~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Numbers 6:24-26: “The Lord said to Moses, tell Aaron and his sons to bless the people in this way; The Lord bless you and keep you; the Lord make his face shine upon you and be gracious to you. The Lord look in favor on you and give you peace.”

Let us pray. Almighty God, grant Your blessings upon these Representatives, staff, and their families as they return home from this Legislative Session. Bless the work they have accomplished and whatever they have failed to do, forgive them. We give You thanks for the privilege of service to this State. Continue to care for each as they return to their districts. Look in favor upon our Nation, President, State, Governor, Speaker, and all who labor and continue to serve in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. WHITMIRE moved that when the House adjourns, it adjourn in memory of Miriam Goodwin Thacker of Demorest, Georgia, mother-in-law of Representative Whitmire, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 34 to 12:

Veto 1. Fiscal Year 2009-10 General Appropriation Act Part IA Funding, in its entirety, pages 1 - 281.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 34 to 11:

Veto 2. Part III Fiscal Year 2009-10 State Stabilization Fund, in its entirety, pages 484 - 487.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES

Very respectfully,

President

Received as information.

**INTRODUCTION OF BILLS**

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

H. 4113 -- Rep. Kirsh: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-45-17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12-59-85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; TO AMEND SECTION 12-37-2725, RELATING TO CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE AND THE PRORATED PROPERTY TAX REFUND DUE ON THAT CANCELLATION, SO AS TO ALLOW THE APPROPRIATE RECEIPT ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO SUBSTITUTE FOR THE ACTUAL LICENSE PLATE AND CERTIFICATE; TO AMEND SECTION 12-37-3150, AS AMENDED, RELATING TO ASSESSABLE TRANSFERS OF INTEREST FOR PURPOSES OF DETERMINING THE VALUE OF REAL PROPERTY FOR PROPERTY TAXATION, SO AS TO PROVIDE A CIVIL PENALTY FOR FAILURE TO PROVIDE NOTICE TO THE ASSESSOR OF OWNERSHIP TRANSFERS OF CERTAIN BUSINESS REAL PROPERTY; TO AMEND SECTION 12-39-220, RELATING TO THE DISCOVERY OF UNTAXED PROPERTY FOR PURPOSES OF PROPERTY TAXES, SO AS TO PROVIDE THE DUTIES OF THE ASSESSOR WITH RESPECT TO THIS PROPERTY; TO AMEND SECTIONS 12-51-50, AS AMENDED, AND 12-51-70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO ONE THOUSAND DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE; AND TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO THE TIME LIMITS APPLICABLE FOR ASSESSING DELINQUENT TAXES, SO AS TO MAKE A CONFORMING AMENDMENT.

Referred to Committee on Ways and Means

S. 562 -- Senator McConnell: A BILL TO AMEND SECTION 56-5-750, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO THE FAILURE OF A DRIVER TO STOP A MOTOR VEHICLE WHEN SIGNALED BY A LAW ENFORCEMENT VEHICLE, SO AS TO PROVIDE THAT A DRIVER MAY PROCEED TO A REASONABLY CLOSE AND SAFE LOCATION BEFORE STOPPING.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Knight |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | A. D. Young | T. R. Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, May 21.

|  |  |
| --- | --- |
| Paul Agnew | Wendell Gilliard |
| Timothy E. Scott | Boyd Brown |
| Jackson "Seth" Whipper | James E. Stewart |
| Bakari Sellers | Thad Viers |
| Wendy Nanney | Todd Rutherford |
| Chris Hart | Alan D. Clemmons |
| Jerry Govan | Douglas Jennings |
| H.B. "Chip" Limehouse |  |

**Total Present--123**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CLEMMONS a temporary leave of absence due to attending and giving testimony at the S. C. Department of Transportation hearing wherein the construction of Interstate 73 was approved, subject to funding, between Interstate 95 and U.S. Highway 501.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Anthony E. Harris of Aiken was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. MILLER presented to the House the Waccamaw High School "Warriors" Varsity Boys Golf Team, the 2009 Class AA Champions, their coach and other school officials.

**SPECIAL PRESENTATION**

Rep. MILLER presented to the House the Waccamaw High School "Warriors" Varsity Boys Tennis Team, the 2009 Class AA Champions, their coach and other school officials.

**SPECIAL PRESENTATION**

Rep. PINSON presented to the House the Greenwood High School "Eagles" Varsity Boys Tennis Team, the 2009 Class AAAA Champions, their coach and other school officials.

**CO-SPONSOR ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3994 |
| Date: | ADD: |
| 05/21/09 | WILLIS |

**H. 3919--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3919 -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J. R. Smith, King, Kirsh, Littlejohn, J. M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb-Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J. H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

Rep. MITCHELL explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 58; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Brady |
| Branham | Brantley | Chalk |
| Clyburn | Cobb-Hunter | Cole |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Gambrell | Gullick | Harrell |
| Harvin | Hayes | Hiott |
| Horne | Hosey | Hutto |
| Kelly | King | Littlejohn |
| Long | Lowe | McEachern |
| Mitchell | D. C. Moss | V. S. Moss |
| J. M. Neal | Neilson | Ott |
| Parker | Pinson | E. H. Pitts |
| Rice | Sandifer | Simrill |
| Skelton | D. C. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Toole | Umphlett | Williams |
| A. D. Young |  |  |

**Total--58**

Those who voted in the negative are:

**Total--0**

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. 3342--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3342 -- Reps. Delleney, Simrill, Nanney, Allison, Clemmons, Erickson, Hamilton, Lucas, Owens, Parker, Pinson, Scott, G. R. Smith, J. R. Smith, Loftis, Duncan, Hiott, Bedingfield, Rice and Vick: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

Rep. DELLENEY proposed the following Amendment No. 1 (COUNCIL\MS\7402AHB09), which was adopted:

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

/ SECTION 1. Section 2‑7‑30 of the 1976 Code is amended to read:

“Section 2‑7‑30. (A) The words ‘person’ and ‘party’ and any other word importing the singular number used in any act or joint resolution shall be held to include the plural and to include firms, companies, associations, and corporations and all words in the plural shall apply also to the singular in all cases in which the spirit and intent of the act or joint resolution may require it. All words in an act or joint resolution importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males. And all words importing the present tense shall apply to the future also.

(B)(1) In determining the meaning of any act or joint resolution of the General Assembly or in a regulation promulgated pursuant to Article 1, Chapter 23, Title 1, the words ‘person’, ‘human being’, ‘child’, and ‘individual’, must include every infant member of the species homo sapiens who is born alive at any stage of development.

(2) As used in this subsection, the term ‘born alive’, with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(3) Nothing in this subsection may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being ‘born alive’ as defined in this subsection.”

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

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

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

Yeas 86; Nays 24

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Weeks |
| White | Whitmire | Willis |
| A. D. Young | T. R. Young |  |

**Total--86**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Brantley |
| R. L. Brown | Cobb-Hunter | Funderburk |
| Gilliard | Hart | Harvin |
| Hodges | Hosey | Hutto |
| Jefferson | Kennedy | King |
| Mack | McEachern | McLeod |
| J. H. Neal | Parks | Rutherford |
| J. E. Smith | Whipper | Williams |

**Total--24**

So, the amendment was adopted.

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

**S. 537--TABLED**

The following Joint Resolution was taken up:

S. 537 -- Senator Setzler: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS RESIDING IN SCHOOL DISTRICTS THAT CLOSED DUE TO SNOW ON MARCH 2, 2009, IS WAIVED FOR STUDENTS IN LEXINGTON SCHOOL DISTRICTS ONE, TWO, THREE, AND FOUR.

Rep. HUGGINS moved to table the Joint Resolution, which was agreed to.

**ORDERED TO THIRD READING**

The following Joint Resolution was taken up, read the second time, and ordered to a third reading:

H. 4107 -- Reps. White and Bowen: A JOINT RESOLUTION TO REQUIRE ALL ROAD IMPROVEMENTS NECESSITATED BY SCHOOL CONSTRUCTION PROJECTS IN ANDERSON COUNTY SCHOOL DISTRICT FIVE FUNDED BY THE DISTRICT'S APRIL 2007 ONE HUNDRED FORTY MILLION DOLLAR BOND ISSUE REFERENDUM TO BE PAID FOR SOLELY FROM PROCEEDS OF THAT BOND ISSUE.

**SENT TO THE SENATE**

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 3603 -- Reps. Gullick and M. A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-1-65 SO AS TO PROVIDE A PERSON WHO POLLUTES THE WATERS OF THIS STATE AS DEFINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL GIVE PUBLIC-NOTICE OF THE POLLUTION IN A MANNER PRESCRIBED BY THE DEPARTMENT; TO PROVIDE THE BOARD OF THE DEPARTMENT SHALL PRESCRIBE THIS PUBLIC-NOTICE PROCEDURE; TO PROVIDE CERTAIN SPECIFICATIONS THE BOARD MUST INCLUDE IN THIS PUBLIC-NOTICE PROCEDURE; AND TO PROVIDE A VIOLATION IS A MISDEMEANOR SUBJECT TO A FINE, IMPRISONMENT, OR BOTH.

H. 4022 -- Reps. E. H. Pitts, G. M. Smith, G. R. Smith, Millwood, Hamilton, Nanney, Bedingfield, Duncan, M. A. Pitts, Simrill, V. S. Moss, Gambrell, Rice, Owens, Vick and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE "SOUTH CAROLINA FIREARMS FREEDOM ACT", TO PROVIDE THAT A FIREARM, FIREARM ACCESSORY, OR AMMUNITION MANUFACTURED AND RETAINED IN SOUTH CAROLINA IS EXEMPT FROM FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE CONSTITUTION OF THE UNITED STATES.

H. 4005 -- Reps. Sellers, Bingham, Ott, A. D. Young and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-13-1335 SO AS TO MAKE IT UNLAWFUL FOR AN INDIVIDUAL SEEKING ELECTION TO MEMBERSHIP ON THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING FILLED BY A VOTE OF THE GENERAL ASSEMBLY TO MAKE OR OFFER TO MAKE A CONTRIBUTION TO A CANDIDATE FOR THE GENERAL ASSEMBLY OR HOST OR SPONSOR ANY FUNDRAISING EVENT FOR SUCH A CANDIDATE FROM THE TIME THE INDIVIDUAL FILES THE NOTICE OF INTENTION TO SEEK MEMBERSHIP ON THE BOARD THROUGH THE DATE THE OFFICE IS FILLED.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were 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. 323 -- Senator Thomas: A BILL TO AMEND SECTION 38-90-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING OF A CAPTIVE INSURANCE COMPANY, SO AS TO PROHIBIT A CAPTIVE INSURANCE COMPANY FROM WRITING WORKERS’ COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE APPLICATION BEING INVESTIGATED; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO AUTHORIZE A REDUCTION IN REQUIRED TRUST FUNDS FOR A BRANCH CAPTIVE INSURANCE COMPANY THAT POSTS SECURITY FOR LOSS RESERVES ON BRANCH BUSINESS TO A FRONT COMPANY; TO AMEND SECTION 38-90-55, RELATING TO INCORPORATION OF A CAPTIVE REINSURANCE COMPANY, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS OF CERTAIN TYPE OF CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO AUTHORIZE THE DIRECTOR TO GRANT AN EXTENSION OR WAIVE THE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 38-90-75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO PROVIDE THE SECTION APPLIES TO A CAPTIVE INSURANCE COMPANY, DELETE THE MANNER IN WHICH THE RESERVES WERE DISCOUNTED, AND PROVIDE THAT THIS PROCESS MAY BE ACCOMPLISHED WITH PRIOR WRITTEN APPROVAL BY THE DIRECTOR; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL OF THE INSPECTIONS AND EXAMINATIONS AND AUTHORIZE THE DIRECTOR TO WAIVE THE REQUIREMENT FOR A VISIT TO CERTAIN COMPANIES; TO AMEND SECTION 38-90-90, RELATING TO SUSPENSION OR REVOCATION OF THE LICENSE OF A CAPTIVE INSURANCE COMPANY, SO AS TO AUTHORIZE THE DIRECTOR TO IMPOSE A FINE INSTEAD OF REVOKING OR SUSPENDING A LICENSE; TO AMEND SECTION 38-90-130, RELATING TO THE PROHIBITION OF A CAPTIVE INSURANCE COMPANY FROM PARTICIPATING IN A PLAN, POOL, ASSOCIATION, OR GUARANTY OR INSOLVENCY FUND, SO AS TO AUTHORIZE A COMPANY TO PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE THE PROVISIONS OF CHAPTERS 26 AND 27 APPLICABLE TO CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-440, AS AMENDED, RELATING TO LICENSING OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO PROVIDE THE BASIS FOR CALCULATING A PROCESSING FEE, AND CLARIFY THAT SIX THOUSAND DOLLARS BASED ON A MINIMUM FEE OF TWELVE THOUSAND DOLLARS IS PAYABLE UPON FILING OF THE APPLICATION; TO AMEND SECTION 38-90-450, AS AMENDED, RELATING TO THE ORGANIZATION REQUIREMENTS OF A SPECIAL PURPOSE FINANCIAL CAPTIVE, SO AS TO CHANGE FROM MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR WHEN ISSUING A CERTIFICATE; AND TO AMEND SECTION 38-90-560, RELATING TO EXAMINATIONS BY THE DIRECTOR OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL THAT A COMPANY MUST BE INSPECTED AND DELETE THE AUTHORITY OF THE DIRECTOR TO ENLARGE THE PERIOD OF INSPECTION UNDER CERTAIN CIRCUMSTANCES.

S. 756 -- Senator Hayes: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF YORK COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

S. 155 -- Senators Campsen, Rose, Hayes and Lourie: A BILL TO AMEND CHAPTER 7, TITLE 20 OF THE 1976 CODE BY ADDING ARTICLE 33 TO ENACT THE "MILITARY PARENT EQUAL PROTECTION ACT", TO PROVIDE THAT A MILITARY PARENT'S MILITARY SERVICE SHALL NOT BE CONSIDERED A CHANGE IN CIRCUMSTANCE FOR PURPOSES OF CHILD CUSTODY AND VISITATION, TO PROVIDE THAT THE CUSTODIAL NON-MILITARY PARENT MUST REASONABLY ACCOMMODATE THE MILITARY PARENT'S LEAVE SCHEDULE, TO PROVIDE THAT THE FAMILY COURT MAY HOLD AN EXPEDITED TEMPORARY HEARING TO ENSURE THAT THE MILITARY PARENT HAS ACCESS TO A MINOR CHILD, AND TO PROVIDE THAT ANY INCREASE OR DECREASE IN EARNING CAPACITY DUE TO MILITARY SERVICE IS NOT CONSIDERED A PERMANENT CHANGE; AND TO AMEND CHAPTER 1, TITLE 15, BY ADDING SECTION 15-1-340, TO PROVIDE THAT A SERVICE MEMBER ENTITLED TO A STAY PURSUANT TO THE SERVICE MEMBERS CIVIL RELIEF ACT MAY SEEK RELIEF AND PROVIDE TESTIMONY BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS.

S. 793 -- Senators Pinckney and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 37 TO TITLE 6, SO AS TO PROVIDE FOR THE BEAUFORT JASPER WATER AND SEWER AUTHORITY TO REMOVE CERTAIN RESTRICTIONS ON THE AREAS IN WHICH THE AUTHORITY PROVIDES SERVICES, TO FURTHER PRESCRIBE THE AUTHORITY’S FUNCTIONS AND POWERS REGARDING WATER AND WASTE WATER SERVICES, TO PRESCRIBE THE CONDITIONS AND TERMS UPON WHICH MUNICIPAL CORPORATIONS AND OTHER PUBLIC BODIES OR AGENCIES OPERATING WATER DISTRIBUTION AND WASTE WATER SYSTEMS IN BEAUFORT, JASPER, HAMPTON, AND COLLETON COUNTIES MAY ACQUIRE SERVICES FROM THE AUTHORITY, AND TO CHANGE THE NAME OF THE AUTHORITY TO THE BEAUFORT JASPER WATER AND SEWER AUTHORITY.

**H. 3561--DEBATE ADJOURNED**

Rep. A. D. YOUNG moved to adjourn debate upon the following Joint Resolution until Friday, May 22, which was adopted:

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

**H. 3854--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Friday, May 22, which was adopted:

H. 3854 -- Rep. Cooper: A BILL TO AMEND TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAXATION, SO AS TO REVISE CERTAIN CHAPTERS AND SECTIONS PERTAINING TO VARIOUS TAX MATTERS.

