agreed to.

**S. 437--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 437 -- Senators Cleary, Reese, Rankin, Campsen, Hembree, Davis, McGill, Thurmond, Campbell, Cromer and Ford: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VALUATION AND CLASSIFICATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE THAT THE OWNER-OCCUPANT OF RESIDENTIAL PROPERTY QUALIFIES FOR THE FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY, IF THE OWNER IS OTHERWISE QUALIFIED AND THE RESIDENCE IS NOT RENTED FOR MORE THAN ONE HUNDRED DAYS A YEAR, AND TO DELETE OTHER REFERENCES TO RENTAL OF THESE RESIDENCES; AND TO AMEND SECTION 12-54-240, RELATING TO DISCLOSURE OF RECORDS, REPORTS, AND RETURNS WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE VERIFICATION THAT THE FEDERAL SCHEDULE E CONFORMS WITH THE SAME DOCUMENT REQUIRED BY A COUNTY ASSESSOR IS NOT PROHIBITED.

The Committee on Ways and Means proposed the following Amendment No. 1 to S. 437 (COUNCIL\DKA\437C003.DKA.DG14), which was adopted:

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

/ SECTION \_\_. Section 12‑36‑920(A) of the 1976 Code, as last amended by Act 56 of 2005, is further amended to read:

“(A) A sales tax equal to seven percent is imposed on the gross proceeds derived from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration. This tax does not apply:

(1) where the facilities consist of less than six sleeping rooms, contained on the same premises, which is used as the individual’s place of abode; or

(2) to gross proceeds from rental income wholly excluded from the gross income of the taxpayer pursuant to Internal Revenue Code Section 280A(g) as that code is defined in Section 12‑6‑40(A).

The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of ninety continuous days are not considered proceeds from transients. The tax imposed by this subsection (A) does not apply to additional guest charges as defined in subsection (B).” /

Amend the bill further, page 2, beginning on line 18, by striking subsection C. and inserting:

/ C. This SECTION takes effect upon approval by the Governor and applies to property tax years beginning after property tax year 2014. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

The amendment was then adopted.

Rep. BRANNON proposed the following Amendment No. 3 to S. 437 (COUNCIL\AGM\437C001.AGM.AB14), which was ruled out of order:

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

/ SECTION \_\_\_. Title 6 of the 1976 Code is amended by adding:

“CHAPTER 38

Dilapidated Buildings Act

Section 6‑38‑10. This chapter must be known and may be cited as the ‘Dilapidated Buildings Act’. This chapter may be used only when a municipality has:

(1) developed and followed its locally adopted procedures to deal with the abatement of unsafe structures pursuant to authority granted to municipalities in Sections 31‑15‑20 and 5‑7‑80;

(2) given the owner of record proper notice requirements and reasonable time under the circumstances for the correction of a condition pursuant to Section 5‑25‑390 or the International Property Maintenance Code if properly adopted by a municipality pursuant to Section 6‑9‑60; and

(3) Property or structure first must be declared unsafe for human occupancy by a municipality under its police powers pursuant to Section 5‑13‑30 or 31‑15‑20 or the International Property Maintenance Code.

Section 6‑38‑20. (A) In considering this legislation, a court is explicitly authorized, notwithstanding the actual language of the statute itself, to exercise its customary sound equitable discretion and in so doing take into account reasonable steps that might be taken, such as to:

(1) avoid judicial actions taken after a state or national disaster, such as a hurricane, so as to give owners or lien holders additional time to respond, to make repairs, or to otherwise maintain the status quo in light of those highly unusual exceptional situations;

(2) exercise an equity court’s own inherent equitable discretion to protect whenever possible or feasible a property owner’s property;

(3) operate with the presumption that property should not have a receiver and that as such a receiver may only be appointed to consider repairs or demolitions when there is clear and convincing evidence that it is necessary for the immediate public health, order, or safety to do so; or

(4) reconfirm that the court has the discretion not to require immediate expenditures but to phase in necessary repairs that are most appropriate for the situation. The court may direct incremental repairs to portions of a building be undertaken to preserve public safety or to ameliorate imminent danger.

(B) The presumption remains that a receiver is a special, extraordinary equitable remedy to be used sparingly and all reasonable doubts will be exercised to preserve the property rights of existing property owners and lien holders of record and the order of appointing a receiver will recite specifically what evidence permits the court to exercise its extraordinary authority pursuant to this chapter.

Section 6‑38‑30. The rules of equity govern an action under this chapter unless inconsistent with this chapter or other law.

Section 6‑38‑40. For purposes of this chapter:

(1) ‘Imminent danger’ means a condition that could cause serious or life‑threatening injury or death at any time.

(2) ‘Owner of record’ means a person who is the owner of property according to the most recently approved county tax roll.

(3) ‘Police power’ means the basic right granted under state law to make laws and regulations for the purpose of preserving public health, order, or safety.

(4) ‘Unsafe structures’ means buildings that are found to be dangerous to the life, health, property, or safety of the public or the occupants.

(5) ‘Substantial compliance’ means compliance with the substantial or essential requirements of the local ordinance relating to unsafe structures that satisfies its purpose or objective even though it failed to exactly meet the specifics.

(6) ‘Substantial risk’ means a strong possibility, as contrasted with a remote or even a significant possibility, that a certain result may occur or that a certain circumstance may exist. It is risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.

Section 6‑38‑50. A municipality or county council may bring an action under this chapter in circuit court against an owner of property that is not in substantial compliance with one or more municipal ordinances regarding:

(1) prevention of substantial risk of injury to a person;

(2) condition of the property constitutes an imminent danger to the public health or safety; or

(3) public nuisance, building code, or sanitary code.

Section 6‑38‑60. (A) On or before the sixtieth day before the date a municipality files an action pursuant to this chapter, it must provide notice of an ordinance violation and written notice why the municipality believes there is a serious, present, and imminent public health harm or safety hazard, alleged to exist on the property, by mail, to the:

(1) physical address of the property; and

(2) address as indicated on the most recently approved county tax roll for the property owner or the agent of the property owner.

