

NO. 40

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, MARCH 31, 2009
(STATEWIDE SESSION)

Tuesday, March 31, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Jeremiah 29:11: "For surely I know the plans I have for you, says the Lord, plans for your welfare and not for harm, to give you a future with hope."

Let us pray. Great Comforter, thank You for remaining close to us in all of life's trials. You have been ever faithful to us in guiding us through the many problems and hardships of these Sessions. Continue to go with these Representatives and staff as they wrestle with the many areas of interest that have an effect on the people of this State. Give them wisdom, strength, and courage to do right and give each integrity in pursuing the course for our State. Bless our Nation, President, State, Governor, Speaker, and all who labor 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 Friday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. CLYBURN moved that when the House adjourns, it adjourn in memory of Mary Jo Crippner of Aiken, which was agreed to.

INVITATION

On motion of Rep. KIRSH, with unanimous consent, the following was taken up for immediate consideration and accepted:

March 24, 2009

The Honorable Herb Kirsh

Chairman, House Invitations Committee

TUESDAY, MARCH 31, 2009

503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of The Children's Trust Fund of South Carolina, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, April 2, 2009, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,
Sue Oliver
Chief Executive Officer

March 30, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina REALTORS, the Members of the House of Representatives are invited to the 1st Annual Legislative Wii Tournament. This event will be held on Wednesday, April 1, 2009, from 6:00 p.m. until 8:00 p.m. at 3780 Fernandina Road in Columbia.

Sincerely,
Schip Ames
Government Affairs Coordinator

REGULATIONS RECEIVED

The following were received and referred to the appropriate committees for consideration:

Document No. 4054
Agency: Department of Labor, Licensing and Regulation
Statutory Authority: 1976 Code Section 40-83-30
Registration of Immigration Assistance Services
Received by Speaker of the House of Representatives
March 30, 2009
Referred to Labor, Commerce and Industry Committee
Legislative Review Expiration March 6, 2010

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Document No. 4055
Agency: Department of Labor, Licensing and Regulation
Statutory Authority: 1976 Code Sections 41-3-40 and 41-8-120
Illegal Aliens and Private Employment
Received by Speaker of the House of Representatives
March 30, 2009
Referred to Judiciary Committee
Legislative Review Expiration March 6, 2010

REGULATION WITHDRAWN AND RESUBMITTED

Document No. 4022
Agency: Riverbanks Parks Commission
Statutory Authority: 1976 Code Sections 51-13-30 and 51-13-80
Riverbanks Parks Commission
Received by Speaker of the House of Representatives March 5, 2009
Referred to Agriculture, Natural Resources and Environmental Affairs
Committee
Legislative Review Expiration February 9, 2010
Revised: February 10, 2010

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., March 26, 2009
Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor's appointment of:

Horry County Master-in Equity
Term Commencing: July 31, 2003
Term Expiring: July 31, 2009
Seat: Master-in-Equity
Vice: James Stanton Cross

Initial Appointment
Mrs. Cynthia Graham Howe
1200 Main Street
Post Office Box 530
Conway, South Carolina 29528

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TUESDAY, MARCH 31, 2009

Respectfully,
President of the Senate

Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., March 26, 2009

Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor's appointment of:

Horry County Master-in Equity
Term Commencing: July 31, 2009
Term Expiring: July 31, 2015
Seat: Master-in-Equity

Reappointment
Mrs. Cynthia Graham Howe
1200 Main Street
Post Office Box 530
Conway, South Carolina 29528

Respectfully,
President of the Senate

Received as information.

REPORTS OF STANDING COMMITTEE

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report on:

H. 3730 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT ALL FUNDS RECEIVED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (RECOVERY ACT) FOR THE CLEAN WATER STATE REVOLVING FUND AND DRINKING WATER STATE REVOLVING FUND MAY BE RECEIVED AND EXPENDED PURSUANT TO PROVISIONS OF

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THE RECOVERY ACT FOR SO LONG AS MONIES ARE AVAILABLE UNDER THE RECOVERY ACT.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report on:

H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A. D. Young, Edge, Bedingfield, J. R. Smith, G. R. Smith, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis and Toole: A BILL TO AMEND SECTION 11-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report on:

H. 3396 -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A. D. Young, Edge, J. R. Smith, G. R. Smith, Bedingfield, Whitmire, Hiott, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis and Toole: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND.

Ordered for consideration tomorrow.

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Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3254 -- Reps. Edge, Sellers, Barfield, Kelly, G. M. Smith and Branham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-87 SO AS TO PROVIDE THAT CERTAIN SPEECH-LANGUAGE PATHOLOGISTS WHO HAVE RECEIVED NATIONAL CERTIFICATION FROM THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION AND WHO ARE EMPLOYED IN A SOUTH CAROLINA PUBLIC SCHOOL DISTRICT SHALL RECEIVE A YEARLY INCENTIVE FOR THE LIFE OF THE CERTIFICATION, AND TO PROVIDE THAT THESE INCENTIVES MUST BE PAID FROM FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THIS PURPOSE IF AVAILABLE.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report on:

H. 3721 -- Rep. Kirsh: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2008; TO AMEND SECTION 12-6-50, AS AMENDED, RELATING TO INTERNAL REVENUE CODE SECTIONS NOT ADOPTED BY STATE LAW, SO AS TO MAKE ADDITIONS; AND TO PROVIDE THAT A TAXPAYER WHO FOLLOWS SECTION 3094 OF THE FEDERAL HOUSING ECONOMIC RECOVERY ACT OF 2008, FOR SOUTH CAROLINA PURPOSES MUST NOT BE PENALIZED.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

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

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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

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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

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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

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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.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3590 -- Reps. Edge, Clemmons, Hardwick, Hearn and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR AND A MUNICIPALITY LOCATED IN SUCH A COUNTY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT THE COUNTY MAY IMPOSE THE FEE BY ORDINANCE IN THE UNINCORPORATED AREAS OF THE COUNTY AND A MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE

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THAT USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

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 and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE "SOUTH CAROLINA RURAL INFRASTRUCTURE ACT", TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report on:

H. 3203 -- Reps. Brady, Harrison, J. E. Smith, Battle and Simrill: A BILL TO AMEND ARTICLE 4, CHAPTER 56, TITLE 44 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS, AMONG OTHER THINGS, TO FURTHER SPECIFY THAT WHOLESALE DRYCLEANING FACILITIES ARE SUBJECT TO

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THE PROVISIONS OF THIS ARTICLE AND ARE ELIGIBLE TO SEEK RESTORATION ASSISTANCE UNDER THIS ARTICLE; TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO USE FUNDS, OTHER THAN FUNDS FROM THE DRYCLEANING FACILITY RESTORATION TRUST FUND, IF AN EMERGENCY EXISTS AND FUNDS ARE NOT AVAILABLE FROM THE TRUST FUND AND TO FURTHER PROVIDE THAT THESE FUNDS MUST BE REPAID FROM THE TRUST FUND; TO PROVIDE EXEMPTIONS FROM THE ENVIRONMENTAL SURCHARGE IMPOSED ON THE GROSS PROCEEDS OF SALES OF RETAIL DRYCLEANING FACILITIES, INCLUDING AN EXEMPTION FOR WHOLESALE SALES OF DRYCLEANING SERVICES; TO FURTHER PROVIDE FOR ELIGIBILITY REQUIREMENTS AND DETERMINATIONS AND PROCEDURES FOR REQUESTING AND ISSUING RESTORATION ASSISTANCE, INCLUDING OBTAINING SECONDARY ASSESSMENTS AND THE AMOUNT OF DEDUCTIBLES; TO PROVIDE INITIAL AND ANNUAL REGISTRATION FEES FOR DRYCLEANING FACILITIES ESTABLISHED AFTER OCTOBER 1, 1995 AND TO AUTHORIZE THE PROPERTY OWNER TO REGISTER A FACILITY IF THE OWNER OR OPERATOR OF THE FACILITY DOES NOT; TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION, TO REQUIRE PRESENTATION OF SUCH CERTIFICATES IN ORDER TO PURCHASE DRYCLEANING SOLVENTS, TO PROHIBIT A SUPPLY FACILITY, OR OTHER DRYCLEANING FACILITY, FROM SELLING DRYCLEANING SOLVENT TO A DRYCLEANING FACILITY IF THE FACILITY DOES NOT POSSESS A CERTIFICATE, AND TO PROVIDE CIVIL PENALTIES; TO SPECIFY REQUIREMENTS FOR A DRYCLEANING FACILITY EXEMPTION CERTIFICATE; AND TO REVISE THE MEMBERSHIP OF THE DRYCLEANING ADVISORY COUNCIL.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report on:

H. 3268 -- Rep. Cooper: A BILL TO AMEND SECTION 12-28-2920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF TOLL ROADS, SO AS TO REVISE

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THE METHOD OF DISBURSAL OF FUNDS DERIVED FROM TOLLS, TO PROVIDE FOR THE DISBURSAL OF FUNDS DERIVED FROM QUALIFIED TOLL PROJECTS, TO PROVIDE WHEN TOLLS COLLECTED FROM QUALIFIED TOLL PROJECTS SHALL CEASE, AND TO DEFINE THE TERM "QUALIFIED TOLL PROJECT"; AND TO AMEND SECTION 57-3-200, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AUTHORITY TO ENTER INTO AGREEMENTS TO FINANCE, CONSTRUCT, AND MAINTAIN HIGHWAYS, ROADS, STREETS, AND BRIDGES, SO AS TO PROVIDE GUIDELINES FOR THE DEPARTMENT'S EXPENDITURE OF FUNDS ON QUALIFIED TOLL PROJECTS AND THE SETTING OF TOLLS ALONG TRANSPORTATION FACILITIES.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3018 -- Reps. E. H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G. M. Smith, Lowe, Vick, H. B. Brown and R. L. Brown: 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 THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS OCCUPIED, OR THE SECOND PROPERTY TAX YEAR ENDING DECEMBER THIRTY-FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A. D. Young, Limehouse and R. L. Brown: A BILL TO AMEND

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SECTION 12-37-3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12-37-3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO THE CLASSIFICATION AND VALUATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY'S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY'S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3365 -- Reprs. Cooper, T. R. Young and J. R. Smith: A BILL TO ENACT THE "HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT".

Ordered for consideration tomorrow.

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Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J. R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E. H. Pitts, Rice, Skelton, D. C. Smith, G. M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis and J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE DEPARTMENT OF AGRICULTURE FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO CONFORM DEFINITIONS; BY ADDING SECTION 11-11-230 SO AS TO CREATE AND ESTABLISH IN THE STATE TREASURY THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, ALL SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; BY ADDING CHAPTER 62 TO TITLE 38 SO AS TO CREATE AND ESTABLISH THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE PLAN, PROVIDING FOR A PREMIUM CREDIT NOT TO EXCEED THREE THOUSAND DOLLARS TO AN ELIGIBLE INDIVIDUAL OR EMPLOYER TOWARD THE PURCHASE OF A QUALIFYING HEALTH INSURANCE PLAN, DESCRIBING ELIGIBILITY REQUIREMENTS AND THE CERTIFICATION PROCESS, DEFINING THE QUALIFYING INDIVIDUALLY OR EMPLOYER-SPONSORED INSURANCE PLANS, AND PROVIDING FOR

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ADMINISTRATION AND REPORTING BY THE DEPARTMENT OF INSURANCE; AND BY ADDING SECTION 38-74-75 SO AS TO CREATE THE PALMETTO HEALTH CARE SAFETY NET PROGRAM, ESTABLISHING A SELF-SUSTAINING AND FINANCIALLY INDEPENDENT PORTION OF THE PREMIUM ASSISTANCE POOL, AND PROVIDING FOR ELIGIBILITY REQUIREMENTS, ADMINISTRATION, AND REPORTING BY THE DEPARTMENT OF INSURANCE AND OPERATING GUIDELINES.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3415 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Scott, Erickson, Herbkersman, T. R. Young, G. R. Smith, Huggins, Bedingfield, A. D. Young, Pinson, Lucas, E. H. Pitts, Crawford, Allison, Barfield, Brady, Chalk, Daning, Delleney, Edge, Frye, Hamilton, Hearn, Horne, Long, Merrill, Parker, Rice, Sellers, Skelton, G. M. Smith, J. R. Smith, Spires, Stringer, Thompson, Toole, Viers, Willis and Wylie: A JOINT RESOLUTION TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION; TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM INCLUDING ITS SALES TAX AND EXEMPTIONS STRUCTURE AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE; AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION'S RECOMMENDATIONS.