**H. 3798--DEBATE ADJOURNED**

Rep. KING moved to adjourn debate upon the following Bill until Friday, May 22, which was adopted:

H. 3798 -- Reps. Bannister, Harrison and King: A BILL TO AMEND SECTION 17-15-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE INSTEAD OF A BOND, ASSIGNMENT OF THE DEPOSIT, AND RESTITUTION TO THE VICTIM, SO AS TO PROVIDE FOR THE DEPOSIT OF A CASH AMOUNT BY THE DEFENDANT THROUGH AN ACCOMMODATION BONDSMAN, TO INCREASE THE CASH AMOUNT PERCENTAGE TO NOT LESS THAN TWENTY-FIVE PERCENT, AND TO REQUIRE THE ACCOMMODATION BONDSMAN TO PAY A HANDLING FEE TO THE CLERK OF COURT EQUAL TO FOUR PERCENT OF THE AMOUNT OF THE BOND SET.

**H. 4087--DEBATE ADJOURNED**

Rep. ALLEN moved to adjourn debate upon the following Bill until Friday, May 22, which was adopted:

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

**S. 186--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill until Friday, May 22, which was adopted:

S. 186 -- Senators McConnell and Campsen: A BILL TO AMEND SECTION 15-77-300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALLOWANCE OF ATTORNEY'S FEES IN STATE-INITIATED ACTIONS, SO AS TO LIMIT THE FEE TO A REASONABLE TIME EXPENDED AT A REASONABLE RATE.

**S. 126--FREE CONFERENCE POWERS GRANTED**

Rep. OWENS moved that the Committee of Conference on the following Bill be resolved into a Committee of Free Conference and briefly explained the Conference Committee's reasons for this request:

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM “HANDICAPPED”, DELETE THE TERM “LICENSE TAG” AND REPLACE IT WITH THE TERM “LICENSE PLATE”, AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM “HANDICAPPED”, AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON’S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM “HANDICAPPED”, TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED AND TO DEFINE THE TERM “ACCESS AISLE”; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, PROPER USE AND DISPLAY OF HANDICAPPED PLACARDS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISION; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS; TO AMEND SECTION 56-3-1970, RELATING TO THE UNLAWFUL PARKING OF A VEHICLE IN A PARKING PLACE DESIGNATED FOR HANDICAPPED PERSON, SO AS TO PROVIDE THAT IT IS ALSO UNLAWFUL FOR CERTAIN PERSONS TO EXERCISE THE PRIVILEGES GRANTED TO A HOLDER OF A LICENSE PLATE OR PLACARD DESIGNATED FOR USE BY A HANDICAPPED PERSON, AND TO INCREASE THE PENALTY FOR A VIOLATION OF THIS PROVISION; AND TO AMEND SECTION 56-3-1975, RELATING TO THE IDENTIFICATION AND MAINTENANCE OF HANDICAPPED PARKING PLACES, SO AS TO PROVIDE THAT A HANDICAPPED PARKING PLACE INCLUDES ALL ACCESS AISLES.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Chalk | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Gambrell | Gilliard |
| Gullick | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | Neilson |
| Ott | Owens | Parker |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Rutherford | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | A. D. Young | T. R. Young |

**Total--99**

Those who voted in the negative are:

**Total--0**

So, the motion to resolve the Committee of Conference into a Committee of Free Conference was agreed to.

The Committee of Conference was thereby resolved into a Committee of Free Conference. The SPEAKER appointed Reps. OWENS, BRANHAM and D. C. SMITH to the Committee of Free Conference and a message was ordered sent to the Senate accordingly.

**S. 126--FREE CONFERENCE REPORT ADOPTED**

**FREE CONFERENCE REPORT**

S. 126

The General Assembly, Columbia, S.C., May 19, 2009

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 126 ‑‑ Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56‑3‑1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM “HANDICAPPED”, DELETE THE TERM “LICENSE TAG” AND REPLACE IT WITH THE TERM “LICENSE PLATE”, AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56‑3‑1950, RELATING TO THE DEFINITION OF THE TERM “HANDICAPPED”, AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON’S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM “HANDICAPPED” AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56‑3‑1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56‑3‑1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56‑3‑2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 56‑3‑1910 of the 1976 Code is amended to read:

“Section 56‑3‑1910. (A) As used in this article, ‘handicapped’ means a person who has one or more of the following conditions:

(1) an inability to ordinarily walk one hundred feet nonstop without aggravating an existing medical condition, including the increase of pain;

(2) an inability to ordinarily walk without the use of, or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(3) a restriction by lung disease to the extent that the person’s forced expiratory volume for one second when measured by spirometry is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(4) requires use of portable oxygen;

(5) a cardiac condition to the extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association. If the person’s status improves to a higher level, for example as a result of bypass surgery or transplantation, he no longer meets this criteria;

(6) a substantial limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition, for example, coordination problems and muscle spasticity due to conditions that include Parkinson’s disease, cerebral palsy, or multiple sclerosis; or

(7) blindness.

(B) Upon payment of the regular motor vehicle license fee, the department may issue a license ~~tag~~ plate with a special number or identification indicating that the ~~tag~~ license plate was issued to a person ~~(a) disabled by an impairment in the use of one or more limbs and required to use a wheelchair or (b) disabled by an impairment in mobility, but otherwise qualified for a driver’s license as determined by the department. Each application for the license must be accompanied by the certificate of a licensed physician as defined in Section 40‑47‑5 as to the permanency of limb impairment or as to the severity or the permanency of mobility impairment.~~ certified as permanently handicapped. A license plate issued pursuant to this section must be accompanied by a certification form completed by a licensed physician.

(C)(1) The department must develop a standardized certification form designed to capture criteria related information relating to persons considered handicapped. The form shall indicate whether the applicant meets one or more of the criteria, whether the condition is permanent or temporary, and if temporary, the expected duration.

(2) All persons that have been issued a handicapped license plate as of the effective date of this section will be issued a certificate upon renewal of the license plate. To renew the plate and receive the certificate, the person must be certified as permanently handicapped as provided in this section. Failure to carry a certificate as required by this section by a person that has been issued a handicapped license plate as of the effective date of this section is not a violation of the provisions of this section until after the person renews his license plate.

(D) Forms must be completed by physicians licensed to practice in South Carolina as defined in Section 40‑47‑5.

(E) The special license plate authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who meets the requirements of this section if the vehicle is owned and titled in the name of the disabled person or in the name of a member of his immediate family.

(F) The special license ~~tag~~ plate authorized by this section may also be issued for a vehicle of special design and equipment designed to transport a disabled person who ~~meets~~ is certified as meeting the requirements of this section ~~if the vehicle is owned and titled in the name of the disabled person or in the name of a member of his immediate family or~~ for a vehicle used by an agency, organization, or facility ~~that is designed to transport a handicapped or disabled person if the vehicle is titled in the name of the agency, organization, or facility~~. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician is not required to apply for the special license ~~tag~~ plate issued to the agency, organization, or facility.

(G) When processing applications for special license plates pursuant to this section, the department shall also issue a license plate registration certificate that must be carried at all times in the vehicle driven by or transporting the disabled individual. The certificate must display the name of the individual or organization to which the plate was issued.

(H) Vehicles displaying a special handicapped license plate may only park in designated handicapped parking spaces if that vehicle is driven by or transporting the disabled individual whose name appears on the license plate registration certificate, or if the certificate lists the name of the agency, organization, or facility authorized under subsection (G). The driver of the vehicle displaying the plate must present the registration when requested by law enforcement entities or their duly authorized agents.

(I) A person who qualifies for a license plate under this section and also qualifies as a disabled veteran under Section 56‑3‑1110 must be issued the license plate provided for in this section free of charge.

(J)(1) Except as provided in item (2), a person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars and not more than one thousand dollars or imprisoned for not more than thirty days for each offense.

(2) A person who illegally duplicates, forges, or sells a handicapped license plate or a person who falsifies information on an application form for a handicapped license plate is guilty of a misdemeanor and, upon conviction, must be imprisoned for thirty days and fined not less than five hundred dollars and not more than one thousand dollars.”

SECTION 2. Section 56‑3‑1950 of the 1976 Code is amended to read:

“Section 56‑3‑1950. As used in this article:

(1) ~~‘Handicapped’~~ ‘Handicapped’ means a person ~~who:~~

~~(a)~~ ~~has an obvious physical disability that impairs the ability to walk or requires the use of a wheelchair, braces, walkers, or crutches;~~

~~(b)~~ ~~has lost the use of one or both legs;~~

~~(c)~~ ~~suffers from lung disease to such an extent that he is unable to walk without the aid of a respirator;~~

~~(d)~~ ~~is disabled by an impairment in mobility; or~~

~~(e)~~ ~~is determined by the Social Security Administration or the Veterans Administration to be totally and permanently disabled.~~

~~(2)~~ ~~A licensed physician shall certify that the total and permanent disability substantially impairs the ability to walk, unless the applicant is an agency or organization complying with Section 56‑3‑1910.~~ as defined in Section 56‑3‑1910.

(2) ‘Access aisle’ means a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for handicapped persons, on public or private property. Access aisles must be marked so as to discourage parking in them.”

SECTION 3. Section 56‑3‑1960 of the 1976 Code is amended to read:

“Section 56‑3‑1960. (A)~~(1)~~ ~~Any person who is handicapped as defined in this article must be allowed to park in metered or timed parking places without being subject to parking fees or fines. This section has no application to those areas or during those times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege, a vehicle must display a distinguishing license plate which must be issued by the department, pursuant to this section, Section 56‑3‑1910, or Section 56‑3‑1110, for vehicles registered to the disabled person. The license plate must be issued for the usual fee applicable to standard license plates, except that a person who qualifies for a license plate under this section and also qualifies as a disabled veteran under Section 56‑3‑1110 must be issued the license plate provided for in this section free of charge. Application must be made on a form prescribed by the department and applicants may apply by mail. Each application must be accompanied by a certificate from a licensed physician as defined in Section 40‑47‑5 that the applicant is handicapped as defined in this article and that the handicap is permanent. No applicant may be denied a license plate if the completed application is accompanied by a certificate from a licensed physician as defined in Section 40‑47‑5 as required by this subsection.~~

~~(2)~~ ~~An agency, organization, or facility that transports a disabled or handicapped person or any person who is handicapped as defined in this article may apply to the department for issuance of a temporary or permanent distinguishing placard to be designed by the department. The department, if necessary, may design another distinguishing placard for an agency, organization, or facility that is eligible for a placard, however, all placards must be at least three inches by nine and one‑half inches in size and must hang from the rearview mirror of a vehicle or be displayed on the driver’s side dashboard when there is no hanging apparatus. The placard must be used on vehicles transporting the disabled person in lieu of the distinguishing license plate issued pursuant to subsection (1) of this section. When the placard is displayed on the driver’s side dashboard of a vehicle, all parking rights and privileges extended to vehicles displaying a distinguishing license plate issued pursuant to subsection (1) of this section are applicable to the vehicle. The department shall establish procedures for the issuance of distinguishing placards, and the procedures shall permit applicants to apply by mail. Each application must be accompanied by a certificate from a licensed physician as defined in Section 40‑47‑5 that the applicant is handicapped as defined in this article, except that a physician’s certificate is not required for applications by an agency, organization, or facility which must include sufficient documentation as may be prescribed by the department that the applying agency, organization, or facility transports handicapped or disabled persons. The physician shall state on the certificate whether the applicant is handicapped temporarily or permanently. If the applicant is temporarily handicapped, the physician shall state the length of time for which the applicant is temporarily handicapped. A placard issued for a temporary disability is valid only for the anticipated length of time of the disability specified by the physician in the certificate. No applicant may be denied a placard if the applicant follows the procedures established by the department and if the completed application is accompanied by a certificate from a licensed physician as defined in Section 40‑47‑5,~~  ~~as required by this subsection.~~ A person who is ‘handicapped’ as defined in Section 56‑3‑1910 may apply to the department for issuance of a temporary or permanent placard. A person may be issued a temporary placard if the condition causing his handicap is expected to last for at least four months. No applicant may be denied a placard if the applicant follows the procedures established by the department and if the application is accompanied by a certificate from a licensed physician that certifies that the individual is handicapped and whether the handicap is temporary or permanent. The placards must indicate that the person is qualified to use reserved handicapped parking spaces. Applications for placards must be processed through and issued by the department’s headquarters. Only one placard may be issued to an applicant. The certification procedure shall adhere to the requirements set forth in Section 56‑3‑1910. In conjunction with the issuance of a placard, applicants also must be issued a placard registration certificate that must be carried at all times in the vehicle driven by or transporting the handicapped individual. The certificate will display the name of the individual to which the placard was issued. A placard can only be displayed on a vehicle driven by or transporting the disabled individual whose name appears on the placard registration certificate. The department shall charge a fee of one dollar for a placard ~~and may issue two placards to an individual applicant upon request~~. An agency, organization, or facility that transports a disabled or handicapped person may receive a placard for each vehicle registered upon proper application and the payment of the appropriate fees.

~~The permanent placards may be issued and renewed only for a maximum period of four years renewable on the owner’s birth date; however, placards issued to an agency, organization, or facility must be renewed every four years. The placards must be of a color as determined by the department which is easily recognizable by law enforcement personnel. The placard shall indicate on its face when it expires.~~

~~(3)~~ ~~A vehicle displaying an out‑of‑state handicapped license plate or placard or other evidence of handicap issued by the appropriate authority as determined by the department is entitled to the parking privileges provided for in this section.~~

(B) The placards authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who is certified as meeting the requirements of this section for a vehicle used by an agency, organization, or facility that is designed to transport a handicapped or disabled person if the vehicle is titled in the name of the agency, organization, or facility. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician is not required to apply for placards issued to an agency, organization, or facility. At the time of qualification, applicants qualifying for a placard under this section also must be issued a placard registration certificate that must be carried at all times in the vehicle transporting handicapped or disabled individuals. The certificate will display the name of the agency, organization, or facility to which the placard was issued.

(C) The placards shall conform to specifications set forth in the standards established for compliance with the Americans with Disabilities Act. The design must incorporate a means for hanging the placard from a vehicle windshield rearview mirror, and:

(1) contain the international symbol of access;

(2) be color‑coded to reflect user status in the following manner:

(a) dark blue ‑ permanently disabled; and

(b) red ‑ temporarily disabled.

(D) Blue and red placards shall contain the qualified user’s photograph. The photograph must be taken from the qualified user’s driver’s license or identification card on file with the department. However, a photograph is not required for a placard issued to an agency, organization, or facility.

(E) Each placard shall contain the placard’s expiration date.

(F) When qualified users park in designated spaces, the placard must be displayed in the windshield of the vehicle by hanging it from the rearview mirror. In vehicles in which hanging may not be feasible, the placard must be placed on the side of the dashboard so that it is clearly visible through the windshield. When more than one placard holder is transported in the same vehicle, only one placard needs to be displayed.

(G) Placards used for parking in designated handicapped spaces must be displayed on vehicles driven by or transporting the handicapped individual whose name appears on the placard registration certificate. When parked in designated spaces, the driver of the vehicle displaying the placard must present the placard registration certificate when requested by law enforcement entities or their duly authorized agents.

(H) Placards and placard registration certificates for permanently disabled persons may be issued and renewed for a maximum period of four years and are renewable on the owner’s birth date. Placards issued to an agency, organization, or facility must be renewed every four years.

(I) A vehicle displaying a valid out‑of‑state handicapped license plate or placard or other evidence of handicap issued by the appropriate authority as determined by the department is entitled to the parking privileges provided in this section. Handicapped individuals from other states seeking permanent residence in South Carolina have forty‑five days after becoming a resident to obtain South Carolina certification.

(J) Placards issued prior to the effective date of this section must be renewed by the expiration date on the placard or by January 1, 2013, whichever is sooner. To renew the placard and receive the certificate, the person must be certified as permanently handicapped as provided in Section 56‑3‑1910. Upon renewal, the department will issue a certificate as required by this section. Failure to carry a certificate as required by this section by a person using a placard issued prior to the effective date of this section is not a violation of the provisions of this section until after the placard is renewed or January 1, 2013, whichever is sooner.

(K)(1) Except as provided in item (2), a person that violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days, or both, for each offense.

(2) A person who illegally duplicates, forges, or sells a handicapped placard or a person who falsifies information on an application form for a handicapped placard is guilty of a misdemeanor and, upon conviction, must be imprisoned for thirty days and fined not less than five hundred dollars and not more than one thousand dollars.”

SECTION 4. Section 56‑3‑1965 of the 1976 Code is amended to read:

“Section 56‑3‑1965. Those municipalities having marked parking spaces shall provide appropriately designated space or spaces reserved for the parking of handicapped persons. A person who is handicapped as defined in this article must be allowed to park in metered or timed parking places without being subject to parking fees or fines. This section does not apply to areas or during times in which the stopping, parking, or standing of all vehicles is prohibited or to areas which are reserved for special types of vehicles. A vehicle must display a distinguishing license plate which must be issued by the department, or a distinguishing placard which must be issued by the department, pursuant to Section 56‑3‑1960 when parked in metered or timed parking places.”