(B) A municipality bringing an action pursuant to this chapter shall serve notice of the proceedings to each owner of record and holders of recorded property interests. An owner of record or lien holder of record who is not available after due diligence may be served by alternative means, including publication, as prescribed by the South Carolina Rules of Civil Procedure. Actual service or service by publication on all owners of record or lien holders of record constitutes notice to each owner of record or lien holder of record.

(C) A municipality bringing an action pursuant to this chapter shall file a notice of lis pendens to provide constructive notice of the pending action.

Section 6‑38‑80. The court may appoint a receiver for the property for a term not to exceed two years or for a time determined appropriate by the court based on the nature of the work to be done if the court finds:

(1) structures on the property are in substantial violation of one or more ordinances of the municipality pursuant to Section 6‑38‑50;

(2) the property is not an owner‑occupied, single‑family residence;

(3) the property does not have one to four family residences where at least one unit is owner occupied; and

(4) the property is not currently in foreclosure or bankruptcy proceedings.

Section 6‑38‑90. A receiver appointed under this chapter may petition the court to terminate the receivership and order the sale of the property if:

(1) the work has been successfully completed; and

(2) the owner of record lien holders, and others holding recorded interests have been served with notice but none of these have repaid the outstanding costs and expenses of the receiver and any receivership fee on or before the ninetieth day after the date the notice was served.

Section 6‑38‑100. Subject to control of the court, a court‑appointed receiver has all powers necessary and customary to the powers of a receiver under the laws of equity and may:

(1) take possession and control of the property;

(2) operate and manage the property;

(3) establish and collect rents and income on the property;

(4) lease the property;

(5) make repairs and improvements necessary to bring the property into compliance with local codes, ordinances, and state laws, including:

(a) performing and entering into contracts for the performance of work and the furnishing of materials for repairs and improvements; and

(b) entering into loan and grant agreements for repairs and improvements to the property;

(6) pay expenses, including paying for utilities and paying taxes and assessments, insurance premiums, and reasonable compensation to a property management agent;

(7) enter into contracts for operating and maintaining the property;

(8) exercise all other authority of an owner of the property other than the authority to sell the property; and

(9) perform other acts regarding the property as authorized by the court.

Section 6‑38‑110. (A) Before beginning any work the receiver must submit to the court a detailed report describing the problems associated with the property and a detailed plan for abating the problems.

(1) This report must be accompanied by a performance bond or performance bond binder as well as a detailed timeline for completion of the work.

(2) The court shall require the receiver to submit progress reports every forty‑five days or as the court determines to demonstrate compliance with the time schedules established for commencement and performance of the work.

(3) The court also shall provide a copy of the report and estimate to the owner of record, lien holders, and others with a recorded property interest.

(B)(1) A court‑appointed receiver may demolish a structure only after a hearing is held to demolish the property where a detailed report from the receiver establishes:

(a) it is not economically feasible to bring the structure into compliance with local codes, local ordinances, and state laws; and

(b) the structure:

(i) is unfit for human habitation;

(ii) is a hazard to public health or safety; or

(iii) has been unoccupied by its owners, lessees, or other invitees, for at least one hundred eighty consecutive days and property taxes are in arrears and have not been paid, and electricity has not been maintained.

(2) A copy of the report must be sent to all owners of record, all lien holders, and all others with a recorded property interest, and the property must be posted with notice of the pending action. If, within ninety days of this notice being sent and property posted, no owner, lien holder, or other person with a recorded interest appears to explain to the court’s satisfaction why the property has been left in its current state, the court may approve demolition of the structure.

(3) In considering the factors mentioned above, the court also may consider whether the property is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children. If the property is boarded, fenced, or otherwise secured, the court may consider whether:

(a) the structure constitutes a danger to the public even though secured from entry; or

(b) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

(C) On demolition of the structure, the court may authorize the sale of the property to an individual or organization that will bring the property into productive use after compliance with the notice requirements of Section 6‑38‑90 and Section 6‑38‑150.

Section 6‑38‑120. The following may serve as a court‑appointed receiver:

(1) an entity with, as determined by the court, sufficient capacity, resources, and experience rehabilitating properties, abating code violations;

(2) an individual with, as determined by the court, sufficient capacity, resources, and experience rehabilitating properties, abating code violations, or both;

(3) in the case of historic properties, an entity, nonprofit organization, or individual with, as determined by the court, sufficient capacity, experience, and demonstrated record of rehabilitating historical buildings to comply with the guidelines for rehabilitating historic properties established by the United States Secretary of the Interior under 16 U.S.C. Section 470, et seq., or the historic preservation ordinance of the municipality, if applicable; or

(4) a licensed and bonded contractor in the State of South Carolina who possesses appropriate levels of insurance coverage, including general liability insurance, workers’ compensation insurance, and other coverage that is required by law.

Section 6‑38‑125. If a loss occurs to the property entrusted to the receiver, out of the receiver’s negligence or dishonest execution of trust, the receiver must be liable for damages.

Section 6‑38‑130. (A) A receiver who completes repairs to a structure or demolishes a structure, upon or before petitioning a court for termination of the receivership, shall file with the court a full accounting of:

(1) all costs and expenses incurred in the repairs or demolition, including reasonable costs for labor and supervision;

(2) all income received from the property; and

(3) at the discretion of the receiver, a receivership fee not to exceed ten percent of the costs and expenses in item (1).

(B) If the property was sold pursuant to Section 6‑38‑150 and the revenue exceeds the total of the costs and expenses incurred by the receiver plus a receivership fee, any net income must be returned to the owner after all liens have been paid. If the property is not sold and the income produced exceeds the total of the costs and expenses incurred by the receiver plus a receivership fee, the rehabilitated property must be restored to the owner and any net income must be returned to the owner. If the total of the costs and expenses incurred by the receiver plus a receivership fee exceeds the income produced during the receivership, the receiver may maintain control of the property until all rehabilitation and maintenance costs plus a receivership fee are recovered or until the receivership is terminated pursuant to Section 6‑38‑150.