Ordered for consideration tomorrow.

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Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

S. 12 -- Senators Leatherman, Alexander, O'Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION'S RECOMMENDATIONS.

Ordered for consideration tomorrow.

CONCURRENT RESOLUTION

The following was introduced:

H. 3805 -- Reps. Millwood, Allison, Cole, Forrester, Kelly and Parker: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LAKE BOWEN IN SPARTANBURG COUNTY ALONG SOUTH CAROLINA HIGHWAY 9 "CORPORAL JAMES E. 'BO' BROWN BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "CORPORAL JAMES E. 'BO' BROWN BRIDGE".

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

CONCURRENT RESOLUTION

On motion of Rep. SELLERS, with unanimous consent, the following was taken up for immediate consideration:

H. 3806 -- Rep. Sellers: A CONCURRENT RESOLUTION TO DECLARE APRIL "DIVERSITY AND SOCIAL JUSTICE MONTH,"

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IN ORDER TO CELEBRATE THE DIVERSITY OF ALL SOUTH CAROLINIANS AND DISPLAY SOUTH CAROLINA'S COMMITMENT TO CREATING AND SUSTAINING A JUST AND PEACEFUL WORLD.

Whereas, South Carolina is the home to a multicultural and diverse population consisting of many ethnicities; and

Whereas, recognition of diversity and social justice is crucial to promoting development of rural leaders and communities, both quality housing and education for low-income families, and quality services to the elderly; and

Whereas, recognition results in cultivating more responsive human-service organization while developing and teaching principals of planned peaceful change; and

Whereas, social justice provides for policy development and reform in areas relevant to the needs of the oppressed and of populations at risk; and

Whereas, diversity assists social agencies, government, businesses, and industries in matters such as race relations and the enhancement of economic growth through human-service development. Now, therefore,

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

That the members of the General Assembly of the State of South Carolina, by this resolution, declare April "Diversity and Social Justice Month" in order to celebrate the diversity of all South Carolinians and display South Carolina's commitment to creating and sustaining a just and peaceful world.

Be it further resolved that a copy of this resolution be presented to Dr. Sadye Logan, Director of the I. DeQuincy Newman Institute for Peace and Social Justice at the University of South Carolina.

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

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HOUSE RESOLUTION

The following was introduced:

H. 3807 -- Reps. E. H. Pitts and Haley: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE THESPIANS OF LEXINGTON HIGH SCHOOL AND TO CONGRATULATE THEM ON WINNING FIRST PLACE IN SOUTH CAROLINA THEATRE ASSOCIATION'S FESTIVAL IN 2008 AND FOR EARNING RUNNER-UP HONORS FOR THEIR PRODUCTION AND TOP ACCOLADES FOR THREE STUDENTS AT THE SOUTHEASTERN THEATRE CONFERENCE CONVENTION.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3808 -- Rep. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE REVEREND DR. JAMES WILLIAM SANDERS, SR., UPON THE OCCASION OF HIS SIXTIETH ANNIVERSARY AS PASTOR OF BETHEL BAPTIST CHURCH IN GAFFNEY.

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

HOUSE RESOLUTION

The following was introduced:

H. 3809 -- Reps. Stavrinakis, 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, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson,

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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, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF DR. WILLIAM VINCENT MOORE OF CHARLESTON, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3810 -- Reps. Nanney and Hamilton: A HOUSE RESOLUTION TO RECOGNIZE THE WADE HAMPTON FIRE AND SEWER DISTRICT OF GREENVILLE COUNTY FOR ITS CONTRIBUTIONS AND SERVICE TO THE CITIZENS OF GREENVILLE AND TO HONOR THE LATE W. M. "BILL" EDWARDS UPON THE OCCASION OF THE DEDICATION OF STATION 1 OF THE DISTRICT AS THE "W. M. EDWARDS STATION."

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3811 -- Rep. Nanney: A HOUSE RESOLUTION TO RECOGNIZE THE WADE HAMPTON FIRE AND SEWER DISTRICT OF GREENVILLE COUNTY AND TO HONOR THE LATE R. B. "RUDY" SINGLETON UPON THE OCCASION OF THE DEDICATION OF STATION 2 AS THE "R. B. SINGLETON STATION."

The Resolution was adopted.

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INTRODUCTION OF BILLS

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

H. 3812 -- Rep. E. H. Pitts: A BILL TO AMEND SECTION 59-26-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NATIONAL BOARD CERTIFICATION, SO AS TO PROVIDE THAT TEACHERS WHO ARE CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS SHALL RECEIVE A ONE-TIME SEVENTY-FIVE HUNDRED DOLLAR SALARY SUPPLEMENT, BEGINNING ON JULY FIRST OF THE YEAR FOLLOWING THE YEAR THEY ACHIEVED CERTIFICATION FOR THE INITIAL TEN-YEAR CERTIFICATION PERIOD; TO PROVIDE THAT THE SALARY SUPPLEMENT MUST BE ADJUSTED ON A PRO RATA BASIS FOR THE TEACHER'S FTE; TO PROVIDE THAT TEACHERS OF CERTAIN SPECIAL SCHOOLS ALSO ARE ELIGIBLE TO RECEIVE THE SUPPLEMENT; TO PROVIDE THAT UP TO ELEVEN HUNDRED NATIONAL BOARD CERTIFICATION LOAN APPLICATIONS MUST BE PROCESSED ANNUALLY; TO PROVIDE FOR THE APPROPRIATION OF FUNDS FOR THE LOAN PROGRAM; AND TO PROVIDE FOR LOAN REPAYMENT FOR TEACHERS WHO FAIL TO OBTAIN NATIONAL BOARD CERTIFICATION UPON CERTAIN CONDITIONS.

Referred to Committee on Education and Public Works

H. 3814 -- Reps. Allison, Cole, Forrester, Kelly and Parker: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT A HIGHWAY BEAUTIFICATION PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE.

Referred to Committee on Education and Public Works

H. 3815 -- Rep. Haley: A BILL TO AMEND SECTION 40-13-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS PERTAINING TO THE LICENSURE AND REGULATION OF COSMETOLOGISTS, SO AS TO SPECIFICALLY EXCLUDE FROM THE DEFINITION OF "SALON" A RENTAL BOOTH AND THE SPACE IN A SALON OCCUPIED BY AN INDEPENDENT CONTRACTOR; AND BY

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ADDING SECTION 40-13-255 SO AS TO PROVIDE THAT A PERSON PRACTICING UNDER AN INDIVIDUAL COSMETOLOGY LICENSE IN A BOOTH RENTAL OR AS AN INDEPENDENT CONTRACTOR MAY NOT BE CHARGED A LICENSURE OR LICENSURE RENEWAL FEE OTHER THAN THE FEE CHARGED FOR INDIVIDUAL LICENSURE OR LICENSURE RENEWAL.

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

H. 3816 -- Reps. Herbkersman and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-95 SO AS TO PROVIDE THAT COUNTIES AND MUNICIPALITIES ARE AUTHORIZED TO ISSUE TRAFFIC WARNING CITATIONS THAT CARRY A FINE OF NOT MORE THAN EIGHTY DOLLARS, AND TO PROVIDE THAT NINETY PERCENT OF THE FINE MAY BE RETAINED BY THE COUNTY OR MUNICIPALITY.

Referred to Committee on Judiciary

H. 3817 -- Reps. Dillard, Brantley, Cobb-Hunter, Bannister, Allen, Nanney, Stavrinakis, Hutto, Mitchell, Brady, Anderson, Bedingfield, R. L. Brown, Clemmons, Clyburn, Delleney, Gunn, Horne, Hosey, Jefferson, King, Long, Lucas, Parks, Scott, G. R. Smith, J. R. Smith, Stringer, Umphlett, Williams, Wylie, A. D. Young and T. R. Young: A BILL TO AMEND SECTION 23-3-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23-3-250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON SHALL REPORT TO A LAW ENFORCEMENT AGENCY; TO AMEND SECTION 23-3-270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTER TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO

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PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23-3-330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

Referred to Committee on Judiciary

H. 3818 -- Reps. Funderburk, Gunn and Lucas: A BILL TO PROVIDE THAT ON THE EFFECTIVE DATE OF THIS ACT, THE NAME OF THE KERSHAW COUNTY MEDICAL CENTER IS HEREBY CHANGED TO KERSHAWHEALTH.

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

H. 3820 -- Rep. Vick: A BILL TO AMEND SECTION 56-3-9910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ISSUANCE OF GOLD STAR FAMILY SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REDUCE THE FEE FOR THIS SPECIAL LICENSE PLATE.

Referred to Committee on Education and Public Works

H. 3823 -- Rep. Knight: A BILL TO PROVIDE THAT RESIDENTS OF THE TOWNS OF ST. GEORGE AND HARLEYVILLE, WHO OWN GOLF CARTS THAT MAY BE OPERATED ALONG CERTAIN PRIMARY HIGHWAYS OR STREETS, MAY OPERATE THEM ALONG CERTAIN HIGHWAYS AND STREETS WITHIN THEIR RESPECTIVE JURISDICTIONS IN A TWO-MILE RADIUS OF THEIR RESIDENCES OR PLACES OF BUSINESS, AND TO PROVIDE THAT DURING NIGHTTIME HOURS, THE GOLF CART MUST BE OPERATED WITH WORKING HEADLIGHTS AND TAIL LIGHTS.

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

S. 26 -- Senators Jackson and Rose: A JOINT RESOLUTION TO ESTABLISH THE STROKE SYSTEMS OF CARE STUDY COMMITTEE WITHIN THE DEPARTMENT OF HEALTH AND

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ENVIRONMENTAL CONTROL TO DEVELOP RECOMMENDATIONS FOR A REGIONALLY ORGANIZED AND STATEWIDE COMPREHENSIVE PLAN FOR A STROKE SYSTEMS OF CARE.

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

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler and L. Martin: A BILL TO AMEND SECTION 16-3-654 OF THE 1976 CODE, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE, TO INCLUDE SEXUAL BATTERY WHEN THE VICTIM IS A STUDENT SIXTEEN YEARS OF AGE OR OLDER AND THE ACTOR IS A PERSON EMPLOYED AT A PUBLIC OR PRIVATE SECONDARY SCHOOL, UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Judiciary

S. 120 -- Senators Knotts and Rose: A BILL TO AMEND SECTION 56-3-9910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' ISSUANCE OF GOLD STAR FAMILY SPECIAL LICENSE PLATES, SO AS TO PROVIDE THAT THE FEE FOR THIS SPECIAL LICENSE PLATE IS THE DEPARTMENT'S COST TO PRODUCE IT AND TO PROVIDE THAT THE PRODUCTION OF THIS LICENSE PLATE IS EXEMPT FROM THE PROVISIONS CONTAINED IN SECTION 56-3-8000(B) AND (C).

Referred to Committee on Education and Public Works

S. 255 -- Senator L. Martin: A BILL TO AMEND SECTION 56-3-3310 OF THE 1976 CODE, AS AMENDED, RELATING TO THE ISSUANCE OF PURPLE HEART SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THERE IS NO FEE FOR UP TO TWO LICENSE PLATES AND THE BIENNIAL FEE FOR ANY ADDITIONAL PURPLE HEART LICENSE PLATES IS THE SAME AS THE FEE PROVIDED IN ARTICLE 5, CHAPTER 3 OF THIS TITLE.