SECTION 5. Section 56‑3‑2010 of the 1976 Code is amended by adding at the end:

“(C) If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped license plate issued pursuant to Section 56‑3‑1910, then the license plate issued pursuant to this section also shall include a decal with the International Symbol of Access used on license plates issued pursuant to Section 56‑3‑1910. The decal can only be used if space is available to place the decal on the license plate without covering any identifying numbers or letters on the license plate.”

SECTION 6. Section 56‑3‑1970 of the 1976 Code is amended to read:

“Section 56‑3‑1970. (A) It is unlawful to park any vehicle in a parking place clearly designated for handicapped persons unless the vehicle bears the distinguishing license plate or placard provided in Section 56‑3‑1960.

(B) It is unlawful for any person who is not handicapped or who is not transporting a handicapped person to exercise the parking privileges granted handicapped persons pursuant to Sections 56‑3‑1910, ~~Section~~ 56‑3‑1960, and 56‑3‑1965.

(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than ~~one~~ five hundred dollars nor more than ~~two hundred~~ one thousand dollars or imprisoned for not more than thirty days for each offense.”

SECTION 7. Section 56‑3‑1975 of the 1976 Code is amended to read:

“Section 56‑3‑1975. Each handicapped parking place must be clearly identified as a handicapped parking place. The handicapped parking place includes all access aisles. If the handicapped parking place is on public property, the marker must be maintained by the political subdivision having jurisdiction over the public property or the street or highway where the handicapped parking place is located. If the handicapped parking place is on private property, the marker must be maintained by the owner of the property.”

SECTION 8. This act takes effect six months after approval by the Governor. /

Amend title to read:

/ TO AMEND SECTION 56‑3‑1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM “HANDICAPPED”, DELETE THE TERM “LICENSE TAG” AND REPLACE IT WITH THE TERM “LICENSE PLATE”, AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56‑3‑1950, RELATING TO THE DEFINITION OF THE TERM “HANDICAPPED”, AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON’S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM “HANDICAPPED”, TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED AND TO DEFINE THE TERM “ACCESS AISLE”; TO AMEND SECTION 56‑3‑1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, PROPER USE AND DISPLAY OF HANDICAPPED PLACARDS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISION; TO AMEND SECTION 56‑3‑1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56‑3‑2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS; TO AMEND SECTION 56‑3‑1970, RELATING TO THE UNLAWFUL PARKING OF A VEHICLE IN A PARKING PLACE DESIGNATED FOR HANDICAPPED PERSON, SO AS TO PROVIDE THAT IT IS ALSO UNLAWFUL FOR CERTAIN PERSONS TO EXERCISE THE PRIVILEGES GRANTED TO A HOLDER OF A LICENSE PLATE OR PLACARD DESIGNATED FOR USE BY A HANDICAPPED PERSON, AND TO INCREASE THE PENALTY FOR A VIOLATION OF THIS PROVISION; AND TO AMEND SECTION 56‑3‑1975, RELATING TO THE IDENTIFICATION AND MAINTENANCE OF HANDICAPPED PARKING PLACES, SO AS TO PROVIDE THAT A HANDICAPPED PARKING PLACE INCLUDES ALL ACCESS AISLES. /

Senator Daniel B. Verdin III Representative Donald C. Smith

Senator Vincent A. Sheheen Representative Phillip D. Owens

Senator Paul G. Campbell, Jr. Representative Lester P. Branham, Jr.

On Part of the Senate. On Part of the House.

Rep. OWENS explained the Free Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Duncan |
| Forrester | Frye | Gambrell |
| Gilliard | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hearn | Hiott |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Kelly |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Mack | McEachern |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | T. R. Young |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

The Free Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**ELECTION OF A MEMBER OF OPERATIONS AND MANAGEMENT COMMITTEE**

The SPEAKER announced that nominations were in order to elect one member to the House Operations and Management Committee.

The following name was placed in nomination: Rep. ALLISON

On the motion of Rep. A.D. YOUNG, nominations were closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the SPEAKER announced that Rep. ALLISON was duly elected for the term prescribed by law.

**OBJECTION TO RECALL**

Rep. LOFTIS asked unanimous consent to recall S. 405 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

**OBJECTION TO RECALL**

Rep. A. D. YOUNG asked unanimous consent to recall S. 249 from the Committee on Education and Public Works.

Rep. KENNEDY objected.

**H. 3651--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3651 -- Reps. Duncan, Umphlett, Anthony, Knight, Forrester and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-23-205 SO AS TO LIMIT THE AUTHORITY OF COUNTIES AND MUNICIPALITIES TO RESTRICT OR REGULATE CERTAIN FORESTRY ACTIVITIES, AND TO PROVIDE THE TERMS AND CONDITIONS OF CERTAIN PERMITTED REGULATIONS.

Rep. DUNCAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Chalk | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Delleney | Duncan | Forrester |
| Frye | Gambrell | Gilliard |
| Gullick | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Jefferson |
| Kelly | King | Kirsh |
| Knight | Loftis | Long |
| Lucas | Mack | McEachern |
| McLeod | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| J. H. Neal | J. E. Smith |  |

**Total--2**

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.

**S. 351--DEBATE ADJOURNED**

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

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54-3-155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54-3-110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54-3-130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54-3-115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54-3-117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54-3-118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13-1-1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12-6-3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1-3-240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54-3-700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE REAL PROPERTY THEREAT SHALL BE SOLD; BY ADDING SECTION 54-3-119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54-3-700 SHOULD BE USED TO BUILD THE BOAT LANDING.

**POINT OF ORDER**

Rep. A. D. YOUNG made the Point of Order that the Senate Amendments were improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

Pursuant to Rule 5.15, the printing was waived by a division vote of 73 to 0.

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

**H. 3543--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill, which was adopted:

H. 3543 -- Reps. Brady, Mitchell and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING THEIR OWN POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE, TO PROVIDE WHAT MUST BE INCLUDED IN THE POLICIES, TO PROVIDE REPORTING AND PUBLICATION REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM PARENTS AND GUARDIANS OF THE POLICY AND TO PROVIDE PARENTS WITH A COPY OF THE POLICY UPON REQUEST.

RECORD FOR VOTING

On May 14, 2009, I inadvertently voted in favor of Amendment No. 2 to H. 3543 and against the passage of the Bill. My intention was to vote against Amendment No. 2 and in favor of H. 3543. Please let the record show that I intended to vote in favor of the Bill and against the amendment.

Rep. Bill Clyburn

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 673 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34-1-20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34-1-110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

**H. 4053--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4053 -- Reps. Edge, Hardwick, Hearn and Barfield: A CONCURRENT RESOLUTION TO DESIGNATE AND PROVIDE THAT COASTAL CAROLINA UNIVERSITY SHALL BE THE HOME OF THE BEACH MUSIC HALL OF FAME.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4054--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4054 -- Rep. Edge: A CONCURRENT RESOLUTION TO URGE THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EDUCATE PARENTS ON THE IMPORTANCE OF ADOLESCENT WELL PHYSICALS TO PREVENT CHRONIC DISEASES, APPROPRIATELY INTERVENE TO BETTER TREAT CHRONIC DISEASE, AND UPDATE IMMUNIZATIONS FOR ADOLESCENTS OF THIS STATE AND NATION.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4078--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4078 -- Reps. Clyburn, T. R. Young and J. R. Smith: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF UNITED STATES HIGHWAY 19 THAT RUNS THROUGH THE CITY OF AIKEN "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".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 815--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 815 -- Senator Bryant: A CONCURRENT RESOLUTION TO JOIN THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE IN RECOGNIZING THE WEEK OF MAY 11-15, 2009, AS "NATIONAL LAW ENFORCEMENT WEEK".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4082--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4082 -- Reps. Bales, J. H. Neal, Ballentine, Brady, Gunn, Harrison, Hart, Howard, McEachern, Rutherford and J. E. Smith: A CONCURRENT RESOLUTION TO ENCOURAGE THE RICHLAND COUNTY COUNCIL BY ORDINANCE TO POSTPONE FOR ONE ADDITIONAL YEAR A COUNTYWIDE PROPERTY TAX EQUALIZATION AND REASSESSMENT PROGRAM OTHERWISE SCHEDULED FOR IMPLEMENTATION BEGINNING FOR PROPERTY TAX YEAR 2009.

The Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

Rep. CATO 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 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators O'Dell, McGill and Shoopman of the Committee of Conference on the part of the Senate on:

S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has requested and has granted free conference powers and appointed Senators Sheheen, Verdin and Campbell of the Committee of Free Conference on the part of the Senate on S. 126:

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM “HANDICAPPED”, DELETE THE TERM “LICENSE TAG” AND REPLACE IT WITH THE TERM “LICENSE PLATE”, AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM “HANDICAPPED”, AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON’S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM “HANDICAPPED”, TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED AND TO DEFINE THE TERM “ACCESS AISLE”; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, PROPER USE AND DISPLAY OF HANDICAPPED PLACARDS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISION; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS; TO AMEND SECTION 56-3-1970, RELATING TO THE UNLAWFUL PARKING OF A VEHICLE IN A PARKING PLACE DESIGNATED FOR HANDICAPPED PERSON, SO AS TO PROVIDE THAT IT IS ALSO UNLAWFUL FOR CERTAIN PERSONS TO EXERCISE THE PRIVILEGES GRANTED TO A HOLDER OF A LICENSE PLATE OR PLACARD DESIGNATED FOR USE BY A HANDICAPPED PERSON, AND TO INCREASE THE PENALTY FOR A VIOLATION OF THIS PROVISION; AND TO AMEND SECTION 56-3-1975, RELATING TO THE IDENTIFICATION AND MAINTENANCE OF HANDICAPPED PARKING PLACES, SO AS TO PROVIDE THAT A HANDICAPPED PARKING PLACE INCLUDES ALL ACCESS AISLES.

Very respectfully,

President

Received as information.

**REPORT OF STANDING COMMITTEE**

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

H. 4105 -- Rep. J. H. Neal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES CABIN CREEK ALONG CLARKSON ROAD IN RICHLAND COUNTY THE "CANDACY-DARCEL SANDERS CROSSING BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "CANDACY-DARCEL SANDERS CROSSING BRIDGE".

Ordered for consideration tomorrow.

**INTRODUCTION OF BILLS**

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

H. 4114 -- Reps. Owens, Simrill, Bowen, Crawford, J. M. Neal, Parker, Branham, Millwood, E. H. Pitts and Rice: A BILL TO AMEND SECTION 56-1-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VISION SCREENINGS REQUIRED BY THE DEPARTMENT OF MOTOR VEHICLES FOR ALL PERSONS WHO SEEK TO RENEW THEIR LICENSES, SO AS TO DELETE THE PROVISION THAT REQUIRES A LICENSE HOLDER TO SUBMIT TO A VISION SCREENING DURING THE FIFTH YEAR OF A TEN-YEAR LICENSE.

Referred to Committee on Education and Public Works

H. 4115 -- Reps. Owens, Simrill, Bowen, Crawford, J. M. Neal, Parker, Allen, R. L. Brown, Millwood, Rice, Whipper and White: A BILL TO AMEND SECTIONS 56-3-545, 30-4-160, AND 30-4-165, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE DEPARTMENT OF MOTOR VEHICLES BEING PROHIBITED FROM SELLING, PROVIDING, OR FURNISHING TO A PRIVATE PARTY CERTAIN INFORMATION TAKEN FOR THE PURPOSE OF CREATING A DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CARD, SO AS TO PROVIDE THAT THE DEPARTMENT MAY PROVIDE TO OTHER JURISDICTIONAL LICENSING AGENCIES PHOTOGRAPHS FOR PURPOSES OF IDENTIFYING THE APPLICANT FOR A DRIVER'S LICENSE OR IDENTIFICATION CARD, AND MAY PROVIDE PHOTOGRAPHS TO LAW ENFORCEMENT AGENCIES FOR PURPOSES OF IDENTIFICATION.

Referred to Committee on Education and Public Works

H. 4116 -- Reps. McLeod, Anthony and Kennedy: A BILL TO AMEND ARTICLE 5, CHAPTER 9, TITLE 4, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNCIL-SUPERVISOR FORM OF COUNTY GOVERNMENT, SO AS TO CHANGE THE NAME OF THE FORM OF GOVERNMENT TO THE COUNCIL-CHIEF EXECUTIVE FORM OF COUNTY GOVERNMENT.

Referred to Committee on Judiciary

H. 4117 -- Reps. Jefferson, Hodges, Vick, Gilliard, McEachern, Bales, Bowen, Brady, H. B. Brown, R. L. Brown, Dillard, Gullick, Harrison, Harvin, Hosey, Howard, Kennedy, Long, J. H. Neal, Neilson, Ott, Weeks and Williams: A BILL TO AMEND SECTION 56-5-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAXIMUM SPEED LIMITS ALONG THE STATE'S HIGHWAYS, SO AS TO ESTABLISH PENALTIES FOR PERSONS WHO OPERATE A VEHICLE IN EXCESS OF NINETY MILES AN HOUR.

Referred to Committee on Judiciary

H. 4118 -- Reps. Kennedy, Gullick, Sellers, Jefferson, H. B. Brown, Cobb-Hunter, Rutherford, G. M. Smith, Weeks and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490 SO AS TO REQUIRE SCHOOL DISTRICTS WITHIN A COUNTY TO COLLABORATIVELY DEVELOP AND IMPLEMENT A PLAN TO CENTRALIZE ALL ADMINISTRATIVE FUNCTIONS INTO ONE COUNTY OFFICE, TO PROVIDE FOR AN ADMINISTRATOR AND STAFF FOR THE OFFICE, AND TO PROVIDE THAT THE STATE SUPERINTENDENT SHALL APPOINT AN ADMINISTRATOR AND STAFF TO OVERSEE THE COUNTY OFFICE IF SCHOOL DISTRICTS WITHIN A COUNTY FAIL TO CENTRALIZE THESE OPERATIONS BY JULY 1, 2010; BY ADDING SECTION 59-1-495 SO AS TO PROVIDE THAT EACH COUNTY MAY HAVE NO MORE THAN ONE SCHOOL SUPERINTENDENT, AND THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LOCAL LAW FOR THE APPOINTMENT OF EACH COUNTYWIDE SCHOOL SUPERINTENDENT; AND TO PROVIDE THAT ALL ACTS OR PARTS OF ACTS THAT PROVIDE FOR MULTIPLE SCHOOL DISTRICT ADMINISTRATIVE OFFICES OR FOR MULTIPLE SCHOOL DISTRICT SUPERINTENDENTS WITHIN A COUNTY ARE REPEALED AS OF JULY 1, 2011.

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

Rep. WHITMIRE objected.

Referred to Committee on Education and Public Works

H. 4119 -- Reps. Gunn, Stringer, Ballentine and Millwood: A BILL TO AMEND SECTION 2-19-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO INCREASE THE NUMBER OF COMMISSION MEMBERS FROM TEN TO ELEVEN, AND TO CHANGE THE MANNER IN WHICH MEMBERS ARE APPOINTED; TO AMEND SECTION 2-19-80, RELATING TO THE NOMINATION OF QUALIFIED JUDICIAL CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THE COMMISSION APPOINTS ALL QUALIFIED JUDICIAL CANDIDATES TO THE GOVERNOR INSTEAD OF THE GENERAL ASSEMBLY; AND TO AMEND SECTION 2-19-90, RELATING TO APPROVAL OF JUDICIAL CANDIDATES IN JOINT SESSION, SO AS TO PROVIDE THE GOVERNOR SHALL APPOINT A CANDIDATE FOR JUDICIAL OFFICE AND HAS THE SOLE AUTHORITY TO MAKE THIS APPOINTMENT, TO PROVIDE A CANDIDATE FOR JUDICIAL OFFICE APPOINTED BY THE GOVERNOR MUST BE CONFIRMED BY THE HOUSE JUDICIARY COMMITTEE AND SENATE JUDICIARY COMMITTEE, AND TO PROVIDE IN ORDER TO BE ELECTED, A CANDIDATE FOR JUDICIAL OFFICE MUST RECEIVE AT LEAST TWO-THIRDS OF THE VOTE OF THE MEMBERS OF THESE COMMITTEES.

Referred to Committee on Judiciary

**H. 3761--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3761 -- Rep. Cooper: A BILL TO AMEND SECTION 44-53-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FORFEITURE PROCEDURES RELATED TO DRUG PROCEEDS, SO AS TO ALLOW THE USE OF FORFEITED MONIES AND PROCEEDS FROM THE SALE OF PROPERTY FOR TRAINING AND EDUCATION BY LAW ENFORCEMENT IN ADDITION TO OTHER USES PREVIOUSLY DELINEATED.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Chalk |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Gullick |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| King | Knight | Limehouse |
| Littlejohn | Long | Lucas |
| Mack | McEachern | McLeod |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | T. R. Young |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

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. 3013--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3013 -- Reps. Limehouse, Parker and Toole: A BILL TO AMEND SECTION 16-11-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE AND INCREASE PENALTIES FOR VIOLATIONS AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.