Section 6‑38‑140. (A) A receiver shall have a lien on the property for all of the unreimbursed costs and expenses of the receiver, plus a receivership fee.

(B) A lien holder of record or other person with a recorded property interest may, after initiation of an action pursuant to this chapter:

(1) intervene in the action; and

(2) request appointment as a receiver pursuant to this chapter if the lien holder or other person with a recorded property interest demonstrates to the court an ability and willingness to rehabilitate the property.

Section 6‑38‑150. (A) The court may order the sale of the property if the court finds that:

(1) ninety‑day notice was given to each recorded owner of the property and each lien holder of record and those holding recorded property interests;

(2) the receiver’s costs are reasonable based on:

(a) nature, extent, and difficulty of the services rendered;

(b) time and labor devoted to the case;

(c) professional standing of the receiver;

(d) contingency of compensation;

(e) fee customarily charged in the locality for similar services; and

(f) beneficial results obtained;

(3) the receiver has been in control of the property and the owner has failed to repay all the receiver’s outstanding costs and expenses of rehabilitation plus a receivership fee within the period pursuant to Section 6‑38‑90; and

(4) no lien holder of record or other holder of a recorded property interest has intervened in the action and tendered the costs and expenses of the receiver, plus a receivership fee, and assumed control of the property.

(B) The court may order the property sold:

(1) at public auction; or

(2) to a party as the court may direct.

(C) The receiver may bid on the property at the sale described by this section and may use a lien granted pursuant to Section 6‑38‑140 as credit toward the purchase. The court must confirm the sale of the property.

Section 6‑38‑160. (A) The court shall confirm a sale under this chapter and order a distribution of the proceeds of the sale in the following order:

(1) court costs;

(2) costs and expenses, plus a receivership fee, and any lien held by the receiver; and

(3) other valid liens.

(B) Any remaining overage belongs to the owner of record. These sums are payable ninety days after execution of the deed unless a judicial action is instituted during that time by another claimant. If neither claimed nor assigned within five years of date of public auction sale, the overage shall escheat to the general fund of the governing body to be set aside for the purpose. Before the escheat date unclaimed overages must be kept in a separate account and must be invested so as not to be idle and the governing body of the political subdivision is entitled to the earnings for keeping the overage. On escheat date the overage must be transferred to the general funds of the governing body.

Section 6‑38‑170. (A) The court shall award fee title to the purchaser after the proceeds are distributed. If proceeds from the sale are insufficient to pay all liens, claims, and encumbrances on the property, the court shall extinguish all unpaid liens, claims, and encumbrances on the property and award title to the purchaser free and clear.

(B) This chapter does not foreclose any right or remedy that may be available under other state law or the laws of equity.” /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

**POINT OF ORDER**

Rep. SKELTON raised the Point of Order that under Rule 9.3 that Amendment No. 3 to S. 437, was out of order in that it was not germane to the Bill.

Rep. BRANNON spoke against the Point.

Rep. SKELTON spoke on the Point.

SPEAKER HARRELL sustained the Point of Order and ruled Amendment No. 3 out of order.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| Daning | Delleney | Dillard |
| Douglas | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Hamilton | Hardwick |
| Harrell | Hart | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Knight | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Murphy |
| Neal | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Quinn | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--100**

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

The following Bill was taken up:

S. 825 -- Senators Alexander and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 3-1-40 SO AS TO EXEMPT FROM AD VALOREM TAXATION ANY REAL PROPERTY LOCATED WITHIN A MILITARY BASE OR INSTALLATION THAT IS USED OR OWNED BY THE UNITED STATES ARMED FORCES AND IS USED AS MILITARY HOUSING FOR MILITARY AFFILIATED PERSONNEL AND THEIR FAMILIES EVEN IF THE REAL PROPERTY IS IMPROVED, MAINTAINED, OR LEASED TO A PARTY THAT WOULD OTHERWISE SUBJECT THE REAL PROPERTY TO TAX, SO LONG AS THERE IS A CONTRACTUAL AGREEMENT REQUIRING THE LESSEE TO USE THE PROPERTY FOR MILITARY HOUSING.

The Ways and Means Committee proposed the following Amendment No. 1 to S. 825 (COUNCIL\BH\825C003.BH.DG14), which was adopted:

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

/ Whereas, the General Assembly finds that the sacrifices of those who serve in the armed services of this great nation deserve our greatest respect, and that we have an obligation to demonstrate our appreciation to these service members and their families in tangible ways; and

Whereas, the General Assembly takes great pride in being home to many military installations, and is greatly appreciative of the tremendously positive impact of these installations and the service members and their families on the economy of the Palmetto State; and

Whereas, the South Carolina General Assembly finds that comprehensive legislation to enhance many quality of life issues for members of the armed forces and their families is very appropriate to demonstrate its appreciation for the sacrifices of members of the armed forces and their families and to demonstrate its appreciation for the enormously positive impact of military installations on the Palmetto State. Now, therefore,

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

PART I

Military Family Quality of Life Enhancement Act of 2014

SECTION 1. This act may be known and must be cited as the “Military Family Quality of Life Enhancement Act of 2014”.

PART II

Property Taxes

SECTION 2. A. Article 1, Chapter 1, Title 3 of the 1976 Code is amended by adding:

“Section 3‑1‑40. There is exempt from ad valorem taxation any real property, and improvements thereon, located within a military base or installation that is used or owned by the United States Armed Forces and is used as military housing for military affiliated personnel and their families. Military housing includes ancillary facilities that support the military housing. This exemption continues to apply if the real property is improved, maintained, or leased to a party that would otherwise subject the real property to tax, so long as there is a contractual agreement by and between a branch of the United States Armed Forces and the lessee which requires the lessee to use the property for military housing.”