Referred to Committee on Education and Public Works

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF

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HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44-7-160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44-7-180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44-7-200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44-7-210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44-7-220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES

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INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44-7-230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44-7-270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44-7-280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44-7-225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44-7-285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44-7-296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES

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TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

Referred to Committee on Judiciary

S. 407 -- Senators Hayes, Cleary and Campsen: A BILL TO AMEND ARTICLE 1, CHAPTER 43, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DONATION OF HUMAN BODIES, PARTS OF THE HUMAN BODY AND HUMAN TISSUE, SO AS TO CONFORM CROSS REFERENCES TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, TO DELETE THE PROVISION STATING THAT A DONOR DESIGNATION ON A DRIVER'S LICENSE DOES NOT CONSTITUTE A GIFT UNDER THE UNIFORM ANATOMICAL GIFT ACT; TO AMEND ARTICLE 5, CHAPTER 43, TITLE 44, RELATING TO THE UNIFORM ANATOMICAL GIFT ACT, SO AS TO CHANGE THE ACT NAME TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, AND, AMONG OTHER THINGS, TO REVISE DEFINITIONS, DONOR ELIGIBILITY, DONATION AMENDMENT AND REVOCATION PROCEDURES, THE PRIORITY ORDER TO GIVE CONSENT, SUBSTITUTE DONOR PROCEDURES, DONEE QUALIFICATIONS, AND ALTERNATIVE DONEE PROCEDURES; TO ESTABLISH PROCEDURES FOR REFUSAL TO MAKE AN ANATOMICAL GIFT; TO REQUIRE CERTAIN LAW ENFORCEMENT, HOSPITAL PERSONNEL, AND ORGAN PROCUREMENT ORGANIZATIONS TO MAKE REASONABLE SEARCHES FOR DONOR INFORMATION AND DONOR REFUSAL INFORMATION; TO PROVIDE THAT A PHYSICIAN WHO ATTENDED A PERSON AT DEATH OR WHO DETERMINES THE TIME OF DEATH MAY NOT PARTICIPATE IN REMOVAL OR TRANSPLANTATION PROCEDURES; TO ESTABLISH CRIMINAL PENALTIES FOR SELLING OR PURCHASING ORGANS AND FOR OBTAINING FINANCIAL GAIN BY FALSIFYING OR DEFACING A DONATION DOCUMENT; TO ESTABLISH CRITERIA FOR THE VALIDITY OF AN ORGAN DONATION; TO ESTABLISH PROCEDURES TO RESOLVE ISSUES WHEN CERTAIN CONFLICTS EXIST BETWEEN A DECLARATION OF A ORGAN DONATION AND THE MEDICAL

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SUITABILITY OF THE ORGAN DONATION; TO REQUIRE CORONERS TO COOPERATE WITH PROCUREMENT ORGANIZATIONS TO MAXIMIZE THE OPPORTUNITY TO RECOVER ANATOMICAL GIFTS; AND TO AMEND ARTICLE 11, CHAPTER 43, TITLE 44, RELATING TO HOSPITAL POLICY AND PROTOCOL FOR ORGAN AND TISSUE DONATION, SO AS TO REVISE DEFINITIONS AND PROCEDURES FOR CONTACTING PERSONS AUTHORIZED TO CONSENT TO ORGAN DONATION.

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

S. 463 -- Senators Peeler and Rose: A BILL TO AMEND SECTION 44-36-10 OF THE 1976 CODE, RELATING TO THE PURPOSE AND FUNCTIONS OF THE ALZHEIMER'S DISEASE REGISTRY, TO EXPAND THE TYPES OF DATA COLLECTED BY THE ALZHEIMER'S DISEASE REGISTRY, AND TO PROVIDE FOR THE AUTHORIZATION OF STUDIES ABOUT ALZHEIMER'S DISEASE AND THE CAREGIVERS OF PERSONS WITH ALZHEIMER'S DISEASE.

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

S. 483 -- Senators Rankin, Cleary, McGill and Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR AND A MUNICIPALITY LOCATED IN SUCH A COUNTY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT THE COUNTY MAY IMPOSE THE FEE BY ORDINANCE IN THE UNINCORPORATED AREAS OF THE COUNTY AND A MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING

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TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

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

S. 486 -- Senators Peeler, Alexander and Rose: A BILL TO AMEND SECTION 44-20-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 44-20-220, RELATING TO THE PROMULGATION OF REGULATIONS BY THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION REQUIRING THE COMMISSION TO CONSULT WITH THE ADVISORY COMMITTEE OF THE DIVISION TO WHICH THE REGULATIONS APPLY; TO AMEND SECTION 44-20-230, RELATING TO THE RESPONSIBILITIES OF THE DIRECTOR OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION AUTHORIZING THE DIRECTOR TO APPOINT AND REMOVE EMPLOYEES OF THE DEPARTMENT; TO AMEND SECTION 44-20-240, RELATING TO THE CREATION AND RESPONSIBILITIES OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION TRANSFERRING THE RESPONSIBILITY FOR AUTISTIC SERVICES FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS; TO AMEND SECTION 44-20-350, RELATING TO AUTHORIZING THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS TO ESTABLISH CHARGES FOR SERVICES IN REGULATION, SO AS TO REQUIRE THESE CHARGES TO BE ESTABLISHED IN REGULATION; TO AMEND SECTION 44-20-430, RELATING TO THE DIRECTOR CARRYING OUT CERTAIN RESPONSIBILITIES SUBJECT TO POLICIES ADOPTED BY THE COMMISSION, SO AS TO PROVIDE THAT CARRYING OUT THESE RESPONSIBILITIES IS SUBJECT TO REGULATIONS PROMULGATED BY THE DEPARTMENT; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO FACILITIES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND FACILITIES THAT ARE EXEMPT FROM SUCH LICENSURE, SO AS TO REQUIRE

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LICENSURE FOR COMMUNITY-BASED HOUSING AND DAY PROGRAMS OPERATED BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AND TO REMOVE COMMUNITY-BASED HOUSING SPONSORED, LICENSED, OR CERTIFIED BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FROM THOSE FACILITIES THAT ARE EXEMPT FROM LICENSURE; TO AMEND ARTICLE 23, CHAPTER 7, TITLE 44, RELATING TO CRIMINAL RECORDS CHECKS OF DIRECT CARE STAFF, SO AS TO FURTHER SPECIFY THE CRIMINAL RECORDS CHECKS THAT MUST BE CONDUCTED ON DIRECT CARE STAFF, TO PROVIDE THAT A DIRECT CARE ENTITY INCLUDES A DAY PROGRAM OPERATED BY THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, TO DELETE PROVISIONS REQUIRING DIRECT CAREGIVERS TO VERIFY RESIDENCY FOR THE TWELVE MONTHS PRECEDING APPLYING FOR EMPLOYMENT, TO DELETE PROVISIONS AUTHORIZING PRIVATE BUSINESSES, ORGANIZATIONS, OR ASSOCIATIONS TO CONDUCT CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED BY THIS ARTICLE, AND TO DELETE PROVISIONS RELATING TO CERTAIN FINGERPRINT FORMS AND PROCEDURES; AND TO REPEAL SECTION 44-20-225 RELATING TO CONSUMER ADVISORY BOARDS FOR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS' MENTAL RETARDATION, AUTISM, AND HEAD AND SPINAL CORD INJURY DIVISIONS AND ARTICLE 5, CHAPTER 20, TITLE 44 RELATING TO THE LICENSURE AND REGULATION OF FACILITIES AND PROGRAMS BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS.

Referred to Committee on Judiciary

CONCURRENT RESOLUTION

The following was introduced:

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

[HJ]

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MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "BURWELL D. MANNING, JR. BRIDGE".

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

HOUSE RESOLUTION

The following was introduced:

H. 3819 -- Rep. McLeod: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE NEWBERRY COLLEGE WRESTLING TEAM ON BEING CHAMPIONS FOR THE SECOND CONSECUTIVE YEAR OF THE NCAA DIVISION II'S SUPER REGION I, AND TO HONOR THESE WRESTLERS AND HEAD COACH JASON VALEK ON THEIR OUTSTANDING SEASON OF TWENTY-THREE WINS AND ONLY TWO LOSSES.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3821 -- Reps. Parker, Allison, Cole, Forrester, Kelly, Littlejohn and Millwood: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES INTERSTATE HIGHWAY 585 IN SPARTANBURG COUNTY ALONG VALLEY FALLS ROAD "SGT. STEPHEN CORRELL HIGH MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "SGT. STEPHEN CORRELL HIGH MEMORIAL BRIDGE".

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

HOUSE RESOLUTION

The following was introduced:

H. 3822 -- Reps. J. E. Smith, 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,

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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, 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. 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 HOUSE RESOLUTION TO THANK MR. BERNARD "BERNIE" BAUM OF KERSHAW COUNTY, CHIEF OF STAFF FOR REPRESENTATIVE J. E. SMITH, FOR HIS OUTSTANDING SERVICE IN THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES DURING THE RECENT MILITARY LEAVE OF REPRESENTATIVE SMITH, AND TO DECLARE MR. BAUM THE "125TH HOUSE MEMBER."

Whereas, during the recent military service of Representative J. E. Smith in Afghanistan, Mr. Bernard "Bernie" Baum acted as chief of staff to Representative Smith and kept him informed of all that transpired in the South Carolina House of Representatives; and

Whereas, the constituents of District 72 knew Representative Smith had left them in good hands with Mr. Baum and that someone was there for them while their House member was serving his country abroad; and

Whereas, for the eighteen months of Representative Smith's absence, Mr. Baum proved an invaluable resource for the entire House. He tracked every bill, following each one so closely that many House members turned to him to determine exactly where debate on a given issue stood at a particular time; and

Whereas, no stranger to military service himself, Bernie Baum in earlier days was a member of the United States Marine Corps. In addition, he brought years of experience in the hospitality industry and as a small businessman and lobbyist to his work as chief of staff; and

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Whereas, the House of Representatives gratefully acknowledges its debt to Bernie Baum for the excellence of his service on behalf of Representative Smith, and with one voice the members affirm their respect and appreciation by declaring him the “125th House member.” Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, thank Mr. Bernard “Bernie” Baum of Kershaw County, chief of staff for Representative J. E. Smith, for his outstanding service in the South Carolina House of Representatives during the recent military leave of Representative Smith, and declare Mr. Baum the “125th House member.”

Be it further resolved that a copy of this resolution be presented to Mr. Bernie Baum.

The Resolution was adopted.

ROLL CALL

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

Alexander	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Battle
Bedingfield	Bingham	Bowen
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Chalk	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Erickson	Forrester
Frye	Funderburk	Gilliard
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Jennings

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Kelly	Kennedy	King
Kirsh	Knight	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Mack
McEachern	McLeod	Merrill
Miller	Millwood	Mitchell
Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	Rice
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	Wylie	A. D. Young
T. R. Young		

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, March 31.