Rep. LIMEHOUSE explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gullick |
| Gunn | Haley | Hamilton |
| Harrell | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Long | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| E. H. Pitts | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Weeks | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

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. 3572--CONFERENCE REPORT ADOPTED**

**CONFERENCE REPORT**

H. 3572

The General Assembly, Columbia, S.C., May 20, 2009

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3572 ‑‑ Rep. Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50‑5‑1707 RELATING TO SHARK CATCH LIMITS.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer’s Version 5/12/09.)

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

/ SECTION 1. Section 50‑5‑1707 of the 1976 Code is repealed.

SECTION 2. Article 1, Chapter 13, Title 50 of the 1976 Code is amended by adding:

“Section 50‑13‑400. (A) In Lake Murray it is unlawful to take or possess more than twenty crappie (Pomoxis spp.) per day.

(B) In Lake Murray it is unlawful to take or possess crappie (Pomoxis spp.) less than eight inches in total length.”

SECTION 3. Chapter 5, Title 50 of the 1976 Code is amended by adding:

“Section 50‑5‑2017. (A) There is established the Flounder Population Study Program to be administered by the Department of Natural Resources. The program shall study the effects of flounder catch limits and the prohibition of artificial illumination powered by generators on flounder of the species Paralichthys dentatus, commonly known as the summer flounder, located in the waters of Murrells Inlet Estuary, Pawleys Island Estuary, and the creeks of Litchfield flowing into Pawleys Island Estuary. For purposes of this resolution, ‘gigging’ means using a rod with one or multiple prongs to spear a fish.

(B) During the term of the program in the area defined in subsection (A):

(1) the lawful flounder gigging and fishing catch limit is ten per day for any individual, not to exceed twenty flounder in any one day on any boat;

(2) it is unlawful to use any type of artificial illumination powered by generator while gigging or fishing for flounder from a boat or while wading in the water.

(C) The program shall run for five years, beginning January 1, 2010, and ending December 31, 2015.

(D) The Department of Natural Resources must compile its findings and submit the report to the General Assembly by March 16, 2016.”

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

Amend title to read:

/TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50‑5‑1707 RELATING TO SHARK CATCH LIMITS; BY ADDING SECTION 50‑13‑400 SO AS TO ESTABLISH CREEL AND SIZE LIMITS FOR CRAPPIE TAKEN IN LAKE MURRAY; AND BY ADDING SECTION 50‑5‑2017 SO AS TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, AND TO ESTABLISH THE DURATION OF THE PROGRAM./

Senator J. Yancey McGill Representative G. M. Smith

Senator John "Jake" Knotts, Jr. Representative David Umphlett, Jr.

Senator Ray Cleary Representative H. B. Brown

On Part of the Senate. On Part of the House.

Rep. UMPHLETT explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Cole | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Erickson | Forrester |
| Gambrell | Gilliard | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Long | Lucas |
| Mack | McEachern | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | Neilson | Owens |
| Parker | E. H. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Funderburk | McLeod | Sellers |

**Total--3**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**H. 4087--RECONSIDERED, AMENDED AND ORDERED TO THIRD READING**

Rep. G. R. SMITH moved to reconsider the vote whereby debate was adjourned on H. 4087, which was agreed to.

Rep. RICE proposed the following Amendment No. 1 (COUNCIL\GGS\22364AB09), which was adopted:

Amend the bill, as and if amended, page 2, line 25, by deleting / The delegation shall designate one of the present members from House District 19 to serve at large. /

Renumber sections to conform.

Amend title to conform.

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

**H. 3087--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3087 -- Reps. Brady and M. A. Pitts: A BILL TO AMEND SECTION 23-3-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN THIS SECTION.

Rep. KELLY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Duncan | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Gunn | Haley | Hamilton |
| Hardwick | Harrison | Hart |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |

**Total--102**

Those who voted in the negative are:

**Total--0**

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.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3087. If I had been present, I would have voted in favor of the Bill.

Rep. Tom Young

**OBJECTION TO RECALL**

Rep. LOFTIS asked unanimous consent to recall S. 405 from the Committee on Ways and Means.

Rep. COBB-HUNTER objected.

**OBJECTION TO RECALL**

Rep. J. R. SMITH asked unanimous consent to recall H. 3303 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. PINSON objected.

**S. 351--NONCONCURRENCE IN SENATE AMENDMENTS**

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

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54-3-155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54-3-110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54-3-130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54-3-115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54-3-117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54-3-118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13-1-1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12-6-3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1-3-240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54-3-700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE REAL PROPERTY THEREAT SHALL BE SOLD; BY ADDING SECTION 54-3-119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54-3-700 SHOULD BE USED TO BUILD THE BOAT LANDING.

Rep. MERRILL spoke against the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 1; Nays 107

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| R. L. Brown |  |  |

**Total--1**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Gullick | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Hutto |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Rutherford | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--107**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

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

**THE HOUSE RESUMES**

At 2:30 p.m. the House resumed, Acting Speaker H. B. BROWN in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**S. 351--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 351:

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54-3-155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54-3-110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54-3-130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54-3-115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54-3-117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54-3-118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13-1-1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12-6-3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1-3-240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54-3-700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE REAL PROPERTY THEREAT SHALL BE SOLD; BY ADDING SECTION 54-3-119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54-3-700 SHOULD BE USED TO BUILD THE BOAT LANDING.

and asks for a Committee of Conference and has appointed Senators Peeler, Grooms and McGill to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. CATO, MERRILL and MILLER to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 34 to 11:

Veto 3. Part IB; Section 21.11; Page 342; Department of Health and Human Services; Chiropractic Services.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 34 to 12:

Veto 6. Part IB; Section 22.49; Page 355; Department of Health and Environmental Control; Rural Hospital Grants.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 30 to 16:

Veto 7. Part IB; Section 37.1; Page 371; Department of Natural Resources; County Funds.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 30 to 16:

Veto 8. Part IB; Section 37.2; Page 371; Department of Natural Resources; County Game Funds/Equipment Purchase.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 33 to 13:

Veto 5. Part IB; Section 21.36; Page 346; Department of Health and Human Services; Prior Authorization -Formulary Changes.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on H. 3572:

H. 3572 -- Rep. Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50-5-1707 RELATING TO SHARK CATCH LIMITS; BY ADDING SECTION 50-13-400 SO AS TO ESTABLISH CREEL AND SIZE LIMITS FOR CRAPPIE TAKEN IN LAKE MURRAY; AND BY ADDING SECTION 50-5-2017 SO AS TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, AND TO ESTABLISH THE DURATION OF THE PROGRAM.

Very respectfully,

President

Received as information.

**H. 3572--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 22 to 22:

Veto 9. Part IB; Section 37.15; Page 373; Department of Natural Resources; Sale of Existing Offices.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 22 to 21:

Veto 10. Part IB; Section 39.4; Page 373-374; Parks, Recreation and Tourism; State Park Privatization Approval.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to H. 3482:

H. 3482 -- Reps. Harrell, Cooper, Mack and Bannister: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL PERSONAL PROPERTY, INCLUDING AIRCRAFT, OF A COMPANY ENGAGED IN AIR TRANSPORT OF SPECIALIZED CARGO.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on S. 116:

S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on S. 126:

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM “HANDICAPPED”, DELETE THE TERM “LICENSE TAG” AND REPLACE IT WITH THE TERM “LICENSE PLATE”, AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM “HANDICAPPED”, AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON’S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM “HANDICAPPED”, TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED AND TO DEFINE THE TERM “ACCESS AISLE”; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, PROPER USE AND DISPLAY OF HANDICAPPED PLACARDS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISION; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS; TO AMEND SECTION 56-3-1970, RELATING TO THE UNLAWFUL PARKING OF A VEHICLE IN A PARKING PLACE DESIGNATED FOR HANDICAPPED PERSON, SO AS TO PROVIDE THAT IT IS ALSO UNLAWFUL FOR CERTAIN PERSONS TO EXERCISE THE PRIVILEGES GRANTED TO A HOLDER OF A LICENSE PLATE OR PLACARD DESIGNATED FOR USE BY A HANDICAPPED PERSON, AND TO INCREASE THE PENALTY FOR A VIOLATION OF THIS PROVISION; AND TO AMEND SECTION 56-3-1975, RELATING TO THE IDENTIFICATION AND MAINTENANCE OF HANDICAPPED PARKING PLACES, SO AS TO PROVIDE THAT A HANDICAPPED PARKING PLACE INCLUDES ALL ACCESS AISLES.

Very respectfully,

President

Received as information.

**S. 126--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Free Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 673:

S. 673 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34-1-20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34-1-110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 3543--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3543 -- Reps. Brady, Mitchell and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑490 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING THEIR OWN POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE, TO PROVIDE WHAT MUST BE INCLUDED IN THE POLICIES, TO PROVIDE REPORTING AND PUBLICATION REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM PARENTS AND GUARDIANS OF THE POLICY AND TO PROVIDE PARENTS WITH A COPY OF THE POLICY UPON REQUEST.

Rep. DELLENEY moved cloture on the entire matter.

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

Yeas 58; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Chalk | Clemmons |
| Cole | Cooper | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Gullick | Hamilton |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Jennings | Kelly | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Owens | Parker | E. H. Pitts |
| Rice | Sandifer | Scott |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Thompson | Umphlett |
| Viers | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bales | Battle |
| Bowers | Branham | G. A. Brown |
| H. B. Brown | Clyburn | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Jefferson |
| Kennedy | King | Kirsh |
| Knight | McEachern | McLeod |
| Miller | Mitchell | Ott |
| J. E. Smith | Vick | Weeks |
| Williams |  |  |

**Total--31**

So, cloture was ordered.

Rep. HART moved to adjourn debate on the Bill.

Rep. LOFTIS moved to table the motion.

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

Yeas 62; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gullick |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Millwood | D. C. Moss |
| V. S. Moss | Owens | Parker |
| E. H. Pitts | Rice | Sandifer |
| Scott | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Thompson |
| Umphlett | Vick | Willis |
| A. D. Young | T. R. Young |  |

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anthony | Bales |
| Battle | Bowers | Branham |
| G. A. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Govan |
| Gunn | Hart | Harvin |
| Hodges | Hosey | Jefferson |
| Jennings | Kennedy | King |
| Knight | McEachern | McLeod |
| Miller | Mitchell | Ott |
| Parks | J. E. Smith | Weeks |
| Williams |  |  |

**Total--31**

So, the motion to adjourn debate was tabled.

The question then recurred to the passage of the Bill on third reading.

Rep. J. E. SMITH moved to recommit the Bill to the Committee on Judiciary.

Rep. LOFTIS moved to table the motion.

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

Yeas 66; Nays 30

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Gullick | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Millwood | Mitchell | D. C. Moss |
| Nanney | Owens | Parker |
| E. H. Pitts | Rice | Sandifer |
| Scott | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Thompson |
| Umphlett | Vick | Viers |
| Willis | A. D. Young | T. R. Young |

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anthony | Bales |
| Battle | Bowers | Branham |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Gunn |
| Hart | Hodges | Hosey |
| Jefferson | Jennings | Kennedy |
| King | Kirsh | Knight |
| Mack | McEachern | McLeod |
| J. M. Neal | Ott | Parks |
| J. E. Smith | Weeks | Williams |

**Total--30**

So, the motion to recommit the Bill was tabled.

Rep. COBB-HUNTER moved to continue the Bill.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 33; Nays 68

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anthony | Bales |
| Battle | Bowers | Branham |
| G. A. Brown | Clyburn | Cobb-Hunter |
| Funderburk | Gilliard | Gunn |
| Hart | Hayes | Hodges |
| Hosey | Hutto | Jefferson |
| Jennings | Kennedy | King |
| Kirsh | Knight | Mack |
| McLeod | Miller | J. H. Neal |
| Ott | Parks | J. E. Smith |
| Stavrinakis | Weeks | Williams |

**Total--33**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Ballentine |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Gullick | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hiott | Horne | Kelly |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | Owens |
| Parker | E. H. Pitts | Rice |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Thompson | Umphlett |
| Vick | Viers | Willis |
| A. D. Young | T. R. Young |  |

**Total--68**

So, the House refused to continue the Bill.

Rep. HART moved to table the Bill.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 30; Nays 78

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anthony |
| Bales | Battle | Branham |
| G. A. Brown | Cobb-Hunter | Funderburk |
| Gilliard | Gunn | Hart |
| Hosey | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | J. H. Neal | J. M. Neal |
| Parks | Rutherford | J. E. Smith |
| Stavrinakis | Weeks | Williams |

**Total--30**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Govan | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Huggins | Kelly |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Merrill |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | Ott |
| Owens | Parker | E. H. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| White | A. D. Young | T. R. Young |

**Total--78**

So, the House refused to table the Bill.

Rep. J. E. SMITH moved that the House resolve itself into a Committee of the Whole.

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

Yeas 37; Nays 69

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anthony |
| Bales | Battle | Bowers |
| Branham | G. A. Brown | H. B. Brown |
| Cobb-Hunter | Funderburk | Gilliard |
| Gunn | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Hutto | Jefferson | Kennedy |
| King | Kirsh | Knight |
| Mack | McEachern | J. H. Neal |
| Neilson | Ott | Parks |
| Rutherford | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--37**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Gullick | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | Owens | Parker |
| E. H. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | White |
| Willis | A. D. Young | T. R. Young |

**Total--69**

So, the House refused to resolve itself into a Committee of the Whole.

Rep. J. E. SMITH moved that the House do now adjourn.

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

Yeas 31; Nays 78

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Battle | Bowers |
| Branham | Cobb-Hunter | Gilliard |
| Gunn | Hart | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Mack |
| McEachern | McLeod | J. H. Neal |
| Parks | Rutherford | Sellers |
| J. E. Smith | Stavrinakis | Weeks |
| Williams |  |  |

**Total--31**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Ballentine | Bannister | Bedingfield |
| Bingham | Bowen | Brady |
| G. A. Brown | H. B. Brown | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Gullick | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Kirsh | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Owens |
| Parker | Pinson | E. H. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | White |
| Willis | A. D. Young | T. R. Young |

**Total--78**

So, the House refused to adjourn.

Rep. HART moved to commit the Bill to the Committee on Medical, Military, Public and Municipal Affairs.

**POINT OF ORDER**

Rep. PARKER raised the Point of Order that Rep. Hart's motion to commit the Bill to the Medical, Military, Public and Municipal Affairs Committee was out of order.

SPEAKER HARRELL stated that the motion was a timed motion and not enough time had expired since a similar motion had been made. Therefore, he sustained the Point of Order.

Rep. WEEKS moved that the House recede until 4:30 p.m.

Rep. A. D. YOUNG moved to table the motion.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 68; Nays 41

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Gullick | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Kirsh | Loftis | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Neilson | Owens |
| Parker | Pinson | E. H. Pitts |
| Rice | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | White | Whitmire |
| A. D. Young | T. R. Young |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| G. A. Brown | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Gunn |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--41**

So, the motion to recede was tabled.

Rep. KENNEDY moved that the House recede until 4:00 p.m.

**POINT OF ORDER**

Rep. PARKER raised the Point of Order that Rep. Kennedy's motion to recede until 4:00 p.m. was out of order.

SPEAKER HARRELL stated that the motion was a timed motion and not enough time had expired since a similar motion had been made. Therefore, he sustained the Point of Order.

So, the House refused to recede.

Rep. J. E. SMITH moved that the House recur to the morning hour.

Rep. A. D. YOUNG moved to table the motion.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 69; Nays 42

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Gambrell |
| Govan | Gullick | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Kirsh | Loftis |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Owens |
| Parker | Pinson | E. H. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | White |
| Whitmire | A. D. Young | T. R. Young |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Gunn | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Hutto | Jefferson |
| Jennings | Kennedy | King |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Parks | Rutherford | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--42**

So, the House tabled to recur to the morning hour.

The question then recurred to the passage of the Bill on third reading.

Rep. J. E. SMITH spoke against the Bill.

Further proceedings were interrupted by receipt of a Conference Committee Report, the pending question being consideration of the Bill.