B. This SECTION takes effect upon approval by the Governor and applies for property tax years beginning after 2013.

SECTION 3. SECTION 2 of Act 133 of 2014 is amended to read:

“SECTION 2. This act takes effect upon approval by the Governor and applies for property tax years beginning after ~~2013~~ 2012.”

PART III

Employment

SECTION 4. Section 1‑13‑80(I) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) It is not an unlawful employment practice for a private employer to give preference in employment to a veteran. This preference is also extended to the veteran’s spouse if the veteran has a service‑connected permanent and total disability. A private employer who gives a preference in employment provided by this item does not violate any other provision of this chapter by virtue of giving the preference. For purposes of this item, ‘veteran’ has the same meaning as provided in Section 25‑11‑40.”

PART IV

Medicaid Waiver Protections

SECTION 5. Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44‑6‑35. In administering home and community‑based waiver programs, the department shall, to the extent possible, maintain the waiver status of an eligible family member of a member of the armed services who maintains his South Carolina state residence, regardless of where the service member is stationed. Consequently, a person on a waiver waiting list would return to the same place on the waiting list when the family returns to South Carolina. Furthermore, the eligible family member previously enrolled in a waiver program and who received active services would be reinstated into the waiver program once Medicaid eligibility is established, upon their return to South Carolina. It is not the intent of this section to authorize services provided outside the South Carolina Medicaid Service Area. These provisions are contingent upon the department receiving federal approval.”

PART V

Military‑Connected Children’s Welfare Task Force

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

“Article 21

Military‑Connected Children’s Welfare Task Force

Section 63‑11‑2110. (A) There is created the ‘Military‑Connected Children’s Welfare Task Force’ for the purpose of identifying issues related to military‑connected children and opening communication between child welfare agencies of this State and local military installations. The task force shall study issues relating to military‑connected children as the task force may undertake or as may be requested by the General Assembly.

(B) The task force is to be comprised of the following members:

(1) the Director of the Department of Health and Human Services, or his designee;

(2) the Governor, or his designee;

(3) the Speaker of the House of Representatives, or his designee;

(4) the President Pro Tempore of the Senate, or his designee; and

(5) a representative of the Children’s Trust Fund.

(C) The task force shall meet as soon as practicable after the effective date of this act for organizational purposes.

(D) The task force shall submit an annual written report to the General Assembly including recommendations to facilitate and open communication between child welfare agencies of this State and local military installations. The findings and recommendations of the task force shall be posted on the Department of Health and Human Services’ website.

(E) The members of the task force shall serve without compensation and may not receive mileage or per diem.”

PART VI

Veterans Treatment Court Program

SECTION 7. Title 14 of the 1976 Code is amended by adding:

“CHAPTER 29

Veterans Treatment Court Program

Section 14‑29‑10. This Chapter may be cited as the ‘Veterans Treatment Court Program Act’.

Section 14‑29‑20. The General Assembly recognizes the success of various other states’ veterans court initiatives in rehabilitating certain nonviolent offenders who are veterans of a military conflict in which the United States military is or has been involved. The purpose of this chapter is to divert qualifying nonviolent military veteran offenders away from the criminal justice system and into appropriate treatment programs, thereby reserving prison space for violent criminals and others for whom incarceration is the only reasonable alternative. This chapter intends to set standards and procedures to facilitate the creation and continuation of these programs across the State, while leaving local jurisdictions the flexibility to tailor individual programs to local needs.

Section 14‑29‑30. Each circuit solicitor may establish a veterans treatment court program subject to the availability of funds. Each circuit solicitor that accepts state funding for the implementation of a veterans treatment court program must establish and administer at least one veterans treatment court program for the circuit within one hundred eighty days of receipt of funding. The circuit solicitor must administer the program and ensure that all eligible persons are permitted to apply for admission to the program.

Section 14‑29‑40. (A) The Chief Justice shall appoint judges of the veterans treatment court upon the recommendation of the circuit solicitor for that judicial circuit.

(B) A veterans treatment court judge must:

(1) be a member in good standing with the South Carolina Bar or a member, active or retired, of the Unified Judicial System;

(2) serve at the pleasure of the Chief Justice for a term of two years and may be reappointed;

(3) receive no salary for his service as a veterans treatment court judge and must serve as a veterans treatment court judge on a voluntary basis;

(4) receive an allowance for mileage, subsistence, and per diem paid by the solicitor’s office when engaged in the exercise of duties as a veterans treatment court judge;

(5) be exempt during his term from Rule 608, South Carolina Appellate Court Rules, relating to the appointment of lawyers for indigents;

(6) enjoy in a veterans treatment court proceeding or action the same privileges, immunities, and protections from civil liability as a circuit court judge;

(7) receive training provided for this service through organizations which offer this type of training as determined by the solicitor’s office; and

(8) reside in the judicial circuit where he serves.

(C) A veterans treatment court judge shall preside subject to the Code of Judicial Conduct with the goal of instilling discipline, promoting rehabilitation, and encouraging participants’ successful completion of the veterans treatment court program. A veterans treatment court judge has the authority of a circuit court judge acting in probation matters, including, among other things, the authority to:

(1) maintain order and decorum in all proceedings, including use of the contempt power;

(2) issue an order of acceptance of a participant in the program and an order of dismissal from the program;

(3) impose by written order a sanction dismissing a participant from the veterans treatment court program or incarcerating him for failing to meet a condition, requirement, or goal ordered by the veterans treatment court;

(4) issue to a participant a certificate indicating his successful completion of the veterans treatment court program;

(5) order conditions or requirements of a rehabilitation plan for a participant, developed after consultation with the circuit solicitor, a certified or licensed drug and alcohol counselor, a veterans affairs counselor, or other professionals the veterans treatment court judge considers beneficial, with the conditions and requirements to include school, education, vocational training, work, drug or alcohol testing, counseling, reporting, treatment, curfew, monitoring, restitution, community service, anger management, or other measures the judge considers appropriate; and

(6) take action he considers necessary to carry out the veterans treatment court’s functions provided in this chapter.