Jeffrey D. Duncan	Mike Gambrell
Liston Barfield	Tracy Edge
Jerry Govan	Michael A. Pitts
Paul Agnew	William Bowers

Total Present--120

DOCTOR OF THE DAY

Announcement was made that Dr. Robert Morgan of Greenville was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be

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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. 3022
Date: ADD:
03/31/09 MITCHELL

CO-SPONSOR ADDED

Bill Number: H. 3118
Date: ADD:
03/31/09 FUNDERBURK

CO-SPONSOR ADDED

Bill Number: H. 3134
Date: ADD:
03/31/09 LONG

CO-SPONSOR ADDED

Bill Number: H. 3147
Date: ADD:
03/31/09 HUTTO

CO-SPONSOR ADDED

Bill Number: H. 3231
Date: ADD:
03/31/09 FUNDERBURK

CO-SPONSOR ADDED

Bill Number: H. 3276
Date: ADD:
03/31/09 FUNDERBURK

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CO-SPONSOR ADDED

Bill Number: H. 3279
Date: ADD:
03/31/09 FUNDERBURK

CO-SPONSOR ADDED

Bill Number: H. 3280
Date: ADD:
03/31/09 FUNDERBURK

CO-SPONSOR ADDED

Bill Number: H. 3358
Date: ADD:
03/31/09 HUTTO

CO-SPONSOR ADDED

Bill Number: H. 3488
Date: ADD:
03/31/09 R. L. BROWN

CO-SPONSOR ADDED

Bill Number: H. 3584
Date: ADD:
03/31/09 J. E. SMITH

CO-SPONSOR ADDED

Bill Number: H. 3681
Date: ADD:
03/31/09 HODGES

CO-SPONSOR ADDED

Bill Number: H. 3442
Date: ADD:
03/31/09 BEDINGFIELD

H. 3589--DEBATE ADJOURNED

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

H. 3589 -- Reps. White, Bowen, Thompson, Cooper and Gambrell:
A BILL TO AMEND ACT 269 OF 1989, AS AMENDED,

[HJ]

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RELATING TO ANDERSON COUNTY SCHOOL DISTRICT BUDGETS AND TAX MILLAGES, SO AS TO PROVIDE THAT THE BUDGET THAT A SCHOOL DISTRICT IN ANDERSON COUNTY MUST PROVIDE TO THE ANDERSON COUNTY BOARD OF EDUCATION MUST INCLUDE AN ITEMIZED ACCOUNTING OF HOW OPERATING FUNDS OF THE DISTRICT ARE PROPOSED TO BE ALLOCATED, AND TO PROVIDE THAT THE BOARD MAY DELETE ITEMS OR SHIFT FUNDS AMONG BUDGET ITEMS OF DISTRICT BUDGETS.

S. 487--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 487 -- Senators Bright, Reese and S. Martin: A BILL TO AMEND ACT 612 OF 1984, RELATING TO THE METHOD OF CONDUCTING ELECTIONS FOR MEMBERS OF THE SCHOOL DISTRICT BOARDS OF TRUSTEES IN SPARTANBURG COUNTY, TO REDUCE THE NUMBER OF QUALIFIED ELECTORS THAT MUST SIGN A PETITION FOR A PERSON TO PLACE HIS NAME AS A CANDIDATE ON THE BALLOT.

Rep. LITTLEJOHN proposed the following Amendment No. 2 (COUNCIL\MS\7306AHB09), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety, page 1, lines 22 through 34, and inserting:

/ SECTION 1. Section 1(C) of Act 612 of 1984 is amended to read:

“(C) To place the name of a candidate on the ballot, qualified electors of the school district must file with the Spartanburg County Election Commission, not less than sixty days before the date of the election, a petition which must contain the names of qualified electors of a number equal to not less than ~~three hundred fifty~~ one hundred twenty qualified electors of the district or five percent of the total number of electors of the district, whichever is the lesser. In the event no petition is filed within the time limits specified, the ~~county~~ appropriate district board of ~~education~~ trustees must appoint a successor.” /

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

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

H. 3561--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Wednesday, April 1, 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. 3022--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3022 -- Reps. Kirsh, Wylie, G. M. Smith, Weeks and Mitchell: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT OF THE CHARGE, SO AS TO SPECIFICALLY INCLUDE THAT A CIRCUIT SOLICITOR'S OFFICE OR CLERK OF COURT MAY NOT CHARGE A FEE FOR THE DESTRUCTION OR EXPUNGEMENT OF RECORDS OR FOR THE APPLICATION PROCESS REGARDING THE DESTRUCTION OR EXPUNGEMENT OF RECORDS UNDER CERTAIN CIRCUMSTANCES.

Reps. HARRISON and KELLY proposed the following Amendment No. 3 (COUNCIL\MS\7304AHB09), which was adopted:

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

/ SECTION 1. This act may be cited as the "Uniform Expungement of Criminal Records Act".

SECTION 2. Chapter 22, Title 17 of the 1976 Code is amended by adding:

"Article 9
Uniform Expungement of Criminal Records

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Section 17-22-910. Applications for expungement of all criminal records must be administered by the solicitor's office in each circuit in the State as authorized pursuant to:

- (1) Section 34-11-90(e), first offense misdemeanor fraudulent check;
- (2) Section 44-53-450(b), conditional discharge for simple possession of marijuana or hashish;
- (3) Section 22-5-910, first offense conviction in magistrates court;
- (4) Section 22-5-920, youthful offender act;
- (5) Section 56-5-750(f), first offense failure to stop when signaled by a law enforcement vehicle;
- (6) Section 17-22-150(a), pretrial intervention;
- (7) Section 17-1-40, criminal records destruction, except as provided in Section 17-22-350;
- (8) Section 20-7-8525, juvenile expungements;
- (9) Section 17-22-530(a), alcohol education program; and
- (10) any other statutory authorization.

Section 17-22-920. The clerk of court shall direct all inquiries concerning the expungement process to the corresponding solicitor's office to make application for expungement.

Section 17-22-930. A person applying to expunge a criminal record shall obtain the appropriate blank expungement order form from the solicitor's office in the judicial circuit where the charge originated. The use of this form is mandatory and to the exclusion of all other expungement forms.

Section 17-22-940. (A) In exchange for an expungement service that is provided by the solicitor's office, the applicant is responsible for payment to the solicitor's office of an administrative fee in the amount of two-hundred-fifty-dollars per individual order, which must be retained by that office and used to defray the costs associated with the expungement process, except as provided in subsection (B). The two-hundred-fifty-dollar fee is nonrefundable, regardless of whether the offense is later determined to be statutorily ineligible for expungement or the solicitor or his designee does not consent to the expungement.

(B) The solicitor's office prosecuting the case in a court of general sessions, at no cost to the accused person, shall cause an order for expungement to be issued for a person who is found not guilty or who has his charges dismissed or nolle prossed pursuant to Section 17-1-40 unless the:

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(1) accused person has other charges pending;

(2) solicitor believes that the evidence in the case needs to be preserved and notifies the accused person in writing at the address listed on his bond form, or through his attorney, no later than thirty days after the person is found not guilty or his charges are dismissed or nolle prossed; or

(3) accused person's charges were dismissed as a part of a plea agreement.

(C) The solicitor's office shall implement policies and procedures consistent with this section to ensure that the expungement process is properly conducted. This includes, but is not limited to:

(1) assisting the applicant in completing the expungement order form;

(2) collecting from the applicant and distributing to the appropriate agencies separate certified checks or money orders for charges prescribed by this article;

(3) coordinating with the South Carolina Law Enforcement Division (SLED) and, in the case of juvenile expungements, the Department of Juvenile Justice, to confirm that the criminal charge is statutorily appropriate for expungement;

(4) obtaining and verifying the presence of all necessary signatures;

(5) filing the completed expungement order with the clerk of court; and

(6) providing copies of the completed expungement order to all governmental agencies which must receive the order including, but not limited to, the:

(a) arresting law enforcement agency;

(b) detention facility or jail;

(c) solicitor's office;

(d) magistrates or municipal court where the arrest warrant originated;

(e) magistrates or municipal court that was involved in any way in the criminal process of the charge sought to be expunged;

(f) Department of Juvenile Justice; and

(g) SLED.

(D) The solicitor or his designee also must provide a copy of the completed expungement order to the applicant or his retained counsel.

(E) In cases when charges are sought to be expunged pursuant to Section 17-22-150(a), 17-22-530(a), 22-5-910, or 44-53-450(b), the circuit pretrial intervention director, alcohol education program

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director, or summary court judge shall attest by signature on the application to the eligibility of the charge for expungement before either the solicitor or his designee and then the circuit court judge, or the family court judge in the case of a juvenile, signs the application for expungement.

(F) SLED shall verify and document that the criminal charges in all cases, except in cases when charges are sought to be expunged pursuant to Section 17-1-40, are appropriate for expungement before the solicitor or his designee, and then a circuit court judge, or a family court judge in the case of a juvenile, signs the application for expungement. If the expungement is sought pursuant to Section 34-11-90(e), Section 22-5-910, Section 22-5-920, or Section 56-5-750(f), the conviction for any traffic related offense which is punishable only by a fine or loss of points will not be considered as a bar to expungement.

(1) SLED shall receive a twenty-five-dollar certified check or money order from the solicitor or his designee on behalf of the applicant made payable to SLED for each verification request, except that no verification fee may be charged when an expungement is sought pursuant to Section 17-1-40, 17-22-150(a), or 44-53-450(b). SLED then shall forward the necessary documentation back to the solicitor's office involved in the process.

(2) In the case of juvenile expungements, verification and documentation that the charge is statutorily appropriate for expungement must first be accomplished by the Department of Juvenile Justice and then SLED.

(3) Neither SLED, the Department of Juvenile Justice, nor any other official shall allow the applicant to take possession of the application for expungement during the expungement process.

(G) The applicant also is responsible to the clerk of court for the filing fee per individual order as required by Section 8-21-310(21), which must be forwarded to the clerk of court by the solicitor or his designee and deposited in the county general fund. If the charge is determined to be statutorily ineligible for expungement, this prepaid clerk of court filing fee must be refunded to the applicant by the solicitor or his designee.

(H) Each expungement order may contain only one charge sought to be expunged, except in those circumstances when expungement is sought for multiple charges occurring out of a single incident and subject to expungement pursuant to Section 17-1-40 or 17-22-150(a). Only in those circumstances may more than one charge be included on

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a single application for expungement and, when applicable, only one two-hundred-fifty-dollar fee, one twenty-five-dollar SLED verification fee, and one thirty-five-dollar clerk of court filing fee may be charged.

(I) A filing fee may not be charged by the clerk's office to an applicant seeking the expungement of a criminal record pursuant to Section 17-1-40, when the charge was discharged, dismissed, nolle prossed, or the applicant was acquitted.

(J) Nothing in this article precludes an applicant from retaining counsel to apply to the solicitor's office on his behalf or precludes retained counsel from initiating an action in circuit court seeking a judicial determination of eligibility when the solicitor, in his discretion, does not consent to the expungement. In either event, retained counsel is responsible to the solicitor or his designee, when applicable, for the two-hundred-fifty-dollar fee, the twenty-five-dollar SLED verification fee, and the thirty-five-dollar clerk of court filing fee which must be paid by retained counsel's client.

(K) The solicitor or his designee has the discretion to waive the two-hundred-fifty-dollar fee only in those cases when it is determined that a person has been falsely accused of a crime as a result of identity theft.

(L) Each solicitor's office shall maintain a record of all fees collected related to the expungement of criminal records, which must be made available to the chairmen of the House and Senate Judiciary Committees. Those records shall remain confidential otherwise.

Section 17-22-950. (A) When criminal charges are brought in a summary court and the accused person is found not guilty or if the charges are dismissed or nolle prossed, pursuant to Section 17-1-40, the presiding judge of the summary court, at no cost to the accused person, immediately shall issue an order to expunge the criminal records of the accused person unless the dismissal of the charges occurs at a preliminary hearing or unless the accused person has charges pending in summary court and a court of general sessions and such charges arise out of the same course of events. This expungement must occur no sooner than the appeal expiration date and no later than thirty days after the appeal expiration date. Upon issuance of the order, the judge of the summary court or a member of the summary court staff must coordinate with SLED to confirm that the criminal charge is statutorily appropriate for expungement; obtain and verify the presence of all necessary signatures; file the completed expungement order with the clerk of court; provide copies of the completed expungement order to all governmental agencies which must receive the order including, but

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not limited to, the arresting law enforcement agency, the detention facility or jail, the solicitor's office, the magistrates or municipal court where the arrest warrant originated, the magistrates or municipal court that was involved in any way in the criminal process of the charge sought to be expunged, and SLED. The judge of the summary court or a member of the summary court staff also must provide a copy of the completed expungement order to the applicant or his retained counsel. The prosecuting agency or appropriate law enforcement agency may file an objection to a summary court expungement. If an objection is filed by the prosecuting agency or law enforcement agency, that expungement then must be heard by the judge of a general sessions court. The prosecuting agency's or the appropriate law enforcement agency's reason for objecting must be that the:

- (1) accused person has other charges pending;
- (2) prosecuting agency or the appropriate law enforcement agency believes that the evidence in the case needs to be preserved; or
- (3) accused person's charges were dismissed as a part of a plea agreement.