**S. 351--CONFERENCE REPORT ADOPTED**

**CONFERENCE REPORT**

S. 351

The General Assembly, Columbia, S.C., May 21, 2009

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54 OF THE 1976 CODE, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CAUSE, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS, TO ESTABLISH A SOUTH CAROLINA STATE PORTS ADVISORY BOARD, AND SET THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE ADVISORY BOARD; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2, RELATING TO PORTS AUTHORITY MANAGEMENT, TO PROVIDE THAT THE BOARD OF DIRECTORS MUST HIRE AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54‑3‑140(5), TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS; TO AMEND SECTION 54‑3‑140, RELATING TO THE POWERS OF THE PORTS AUTHORITY, BY ADDING TWO NEW ITEMS THAT REQUIRE A LONG‑RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN AND TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS; TO AMEND SECTION 54‑3‑1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, AND TO PROVIDE THAT COPIES OF THE STATEMENT MUST BE FORWARDED TO THE ADVISORY COMMITTEE AND THE GENERAL ASSEMBLY; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54‑3‑1060, TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND MUST MAINTAIN ON ITS INTERNET WEBSITE A COPY OF EACH MONTHLY CREDIT CARD STATEMENT FOR ALL CREDIT CARDS MAINTAINED BY THE AUTHORITY; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13, RELATING TO LEGISLATIVE OVERSIGHT, TO REQUIRE REGULAR OVERSIGHT REVIEW OF THE AUTHORITY AND THE EXECUTIVE DIRECTOR.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Article 1, Chapter 3, Title 54 of the 1976 Code is amended to read:

“ARTICLE 1

Creation and Organization

Section 54‑3‑10. (A) ~~The~~ There is created the South Carolina State Ports Authority. ~~is hereby created consisting of a~~ The governing body of the authority is a board of directors consisting of ~~nine~~ eleven members, ~~hereafter referred to as the Authority~~ nine voting members appointed by the Governor as provided in Section 54-3-20 and the Secretary of Transportation, or his designee, and the Secretary of Commerce, or his designee. The voting members shall be responsible for setting policies and direction for the authority so that the authority may achieve its mission. The powers and duties of the authority shall be exercised by the board. The board may delegate to one or more officers, agents, or employees such powers and duties as it determines are necessary and proper for the effective, efficient operation of the port.

(B) The Secretary of Transportation and the Secretary of Commerce:

(1) shall serve on the board, ex officio, as nonvoting members;

(2) are ineligible for election as chairman, vice chairman, secretary, treasurer, or any other office elected by the board; and

(3) may only attend meetings or portions of meetings open to the public. They are not permitted to attend executive session meetings.

Section 54‑3‑20. (A) The members of the board, except for the Secretary of Transportation and the Secretary of Commerce, shall be appointed by the Governor, with the advice and consent of the Senate, for terms of ~~seven~~ five years each and until their successors shall have been appointed, screened, and have qualified. In the event of a vacancy, however caused, a successor shall be appointed in the manner of original appointment for the unexpired term.

(B) A candidate for appointment to the board may not be confirmed by the Senate or serve on the board, even in an interim capacity, until he is found qualified by possessing the abilities, the experience, and the minimum qualifications contained in Section 54‑3‑60.

Section 54‑3‑30. ~~They~~ The board shall elect one of ~~their number~~ its members to serve as chairman ~~and~~ who shall serve for a term of two years in this capacity and may not serve more than three consecutive full two‑year terms as chairman. The board also shall elect one member to serve as vice chairman, and ~~shall also elect a~~ one member to serve as secretary. The board shall meet upon the call of its chairman and a majority of its voting members shall constitute a quorum for the transaction of its business.

Section 54‑3‑40. The ~~Authority~~ board shall select one of its members to serve as ~~its~~ treasurer. The ~~Authority~~ treasurer shall ~~require~~ give a surety bond ~~of such appointee~~ in ~~such~~ an amount ~~as the Authority may fix~~ fixed by the board and the premium ~~thereon~~ on the bond shall be paid by the authority as a necessary expense ~~of the Authority~~.

Section 54‑3‑50. Members of the board of directors may be removed by the Governor pursuant to Section 1‑3‑240(C)(1), for a breach of duty required by Section 54‑3‑80, or for entering into a conflict of interest transaction prohibited by Section 54‑3‑90.

Section 54‑3‑60. (A) Each member of the board, except for the Secretary of Transportation and the Secretary of Commerce, or their designees, must possess a four‑year baccalaureate or more advanced degree from:

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

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

(3) an institution of higher learning in this State chartered prior to 1962.

(B) In addition to the requirements in subsection (A), each board member must possess a background of at least five years in any one or any combination of the following fields of expertise:

(a) maritime shipping;

(b) labor related to maritime shipping;

(c) overland shipping by truck or rail, or both;

(d) international commerce;

(e) finance, economics, or statistics;

(f) accounting;

(g) engineering;

(h) law; or

(i) business management gained from serving as a chief executive officer, president, or managing director of a business or any upper level management position with a business that is equivalent in duties and responsibilities to the positions listed in this item.

(C) When making appointments to the board, the Governor shall ensure that that the diverse interests represented by the port are represented. To the greatest extent possible, the Governor shall ensure that the membership of the board includes a certified public accountant, a member representing port users such as manufacturers, shippers, and importers, a member representing the state’s economic development interests, and a member who has served as a corporate chief executive officer. Consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

Section 54‑3‑70. The board shall conduct an annual performance review of the executive director and submit a written report of its findings to the Governor and the General Assembly. A draft of the performance review must be submitted to the executive director, and the executive director must be provided an opportunity to be heard by the board of directors before the board submits the final draft to the Governor and the General Assembly.

Section 54‑3‑80. (A) A member of the board of directors shall discharge his duties as a director, including his duties as a member of a committee:

(1) in good faith;

(2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(3) in a manner he reasonably believes to be in the best interests of the authority. As used in this chapter, best interests means a balancing of the following:

(a) achieving the purposes of the authority as provided in Section 54‑3‑130;

(b) preservation of the financial integrity of the State Ports Authority and its ongoing operations;

(c) economic development and job attraction and retention;

(d) consideration given to diminish or mitigate any negative effect port operations or expansion may have upon the environment, transportation infrastructure, and quality of life of residents in communities located near existing or proposed port facilities; and

(e) exercise of the powers of the authority in accordance with good business practices and the requirements of applicable licenses, laws, and regulations.

(B) In discharging his duties, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) one or more officers or employees of the State whom the director reasonably believes to be reliable and competent in the matters presented;

(2) legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person’s professional or expert competence; or

(3) a committee of the board of directors of which he is not a member if the director reasonably believes the committee merits confidence.

(C) A director is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (B) unwarranted.

(D) Nothing in this article gives rise to a cause of action against a member of the board of directors or any decision of the board of directors regarding duties of the individual director or the board of directors concerning port operations or development. Willful failure of the board or any individual member of the board to discharge his duties as required by this article may be considered by the Governor in determining whether to reappoint a board member or in the confirmation proceedings of that board member.

Section 54‑3‑90. (A) A conflict of interest transaction is a transaction with the State Ports Authority in which a director has a direct or indirect interest. A conflict of interest transaction is not voidable by the authority solely because of the director’s interest in the transaction if any one of the following is true:

(1) the material facts of the transaction and the director’s interest were disclosed or known to the board or a committee of the board, and the board or a committee of the board authorized, approved, or ratified the transaction; or

(2) the transaction was fair to the authority and its customers.

If item (1) has been accomplished, the burden of proving unfairness of any transaction covered by this section is on the party claiming unfairness. If item (1) has not been accomplished, the party seeking to uphold the transaction has the burden of proving fairness.

(B) For purposes of this section, a director has an indirect interest in a transaction if:

(1) another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction;

(2) another entity of which he is a director, officer, member, or trustee is a party to the transaction and the transaction is or should be considered by the board; or

(3) another entity of which an immediate family member has a material financial interest or in which an immediate family member is a general partner, director, officer, member, or trustee is a party to the transaction and the transaction is or should be considered by the board.

(C) For purposes of subsection (A)(1), a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the directors on the board of directors, or on the committee, who have no direct or indirect interest in the transaction, but a transaction may not be authorized, approved, or ratified under this section by a single director. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (A)(1) if the transaction is otherwise authorized, approved, or ratified as provided in that subsection.”

SECTION 2. Chapter 3, Title 54 of the 1976 Code is amended by adding:

“ARTICLE 2

Ports Authority Management

Section 54‑3‑101. The board of directors shall employ an Executive Director of Port Operations who shall serve at the pleasure of the board. A person employed to this position shall possess practical and successful business and executive ability and must be knowledgeable in the field of port operations.

Section 54‑3‑102. (A) The executive director is charged with the affirmative duty to carry out the mission, policies, and direction of the authority as established by the board of directors. He must represent the authority in its dealings with other state agencies, local governments, special districts, and the federal government.

(B) The executive director shall appoint a director for each division contained in the organizational structure established by the board of directors, who shall serve at the pleasure of the executive director.

(C) For each division established by the organizational structure created by the board, the executive director must employ personnel and prescribe their duties, powers, and functions as he considers necessary and as may be authorized or directed by the board of directors.

Section 54‑3‑103. Compensation for the executive director and division directors shall be approved by the board of directors in a public vote. For the purpose of this section, compensation includes, but is not limited to, annual salary, bonuses, severance, and vehicle allowances.

Section 54‑3‑104. The Executive Director of the Port Operations also shall employ a director of port operations for the port of Georgetown. A person employed to this position shall possess practical and successful business and executive ability and must be knowledgeable in the field of port operations.

Section 54‑3‑105. The director of port operations for the port of Georgetown is charged with the affirmative duty to carry out the mission, policies, and direction of the authority for the port of Georgetown as established by the board of directors.”

SECTION 3. Section 54‑3‑140(5) of the 1976 Code is amended to read:

“(5) ~~Shall appoint and employ and dismiss at pleasure such employees as may be selected by the board of the Authority and fix and pay the compensation thereof~~ Shall adopt an organizational structure for authority operations implemented by the executive director;”

SECTION 4. Section 54‑3‑140 of the 1976 Code is amended by adding appropriately numbered new items to read:

“( ) shall develop a long‑range port development and capital financing plan, with a minimum twenty‑year forecast period at the time of adoption that provides for the promotion, development, construction, equipping, maintaining, and operation of the state’s harbors and seaports to maximize their economic benefit to the State, including, but not limited to, Charleston and Georgetown. The plan must be revised at least every five years, to reflect and account for changing conditions. The long‑range plan must be submitted to the General Assembly;

( ) shall review port operations and proposals for future operations and construction to determine whether utilizing a public‑private partnership to achieve the current or proposed operational goals and development is the most advantageous method to the State and would result in the most timely, economical, efficient, and successful fulfillment of the operational goals or completion of the development project;

( ) shall take all necessary steps it finds reasonable to establish rail access to port facilities in Charleston County by any Class I railway operating in Charleston County on the effective date of this item. The authority shall report annually to the General Assembly and the Governor on the status of efforts to establish rail access.”

SECTION 5. Section 54‑3‑1040 of the 1976 Code is amended to read:

“Section 54‑3‑1040. At least once ~~in~~ each year the authority shall ~~publish once in some newspaper published in Charleston County~~ furnish the Governor, the Chairmen of the Senate Transportation Committee, and the House of Representatives Ways and Means Committee, and conspicuously post on the authority’s Internet website**,** a complete detailed statement of all ~~moneys~~ monies received and disbursed by the ~~Authority~~ authority during the preceding year. Such statement shall also show the several sources from which such funds were received and the balance on hand at the time of publishing the statement and shall show the complete financial condition of the ~~Authority~~ authority.”

SECTION 6. Article 11, Chapter 3, Title 54 of the 1976 Code is amended by adding:

“Section 54‑3‑1060. (A) For the purposes of this section, ‘detailed description of the expenditure’ means a description of an expenditure that distinguishes that expenditure from other expenditures and is particular enough in its account of the expenditure to discern the purpose of the expenditure.

(B) The authority shall maintain a transaction register that includes a complete record of all appropriated funds expended over one hundred dollars, from whatever source for whatever purpose. The register must be prominently posted on the authority’s Internet website and made available for public viewing and downloading.

(C)(1) The register must include for each expenditure:

(a) the transaction amount;

(b) the name of the payee; and

(c) a statement providing a detailed description of the expenditure.

(2) The register must not include an entry for salary, wages, or other compensation paid to individual employees.

(3) The register must not include any information that can be used to identify an individual employee.

(4) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

(D) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the internet website for at least five years.”

SECTION 7. Chapter 3, Title 54 of the 1976 Code is amended by adding:

“ARTICLE 13

The Review and Oversight Commission on the South Carolina State Ports Authority

Section 54‑3‑1300. (A) There is hereby established a commission to be known as the Review and Oversight Commission on the South Carolina State Ports Authority, hereinafter referred to as the commission, which must exercise the powers and fulfill the duties described in this article.

(B) The commission is composed of the following ten members.

(1) From the Senate:

(a) the Chairman of the Finance Committee or his designee;

(b) the Chairman of the Judiciary Committee or his designee;

(c) the Chairman of the Transportation Committee or his designee; and

(d) two members appointed by the President *Pro Tempore*, one member upon the recommendation of the Senate Majority Leader and one member upon the recommendation of the Senate Minority Leader.

(2) From the House of Representatives:

(a) the Chairman of the Ways and Means Committee or his designee;

(b) the Chairman of the Judiciary Committee or his designee;

(c) the Chairman of the Labor, Commerce and Industry Committee, or his designee;

(d) two members of the House of Representatives appointed by the Speaker of the House of Representatives.

(C) In making appointments to the commission, race, gender, and other demographic factors, such as residence in rural or urban areas, must be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State.

(D) The commission must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and such other officers as the commission may consider necessary. Thereafter, the commission must meet as necessary to screen candidates for appointment to and at the call of the chairman or by a majority of the members. A quorum consists of six members.

Section 54-3-1310. The commission has the following powers and duties:

(A) to screen each person appointed to serve on the board:

(1) in screening candidates and making its findings, the commission must give due consideration to:

(a) ability, area of expertise, dedication, compassion, common sense, and integrity of each candidate; and

(b) the impact that each candidate would have on the racial and gender composition of the commission, and each candidate’s impact on other demographic factors represented on the commission, such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State;

(2) to determine if each candidate is qualified and meets the requirements provided by law to serve as a member of the board of directors of the State Ports Authority, make findings concerning whether each candidate is qualified, and deliver its findings to the Clerk of the Senate, the Clerk of the House of Representatives, and the Senate Transportation Committee for confirmation.

(B) To conduct an oversight review of the authority and its operations at least once every two years:

(1) the oversight reviews must consider whether the authority is promoting, developing, constructing, equipping, maintaining, and operating the harbors and seaports of this State in an efficient, effective manner in accordance with all applicable laws and regulations. The oversight reviews must also include an analysis of the performance of the executive director. In performing this analysis the commission must consider the report required pursuant to Section 54-3-70 in addition to other information collected concerning the executive director’s performance;

(a) a draft of a board member’s and executive director’s performance review and the evaluations of the actions of the board, must be submitted to the appropriate party, and that party must be allowed an opportunity to be heard before the commission conducting the oversight review by the performance review or evaluation, as the case may be, is final;

(b) the final performance review of a board member must be made a part of the member’s record for consideration if the member seeks reappointment to the board;

(2) a written report of the findings from each oversight review must be published in the journals of both houses and made available on the General Assembly’s Internet website and transmitted to the Governor and the board.

(C) To review and evaluate the complete list of the properties on Daniel and Thomas (St. Thomas) Islands transmitted to the commission. The commission must recommend to the Budget and Control Board whether to approve the sale or sell, as appropriate, any or all of the all real property the authority owns on Daniel Island and Thomas (St. Thomas) Island pursuant to Section 54-3-119.

(D) Undertake any additional reviews, studies, or evaluations as it considers necessary.

Section 54-3-1320. The commission by a two‑thirds vote of its membership, may waive the requirements of Section 54‑3‑60(A) and (B) for a candidate for the board of directors for the State Ports Authority.

Section 54-3-1330. State agencies must fully cooperate with requests from the commission for assistance in carrying out its responsibilities and duties as established in this article.

Section 54‑3‑1340. (A) The oversight report required by this article must at least contain:

(1) a performance review of each member of the board during the previous two years;

(2) a performance review of the State Ports Authority Executive Director; and

(3) an evaluation of the actions of the board, sufficient to allow the members of the General Assembly to better judge whether these actions serve the best interests of the citizens of South Carolina, both individual and corporate.

(B) To assist the commission in performing the performance reviews and evaluations required by this article, the commission may develop and distribute, as appropriate, an anonymous and confidential survey evaluating the board members and the executive director. At a minimum, the survey must include the following:

(1) knowledge and application of substantive port issues;

(2) the ability to perceive relevant issues;

(3) absence of influence by political considerations;

(4) absence of influence by identities of labor unions;

(5) courtesy to all persons appearing before the board;

(6) temperament and demeanor in general, preparation for hearings, and attentiveness during hearings; and

(7) any other issue the commission deems appropriate.