Section 14‑29‑50. (A) A person seeking admission to the veterans treatment court program:

(1) must execute a veterans treatment court agreement specified in this chapter;

(2) must receive approval of the circuit solicitor;

(3) may not have been previously admitted to a veterans treatment court program;

(4) may have no prior conviction or pending charges for:

(a) a violent crime as defined in Section 16‑1‑60;

(b) an offense for which the offender was placed on the sex offender registry pursuant to Section 23‑3‑430;

(c) the offense of lynching in the first degree pursuant to Section 16‑3‑210 or lynching in the second degree pursuant to Section 16‑3‑220;

(d) the common law offense of assault and battery of a high and aggravated nature;

(e) the offense of carjacking pursuant to Section 16‑3‑1075;

(f) the offense of harassment or stalking pursuant to Article 17, Chapter 3, Title 16; or

(g) the offense of causing great bodily injury or death by operating a vehicle while under the influence of drugs or alcohol pursuant to Section 56‑5‑2945; and

(5) must have an active sentence of thirty days or more for a nonviolent crime not exempted pursuant to item (4).

(B) A veterans treatment court agreement required in subsection (A) may serve as the offender’s application for admission to a veterans treatment court program and jurisdiction, and shall include:

(1) sufficient proof that the offender is a veteran or current member of the United States Armed Forces, including the Reserves or National Guard;

(2) sufficient proof that the offender suffers from a brain injury, mental illness, or mental disorder, including post‑traumatic stress disorder;

(3) an acknowledgement by the offender that his application is voluntary and freely entered into;

(4) an agreement that, if accepted, he will comply with all conditions, rules and requirements imposed upon him in the veterans treatment court program, including a rehabilitation plan;

(5) an acknowledgement that, if accepted, he may be dismissed from the program at the discretion of the veterans treatment court judge and consequently transferred to the circuit court for commencement of his entire original sentence, without reduction;

(6) an acknowledgement and agreement that he has no right to appeal or enjoin a decision of the veterans treatment court judge;

(7) an acknowledgement and agreement that the post‑conviction relief procedures do not apply to the veterans treatment court program, and a relinquishment of all rights to post‑conviction relief;

(8) an agreement to cooperate fully with those involved in his rehabilitation plan and to comply with the requirements and conditions of the plan, including the submission to analysis, testing, treatment, counseling, evaluation, and providing complete personal, health, and family information, and executing releases to accomplish the provision of this information;

(9) an agreement to bear, subject to his ability to pay, the costs of analysis, testing, treatment, counseling, or evaluation in a rehabilitation plan prescribed in the program, and an agreement that funds paid by the participant or on his behalf during the course of the veterans treatment court program may not be refundable in any event, including his dismissal from the program;

(10) a general explanation of the purpose and concept of the veterans treatment court program;

(11) a statement of the offender’s knowing, willing, and full consent and submission to the authority of the veterans treatment court and its process;

(12) the signature of the offender and, if any, his counsel; and

(13) other statements, acknowledgements, or agreements the circuit solicitor may consider appropriate.

(C) In determining whether to accept an offender for admission to the veterans treatment court program, the circuit solicitor shall consider, among other things:

(1) the veterans treatment court agreement presented by the offender;

(2) the nature of the offense for which the offender was convicted in circuit court;

(3) the offender’s prior criminal history;

(4) the offender’s prior substance abuse history;

(5) the likelihood that the offender successfully will complete the program;

(6) the risk and danger posed to the community by the offender’s remaining at large;

(7) the benefits likely resulting to the community and this State from the offender’s acceptance into the program, including cost savings, public service or private employment, enhancement of the offender’s ability to pay restitution, support or comfort of his family, and the decreased likelihood of future criminal activity;

(8) the benefits likely resulting to the offender upon his being accepted into the program, including drug or alcohol rehabilitation, education, training, family support, discipline, employment, physical and mental health, and the opportunity for a productive life;

(9) a positive recommendation or statement from the victim, the victim’s family, law enforcement, or the community, the recommendation after screening by a qualified person selected by the solicitor or provided by a state, county, or municipal agency to determine the mental health or drug or alcohol dependence of the applicant and his likelihood of successful completion of a rehabilitation plan prescribed in this program;

(10) the risk and danger posed to the victim or victim’s family by the offender remaining at large; and

(11) other circumstances or matters the veterans treatment court judge may consider appropriate.

(D) The veterans treatment court’s acceptance of the offender as a participant must be presented to the circuit court. The circuit court, in its discretion, may order the transfer of the offender to the custody and jurisdiction of the veterans treatment court for commencement of the veterans treatment court program. The circuit court shall provide in its order that the participant must be returned to the circuit court for final disposition, as provided in this chapter, upon his successful completion of the program or his dismissal from the program.

(E) Notice must be provided to all victims pursuant to the Victims’ Bill of Rights.

Section 14‑29‑60. (A) When establishing a veterans treatment court program, the circuit solicitor:

(1) may address the particular requirements and circumstances of the circuit. The procedure is subject to and consistent with the uniform procedures provided in this chapter, including:

(a) a veterans treatment court program must be at least twelve months in duration but no more than eighteen months in duration for a participant, although the program may be extended for a maximum of six additional months by the veterans treatment court;

(b) a veterans treatment court session must be held in a courtroom assigned by the appropriate court official or another place the veterans treatment court judge considers appropriate and where proper decorum, safety, and efficiency must be maintained;

(c) a veterans treatment court session must be held at a time and place that will promote the maximum convenience and attendance of associated parties, especially a participating offender and his family, and, absent an agreement to the contrary, should be held on a weekday and commencing no earlier than 5:30 p.m.; and

(d) a veterans treatment court program may require the presence of a person necessary for the efficient operation of a veterans treatment court session;

(2) shall designate in his office a person to serve as his veterans treatment court administrator to supervise and coordinate the implementation of the program. These duties shall include the scheduling of the hearings, notification of the persons involved, maintenance and safeguarding of all records and orders associated with the program, filing of all orders and other appropriate documents with the appropriate clerk of court, and the production of a report required by this chapter; and

(3) through his designated administrator, shall supervise and coordinate the selection of counselors or other professionals to analyze, test, treat, and evaluate an applicant or participant contemplated in this chapter, and at least annually shall report to the South Carolina Commission on Prosecution Coordination information regarding funds expended by the circuit solicitor for these purposes.