(B) If the prosecuting agency or the appropriate law enforcement agency objects to an expungement order being issued pursuant to subsection (A)(2), the prosecuting agency or appropriate law enforcement agency must notify the accused person of the objection. This notice must be given in writing at the address listed on the accused person's bond form, or through his attorney, no later than thirty days after the person is found not guilty or his charges are dismissed or nolle prossed."

SECTION 3. Section 17-1-40(A) of the 1976 Code, as last amended by Act 82 of 2007, is further amended to read:

"(A) A person who after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found ~~to be innocent~~ not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge may be retained by any municipal, county, or state law enforcement agency. A person who intentionally retains the arrest and booking record, files, mugshots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court."

SECTION 4. Section 22-5-910(A) and (B) of the 1976 Code is amended to read:

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“(A) Following a first offense conviction ~~in a magistrates court or a municipal court, for a crime carrying a penalty of not more than thirty days imprisonment or a fine of five hundred dollars, or both,~~ the defendant after three years from the date of the conviction may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction. However, this section does not apply to:

- (1) an offense involving the operation of a motor vehicle;
- (2) a violation of Title 50 or the regulations promulgated pursuant to Title 50 for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses are authorized; or
- (3) an offense contained in Chapter 25 of Title 16, except first offense criminal domestic violence as contained in Section 16-25-20, which may be expunged five years from the date of the conviction.

(B) If the defendant has had no other conviction during the three-year period, or during the five-year period as provided in subsection (A)(3), following the first offense conviction ~~in a magistrates court or a municipal court, for a crime carrying a penalty of not more than thirty days imprisonment or a fine of not more than five hundred dollars, or both,~~ the circuit court may issue an order expunging the records. No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.”

SECTION 5. Section 22-5-920(B) of the 1976 Code is amended to read:

“(B) Following a first offense conviction as a youthful offender, the defendant after ~~fifteen~~ five years from the date of ~~the conviction~~ completion of his sentence, including probation and parole, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction. However, this section does not apply to an offense involving the operation of a motor vehicle, to a violation of Title 50 or the regulations promulgated under it for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses authorized, to an offense classified as a violent crime in Section 16-1-60, or to an offense contained in Chapter 25 of Title 16, except as otherwise provided in Section 16-25-30. If the defendant has had no other conviction during the ~~fifteen~~ five-year period following ~~the completion of his sentence, including probation and parole,~~ for a first offense conviction as a youthful offender, the circuit court may issue an order expunging the records. No person may have his records

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expunged under this section more than once. A person may have his record expunged even though the conviction occurred before the effective date of this section.”

SECTION 6. Section 44-53-450(b) of the 1976 Code is amended to read:

“(B) Upon the dismissal of ~~such~~ the person and discharge of the proceedings against him ~~under pursuant to~~ subsection (a) ~~of this section,~~ ~~such person if he was not over twenty five years of age at the time of the offense,~~ and if the offense did not involve a controlled substance classified in Schedule I which is a narcotic drug and Schedule II which is a narcotic drug, may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained as provided in subsection (a) ~~of this section~~) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after hearing, that ~~such~~ the person was dismissed and the proceedings against him discharged ~~and that he was not over twenty five years of age at the time of the offense,~~ it shall enter ~~such~~ the order. The effect of ~~such~~ the order ~~shall be~~ is to restore ~~such~~ the person, in the contemplation of the law, to the status he occupied before ~~such~~ the arrest or indictment or information. No person as to whom ~~such~~ the order has been entered ~~shall may~~ be held ~~thereafter under any~~ pursuant to another provision of ~~any~~ law to be guilty of perjury or otherwise giving a false statement by reason of his ~~failures~~ failure to recite or acknowledge ~~such~~ the arrest, or indictment or information, or trial in response to ~~any an~~ inquiry made of him for any purpose.”

SECTION 7. This act takes effect upon approval by the Governor. /
Re-number sections to conform.
Amend title to conform.

Rep. HARRISON explained the amendment.
The amendment was then adopted.

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

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ORDERED TO THIRD READING

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

H. 3615 -- Reps. Sandifer, Parks, King and Weeks: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40-19-290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

Rep. MACK explained the Bill.

H. 3147--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3147 -- Reps. G. R. Smith, Funderburk, Daning, Allison, G. M. Smith, Harrison, Wylie, Littlejohn, Bingham, Hamilton, Stavrinakis, T. R. Young, E. H. Pitts, McEachern, Ballentine, Gunn, Bedingfield, Millwood and Hutto: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE

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HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, AS AMENDED, CHAPTER 9 OF TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, AS AMENDED, CHAPTER 9 OF TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\GJK\2022SD09), which was adopted:

Amend the bill, as and if amended, by striking SECTION 5 of Part III which begins on line 13, page 4, and inserting:

/SECTION 5. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 2

Legislative Oversight of Executive Departments

Section 2-2-5. The General Assembly finds and declares the following to be the public policy of the State of South Carolina:

(1) Section 1 of Article XII of the constitution of this State requires the General Assembly to provide for appropriate agencies to

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function in the areas of health, welfare, and safety and to determine the activities, powers, and duties of these agencies and departments.

(2) This constitutional duty is a continuing and ongoing obligation of the General Assembly that is best addressed by periodic review of the programs of the agencies and departments and their responsiveness to the needs of the state's citizens by the standing committees of the State Senate or House of Representatives.

Section 2-2-10. As used in this chapter:

(1) 'Agency' means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive or judicial departments of state government, including administrative bodies. 'Agency' includes a body corporate and politic established as an instrumentality of the State. 'Agency' does not include:

- (a) the legislative department of state government; or
- (b) a political subdivision.

(2) 'Investigating committee' means any standing committee or subcommittee of a standing committee exercising its authority to conduct an oversight study and investigation of an agency within the standing committee's subject matter jurisdiction.

(3) 'Program evaluation report' means a report compiled by an agency at the request of an investigating committee that may include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, compliance with its statutory mandate, and fiscal accountability.

(4) 'Request for information' means a list of questions that an investigating committee serves on a department or agency under investigation. The questions may relate to any matters concerning the department or agency's actions that are the subject of the investigation.

(5) 'Standing committee' means a permanent committee with a regular meeting schedule and designated subject matter jurisdiction that is authorized by the Rules of the Senate or the Rules of the House of Representatives.

Section 2-2-20. (A) Beginning January 1, 2011, each standing committee shall conduct oversight studies and investigations on all agencies within the standing committee's subject matter jurisdiction at least once every five years in accordance with a schedule adopted as provided in this chapter.

(B) The purpose of these oversight studies and investigations is to determine if agency laws and programs within the subject matter jurisdiction of a standing committee:

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(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The oversight studies and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee's subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee's subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee's subject matter jurisdiction.

Section 2-2-30. (A) The procedure for conducting the oversight studies and investigations is provided in this section.

(B)(1) The President *Pro Tempore* of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed five-year review schedule must be published in the Senate Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for an agency.

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(C)(1) The Speaker of the House of Representatives, upon consulting with the chairmen of the standing committees in the House of Representatives and the Clerk of the House of Representatives, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed five-year review schedule must be published in the House Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for the agency.

(D) The chairman of an investigating committee may vest the standing committee's full investigative power and authority in a subcommittee. A subcommittee conducting an oversight study and investigation of an agency:

(1) shall make a full report of its findings and recommendations to the standing committee at the conclusion of its oversight study and investigation, and

(2) shall not consist of fewer than three members.

Section 2-2-40. (A) In addition to the scheduled five-year oversight studies and investigations, a standing committee of the Senate or the House of Representatives may by one-third vote of the standing committee's membership initiate an oversight study and investigation of an agency within its subject matter jurisdiction. The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in

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the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies' functions, duties, and activities.

Section 2-2-50. When an investigating committee conducts an oversight study and investigation or a legislative investigation is conducted pursuant to Section 2-2-40(B), evidence or information related to the investigation may be acquired by any lawful means, including, but not limited to:

(A) serving a request for information on the agency being studied or investigated. The request for information must be answered separately and fully in writing under oath and returned to the investigating committee within forty-five days after being served upon the department or agency. The time for answering a request for information may be extended for a period to be agreed upon by the investigating committee and the agency for good cause shown. The head of the department or agency shall sign the answers verifying them as true and correct. If any question contains a request for records, policies, audio or video recordings, or other documents, the question is not considered to have been answered unless a complete set of records, policies, audio or video recordings or other documents is included with the answer;

(B) deposing witnesses upon oral examination. A deposition upon oral examination may be taken from any person that the investigating committee has reason to believe has knowledge of the activities under investigation. The investigating committee shall provide the person being deposed and the agency under investigation with no less than ten days notice of the deposition. The notice to the agency shall state the time and place for taking the deposition and name and address of each person to be examined. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena must be attached to or included in the notice. The deposition must be taken under oath administered by the chairman of the investigating committee or his designee. The testimony must be taken stenographically or recorded by some other means and may be videotaped. A person may be compelled to attend a deposition in the county in which he resides or in Richland County;

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(C) issuing subpoenas and subpoenas *duces tecum* pursuant to Chapter 69 of this title; and

(D) requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee. The investigating committee shall specify the agency program or programs or agency operations that it is studying or investigating and the information to be contained in the program evaluation report.

Section 2-2-60. (A) An investigating committee's request for a program evaluation report must contain:

(1) the agency program or operations that it intends to investigate;

(2) the information that must be included in the report; and

(3) the date that the report must be submitted to the committee.

(B) An investigating committee may request that the program evaluation report contain any of the following information:

(1) enabling or authorizing law or other relevant mandate, including any federal mandates;

(2) a description of each program administered by the agency identified by the investigating committee in the request for a program evaluation report, including the following information:

(a) established priorities, including goals and objectives in meeting each priority;

(b) performance criteria, timetables, or other benchmarks used by the agency to measure its progress in achieving its goals and objectives;

(c) an assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet them in the future;

(3) organizational structure, including a position count, job classification, and organization flow chart indicating lines of responsibility;

(4) financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the last ten years;

(5) identification of areas where the agency has coordinated efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements including, but not limited to, cooperative

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arrangements to coordinate services and eliminate redundant requirements;

(6) identification of the constituencies served by the agency or program, noting any changes or projected changes in the constituencies;

(7) a summary of efforts by the agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives;

(8) identification of emerging issues for the agency;

(9) a comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program;

(10) agency policies for collecting, managing, and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies;

(11) a list of reports, applications, and other similar paperwork required to be filed with the agency by the public. The list must include:

(a) the statutory authority for each filing requirement;

(b) the date each filing requirement was adopted or last amended by the agency;

(c) the frequency that filing is required;

(d) the number of filings received annually for the last five years and the number of anticipated filings for the next five years;

(e) a description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication;

(12) any other relevant information specifically requested by the investigating committee.

(C) All information contained in a program evaluation report must be presented in a concise and complete manner.

(D) The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report and report its findings to the investigating committee. The chairman also may direct the Legislative Audit Council to perform its own audit of the program or operations being studied or investigated by the investigating committee.

(E) A state agency that is vested with revenue bonding authority may submit annual reports and annual external audit reports conducted by a third party in lieu of a program evaluation report.

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Section 2-2-70. All testimony given to the investigating committee must be under oath.

Section 2-2-80. Any witness testifying before or deposed by the investigating committee may have counsel present to advise him. The witness or his counsel may, during the time of testimony or deposition, object to any question detrimental to the witness' interests and is entitled to have a ruling by the chairman on any objection. In making his ruling, the chairman of the investigating committee shall follow as closely as possible the procedures and rules of evidence observed by the circuit courts of this State.