Section 54-3-1350. In order to discharge their oversight responsibilities in regard to State Ports Authority operations and management, the commission may request and shall be provided within fifteen days after the request with any documents related to the sale or disposition or contemplated sale or disposition of any real property owned by the authority. The provisions of this section supercede any conflicting provisions contained in the Freedom of Information Act and these documents may be shared only with members of the commission, staff assigned to the commission, members of the General Assembly with whom the commission chooses to consult concerning the matter, or legal counsel employed by the Senate or the House of Representatives. These documents and the information contained in them must be kept confidential, and are not subject to public disclosure, or any other disclosure not permitted by the provisions of this section.

Section 54-3-1360. (A) Commission members are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid by the State Ports Authority.

(B) The State Ports Authority must pay for all reasonable expenses associated with the commission’s duties to screen appointees to the authority’s board and conduct oversight as required by this article.

Section 54-3-1370. The commission must use clerical and professional employees of the General Assembly for its staff, who must be made available to the commission. The commission may employ or retain other professional staff, upon the determination of the necessity for other staff by the commission and as may be funded in the legislative appropriation of the annual general appropriations act. The State Ports Authority must pay for all reasonable staff related expenses associated with the commission’s activities.

SECTION 8. Article 3, Chapter 3, Title 54 of the 1976 Code is amended by adding:

“Section 54‑3‑155. Without prior approval from the State Budget and Control Board, the authority may not sell any real property or any buildings, terminals, or other permanent structures, excluding equipment, appurtenant to real property that are or may be used to carry out the purposes of the authority as provided in Section 54‑3‑130.”

SECTION 9. Section 54‑3‑110 of the 1976 Code is amended to read:

“Section 54‑3‑110. Through the authority the State may engage in promoting, developing, constructing, equipping, maintaining, and operating the harbors or seaports within the State, namely Charleston, Georgetown, and ~~Port Royal~~ Jasper, and works of internal improvement incident thereto, including the acquisition or construction, maintenance, and operation at such seaports of harbor watercraft and terminal railroads, as well as other kinds of terminal facilities, and belt line roads or highways and bridges thereon and other bridges and causeways necessary or useful in connection therewith.”

SECTION 10. Section 54‑3‑130(1) of the 1976 Code is amended to read:

“(1) To develop and improve the harbors or seaports of Charleston, Georgetown, and ~~Port Royal~~ Jasper for the handling of water‑borne commerce from and to any part of the State and other states and foreign countries;”

SECTION 11. Section 54‑3‑130(8) of the 1976 Code is amended to read:

“(8) To promote, develop, construct, equip, maintain, and operate a harbor or harbors within this State on the Savannah River, and in furtherance thereof have all of the powers, purposes, and authority given by law to the authority in reference to the harbors and seaports of Charleston, Georgetown, and ~~Port Royal~~ Jasper; and”

SECTION 12. Article 3, Chapter 3, Title 54 of the 1976 Code is amended by adding:

“Section 54‑3‑115. The authority shall take all action necessary to expeditiously develop a port in Jasper County in accordance with the Intergovernmental Agreement for Development of a Jasper Ocean Terminal on the Savannah River within the State of South Carolina that was entered into between the South Carolina State Ports Authority, the Georgia Ports Authority, and the Georgia Department of Transportation dated on January 27, 2008. In determining whether the development of a Jasper Port is proceeding in an expeditious manner, the board must consider whether timelines or benchmarks included in either the Intergovernmental Agreement or amendments to it or other agreement with a partner to develop the port have been or will be met in a timely manner. A determination that a delay in the planning or construction of the port is reasonable must be based on an objective analysis of all available empirical data and expert opinion, as well as a comparison of the construction timelines of ports of similar size and expected capacity. If it is determined that a partner to an agreement to develop the port is not meeting its obligations that will result in the port not being developed in an expeditious manner, then the authority must take all available and necessary action to compel the partner to meet its obligations and, if necessary, terminate the agreement and transfer to Jasper County the assets and right to develop the port. The authority also shall take all action necessary and as may be requested from time to time by the committees in the House of Representatives and the Senate in connection with the State of South Carolina and the State of Georgia to enter into an Interstate Compact to operate a Jasper Port on or before December 31, 2010, as such compact is generally outlined in the Intergovernmental Agreement. In connection with the development of a port in Jasper County, the authority shall make specific inquiries regarding the merits of using private capital to finance the construction of that port to a greater extent than historically has been used by the South Carolina State Ports Authority in connection with their existing port operations.”

SECTION 13. Article 3, Chapter 3, Title 54 of the 1976 Code is amended by adding:

“Section 54‑3‑117. The authority shall take all action necessary to expeditiously complete construction of a container terminal in North Charleston.”

SECTION 14. Article 3, Chapter 3, Title 54 of the 1976 Code is amended by adding:

“Section 54‑3‑118. It is the intent of the General Assembly that the State Ports Authority board consider public‑private partnerships with private investors that increase capital investments in port facilities and in the State of South Carolina. However, the board retains all authority associated with entering a public‑private partnership on behalf of the port.”

SECTION 15. Chapter 1, Title 13 of the 1976 Code is amended by adding:

“Section 13‑1‑1355. All tracks, spurs, switches, terminal, terminal facilities, road beds, rights‑of‑way, bridges, stations, railroad cars, locomotives, or other vehicles constructed for operation over railroad tracks, crossing signs, lights, signals, storage, and all associated structures and equipment which are necessary for the operation of any railroad located on any ‘applicable federal military installation’ or ‘applicable federal facility’ as defined in Section 12‑6‑3450 may not be transferred without the prior approval of the Budget and Control Board.”

SECTION 16. Section 1-3-240(C)(1) of the 1976 Code, as last amended by Act 114 of 2007, is further amended by adding a new subitem at the end to read:

“(n) State Ports Authority.”

SECTION 17. Section 54-3-700 of the 1976 Code, as added by Act 313 of 2004, is amended to read:

“Section 54-3-700. (A) Upon the effective date of this section:

(1) the State Ports Authority has no statutory responsibility to operate a marine terminal at Port Royal; and

(2) marine operations at Port Royal shall cease as soon as practicable.

(B) The State Ports Authority is hereby directed to sell all its real and personal property at Port Royal upon the effective date of this section, but in a manner that is financially responsible and advantageous to the State Ports Authority.

(C)(1) The State Ports Authority ~~shall~~, in its discretion, shall determine the manner of the sale, but in no event shall terms of the sale extend beyond December 31, ~~2006~~ 2009, except for parcels ~~which may be~~ under long‑term contract, in which case the South Carolina Ports Authority is directed to terminate ~~such~~ these leases as soon as possible through ‘lease purchases’, ‘buy outs’, or ~~any~~ other lawful means.

(2) The property must be transferred to the Budget and Control Board for sale if the authority is unable to complete the sale by December 31, 2009. The Budget and Control Board is vested with all of the board’s fiduciary duties to the authority and the authority’s bondholders if the property is transferred to the Budget and Control Board for sale. The acceptance of any sales price by the Budget and Control Board must be exercised with due regard to the fiduciary duty owed to the authority and for the protection of the interests of the authority’s bondholders as set forth in its bond covenants, and otherwise according to law, including the conversion of a nonperforming asset into revenues in the most expeditious manner. The Budget and Control Board may deduct from the proceeds of the sale an amount equal to the actual costs incurred in conjunction with the sale of the property. The balance of the proceeds must be transmitted to the authority.

(D) Any real or personal property at Port Royal which is to be sold must be first appraised and then sold at fair market value. The real property appraiser must be a State Certified General Real Estate Appraiser, a member of the Appraisal Institute (MAI), and must be knowledgeable in appraisal and in appraising marine terminal facilities. The appraisal of the real property should include its future development opportunities and those of the surrounding properties. The State Ports Authority Board of Directors shall exercise its lawful discretion in the acceptance of any sales price with due regard to its fiduciary duties to the authority and for the protection of the interests of the authority’s bondholders as for forth in its bond covenants, and otherwise according to law, including conversion of a nonperforming asset into revenue in the most expeditious manner. The sale of the real property shall comply with all state procedures, must be approved by the State Budget and Control Board, and must be on an open‑bid basis, and no bid may be accepted which is less than the property’s fair market value as shown by the appraisal. All proceeds from the sale of real and personal property at Port Royal must be retained by the State Ports Authority; ~~provided, however,~~ except that the Town of Port Royal ~~shall have the right to~~ may petition the State Budget and Control Board for a portion of the net proceeds from ~~any~~ a sale and may be allocated a portion of these net proceeds in an amount not to exceed five percent of the net proceeds upon showing the allocation is necessary to pay for infrastructure needs directly associated with and necessitated by the closing of the port as Port Royal. These funds must be expended at the direction of the Town Council of Port Royal with the approval of the State Budget and Control Board, solely for ~~the~~ infrastructure, and shall have priority over all other expenditures except usual and necessary closing costs attributable to ~~any~~ a sales ~~contracts~~ contract.”

SECTION 18. Chapter 3, Title 54 of the 1976 Code is amended by adding:

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

(B) The board shall give the right of first refusal to those former landowners on Thomas (St. Thomas) Island who sold their land located within the transportation corridor to the authority in anticipation of the authority’s exercise of eminent domain. The right of first refusal must provide that the landowner may repurchase his land at the same price for which the authority purchased it from him. Each contract for the sale of a parcel located in the transportation corridor on Thomas Island must contain a covenant creating an easement over the parcel. The easement must permit the authority, and any successor in interest to the authority, reasonable ingress and egress to the real property on Daniel Island owned by the authority as of the effective date of this section. The easement must contain express language that the easement runs with the land.

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

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

SECTION 19. The General Assembly encourages discussions between interested parties and the Town of Port Royal concerning the building of a boat landing north of the Broad River in Beaufort County. Funds negotiated between the Town of Port Royal and the South Carolina State Ports Authority pursuant to Section 54-3-700 should be used to build the boat landing.

SECTION 20. The provisions of this act related to a time limitation for members of the board of directors serving in a holdover capacity do not apply to board members serving in a holdover capacity as of the effective date of this act but apply to any subsequent term.

SECTION 21. 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 22. 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 23. This act takes effect upon approval by the Governor./

Amend title to read:

/TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54‑3‑140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG‑RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54‑3‑1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54‑3‑1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54‑3‑155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54‑3‑110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54‑3‑130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54‑3‑115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54‑3‑117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54‑3‑118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13‑1‑1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12‑6‑3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1‑3‑240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54‑3‑700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE REAL PROPERTY THEREAT SHALL BE SOLD; BY ADDING SECTION 54‑3‑119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54‑3‑700 SHOULD BE USED TO BUILD THE BOAT LANDING./

Senator Harvey S. Peeler Representative Harry F. Cato

Senator J. Yancey McGill Representative James H. Merrill

Senator Lawrence K. Grooms Representative Vida O. Miller

On Part of the Senate. On Part of the House.

Rep. CATO explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 115; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| Rice | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| T. R. Young |  |  |

**Total--115**

Those who voted in the negative are:

**Total--0**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on S. 351:

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54-3-155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54-3-110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54-3-130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54-3-115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54-3-117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54-3-118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13-1-1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12-6-3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1-3-240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54-3-700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE REAL PROPERTY THEREAT SHALL BE SOLD; BY ADDING SECTION 54-3-119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54-3-700 SHOULD BE USED TO BUILD THE BOAT LANDING.

Very respectfully,

President

Received as information.

**S. 351--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**RECURRENCE TO THE MORNING HOUR**

Rep. CATO 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 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 27 to 19:

Veto 11. Part IB; Section 40.37; Page 379; Department of Commerce; Aeronautics Assets and Funds.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 27 to 19:

Veto 12. Part IB; Section 80A.63; Page 436; Budget and Control Board; Carry Forward Sale of Aircraft Proceeds.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 27 to 19:

Veto 13. Part IB; Section 80A.64; Page 436-437; Budget and Control Board; Aviation Grants.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 27 to 19:

Veto 14. Part IB; Section 89.127; Page 473; General Provisions; Transfer Division of Aeronautics.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**H. 3301--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3301 -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J. R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G. A. Brown, H. B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E. H. Pitts, M. A. Pitts, Scott, Simrill, Skelton, D. C. Smith, G. R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-39-175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL-TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34-39-270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34-39-280 SO AS TO REQUIRE THOSE APPLYING FOR LICENSES TO ENGAGE IN THE BUSINESS OF DEFERRED PRESENTMENT TO PROVIDE CERTAIN INFORMATION REGARDING EXTENDED PAYMENT PLANS; TO AMEND SECTION 34-39-130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED SIX HUNDRED DOLLARS.

Rep. CATO moved that the House waive the printing of the Senate Amendments.

Pursuant to Rule 5.15, the printing was waived by a division vote of 82 to 1.

Rep. CATO explained the Senate Amendments.

Rep. CLEMMONS spoke upon the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 6

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowers | Brady |
| Branham | G. A. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McLeod | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Pinson | E. H. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Whipper | White | Whitmire |
| Williams | A. D. Young | T. R. Young |

**Total--102**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Hodges | Kennedy | King |
| McEachern | Merrill | J. H. Neal |

**Total--6**

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.

RECORD FOR VOTING

Due to my involvement in litigation involving the payday lending industry, and to avoid the appearance of any conflict of interest, I abstained from any votes on legislation regulating the industry.

Rep. Leon Stavrinakis

**H. 3301--MOTION TO RECONSIDER TABLED**

Rep. CATO moved to reconsider the vote whereby the House concurred in the Senate amendments and enrolled the Bill for ratification.

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto by the Governor was sustained and has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 30 to 14:

Veto 11. Part IB; Section 40.37; Page 379; Department of Commerce; Aeronautics Assets and Funds.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto by the Governor was sustained and has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 30 to 14:

Veto 12. Part IB; Section 80A.63; Page 436; Budget and Control Board; Carry Forward Sale of Aircraft Proceeds.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto by the Governor was sustained and has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 30 to 14:

Veto 13. Part IB; Section 80A.64; Page 436-437; Budget and Control Board; Aviation Grants.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSE.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto by the Governor was sustained and has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 30 to 14:

Veto 14. Part IB; Section 89.127; Page 473; General Provisions; Transfer Division of Aeronautics.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto by the Governor was sustained and has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 31 to 14:

Veto 7. Part IB; Section 37.1; Page 371; Department of Natural Resources; County Funds.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto by the Governor was sustained and has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 31 to 14:

Veto 8. Part IB; Section 37.2; Page 371; Department of Natural Resources; County Game Funds/Equipment Purchase.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 31 to 14:

Veto 16. Part IB; Section 49.1; Page 390; Department of Public Safety; Special Events Traffic Control.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 39 to 4:

Veto 17. Part IB; Section 49.15; Page 391; Department of Public Safety; Hunley Security.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 32 to 13:

Veto 24. Part IB; Section 68A.13; Page 409-410; Department of Transportation; Shop Road Farmers Market Bypass Carry Forward.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 38 to 8:

Veto 27. Part IB; Section 49A.5(B); Page 392; Capitol Police Force; Dispositions if agency not established - Amending Part IB; Section 89.89; General Provisions; Lt. Governor Security Detail.

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**H. 3148--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3148 -- Reps. Clyburn, G. M. Smith, H. B. Brown, Branham, Ott, Agnew, R. L. Brown, Hayes, Battle, Miller, Weeks, J. R. Smith, D. C. Smith, Parks, Rice, Littlejohn, Hosey, Jefferson, Cobb-Hunter, Howard, Cooper, Gunn, McLeod, T. R. Young, Kennedy, Vick, Edge, J. E. Smith, Harrell, A. D. Young, Alexander, Neilson, Lucas, Merrill, Barfield, Bales, Allen, Hodges, Knight and Funderburk: A BILL TO ENACT THE "FEDERAL EDUCATIONAL INFRASTRUCTURE TAX CREDIT BOND IMPLEMENTATION ACT", INCLUDING PROVISIONS; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-15-110 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE STATE OF SOUTH CAROLINA SHALL ALLOCATE QUALIFIED SCHOOL CONSTRUCTION BONDS AUTHORIZED BY THE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AMONG THE SCHOOL DISTRICTS OF THIS STATE SEEKING CAPITAL FOR SCHOOL CONSTRUCTION PROJECTS, AND TO PROVIDE FOR OTHER RELATED MATTERS IN REGARD TO QUALIFIED SCHOOL CONSTRUCTION BONDS AND QUALIFIED ZONE ACADEMY BONDS AUTHORIZED BY THE FEDERAL ACT; TO AMEND SECTION 11-15-460, AS AMENDED, RELATING TO THE INTEREST RATE ON REFUNDING BOND OBLIGATIONS OF POLITICAL SUBDIVISIONS, SO AS TO EXEMPT QUALIFIED SCHOOL CONSTRUCTION BONDS AND QUALIFIED ZONE ACADEMY BONDS FROM THIS PROVISION; AND TO AMEND SECTION 11-27-50, AS AMENDED, RELATING TO THE EFFECT OF THE PROVISIONS OF ARTICLE X OF THE CONSTITUTION OF THIS STATE ON BONDS OF SCHOOL DISTRICTS, SO AS TO PROVIDE THAT QUALIFIED SCHOOL CONSTRUCTION BONDS AND QUALIFIED ZONE ACADEMY BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE AS DETERMINED BY THE GOVERNING BODY OF THE ISSUER.