(B) The South Carolina Commission on Prosecution Coordination shall assist the circuit solicitor and veterans treatment court in establishing a uniform system of procedures, statistics, and processes as set forth in this chapter, collecting reports it prescribes from the circuit administrator in order to measure the progress and operations of the veterans treatment courts, and annually issuing a comprehensive report of its findings and recommendations no later than sixty days following the end of the fiscal year.

(C) The Supreme Court may propose and adopt rules for the veterans treatment court program in the same manner as it proposes and promulgates rules for other courts in the Unified Judicial System.

Section 14‑29‑70. (A) The transfer of an offender from the custody and jurisdiction of the circuit court to custody and jurisdiction of the veterans treatment court must be made by issue of a written order from the circuit court in response to the approval of the application by the veterans treatment court. This order must provide for the deferment of the offender’s sentence pending the conclusion of the veterans treatment court program. The veterans treatment court then shall control and be responsible for the custody of the offender upon entry of the circuit court’s order.

(B) Where a person fails successfully to complete the program and is consequently dismissed from the program, the veterans treatment court must transfer custody of the person to the circuit court for the imposition of the sentence. A court may not reduce a sentence for time spent participating in a veterans treatment court program and other conditions of the sentence.

(C) The constitutional notice requirements of the Victims’ Bill of Rights apply to a transfer, completion, or failure pursuant to this section.

Section 14‑29‑80. Nothing contained in this chapter affects the operation or establishment of juvenile drug courts in South Carolina.

Section 14‑29‑90. The General Assembly shall appropriate funds annually to an account to be maintained by the Commission on Prosecution Coordination for the payment of mileage, subsistence, and per diem for veterans treatment court judges as provided by this chapter.”

PART VII

Education

SECTION 8. Section 59‑18‑900 of the 1976 Code, as last amended by Act 282 of 2008, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive annual report concerning the performance of military‑connected children who attend primary, elementary, middle, and high schools in this State. The comprehensive annual report must be in a reader‑friendly format, using graphics whenever possible, published on the state, district, and school website, and, upon request, printed by the school districts. The annual comprehensive report must address at least attendance, academic performance in reading, math, and science, and graduation rates of military‑connected children.”

SECTION 9. A. Section 59‑112‑50 of the 1976 Code, as last amended by Act 133 of 2012, is further amended to read:

“Section 59‑112‑50. (A) Notwithstanding another provision of law, during the period of their assignment to duty in South Carolina, members of the Armed Services of the United States stationed in South Carolina and their dependents are eligible for in‑state tuition rates. When these armed service personnel are ordered away from the State, their dependents are eligible for in‑state tuition rates as long as they remain continuously enrolled at the state institution in which they are enrolled at the time the assignment ends or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student’s previous institution in order to certify the student’s eligibility for in‑state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. ~~These persons and their dependents are eligible for in‑state tuition rates after their discharge from the armed services even though they were not enrolled at a state institution at the time of their discharge, if they have evidenced an intent to establish domicile in South Carolina and if they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge.~~

(B)(1) Active duty military personnel may be charged less than the undergraduate tuition rate for South Carolina residents for courses that are presented on a distance basis, regardless of residency.

(~~B~~2) For purposes of this section, ‘active duty military personnel’ includes, but is not limited to, active duty guardsmen and active duty reservists.

(C) Notwithstanding any other provision of law, a veteran of the Armed Services of the United States, who has evidenced intent to establish domicile in South Carolina, and their dependents, are entitled to receive in‑state tuition and fees at state institutions without the requirement of one year of physical presence in this State. For purposes of this subsection, a ‘veteran’ is defined as an individual who has served on active duty in the United States Armed Forces and who has been honorably discharged from service.”

B. The provisions of this SECTION take effect July 1, 2014.

SECTION 10. Section 7‑15‑320 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑320. (A) ~~A qualified elector~~ Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections when ~~he is~~ they are absent from ~~his~~ their county of residence on election day during the hours the polls are open, to an extent that it prevents ~~him~~ them from voting in person:

(1) students, their spouses, and dependents residing with them;

(2) ~~members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;~~

~~(3)~~ persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

(~~4~~3) governmental employees, their spouses, and dependents residing with them;

(~~5~~4) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or

(~~6~~5) overseas citizens.

(B) ~~A qualified elector~~ Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not ~~he is~~ they are absent from ~~his~~ their county of residence on election day:

(1) physically disabled persons;

(2) persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board;

(3) certified poll watchers, poll managers, county voter registration board members and staff, county and state election commission members and staff working on election day;

(4) persons attending sick or physically disabled persons;

(5) persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election;

(6) persons with a death or funeral in the family within a three‑day period before the election;

(7) persons who will be serving as jurors in a state or federal court on election day;

(8) persons sixty‑five years of age or older; ~~or~~

(9) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

(10) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.”

PART VIII

Severability and Effective Date

SECTION 11. 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 12. Unless specified otherwise, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

The amendment was then adopted.

Rep. G. M. SMITH proposed the following Amendment No. 3 to S. 825 (COUNCIL\BH\825C007.BH.DG14), which was adopted:

Amend the bill, as and if amended, PART II, by deleting SECTION 3.