Section 2-2-90. A witness shall be given the benefit of any privilege which he may have claimed in court as a party to a civil action.

Section 2-2-100. Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and willfully gives false, misleading, or incomplete testimony under oath is guilty of a felony and must be fined within the discretion of the court or imprisoned for not more than five years, or both.

Section 2-2-110. Whenever any person violates Section 2-2-100 it is the duty of the chair of the committee or subcommittee before which the false, misleading, or incomplete testimony was given, to notify the Attorney General of South Carolina who shall cause charges to be filed in the appropriate county.”/

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

The amendment was then adopted.

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

H. 3464--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3464 -- Reps. Jennings, Cato, Nanney, Stringer, Wylie and Weeks: A BILL TO AMEND SECTION 7-13-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLL MANAGER REQUIRED TO BE A REGISTERED ELECTOR AND RESIDENT OF THE COUNTY IN WHICH HE IS ASSIGNED

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TO WORK, SO AS TO AUTHORIZE A POLL MANAGER TO WORK IN ANOTHER COUNTY AS LONG AS HE IS QUALIFIED.

The Committee on Judiciary proposed the following Amendment No. 1 (COUNCIL\DKA\3687DW09), which was adopted:

Amend the bill, as and if amended, Section 7-13-110, SECTION 1, page 1, line 26, after / electors / by inserting: of a county in South Carolina /

When amended the section reads:

/"Section 7-13-110. All managers of election for the various polling places in the State must be ~~residents and~~ registered electors of a county in South Carolina ~~of the respective counties in which they are appointed to work or in an adjoining county.~~ Any and may be appointed to work in another county. A person at least sixteen years of age who has completed the training required by Section 7-13-72 and who is not otherwise disqualified by law may be appointed as a poll manager's assistant by the appropriate county election commission. ~~Any~~ A sixteen- or seventeen-year-old appointed as a poll manager's assistant may not serve as chairman of the managers or clerk in the polling place to which he or she is appointed. A sixteen- and seventeen-year-olds ~~old must~~ shall serve under supervision of the chairman of the managers of the polling place, and their specific duties must be prescribed by the county election commission. One sixteen- or seventeen-year-old assistant poll manager may be appointed for every two regular poll managers appointed to work in any precinct." /

Renumber sections to conform.

Amend title to conform.

Rep. JENNINGS explained the amendment.

The amendment was then adopted.

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

H. 3579--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3579 -- Reps. Jennings, Cato and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-200 SO AS TO PROVIDE FOR QUARTERLY ELECTION DATES FOR CONDUCTING REFERENDA OR

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OTHER BALLOT QUESTIONS FOR ALL ENTITIES
AUTHORIZED TO CONDUCT THEM.

Rep. JENNINGS explained the Bill.

Reps. SIMRILL, E. H. PITTS, M. A. PITTS, HALEY, TOOLE,
G. M. SMITH, CRAWFORD, BEDINGFIELD, MILLWOOD,
WYLIE and FRYE requested debate on the Bill.

H. 3358--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3358 -- Reps. Harrison, Weeks, Horne and Hutto: A BILL TO AMEND SECTION 43-35-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITIONS OF "INVESTIGATIVE ENTITY" AND "NEGLECT"; TO AMEND SECTION 43-35-40, AS AMENDED, RELATING TO REQUIREMENTS OF AN INVESTIGATIVE ENTITY UPON RECEIVING A REPORT OF ADULT ABUSE, SO AS TO FURTHER SPECIFY AND CLARIFY PROCEDURES FOR REPORTING CASES IN WHICH THERE IS A REASONABLE SUSPICION OF CRIMINAL CONDUCT; AND TO AMEND SECTION 43-35-85, AS AMENDED, RELATING TO CRIMINAL PENALTIES FOR FAILING TO REPORT ADULT ABUSE WHEN REQUIRED TO REPORT, SO AS TO DELETE PROVISIONS AUTHORIZING DISCIPLINARY ACTION WHEN A PERSON WHO HAS REASON TO BELIEVE THAT ABUSE OCCURRED FAILS TO REPORT AND TO ESTABLISH CRIMINAL PENALTIES IF A CAREGIVER, DUE TO RECKLESS DISREGARD FOR THE HEALTH OR SAFETY OF A VULNERABLE ADULT, NEGLECTS OR CAUSES GREAT BODILY INJURY OR DEATH TO A VULNERABLE ADULT.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11374AC09):

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

/SECTION 1. Section 43-35-10(5) of the 1976 Code, as last amended by Act 301 of 2006, is further amended to read:

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“(5) ‘Investigative entity’ means the Long Term Care Ombudsman Program ~~or~~ the Adult Protective Services Program in the Department of Social Services, the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, or the Medicaid Fraud Control Unit of the Office of the Attorney General.”

SECTION 2. Section 43-35-10(6) of the 1976 Code, as added by Act 110 of 1993, is amended to read:

“(6) ‘Neglect’ means the failure or omission of a caregiver to provide the care, goods, or services necessary to maintain the health or safety of a vulnerable adult including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services and the failure or omission has caused, or presents a substantial risk of causing, physical or mental injury to the vulnerable adult. ~~Neglect may be repeated conduct or a single incident which has produced or can be proven to result in serious physical or psychological harm or substantial risk of death.~~ Noncompliance with regulatory standards alone does not constitute neglect. Neglect includes the inability of a vulnerable adult, in the absence of a caretaker, to provide for his or her own health or safety which produces or could reasonably be expected to produce serious physical or psychological harm or substantial risk of death.”

SECTION 3. Section 43-35-10 of the 1976 Code, as last amended by Act 301 of 2006, is further amended by adding:

“(12) ‘Operated facility’ means those facilities directly operated by the Department of Mental Health or the Department of Disabilities and Special Needs.

(13) ‘Contracted facility’ means those public and private facilities contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs.”

SECTION 4. Section 43-35-15(A) of the 1976 Code, as last amended by Act 301 of 2006, is further amended to read:

“(A) The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division shall receive and coordinate the referral of all reports of alleged abuse, neglect, or exploitation of vulnerable adults in facilities operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs. The unit shall establish a toll free number, which must be operated twenty four hours a day, seven days a week, to receive the reports. The unit shall investigate or refer to appropriate law enforcement those reports in which there is reasonable suspicion of criminal conduct. The unit also shall investigate vulnerable adult fatalities as provided for in Article 5, Chapter 35, Title 43. The unit

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shall refer those reports in which there is no reasonable suspicion of criminal conduct to the appropriate investigative entity for investigation. Upon conclusion of a criminal investigation of abuse, neglect, or exploitation of a vulnerable adult, the unit or other law enforcement shall refer the case to the appropriate prosecutor ~~to determine if~~ when further action is necessary. The South Carolina Law Enforcement Division may develop policies, procedures, and memorandum of agreement with other agencies to be used in fulfilling the requirements of this article. However, the South Carolina Law Enforcement Division must not delegate its responsibility to investigate criminal reports of alleged abuse, neglect, and exploitation to the agencies, facilities, or entities that operate or contract for the operation of the facilities. Nothing in this subsection precludes the Department of Mental Health, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements.”

SECTION 5. Section 43-35-35(B) of the 1976 Code, as last amended by Act 301 of 2006, is further amended to read:

“(B) All deaths involving a vulnerable adult in a facility operated or contracted for operation by the Department of Mental Health, the Department of Disabilities and Special Needs, or their contractors must be referred to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for investigation pursuant to Section 43-35-520.”

SECTION 6. Section 43-35-40 of the 1976 Code, as last amended by Act 301 of 2006, is further amended to read:

“Section 43-35-40. Upon receiving a report, the ~~investigative entity promptly~~ Long Term Care Ombudsman or Adult Protective Services promptly shall:

(1) initiate an investigation; ~~and or~~
(2) review the report within two working days ~~of receiving the report must review the report~~ for the purpose of reporting those cases that indicate reasonable suspicion of criminal conduct to local law enforcement or to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division those cases which indicate reasonable suspicion of criminal conduct (SLED). A report to ~~the unit~~ local law enforcement or SLED must be made within one working day of completing the review.”

SECTION 7. Section 43-35-85 of the 1976 Code, as last amended by Act 56 of 1999, is further amended to read:

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~~“Section 43-35-85. (A) A person required to report under this chapter who has actual knowledge that abuse, neglect, or exploitation has occurred and who knowingly and wilfully fails to report the abuse, neglect, or exploitation is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty five hundred dollars or imprisoned not more than one year. A person required to report under this chapter who has reason to believe that abuse, neglect, or exploitation has occurred or is likely to occur and who knowingly and wilfully fails to report the abuse, neglect, or exploitation is subject to disciplinary action as may be determined necessary by the appropriate licensing board.~~

(B) Except as otherwise provided in subsections (E) and (F), a person who knowingly and wilfully abuses a vulnerable adult is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

(C) Except as otherwise provided in subsections (E) and (F), a person who knowingly and wilfully neglects a vulnerable adult is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

(D) A person who knowingly and wilfully exploits a vulnerable adult is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both, and may be required by the court to make restitution.

(E) A person who knowingly and wilfully abuses or neglects a vulnerable adult resulting in great bodily injury is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.

(F) A person who knowingly and wilfully abuses or neglects a vulnerable adult resulting in death is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(G) A person who threatens, intimidates, or attempts to intimidate a vulnerable adult subject of a report, a witness, or any other person cooperating with an investigation conducted pursuant to this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years.

(H) A person who wilfully and knowingly obstructs or in any way impedes an investigation conducted pursuant to this chapter, upon conviction, is guilty of a misdemeanor and must be fined not more than five thousand dollars or imprisoned for not more than three years.

(I) A caregiver who neglects a vulnerable adult as a result of having acted or failed to act due to a reckless disregard for the health or

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safety of the vulnerable adult is guilty of a misdemeanor and upon conviction, must be:

(1) imprisoned not more than one year or fined not more than one thousand dollars, or both;

(2) if the vulnerable adult suffered great bodily injury, imprisoned not more than three years or fined not more than five thousand dollars, or both.

(J) A caregiver who neglects a vulnerable adult as a result of having acted or failed to act due to a reckless disregard for the health or safety of a vulnerable adult and the neglect results in the death of the vulnerable adult is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both.

(K) As used in this section, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”

SECTION 8. Section 43-35-520 of the 1976 Code, as added by Act 301 of 2006, is further amended to read:

“Section 43-35-520. The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, created pursuant to Section 23-3-810, shall, in addition to its investigation responsibilities under that section or Article 1, investigate cases of vulnerable adult fatalities in facilities operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs. Provided, that in a nursing home, as defined in Section 44-7-130, contracted for operation by the Department of Mental Health, the Vulnerable Adults Investigations Unit shall investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner as provided in Section 43-35-35(A).”

SECTION 9. Article 3, Chapter 7, Title 44 is amended by adding:

“Section 44-7-295. The department is authorized to enter at all times in or on the property of any facility or service, whether public or private, licensed by the department or unlicensed, for the purpose of inspecting and investigating conditions relating to a violation of this article or regulations of the department. The department’s authorized agents may examine and copy any records or memoranda pertaining to the operation of a licensed or unlicensed facility or service to determine compliance with this article. However, if entry or inspection is denied

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or not consented to and no emergency exists, the department is empowered to obtain a warrant to enter and inspect the property and its records from the magistrate from the jurisdiction in which the property is located. The magistrate may issue these warrants upon a showing of probable cause for the need for entry and inspection. The department shall furnish a written copy of the results of the inspection or investigation to the owner or operator of the property.”