Rep. COOPER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 6

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bingham | Bowen | Brady |
| Branham | G. A. Brown | R. L. Brown |
| Cato | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Duncan |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| McLeod | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| E. H. Pitts | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | T. R. Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Bowers | Chalk |
| Erickson | Herbkersman | Rice |

**Total--6**

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. 3131--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3131 -- Reps. Toole, M. A. Pitts and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-711 SO AS TO DESIGNATE THE "SUMMER DUCK" AS THE OFFICIAL STATE DUCK.

Rep. DUNCAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| E. H. Pitts | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | T. R. Young |

**Total--105**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy | Littlejohn |  |

**Total--2**

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. 3483--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3483 -- Reps. White, M. A. Pitts, Toole, Willis, Barfield, Clemmons, Hardwick and Hearn: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE’S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE; TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PROMOTING SOUND WILDLIFE CONSERVATION AND MANAGEMENT AS PRESCRIBED BY THE GENERAL ASSEMBLY; AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE’S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

Rep. DUNCAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Hart | Harvin |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | E. H. Pitts |
| Rutherford | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Viers | Whipper | White |
| Whitmire | Williams | Willis |
| T. R. Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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.

**S. 116--CONFERENCE REPORT ADOPTED**

**CONFERENCE REPORT**

S. 116

The General Assembly, Columbia, S.C., May 21, 2009

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 116 ‑‑ Senators Knotts and McConnell: A BILL TO AMEND SECTION 11‑35‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR “OFFICE”; TO AMEND SECTION 11‑35‑1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11‑35‑40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11‑35‑3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11‑35‑3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/Whereas, the General Assembly finds that the economic crisis plaguing our nation and this State, particularly the exceptionally high rate of unemployment in our State, requires action; and

Whereas, the General Assembly finds that it is crucial to this state’s economic recovery to purchase goods manufactured and produced in the State, maintain the circulation of the funds of the citizens of this State within this State, and encourage and facilitate job development and economic growth by providing both assistance and opportunity to this state’s small businesses to participate as providers and vendors of goods and services to the State; and

Whereas, the General Assembly determines that various preferences should be accorded to residents both for the purpose of employment and business development when the State expends funds in the manner provided in this act. Now, therefore, /

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

/ SECTION 1. Section 11‑35‑310(22) of the 1976 Code, as added by Act 153 of 1997, is amended to read:

“(22) ~~‘Office’ means a nonmobile place for the regular transaction of business or performance of a particular service and staffed by at least one employee on a routine basis.~~ Reserved.”

SECTION 2. Section 11‑35‑1524 of the 1976 Code, as last amended by Act 333 of 2002, is further amended to read:

“Section 11‑35‑1524. ~~(A)~~ ~~A preference of seven percent must be provided to vendors who are residents of South Carolina or whose products are made, manufactured, or grown in South Carolina as set forth in this section.~~

~~(B)~~ ~~As used in this section, unless the context indicates otherwise, the terms below have the following meanings:~~

~~(1)~~ ~~‘Made’ means to assemble, fabricate, or process component parts into a finished end‑product, the value of which assembly, fabrication or processing is a significant portion of the value of the finished end‑product.~~

~~(2)~~ ~~‘Manufacture’ means to make or process raw materials into a finished end‑product.~~

~~(3)~~ ~~‘Grown’ means to produce, cultivate, raise, or harvest timber, agricultural produce, or livestock on the land, or to cultivate, raise, catch, or harvest products or food from the water which results in an end‑product that is locally derived from the product cultivated, raised, caught, or harvested.~~

~~(4)~~ ~~‘End‑product’ means the item sought by the governmental body of the State and described in the solicitation including all component parts and in final form and ready for the use intended by the governmental body.~~

~~(5)~~ ~~‘Unreasonable Cost’ means:~~

~~(a)~~ ~~the cost of an item from a resident vendor or an end‑product made, manufactured, or grown in South Carolina is unreasonable if the bid exceeds by more than seven percent the lowest qualified bid on the same item or end‑product which is made, manufactured, or grown in other states of the United States, or in a foreign country or territory;~~

~~(b)~~ ~~the cost of an end‑product made, manufactured, or grown in other states of the United States is unreasonable if the bid exceeds by more than two percent the lowest qualified bid on the same or similar end‑product which is made, manufactured, or grown in a foreign country or territory;~~

~~(6)~~ ~~‘Resident vendor’ means a vendor who is considered to be a resident of this State if the vendor:~~

~~(a)~~ ~~is an individual, partnership, association, or corporation that is authorized to transact business within the State,~~

~~(b)~~ ~~maintains an office in the State,~~

~~(c)~~ ~~maintains an inventory for expendable items which are representative of the general type of commodities on which the bid is submitted and located in South Carolina at the time of the bid having a total value of ten thousand dollars or more based on the bid price, but not to exceed the amount of the contract, or is a manufacturer which is headquartered and has at least a ten million dollar payroll in South Carolina and the product is made or processed from raw materials into a finished end‑product by such manufacturer or an affiliate (as defined in Section 1563 of the Internal Revenue Code) of such manufacturer, and~~

~~(d)~~ ~~has paid all assessed taxes.~~

~~(C)~~ ~~Application.~~ ~~Competitive procurements made by governmental bodies shall be made from vendors resident to South Carolina or vendors who bid end‑products made, manufactured, or grown in South Carolina or in the United States if available, provided that (1) the bidder has certified in writing in the bid that he or she is resident to the State, or (2) the bidder has certified in writing in the bid that the end‑product was made, manufactured, or grown in South Carolina or in the United States, (3) the end‑product is available, and (4) the cost of the end‑product is not unreasonable. In order to receive the award the vendor must be a responsible and responsive bidder, and the bid must otherwise comply with the Procurement Code and Regulations.~~

~~In the case of a request for resident vendor status, this requirement shall apply to the entire solicitation. In the case of a request for end‑product status, this requirement shall apply to each line item or each lot in a solicitation to which a separate, responsive bid may be made.~~

~~(D)~~ ~~Exceptions.~~ ~~This section shall not apply:~~

~~(1)~~ ~~to any procurements conducted under Article 9 of the 1976 Code;~~

~~(2)~~ ~~to any prime contractor or subcontractor providing materials or services relating to permanent improvements to real estate;~~

~~(3)~~ ~~to any solicitation, bid, offer, or procurement when the price of a single unit of the end‑product is more than thirty thousand dollars, whether or not more than one unit is bid or offered;~~

~~(4)~~ ~~to any solicitation, bid, offer, or procurement where the contract award is less than ten thousand dollars;~~

~~(5)~~ ~~to any solicitation conducted under Section 11‑35‑1530 of the 1976 Code; or~~

~~(6)~~ ~~to any solicitation, bid, offer, or procurement of motor vehicles as defined in Section 56‑15‑10.~~

~~(E)~~ ~~Enforcement.~~ ~~A bidder shall be suspended or debarred from doing business with the State in accordance with Section 11‑35‑4220 of the South Carolina Consolidated Procurement Code if the chief procurement officer determines that the certification made by the bidder as to the resident vendor request or the origin of the end‑product was filed under false pretenses and is not valid. In addition, if the bidder with the invalid certification of origin was awarded the contract, he shall also pay the State of South Carolina the amount by which the bid based on the invalid certification exceeded the lowest responsible and responsive bid that would have been selected but for the invalid certification.~~

~~If a bidder has not requested the preference, he will neither be entitled to claim any preference against another bidder nor will he be protected from application of another bidder’s claim to a preference against his bid in determining contract award.~~

~~(F)~~ ~~If a vendor qualifies as a resident vendor and is bidding a product made, manufactured, or grown in South Carolina, an additional three percent preference must be given if claimed by the bidder~~ (A) For purposes of this section:

(1) ‘End product’ means the tangible product described in the solicitation including all component parts and in final form and ready for the state’s intended use.

(2) ‘Grown’ means to produce, cultivate, raise, or harvest timber, agricultural produce, or livestock on the land, or to cultivate, raise, catch, or harvest products or food from the water which results in an end product that is locally derived from the product cultivated, raised, caught, or harvested.

(3) ‘Labor cost’ means salary and fringe benefits.

(4) ‘Made’ means to assemble, fabricate, or process component parts into an end product, the value of which, assembly, fabrication, or processing is a substantial portion of the price of the end product.

(5) ‘Manufactured’ means to make or process raw materials into an end product.

(6) ‘Office’ means a nonmobile place for the regular transaction of business or performance of a particular service which has been operated as such by the bidder for at least one year before the bid opening and during that year the place has been staffed for at least fifty weeks by at least two employees for at least thirty‑five hours a week each.

(7) ‘Services’ means services as defined by Section 11‑35‑310(29) and also includes services as defined in Section 11‑35‑310(1)(d).

(8) ‘South Carolina end product’ means an end product made, manufactured, or grown in South Carolina.

(9) ‘United States end product’ means an end product made, manufactured, or grown in the United States of America.

(B)(1) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease by seven percent the price of any offer for a South Carolina end product.

(2) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease by two percent the price of any offer for a United States end product. This preference does not apply to an item to which the South Carolina end product preference has been applied.

(3) Whether award is to be made by item or lot, the preferences must be applied to the price of each line item of end product. A preference must not be applied to an item for which a bidder does not qualify.

(4) If a contract is awarded to a bidder that received the award as a result of the South Carolina end product or United States end product preference, the contractor may not substitute a nonqualifying end product for a qualified end product. A substitution in violation of this item is grounds for debarment pursuant to Section 11‑35‑4220. If a contractor violates this provision, the State may terminate the contract for cause and, in addition, the contractor shall pay to the State an amount equal to twice the difference between the price paid by the State and the bidder’s evaluated price for a substituted item.

(5) If a bidder is requesting this preference, the bidder, upon request of the procurement officer, must provide documentation that establishes the bidder’s qualifications for the preference. Bidder’s failure to provide this information promptly is grounds to deny the preference and for enforcement pursuant to subsection (E)(6).

(C)(1) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease a bidder’s price by seven percent if the bidder maintains an office in this State and either (i) maintains at a location in South Carolina at the time of the bid an inventory of expendable items which are representative of the general type of commodities on which the award will be made and which have a minimum total value, based on the bid price, equal to the lesser of fifty thousand dollars or the annual amount of the contract; (ii) is a manufacturer headquartered and having an annual payroll of at least one million dollars in South Carolina and the end product is made or processed from raw materials into a finished end product by that manufacturer or its affiliate (as defined in Section 1563 of the Internal Revenue Code); or (iii) at the time of bidding, directly employs or has a documented commitment with individuals domiciled in South Carolina that will perform services expressly required by the solicitation and the total direct labor cost to bidder for those individuals to provide those services exceeds fifty percent of bidder’s total bid price.

(2) Whether award is to be made by item or lot, the preferences must be applied to the price of each line item of end product or work, as applicable. A preference must not be applied to an item for which a bidder does not qualify.

(3) If a bidder is requesting this preference, the bidder, upon request by the procurement officer, must provide documentation that establishes the bidder’s qualifications for the preference and, for the preference claimed pursuant to subsection (C)(1)(iii), must identify the persons domiciled in South Carolina that will perform the services involved in the procurement upon which bidder relies in qualifying for the preference, the services those individuals are to perform, and documentation of the bidder’s labor cost for each person identified. Bidder’s failure to provide this information promptly is grounds to deny the preference and for enforcement under subsection (E)(6) below.

(D)(1) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease a bidder’s price by two percent if:

(a) the bidder has a documented commitment from a single proposed first‑tier subcontractor to perform some portion of the services expressly required by the solicitation; and

(b) at the time of the bidding, the subcontractor directly employs or has a documented commitment with individuals domiciled in South Carolina that will perform services expressly required by the solicitation and the total direct labor cost to subcontractor for those individuals to provide those services exceeds twenty percent of bidder’s total bid price.

(2) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease a bidder’s price by four percent if:

(a) the bidder has a documented commitment from a single proposed first‑tier subcontractor to perform some portion of the services expressly required by the solicitation; and

(b) at the time of the bidding, the subcontractor directly employs or has a documented commitment with individuals domiciled in South Carolina that will perform services expressly required by the solicitation and the total direct labor cost to subcontractor for those individuals to provide those services exceeds forty percent of bidder’s total bid price.

(3) Whether award is to be made by item or lot, the preferences must be applied to the price of each line item of work. A preference must not be applied to an item for which a bidder does not qualify.

(4) Subject to other limits in this section, an offeror may benefit from applying for more than one of, or from multiple applications of, the preferences allowed by items (1) and (2).

(5)(a) In its bid, a bidder requesting any of the preferences allowed by items (1) and (2) must identify the subcontractor to perform the work, the work the subcontractor is to perform, and the bidder’s factual basis for concluding that the subcontractor’s work constitutes the required percentage of the work to be performed in the procurement.

(b) If a bidder is requesting a preference allowed by items (1) or (2), upon request by the procurement officer, the bidder shall identify the persons domiciled in South Carolina that are to perform the services involved in the procurement upon which bidder relies in qualifying for the preference, the services those individuals are to perform, the employer of those persons, the bidder’s relationship with the employer, and documentation of the subcontractor’s labor cost for each person identified. Bidder’s failure to provide this information promptly will be grounds to deny the preference and for enforcement pursuant to subsection (E)(6) below.

(c) If a contract is awarded to a bidder that received the award as a result of a preference allowed by items (1) or (2), the contractor may not substitute any business for the subcontractor on which bidder relied to qualify for the preference, unless first approved in writing by the procurement officer. A substitution in violation of this subitem is grounds for debarment pursuant to Section 11‑35‑4220. If a contractor violates this provision, the procurement officer may terminate the contract for cause. If the contract is not terminated, the procurement officer may require the contractor to pay the State an amount equal to twice the difference between the price paid by the State and the price offered by the next lowest bidder, unless the substituted subcontractor qualifies for the preference.

(E)(1) A business is not entitled to any preferences unless the business, to the extent required by law, has:

(a) paid all taxes assessed by the State; and

(b) registered with the South Carolina Secretary of State and the South Carolina Department of Revenue.

(2) The preferences provided in subsections (B) and (C)(1)(i) and (ii) do not apply to a single unit of an item with a price in excess of fifty thousand dollars or a single award with a total potential value in excess of five hundred thousand dollars.

(3) The preferences provided in subsections (C)(1)(iii) and (D) do not apply to a bid for an item of work by the bidder if the annual price of the bidder’s work exceeds fifty thousand dollars or the total potential price of the bidder’s work exceeds five hundred thousand dollars.

(4) A solicitation must provide potential bidders an opportunity to request the preferences that apply to a procurement. By submitting a bid and requesting that a preference be applied to that bid, a business certifies that its bid qualifies for the preference for that procurement. For purposes of applying this section, a bidder is not qualified for a preference unless the bidder makes a request for the preference as required in the solicitation. If a solicitation specifies which preferences, if any, apply to a procurement, the applicability of preferences to that procurement is conclusively determined by the solicitation unless the solicitation document is timely protested as provided in Section 11‑35‑4210. If two or more bidders are tied after the application of the preferences allowed by this section, the tie must be resolved as provided in Section 11‑35‑1520(9). Price adjustments required by this section for purposes of evaluation and application of the preferences do not change the actual price offered by the bidder.

(5) This section does not apply to an acquisition of motor vehicles as defined in Section 56‑15‑10 or an acquisition of supplies or services relating to construction. This section does not apply to a procurement conducted pursuant to Section 11‑35‑1550(2)(a) or (b), Section 11‑35‑1530, or Article 9 of Chapter 35.

(6) Pursuant to Section 11‑35‑4220, a business may be debarred if (i) the business certified that it qualified for a preference, (ii) the business is not qualified for the preference claimed, and (iii) the certification was made in bad faith or under false pretenses. If a contractor has invalidly certified that a preference is applicable, the chief procurement officer may terminate the contract for cause, and the chief procurement officer may require the contractor to pay the State an amount equal to twice the difference between the price paid by the State and the price offered by the next lowest bidder.

(7) The sum of all preferences allowed by items (D)(1) and (D)(2), when applied to the price of a line item of work, may not exceed six percent unless the bidder maintains an office in this State. Under no circumstances may the cumulative preferences applied to the price of a line item exceed ten percent.

(8) As used in items (C)(1)(iii), (D)(1)(b), and (D)(2)(b), the term ‘documented commitment’ means a written commitment by the bidder to employ directly an individual, and by the individual to be employed by the bidder, both contingent on the bidder receiving the award.