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

Rep. J. E. SMITH proposed the following Amendment No. 4 to S. 825 (COUNCIL\GGS\825C001.GGS.ZW14), which was adopted:

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

/ SECTION \_\_\_\_. Section 25‑1‑350 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“(\_\_\_) in his discretion, authorize National Guard personnel to support and assist the National Guard Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety, education, and welfare of South Carolina National Guard personnel and their families.” /

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

/ SECTION \_\_\_\_. Article 11, Chapter 13, Title 51 of the 1976 Code is amended by adding:

“Section 51‑13‑880. Members of the USS Laffey Association who are temporarily present at Patriots Point to perform voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the Executive Director approves and has deemed it safe to do so.” /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | Daning |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gambrell |
| George | Goldfinch | Hamilton |
| Hardwick | Harrell | Hart |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Loftis | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Neal | Norman |
| Norrell | R. L. Ott | Parks |
| Patrick | Pitts | Pope |
| Quinn | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Taylor | Thayer |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--99**

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

The following Bill was taken up:

S. 964 -- Senator L. Martin: A BILL TO AMEND SECTION 6-1-320 OF THE 1976 CODE, RELATING TO THE LIMIT ON ANNUAL PROPERTY TAX MILLAGE INCREASES IMPOSED BY POLITICAL SUBDIVISIONS, TO ADD AN EXEMPTION FOR MILLAGE IMPOSED BY THE GOVERNING BODY FOR OPERATING REVENUE NECESSARY TO RETAIN A FIRE DEPARTMENT'S ISO RATING.

The Ways and Means Committee proposed the following Amendment No. 1 to S. 964 (COUNCIL\BH\964C004.BH.DG14), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 2, by striking lines 8 - 19 and inserting:

/ “( ) Notwithstanding the limitation upon millage rate increases contained in subsection (A), the governing body of a county may adopt an ordinance, subject to a referendum, to suspend the millage rate limitation for the purpose of imposing up to six‑tenths of a mill for mental health. The referendum must be held at the time of the general election, an upon a majority of the qualified voters within the county voting favorably in the referendum, this special millage may be imposed in the next fiscal year. The state election laws apply to the referendum mutatis mutandis. This special millage may be removed only upon a majority vote of the local governing body. The amounts collected from the increased millage:/

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 64; Nays 30

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Ballentine |
| Bannister | Barfield | Bernstein |
| Bowen | Bowers | Branham |
| G. A. Brown | R. L. Brown | Burns |
| Clemmons | Cole | H. A. Crawford |
| Daning | Delleney | Douglas |
| Funderburk | Gambrell | George |
| Hardwick | Harrell | Henderson |
| Hixon | Hodges | Hosey |
| Kennedy | Knight | Lucas |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | V. S. Moss | Murphy |
| Norman | Norrell | R. L. Ott |
| Parks | Patrick | Pitts |
| Pope | Riley | Rivers |
| Ryhal | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Vick | Wells | Whipper |
| White | Whitmire | Williams |
| Wood |  |  |

**Total--64**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Bingham | Brannon | Cobb-Hunter |
| Dillard | Felder | Finlay |
| Forrester | Goldfinch | Hamilton |
| Hart | Hiott | Howard |
| Huggins | Jefferson | King |
| Loftis | Long | Mack |
| McCoy | D. C. Moss | Neal |
| Quinn | Robinson-Simpson | G. M. Smith |
| Southard | Weeks | Willis |

**Total--30**

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

**S. 294--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 294 -- Senators Cleary and Ford: A BILL TO AMEND SECTION 6-4-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPENDITURE OF LOCAL ACCOMMODATION TAX REVENUES, SO AS TO CLARIFY THAT IN CERTAIN SITUATIONS, FUNDS MAY BE USED FOR BEACH RENOURISHMENT, AND TO ALLOW A MUNICIPALITY OR COUNTY, IN CERTAIN SITUATIONS, UPON A TWO-THIRDS VOTE OF THE MEMBERSHIP OF THE LOCAL GOVERNING BODY, TO HOLD THE FUNDS FOR MORE THAN TWO YEARS IF THE FUNDS ARE DESIGNATED FOR THE CONTROL AND REPAIR OF WATERFRONT EROSION, INCLUDING BEACH RENOURISHMENT.

Rep. WHITE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | Daning | Delleney |
| Dillard | Douglas | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gambrell | George |
| Goldfinch | Hardwick | Harrell |
| Hart | Herbkersman | Hiott |
| Hixon | Hodges | Howard |
| Jefferson | Kennedy | King |
| Knight | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Neal |
| Norman | Norrell | R. L. Ott |
| Parks | Patrick | Pope |
| Quinn | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| Simrill | Skelton | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Taylor | Thayer | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--92**

Those who voted in the negative are:

**Total--0**

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

**S. 985--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 985 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 1, TITLE 6, TO ENACT THE "FAIRNESS IN LODGING ACT" SO AS TO ALLOW MUNICIPALITIES AND COUNTIES BY ORDINANCE TO IMPLEMENT ADDITIONAL ENFORCEMENT PROVISIONS FOR THE BUSINESS LICENSE TAX AND THE LOCAL ACCOMMODATIONS TAX AS THOSE PROVISIONS APPLY TO THE OWNERS OF RESIDENTIAL REAL PROPERTY WHO RENT THE PROPERTY TO TOURISTS, INCLUDING DATA SHARING WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE, SPECIFIC NOTICE TO PROPERTY OWNERS INCLUDED IN PROPERTY TAX BILLS, AN ADDITIONAL PENALTY THAT MAY BE IMPOSED FOR NONCOMPLIANCE AFTER THE RECEIPT OF SUCH A NOTICE, AND DIRECTIONS TO THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO IDENTIFY "RENTAL BY OWNER" WEBSITES ADVERTISING TOURISTS RENTALS AND REQUEST THEM TO POST ON THE WEBSITES A STATEMENT REGARDING THE LEGAL OBLIGATIONS OF THE OWNERS OF PROPERTY IN THIS STATE LISTED ON THE WEBSITE, TO PAY ALL APPLICABLE LOCAL AND STATE TAXES AND FEES WITH RESPECT TO SUCH RENTALS; AND TO AMEND SECTIONS 6-1-120, 12-54-240, AS AMENDED, AND 12-4-310, RELATING RESPECTIVELY TO THE CONFIDENTIALITY OF LOCAL AND STATE TAX DATA AND EXCEPTIONS THERETO, AND THE DUTIES OF THE SOUTH CAROLINA DEPARTMENT OF REVENUE, SO AS TO CONFORM THEM TO THE PROVISIONS OF THIS ACT.