SECTION 10. Section 44-7-315(A), as last amended by Act 372 of 2006, is further amended to read:

“(A) Information received by the Division of Health Licensing of the department, through inspection or otherwise, in regard to a facility or activity licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded, ~~or a group home operated by a county mental retardation board or the State Mental Retardation Department~~ must be disclosed publicly upon written request to the department. The request must be specific as to the facility or ~~home~~ activity, dates, documents, and particular information requested. The department may not disclose the identity of individuals present in a facility licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded, ~~or a group home~~. When a report of deficiencies or violations regarding a facility licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded, ~~or a group home~~ is present in the department’s files when a request for information is received, the department shall inform the applicant that it has stipulated corrective action and the time it determines for completion of the action. The department also shall inform the applicant that information on the resolution of the corrective action order is expected to be available upon written request within fifteen days or less of the termination of time it determines for completion of the action. However, if information on the resolution is present in the files, it must be furnished to the applicant.”

SECTION 11. Section 44-7-320(A), of the 1976 Code is amended to read:

“(A)(1) The department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for:

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(a) violating a provision of this article or departmental regulations;

(b) permitting, aiding, or abetting the commission of an unlawful act relating to the securing of a Certificate of Need or the establishment, maintenance, or operation of a facility requiring certification of need or licensure under this article;

(c) conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. This provision does not refer to health practices authorized by law;

(d) refusing to admit and treat alcoholic and substance abusers, the mentally ill, or the mentally retarded, whose admission or treatment has been prescribed by a physician who is a member of the facility's medical staff; or discriminating against alcoholics, the mentally ill, or the mentally retarded solely because of the alcoholism, mental illness, or mental retardation;

(e) failing to allow a team advocacy inspection of a community residential care facility by the South Carolina Protection and Advocacy System for the Handicapped, Inc., as allowed by law.

(2) Consideration to deny, suspend, or revoke licenses or assess monetary penalties, or both, is not limited to information relating to the current licensing ~~year~~ period but includes consideration of all pertinent information regarding the facility and the applicant.

(3) If in the department's judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the department immediately may suspend the facility's license and shall contact the appropriate agencies for placement of the residents. Within five days of the suspension a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist. If they do not, the license must be immediately reinstated. Whether the license is reinstated or suspension remains due to the immediate threatening conditions or practices, the department may proceed with the process for permanent revocation pursuant to this section."

SECTION 12. Section 23-3-810(E) of the 1976 Code, as added by Act 301 of 2006, is amended to read:

"(E) Upon conclusion of a criminal investigation of abuse, neglect, or exploitation of a vulnerable adult, the unit or other law enforcement shall refer the case to the appropriate prosecutor ~~to determine if~~ when further action is necessary."

SECTION 13. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any

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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, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Reps. COOPER, WHITE, E. H. PITTS, G. M. SMITH, CRAWFORD, BANNISTER, HOSEY, VICK, WILLIAMS, OTT, FORRESTER, BRANTLEY, G. R. SMITH, BEDINGFIELD and JENNINGS requested debate on the Bill.

Rep. OTT 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 CATO in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

The SPEAKER granted Rep. G. M. SMITH a leave of absence for the remainder of the day due to business reasons.

[HJ]

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LEAVE OF ABSENCE

The SPEAKER granted Rep. STEWART a leave of absence for the remainder of the day due to business reasons.

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

RECURRENCE TO THE MORNING HOUR

Rep. ALLISON moved that the House recur to the Morning Hour, which was agreed to.

HOUSE RESOLUTION

The following was introduced:

H. 3824 -- Reps. H. B. Brown, Agnew, 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, 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, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, 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 HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE INNOVATIVE EFFORTS OF MIDLANDS BIOFUELS IN FAIRFIELD COUNTY AND TO COMMEND THE CORPORATE LEADERSHIP FOR OUTSTANDING WORK TO IMPROVE THE ENVIRONMENT OF OUR BEAUTIFUL STATE.

The Resolution was adopted.

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HOUSE RESOLUTION

The following was introduced:

H. 3825 -- Reps. Erickson, 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, Dellaney, Dillard, Duncan, Edge, 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, 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 HOUSE RESOLUTION TO CONGRATULATE OUR FORMER HOUSE COLLEAGUE EDIE RODGERS OF BEAUFORT COUNTY ON THE OCCASION OF HER SEVENTY-FIFTH BIRTHDAY AND TO WISH HER MUCH HAPPINESS IN THE YEARS TO COME.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3826 -- Rep. Hutto: A HOUSE RESOLUTION TO CONGRATULATE THE MEMBERS OF FIRST BAPTIST CHURCH OF JAMES ISLAND UPON THE OCCASION OF THE DEDICATION OF THEIR NEW CHURCH, AND TO CELEBRATE WITH THEM AS THEY COMMIT THIS HOUSE OF WORSHIP TO GOD.

The Resolution was adopted.

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CONCURRENT RESOLUTION

The following was introduced:

H. 3827 -- Reps. Erickson, 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, Dellaney, Dillard, Duncan, Edge, 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, 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 CONGRATULATE WENDELL WILBURN, FIRE CHIEF OF THE CITY OF BEAUFORT, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE CITY OF BEAUFORT, BEAUFORT COUNTY, AND THE STATE OF SOUTH CAROLINA, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

INTRODUCTION OF BILLS

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

H. 3828 -- Rep. Duncan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "COMMUNITY SCHOOLS INVESTMENT ACT" BY ADDING SECTION 59-17-160 SO AS TO ALLOW EACH SCHOOL DISTRICT OF THE STATE TO CREATE A 501(c)(3) NONPROFIT

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FOUNDATION TO ACCEPT MONEY, PROPERTY, AND OTHER GIFTS DONATED TO THE DISTRICT AND TO RAISE FUNDS AND ACQUIRE REAL AND PERSONAL PROPERTY ON BEHALF OF THE DISTRICT; TO PROVIDE FOR THE COMPOSITION OF THE FOUNDATION; TO PROVIDE THAT CONTRIBUTIONS AND FUNDS RAISED ON BEHALF OF THE DISTRICT MAY BE USED ONLY FOR NONOPERATIONAL PURPOSES; TO PROVIDE FOR THE NAMING OF BUILDINGS AND OTHER SPECIAL PROJECTS UNDERTAKEN WITH FUNDS PROVIDED BY THE FOUNDATION AFTER BENEFACTORS OF THE FOUNDATION UPON CERTAIN CONDITIONS; AND TO PROVIDE THAT CONTRIBUTIONS RECEIVED BY THE FOUNDATION ARE TAX DEDUCTIBLE CHARITABLE OR BENEVOLENT CONTRIBUTIONS FOR INCOME TAX PURPOSES.

Referred to Committee on Education and Public Works

H. 3829 -- Reps. Rice, Simrill, A. D. Young, Hiott, Duncan, Cato, Limehouse, Littlejohn, Owens and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 1, TITLE 1 SO AS TO DEFINE THE TERM "PUBLIC ASSISTANCE"; TO PROVIDE, EXCEPT AS OTHERWISE PROHIBITED BY LAW, A PERSON SEEKING PUBLIC ASSISTANCE MUST SUBMIT TO CERTAIN RANDOM DRUG TESTS; TO PROVIDE A PERSON WHO TWICE FAILS THIS RANDOM DRUG TEST MAY NOT RECEIVE ADDITIONAL PUBLIC ASSISTANCE; AND TO PROVIDE AN AGENCY THAT ADMINISTERS THIS TEST TO A PERSON WHO TWICE FAILS THE TEST IMMEDIATELY SHALL TERMINATE PUBLIC ASSISTANCE BENEFITS IT PAYS HIM.

Referred to Committee on Judiciary

H. 3589--DEBATE ADJOURNED

Rep. WHITE moved to adjourn debate upon the following Bill until Wednesday, April 1, which was adopted:

H. 3589 -- Reps. White, Bowen, Thompson, Cooper and Gambrell: A BILL TO AMEND ACT 269 OF 1989, AS AMENDED, RELATING TO ANDERSON COUNTY SCHOOL DISTRICT BUDGETS AND TAX MILLAGES, SO AS TO PROVIDE THAT THE BUDGET THAT A SCHOOL DISTRICT IN ANDERSON

[HJ]

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COUNTY MUST PROVIDE TO THE ANDERSON COUNTY BOARD OF EDUCATION MUST INCLUDE AN ITEMIZED ACCOUNTING OF HOW OPERATING FUNDS OF THE DISTRICT ARE PROPOSED TO BE ALLOCATED, AND TO PROVIDE THAT THE BOARD MAY DELETE ITEMS OR SHIFT FUNDS AMONG BUDGET ITEMS OF DISTRICT BUDGETS.

H. 3013--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

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.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9282HTC09), which was adopted:

Amend the bill, as and if amended, by striking Section 16-11-650, as contained in SECTION 1 beginning on page 1, and inserting:

/ Section 16-11-650. (A) ~~Any~~ A person, other than the owner or a person acting under the authority of the owner, who ~~shall remove, destroy or leave~~ wilfully and knowingly removes, destroys, or leaves down any portion of ~~any~~ a fence in this State intended to enclose animals of any kind or crops or uncultivated lands or who ~~shall leave wilfully and knowingly leaves~~ open ~~any~~ or removes a gate or ~~leave leaves~~ down ~~any~~ bars or other structure intended for ~~a like~~ the same purpose ~~shall be is~~ guilty of a misdemeanor and ~~shall must~~ be punished by a fine of not less than five nor more than thirty dollars or be imprisoned in the county jail not less than five and not more than thirty days as follows:

(1) for a first offense, by a fine of one thousand dollars or imprisonment for thirty days, or both;

(2) for a second offense, by a fine of five thousand dollars, or imprisonment for six months, or both;

(3) for a third or subsequent offense, by a fine of ten thousand dollars or imprisonment for one year, or both.

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Only those offenses occurring within ten years of the last offense constitute prior offenses within the meaning of this section.

The magistrates court is vested with jurisdiction to hear and dispose of these cases.

(B) Nothing in this section shall affect an easement holder's right and ability to maintain such easement and rights-of-way consistent with the provisions of the document granting such easement. /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

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

H. 3131--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

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.

The Invitations and Memorial Resolutions Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20219SD09), which was adopted:

Amend the bill, as and if amended, by striking Section 1-1-711 of the 1976 Code, as contained in SECTION 1 and inserting:

/ Section 1-1-711. The 'wood duck' (*Aix sponsa*) also known as the summer duck and the Carolina duck is designated as the official state duck./

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

The amendment was then adopted.

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

[HJ]

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H. 3777--COMMITTED

The following Joint Resolution was taken up:

H. 3777 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION ENACTING THE EMERGENCY LOCAL ECONOMIC DEVELOPMENT ACT BY DESIGNATING COUNTY LEGISLATIVE DELEGATIONS AND THE INDIVIDUAL LEGISLATORS COMPRISING THESE DELEGATIONS EX OFFICIO, AS EMERGENCY LOCAL ECONOMIC DEVELOPMENT AMBASSADORS, TO PROVIDE FOR THE POWERS AND DUTIES OF THESE AMBASSADORS, TO ESTABLISH THE EMERGENCY LOCAL ECONOMIC DEVELOPMENT COUNCIL AND PROVIDE FOR ITS MEMBERSHIP, POWERS, AND DUTIES, TO ALLOW THE USE OF CAMPAIGN FUNDS IN AID OF THE PURPOSES OF THIS JOINT RESOLUTION, AND TO REPEAL THIS JOINT RESOLUTION AFTER THE FIFTH ANNIVERSARY OF ITS EFFECTIVE DATE.

Rep. SANDIFER moved to commit the Joint Resolution to the Committee on Judiciary, which was agreed to.

ACTING SPEAKER COOPER IN CHAIR

ORDERED TO THIRD READING

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

S. 588 -- Senators Peeler, Setzler, Hayes and Matthews: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH A SCHOOL DISTRICT MUST DECIDE WHETHER TO EMPLOY A TEACHER FOR THE 2009-2010 SCHOOL YEAR FROM APRIL FIFTEENTH TO MAY FIFTEENTH AND TO PROVIDE THAT A TEACHER HAS TEN DAYS FOLLOWING RECEIPT OF WRITTEN NOTIFICATION OF AN OFFER TO ACCEPT THE CONTRACT, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY UNIFORMLY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2009-2010 SCHOOL YEAR FOR RETIRED TEACHERS WHO ARE NOT PARTICIPANTS IN THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM.