(9) The remedies available in this section are cumulative of and in addition to all other remedies available at law and equity.”

SECTION 3. Section 11‑35‑40(3) of the 1976 Code, as last amended by Act 153 of 1997, is further amended to read:

“(3) Compliance with Federal Requirements. Where a procurement involves the expenditure of federal assistance, grant, or contract funds, the governmental body ~~shall~~ also shall comply with ~~such~~ federal ~~law and~~ laws (including authorized regulations) as are mandatorily applicable and which are not presently reflected in ~~the~~ this code. Notwithstanding, where federal assistance, grant, or contract funds are used in a procurement by a governmental body as defined in Section 11‑35‑310(18), this code, including any requirements that are more restrictive than federal requirements ~~shall~~, must be followed, except to the extent such action would render the governmental body ineligible to receive federal funds whose receipt is conditioned on compliance with mandatorily applicable federal law. In those circumstances, the solicitation must identify and explain the impact of such federal laws on the procurement process, including any required deviation from this code.”

SECTION 4. Section 11‑35‑3215 of the 1976 Code, as added by Act 375 of 2006, is amended to read:

“Section 11‑35‑3215. (A) As used in this section:

(1) ‘Design services’ means architect‑engineer, construction management, or land surveying services as defined in Section 11‑35‑2910 and awarded pursuant to Section 11‑35‑3220.

(2) ‘Resident’ means a business that ~~(i)~~ employs, either directly or through consultants, an adequate number of persons domiciled in South Carolina ~~or (ii) performs in South Carolina~~ to perform a majority of the design services involved in the procurement.

(B) A business responding to an invitation involving design services shall submit a certification with its response stating whether the business is a resident for purposes of the procurement. Submission of a certification under false pretenses is grounds for suspension or debarment.

(C) An award to a ~~resident or~~ nonresident of a contract involving design services must be supported by a written determination explaining why the award was made to the selected firm.

(D) ~~When qualifications appear to be equal, the resident firm must be selected~~ In an evaluation conducted pursuant to Section 11‑35‑3220, a resident firm must be ranked higher than a nonresident firm if the agency selection committee finds the two firms otherwise equally qualified.

(E) This section does not apply to a procurement if either the procurement does not involve construction or the design services are a minor accompaniment to a contract for nondesign services.”

SECTION 5. Section 11‑35‑3025 of the 1976 Code is repealed.

SECTION 6. This act takes effect upon approval by the Governor and applies to solicitations issued after that date; except that Sections 1, 2, and 4 of this act take effect upon and apply to solicitations issued after the first Monday in September following approval by the Governor. /

Amend title to conform.

Senator William H. O’Dell Representative McLain R. Toole

Senator J. Yancy McGill Representative W. Brian White

Senator Phillip W. Shoopman Representative Denny Neilson

On Part of the Senate. On Part of the House.

Rep. WHITE explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Haley | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | E. H. Pitts |
| Rice | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Viers | Weeks | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**HOUSE RESOLUTION**

The following was introduced:

H. 4120 -- Reps. J. M. Neal and Lucas: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE BUFORD HIGH SCHOOL LADY'S SOFTBALL TEAM OF LANCASTER COUNTY FOR A GREAT SEASON, AND TO CONGRATULATE THE PLAYERS, COACHES, AND SCHOOL OFFICIALS FOR CAPTURING THE 2009 CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4121 -- Reps. Jennings, Hayes, Vick, McLeod, Edge, Bowen, Branham, Limehouse, Sellers, Hutto, Miller, Agnew, Allen, Bowers, Funderburk, Kennedy, J. M. Neal, Ott and G. M. Smith: A BILL TO AMEND SECTIONS 57-1-325 AND 57-1-330, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION AND TERMS OF THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS, SO AS TO PROVIDE THAT A COMMISSIONER MAY BE REMOVED FROM OFFICE BY A TWO-THIRDS VOTE OF THE LEGISLATORS WHO RESIDE IN THE CONGRESSIONAL DISTRICT FROM WHICH A COMMISSIONER IS ELECTED.

Referred to Committee on Judiciary

H. 4122 -- Rep. Jennings: A BILL TO REQUIRE A TWO-THIRDS VOTE OF THE MARLBORO COUNTY BOARD OF EDUCATION TO HIRE OR FIRE THE MARLBORO COUNTY SUPERINTENDENT OF EDUCATION.

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

S. 454 -- Senators Peeler and Ford: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

Referred to Committee on Labor, Commerce and Industry

S. 652 -- Senators Knotts, Elliott, Ford and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-56-75 SO AS TO REQUIRE PROFESSIONAL FUNDRAISING COUNSEL, PROFESSIONAL SOLICITORS AND COMMERCIAL CO-VENTURERS TO MAINTAIN LISTS OF DONORS FROM CAMPAIGNS AND SOLICITATONS CONDUCTED BY THE SOLICITOR; TO PROVIDE THAT THESE LISTS ARE THE PROPERTY OF THE CHARITABLE ORGANIZATION; TO RESTRICT THE USE OF DONOR LISTS BY THE CAMPAIGN SOLICITOR; AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

Referred to Committee on Judiciary

**H. 3882--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 3882 -- Labor, Commerce and Industry Committee: A BILL TO AMEND SECTION 48-39-150(F) OF THE 1976 CODE, RELATING TO THE TIME PERIOD BY WHICH WORK AUTHORIZED BY A PERMIT ISSUED BY THE COASTAL DIVISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST BE COMPLETED, TO PROVIDE THAT THE TIME LIMIT MUST BE TOLLED DURING THE PENDENCY OF A PROJECT'S FORECLOSURE OR BANKRUPTCY.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 4; Nays 102

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Hutto | Kennedy | Knight |
| Stavrinakis |  |  |

**Total--4**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Herbkersman | Hiott |
| Hodges | Hosey | Huggins |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Limehouse |
| Littlejohn | Loftis | Long |
| Lucas | Mack | McLeod |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | E. H. Pitts |
| Rice | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | T. R. Young |

**Total--102**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 3722--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 3722 -- Reps. Kirsh and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO PROVIDE FOR DETERMINATION OF TREATMENT OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; BY ADDING SECTION 12-36-2575 SO AS TO PROVIDE FOR FILING OF A RETURN FOR EACH SALES OR USE TAX LIABILITY PERIOD EVEN IF NO TAX LIABILITY ACCRUES FOR THAT PERIOD; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS; TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL REVENUE CODE FOR SIMILAR STATE TREATMENT; TO AMEND SECTION 12-6-2250, AS AMENDED, RELATING TO THE APPORTIONMENT OF INCOME DERIVED BY A TAXPAYER TO THE TAXPAYER'S CONDUCT OF BUSINESS IN THIS STATE, SO AS TO CHANGE THE WORD "ALLOCATED" TO "APPORTIONED"; TO AMEND SECTION 12-6-2295, RELATING TO INCLUSIONS AND EXCLUSIONS IN CONNECTION WITH THE TERMS "SALES" AND "GROSS RECEIPTS" AS USED IN THE APPORTIONMENT OF INCOME TO THIS STATE FOR STATE INCOME TAX PURPOSES, SO AS TO FURTHER SPECIFY RENTAL AND SALES INCOME FROM TANGIBLE AND INTANGIBLE, REAL AND PERSONAL PROPERTY IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT AGAINST THE STATE INCOME TAX, SO AS TO DELETE A REFERENCE TO GENERAL CONTRACTORS IN CONNECTION WITH THE TERM "CORPORATE OFFICE"; TO AMEND SECTION 12-6-3376, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR THE PURCHASE OR LEASE OF A PLUG-IN HYBRID VEHICLE, SO AS TO REQUIRE THAT THE CREDIT BE THE FIRST CLAIMED FOR THAT VEHICLE, TO PROVIDE FOR REGULATIONS PROMULGATED BY THE STATE ENERGY OFFICE, TO FURTHER PROVIDE FOR CLAIMING THE CAPPED CREDIT, AND TO PROVIDE FOR THE EFFECT OF A REPEAL OF THE CAPS ON THE CREDIT; TO AMEND SECTION 12-6-3377, RELATING TO THE ALTERNATIVE MOTOR VEHICLE FUEL CREDIT AGAINST THE STATE INCOME TAX, SO AS TO FURTHER PROVIDE FOR THE CALCULATION OF THE CREDIT FOR BUSINESS USE AND TO DELETE A PROVISION DEEMING THE FEDERAL TAX TREATMENT OF THE ALTERNATIVE FUEL CREDIT TO BE PERMANENT; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR REHABILITATION OF A HISTORIC STRUCTURE, SO AS TO INCLUDE A CREDIT AGAINST THE CORPORATE LICENSE FEES; TO AMEND SECTION 12-6-3550, AS AMENDED, RELATING TO THE VOLUNTARY CLEANUP INCOME TAX CREDIT, SO AS TO CLARIFY THAT THE CREDIT IS ONE AGAINST THE STATE INCOME TAX; TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND CREDIT AGAINST STATE TAXES, SO AS TO ALLOW THE CREDIT TO BE USED AGAINST THE TAXPAYER'S APPLICABLE STATE INCOME TAX, BANK TAX, INSURANCE PREMIUM TAX, OR LICENSE FEE LIABILITY; TO AMEND SECTION 12-6-3610, AS AMENDED, RELATING TO INCOME TAX CREDIT FOR PROPERTY USED FOR DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL, SO AS TO DELETE CERTAIN TRANSITIONAL PROVISIONS; TO AMEND SECTION 12-6-3630, RELATING TO A CREDIT AGAINST CERTAIN STATE TAXES FOR A CONTRIBUTION TO THE SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT FUND, SO AS TO FURTHER PROVIDE FOR CLAIMING THE CREDIT; TO AMEND SECTION 12-8-1530, RELATING TO QUARTERLY RETURNS OF WITHHELD TAX, SO AS TO REQUIRE RETURNS EVEN IN PERIODS WHEN NO TAX HAS BEEN WITHHELD; TO AMEND SECTION 12-8-1550, RELATING TO STATEMENTS REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR PRESCRIPTION BY THE DEPARTMENT OF EITHER ELECTRONIC OR MAGNETIC MEDIA METHOD FOR SUBMISSION OF CERTAIN INFORMATION; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO THE JOB DEVELOPMENT TAX CREDIT, SO AS TO MAKE TECHNICAL CORRECTIONS AND ADD A CROSS REFERENCE; TO AMEND SECTION 12-20-100, RELATING TO LICENSE TAX ON UTILITIES AND ELECTRIC COOPERATIVES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-21-2575, RELATING TO METHODS OF ACCOUNTING FOR ADMISSIONS OTHER THAN TICKETS, SO AS TO PROVIDE THAT THE TICKETS BE COLLECTED AND RETAINED TO ACCOUNT FOR ADMISSIONS; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO THE FIVE PERCENT SALES TAX ON THE PROCEEDS OF THE SALE OF TANGIBLE PERSONAL PROPERTY, SO AS TO DELETE A REDUNDANCY AS TO THE TAX ON PROCEEDS FROM THE SALE OF A WARRANTY, MAINTENANCE, OR SIMILAR CONTRACT FOR TANGIBLE PERSONAL PROPERTY; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE'S SALES TAX, SO AS TO SPECIFY NOTIFICATION REQUIREMENTS FOR CLAIMING THE EXEMPTION ON THE CONSTRUCTION MATERIALS USED IN CERTAIN SINGLE MANUFACTURING AND DISTRIBUTION FACILITIES AND TO PROVIDE FOR ASSESSMENT OF ANY TAX DUE, TO SPECIFY THAT THE EXEMPTION IN CONNECTION WITH THE SALE OF CURRENCY APPLIES TO CURRENCY THAT IS LEGAL TENDER, AND TO CLARIFY THE EXEMPTION AS TO DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO AMEND SECTION 12-37-90, RELATING TO DUTIES OF A FULL-TIME COUNTY ASSESSOR, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ALTER A VALUE OF REAL PROPERTY AS SET BY THE ASSESSOR; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR EXEMPTION OF THE REAL PROPERTY OF DEFINED TAX EXEMPT ORGANIZATIONS AND TO CORRECT A CROSS REFERENCE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO CORRECT A CROSS REFERENCE IN THE DEFINITION OF "SPONSOR"; TO AMEND SECTION 12-54-70, AS AMENDED, RELATING TO EXTENSION OF TIME FOR FILING RETURNS OR PAYING TAX, SO AS TO FURTHER DEFINE THE LENGTH OF THE EXTENSION; TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO TIME LIMITATION FOR ASSESSMENT OF TAXES OR FEES BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR THE INSTANCE OF A TAXPAYER LACKING A VALID BUSINESS PURPOSE; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS AND REPORTS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE THAT THE DISCLOSURE MUST BE WILFUL TO GIVE RISE TO THE PENALTIES; TO AMEND SECTION 12-63-20, AS AMENDED, RELATING TO THE ENERGY FREEDOM AND RURAL DEVELOPMENT ACT, SO AS TO DEFINE "BIODIESEL" FOR THAT PURPOSE; TO AMEND SECTION 30-2-320, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLIC RECORDS, AND SECTION 37-20-180, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLICATION OF A SOCIAL SECURITY NUMBER, BOTH SO AS TO ALLOW DISCLOSURE BY AND TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF CARRYING OUT ITS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATION OF DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A CROSS REFERENCE; AND TO REPEAL SECTION 12-20-175, RELATING TO REDUCTION OF LICENSE FEES DUE TO TAX CREDITS AND SECTION 12-36-30, RELATING TO THE DEFINITION OF "PERSON" FOR PURPOSES OF THE SALES AND USE TAX.

Rep. COOPER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 0; Nays 110

Those who voted in the affirmative are:

**Total--0**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | E. H. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | T. R. Young |  |

**Total--110**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 3342--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to H. 3342:

H. 3342 -- Reps. Delleney, Simrill, Nanney, Allison, Clemmons, Erickson, Hamilton, Lucas, Owens, Parker, Pinson, Scott, G. R. Smith, J. R. Smith, Loftis, Duncan, Hiott, Bedingfield, Rice and Vick: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

Very respectfully,

President

On motion of Rep. DELLENEY, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. DELLENEY, BEDINGFIELD and VICK to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

Rep. BALES 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. 3475 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME BLACK BRANCH ROAD IN DILLON COUNTY "HOYT JACKSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "HOYT JACKSON MEMORIAL HIGHWAY".

H. 3813 -- Rep. Harrison: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES GILLS CREEK ALONG SHADY LANE IN RICHLAND COUNTY "BURWELL D. MANNING, JR. BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "BURWELL D. MANNING, JR. BRIDGE".

H. 3960 -- Reps. Barfield, Hearn, Hardwick, Edge and Viers: A CONCURRENT RESOLUTION TO DESIGNATE COASTAL CAROLINA UNIVERSITY AS THE HOME OF THE BEACH MUSIC HALL OF FAME.

H. 4058 -- Rep. Clemmons: A CONCURRENT RESOLUTION TO MEMORIALIZE THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE HONORABLE RAY H. LAHOOD, TO SET ASIDE THE FUNDS NECESSARY TO ACQUIRE THE RIGHT OF WAY AND BUILD THE APPROXIMATELY SIX-MILE PORTION OF INTERSTATE 73 FROM "THE INTERSECTION OF HOPE" AT ITS INTERSECTION WITH INTERSTATE 95 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501 WHICH CONSTITUTES THE FIRST PHASE OF CONSTRUCTION OF INTERSTATE 73 IN SOUTH CAROLINA, AND SET ASIDE ADDITIONAL FUNDS TO COMPLETE THE REMAINING PORTION OF THIS INTERSTATE HIGHWAY AS THESE FUNDS BECOME AVAILABLE.

H. 4104 -- Reps. Barfield, Clemmons, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR NILA HUTCHINSON OF HORRY COUNTY FOR HER COUNTLESS CONTRIBUTIONS TO COASTAL CAROLINA UNIVERSITY, HER COMMUNITY, AND TO THIS STATE, AND TO WISH HER HEALTH AND HAPPINESS UPON HER RETIREMENT FROM COASTAL CAROLINA UNIVERSITY.

H. 4106 -- Reps. Jennings, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOSEPH PLEDGER HODGES OF MARLBORO COUNTY UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA PROBATION, PAROLE AND PARDON SERVICES BOARD, TO COMMEND HIM FOR HIS MANY YEARS OF PUBLIC SERVICE, AND TO OFFER HIM BEST WISHES FOR THE FUTURE.

**ADJOURNMENT**

At 5:00 p.m. the House, in accordance with the motion of Rep. WHITMIRE, adjourned in memory of Miriam Goodwin Thacker of Demorest, Georgia, mother-in-law of Representative Whitmire and in accordance with H. 4000, the Sine Die Adjournment Resolution.

\*\*\*