Rep. MERRILL proposed the following Amendment No. 2 to S. 985 (COUNCIL\BBM\985C003.BBM.HTC14), which was adopted:

Amend the bill, as and if amended, in SECTION 1, by striking Section 6‑1‑620 beginning on page 3 and inserting:

/ Section 6‑1‑620. (A) When the provisions of this article apply in an implementing jurisdiction, the South Carolina Department of Revenue, and the implementing jurisdiction using returns and copies of returns and other documents filed with or otherwise available to them shall share data helpful to both the department and the implementing jurisdiction in determining possible instances of noncompliance.

(B) Implementing jurisdictions shall include or cause to be included notices in annual property tax notices for parcels of residential real property assessed for property tax purposes pursuant to Section 12‑43‑220(e) as the implementing jurisdiction determines appropriate. These notices must provide details of business license taxes, local accommodations tax, and state sales tax on accommodations required to be paid by persons renting residential real property to tourists in the implementing jurisdiction and the intention of the implementing jurisdiction to vigorously enforce these requirements. Details must include specific information on obtaining additional information with respect to these requirements and the names, addresses, and telephone numbers of officials of implementing jurisdictions that are able to answer questions, provide forms, and assist in compliance. Counties must be reimbursed by implementing municipalities for extra expenses incurred by a county in providing these notices.

(C) In addition to other penalties and interest imposed by the ordinance of an implementing jurisdiction for failure to comply with local accommodations tax requirements imposed pursuant to Article 5 of this chapter required of owners in the business of renting residential accommodations to tourists, the jurisdiction may impose, with respect to a single rental property, a one‑time civil penalty for noncompliance for failure to obtain a required business license of not less than five hundred dollars nor more than two thousand dollars for each seven days the property was rented. This additional penalty may not be imposed unless the owner has received the notice provided pursuant to subsection (B). For purposes of enforcement and collection, this penalty is deemed property tax on the rental property. /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bernstein | Bingham |
| Bowen | Bowers | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | Daning | Delleney |
| Dillard | Douglas | Erickson |
| Felder | Finlay | Forrester |
| Gambrell | George | Goldfinch |
| Hamilton | Hardwick | Harrell |
| Hart | Henderson | Herbkersman |
| Hiott | Hodges | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | Merrill | Mitchell |
| D. C. Moss | Murphy | Neal |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Quinn |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--95**

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. 1000--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 1000 -- Senators Peeler and Reese: A JOINT RESOLUTION TO PROVIDE THAT IN 2015 AND 2016, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN THE MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SEVEN HUNDRED FIFTY-FOUR DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

Rep. WHITE explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | Daning |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gambrell |
| George | Goldfinch | Hamilton |
| Hardwick | Hart | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Murphy |
| Neal | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Quinn | Riley | Ryhal |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--98**

Those who voted in the negative are:

**Total--0**

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

**S. 474--DEBATE ADJOURNED**

Rep. COBB-HUNTER moved to adjourn debate upon the following Bill until Thursday, May 29, which was adopted:

S. 474 -- Senator Setzler: A BILL TO AMEND SECTION 12-21-2420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE ADMISSIONS LICENSE TAX, SO AS TO EXEMPT ADMISSIONS CHARGED BY THE STATE MUSEUM.

Rep. BARFIELD 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. 3327 -- Rep. Parks: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 28 IN MCCORMICK COUNTY STARTING FROM ITS INTERSECTION WITH BREWER ROAD TO ITS INTERSECTION WITH RANDOLPH HAMPTON ROAD "DR. MARTIN LUTHER KING, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "DR. MARTIN LUTHER KING, JR. MEMORIAL HIGHWAY".

H. 4394 -- Rep. Allison: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE DEDICATION SIGNS AT THE INTERSECTION OF HIGHWAY 14 AND INTERSTATE HIGHWAY 85 IN GREENVILLE COUNTY THAT CONTAIN THE WORDS "GIBBS CANCER CENTER & RESEARCH INSTITUTE-PELHAM", AND ERECT APPROPRIATE DEDICATION SIGNS AT THE INTERSECTION OF INTERSTATE HIGHWAYS 585 AND 85 IN SPARTANBURG COUNTY THAT CONTAIN THE WORDS "GIBBS CANCER CENTER & RESEARCH INSTITUTE".

H. 4642 -- Reps. Gagnon, Gambrell and Southard: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 THAT IS LOCATED WITHIN THE CALHOUN FALLS TOWN LIMITS "CHIEF BILLY HAYNIE MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CHIEF BILLY HAYNIE MEMORIAL HIGHWAY".

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

H. 5228 -- Rep. Daning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAYS 52 AND 78 IN CHARLESTON COUNTY "WILLIAM E. 'BILL' CROSBY INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE FOUR ENTRANCE POINTS TO THIS INTERCHANGE THAT CONTAIN THE WORDS "WILLIAM E. 'BILL' CROSBY INTERCHANGE".

H. 4388 -- Rep. Thayer: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF NORTH HAMILTON STREET IN THE TOWN OF WILLIAMSTON FROM ITS INTERSECTION WITH GREENVILLE DRIVE TO ITS INTERSECTION WITH MINOR STREET "DR. MARTIN LUTHER KING, JR. MEMORIAL DRIVE", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "DR. MARTIN LUTHER KING, JR. MEMORIAL DRIVE".

**ADJOURNMENT**

At 5:30 p.m. the House, in accordance with the motion of Rep. ALLISON, adjourned in memory of Gail Marchbanks Sanders of Liberty, to meet at 10:00 a.m. tomorrow.

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