[HJ]

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H. 3804 -- Reps. Bedingfield, Wylie, Cato, Allen, Bannister, Hamilton and Stringer: A BILL TO AMEND SECTION 7-7-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENVILLE 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.

OBJECTION TO RECALL

Rep. HART asked unanimous consent to recall H. 3669 from the Committee on Ways and Means.

Rep. A. D. YOUNG objected.

**S. 26--RECALLED FROM COMMITTEE ON MEDICAL,
MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

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

S. 26 -- Senators Jackson and Rose: A JOINT RESOLUTION TO ESTABLISH THE STROKE SYSTEMS OF CARE STUDY COMMITTEE WITHIN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP RECOMMENDATIONS FOR A REGIONALLY ORGANIZED AND STATEWIDE COMPREHENSIVE PLAN FOR A STROKE SYSTEMS OF CARE.

**H. 3794--RECALLED AND REFERRED TO COMMITTEE
ON AGRICULTURE, NATURAL RESOURCES AND
ENVIRONMENTAL AFFAIRS**

On motion of Rep. DUNCAN, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary and was referred to the Committee on Agriculture, Natural Resources and Environmental Affairs:

H. 3794 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE

[HJ]

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MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50-11-2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; AND BY ADDING SECTION 50-11-2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL.

H. 3762--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS

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

H. 3762 -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, Moss, Parker, Stringer and Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77, CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "OUR FARMS-OUR FUTURE" SPECIAL LICENSE PLATES.

OBJECTION TO RECALL

Rep. COBB-HUNTER asked unanimous consent to recall H. 3125 from the Committee on Ways and Means.

Rep. A. D. YOUNG objected.

S. 345--RECALLED AND REFERRED TO COMMITTEE ON WAYS AND MEANS

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

S. 345 -- Senator Leatherman: A BILL TO AMEND SECTION 8-11-65 OF THE 1976 CODE, RELATING TO LEAVES OF

[HJ]

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ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8-11-120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

MOTION PERIOD

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

H. 3442--RECOMMITTED

The following Bill was taken up:

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E. H. Pitts, G. M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D. C. Smith, J. R. Smith, Rice, T. R. Young, Horne, Wylie and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS' TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT

[HJ]

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SECURITY COMMISSION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41-29-30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-27-670, 41-29-40, 41-29-50, 41-29-60, 41-29-70, 41-29-80, 41-29-90, 41-29-100, 41-29-110, 41-29-120, AS AMENDED, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-250, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-10, 41-35-30, 41-35-100, 41-35-110, AS AMENDED, 41-35-115, AS AMENDED, 41-35-120, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED, 41-35-140, 41-35-330, 41-35-340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-720, 41-35-

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730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

Rep. BINGHAM proposed the following Amendment No. 4 (COUNCIL\GGS\22313AB09):

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

/ SECTION 1. Chapter 29, Title 41 of the 1976 Code is amended by adding:

“Section 41-29-300. (A) There is created the Workforce Department Appellate Panel within the Department of Workforce, which is separate and distinct from the department’s divisions. The sole purpose of the panel is to hear and decide appeals from decisions of the department’s divisions.

(B)(1) The panel must consist of three hearing officers elected in the manner provided in this subsection. The initial hearing officers must be the members of the South Carolina Employment Security Commission serving at the effective date of this section.

(2) The hearing officers must be elected by the General Assembly, in joint session, for terms of four years and until their successors have been elected and qualified, commencing on the first day of July in each presidential election year.

(3) A vacancy must be filled by the Governor through a temporary appointment until the next session of the General Assembly, at which time a joint session of the General Assembly shall elect a panel member to fill the unexpired term.

(4) The hearing officers shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act.

(C)(1) A party may only appeal from a decision of the department directly to the panel. A party may only appeal a decision of the panel to in the court of common pleas, either in the county in which the

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employee resides or the county in which he was last employed in the manner provided in Section 41-35-750.

(D) A quorum must consist of all three panel members and is necessary to hear or decide an appeal under item (C)(1). A decision of the panel must be rendered in writing and is subject to disclosure under the Freedom of Information Act.

(E)(1) A person must be found qualified before he may be elected to serve as a hearing officer. The qualifications that each hearing officer must possess include, but are not limited to:

(a) a baccalaureate or more advanced degree from:

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

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

(iii) an institution of higher learning chartered before 1962;

or

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

(i) general business administration;

(ii) finance;

(iii) law; or

(iv) management.

(2) A member of the General Assembly or member of his immediate family may not be:

(a) elected to be a hearing officer while the member is serving in the General Assembly;

(b) elected or appointed to be a hearing officer for a period of one year after the member either:

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

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

(3) The initial hearing officers do not have to meet the qualifications for election contained in this subsection during their continued tenure as a hearing officer.

(4) Nothing in this section prohibits an initial hearing officer from seeking reelection.

(F)(1) The hearing officers are bound by the Code of Judicial Conduct, as contained in Rule 501 of the South Carolina Appellate Court Rules, and the State Ethics Commission is responsible for enforcement and administration of Rule 501 pursuant to Section

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8-13-320. Commissioners must also comply with the applicable requirements of Chapter 13 of Title 8.

(2) The hearing officers and their administrative assistants annually shall attend a workshop of at least three continuing education hours concerning ethics./

Amend further by striking SECTION 5 in its entirety and inserting:

/ SECTION 5. Section 41-29-20 of the 1976 Code is amended to read:

~~“Section 41-29-20. The Commission shall elect one of its members as chairman. Any two commissioners shall constitute a quorum and no vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the Commission through action of a quorum. There is hereby created the South Carolina Department of Workforce which must be managed and operated by an executive director appointed by the Governor upon the advice and consent of the Senate. The executive director shall appoint assistant directors and area directors as needed for the effective and efficient operation of the department. The director is subject to removal by the Governor as provided in Section 1-3-240(B). The director shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act. For the purposes of this chapter, ‘department’ means the South Carolina Department of Workforce.” /~~

Amend further page 6, by striking lines 4 - 9 and inserting:

/ SECTION 7. Section 8-17-370 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding a new item at the end appropriately numbered to read:

“() the executive director, assistant directors, and the area directors of the South Carolina Department of Workforce created pursuant to Section 1-30-10(A)(20).” /

Amend further by adding an appropriately numbered SECTIONS on page 6, after line 10 to read:

/ SECTION ____ Chapter 27, Title 41 is amended by adding:

“Section 41-27-650. The Department of Commerce, the Department of Workforce, and the South Carolina Technical Schools must work together to develop or procure computer hardware, software, and other equipment that are compatible with each other as needed to efficiently address the State’s policy goals as set forth in Section 41-27-20.”

SECTION ____ Section 41-33-45 of the 1976 Code is amended to read:

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“Section 41-33-45. The commission shall report, by October first of each year, to the ~~Senate Finance Committee~~ General Assembly and to the ~~House Ways and Means Committee~~ the Governor the amount in the unemployment trust fund and make an assessment of its funding level.”

SECTION ____ . Section 41-31-10(A) of the 1976 Code is amended to read:

“Section 41-31-10. (A) Each employer shall pay contributions equal to five and four-tenths percent of wages paid by him during each year except as may be otherwise provided in Chapters 27 through 41 of this title. Employers may prepay their required contributions to the fund.”

SECTION ____ . The Commission shall file a report with the General Assembly and the Governor on or about January 1, 2010, making recommendations concerning restoration of the solvency of the unemployment trust fund. These recommendations must include an opinion on whether this restoration at least partially should depend on increasing an employer’s rate of contribution to the fund based on the relative frequency with which benefits are paid for claims by the employer’s former employees. /

Amend further by striking SECTION 75 in its entirety and inserting:

/ SECTION 75. Section 41-35-10 of the 1976 Code is amended to read:

“Section 41-35-10. ~~(A) Benefits shall become~~ Subject to the provisions in subsection (B), a benefit becomes payable from the fund to any an individual who is unemployed and eligible for benefits a benefit. Except as provided in Section 41-35-20, ~~benefits a benefit~~ based on service in employment defined in Section 41-27-230 (2) and (3) ~~shall be~~ is payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to Chapters 27 through 41 of this title. ~~All benefits shall~~ A benefit must be paid through ~~an employment offices office, in accordance with such~~ an employment office, ~~pursuant to regulations as the Commission may prescribe~~ prescribed by the department.

(B) Benefits otherwise payable to an eligible individual that is receiving or has received severance pay must be reduced by an amount equal to the amount of severance pay is receiving or has received. /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

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Rep. BINGHAM spoke in favor of the amendment.

Rep. VICK moved to adjourn debate on the Bill until Friday, April 3.

Rep. BINGHAM moved to table the motion.

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

Yeas 63; Nays 49

Those who voted in the affirmative are:

Agnew	Allison	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Brady
Cato	Chalk	Cole
Cooper	Crawford	Daning
Delleney	Duncan	Edge
Erickson	Forrester	Frye
Gambrell	Haley	Hamilton
Hardwick	Harrell	Harrison
Herbkersman	Hiott	Horne
Huggins	Kelly	Kirsh
Limehouse	Littlejohn	Loftis
Long	Lowe	Merrill
Millwood	Nanney	Owens
Parker	E. H. Pitts	M. A. Pitts
Rice	Scott	Simrill
Skelton	D. C. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stringer	Thompson	Umphlett
Viers	White	Whitmire
Willis	Wylie	T. R. Young

Total--63

Those who voted in the negative are:

Allen	Anderson	Anthony
Bales	Battle	Bowers
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Clyburn
Dillard	Gilliard	Govan

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Gullick	Gunn	Hart
Harvin	Hayes	Hodges
Hosey	Howard	Hutto
Jefferson	Jennings	Kennedy
King	Knight	Mack
McEachern	McLeod	Miller
Mitchell	Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Parks	Pinson	Sandifer
Sellers	J. E. Smith	Stavrinakis
Vick	Weeks	Williams
A. D. Young		

Total--49

So, the motion to adjourn debate was tabled.

Rep. OTT spoke against the amendment.

Rep. OTT spoke against the amendment.

Rep. J. H. NEAL spoke against the amendment.

LEAVE OF ABSENCE

The SPEAKER granted Rep. JENNINGS a leave of absence for the remainder of the day to attend a church meeting in Bennettsville.

Rep. J. H. NEAL continued speaking.

Rep. GOVAN spoke against the amendment.

Rep. MILLER moved to recommit the Bill to the Committee on Judiciary.

Rep. BINGHAM moved to table the motion.

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

Yeas 51; Nays 55

Those who voted in the affirmative are:

Allison	Ballentine	Bannister
Bedingfield	Bingham	Bowen
Brady	Cato	Chalk

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Cole	Cooper	Crawford
Daning	Delleney	Duncan
Edge	Erickson	Forrester
Haley	Hamilton	Harrell
Harrison	Herbkersman	Horne
Huggins	Kelly	Kirsh
Limehouse	Littlejohn	Long
Merrill	Millwood	Nanney
Owens	Parker	E. H. Pitts
M. A. Pitts	Rice	Simrill
D. C. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stringer
Thompson	Viers	White
Willis	Wylie	T. R. Young

Total--51

Those who voted in the negative are:

Agnew	Allen	Anderson
Anthony	Bales	Battle
Bowers	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Dillard
Gambrell	Gilliard	Govan
Gullick	Gunn	Hart
Harvin	Hayes	Hodges
Hosey	Howard	Hutto
Jefferson	Kennedy	King
Knight	Loftis	Mack
McEachern	McLeod	Miller
Mitchell	Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Parks	Pinson	Sandifer
Sellers	Skelton	J. E. Smith
Stavrinakis	Umphlett	Vick
Weeks	Whitmire	Williams
A. D. Young		

Total--55

So, the House refused to table the motion to recommit.

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The question then recurred to the motion to recommit the Bill.

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

Yeas 61; Nays 49

Those who voted in the affirmative are:

Agnew	Allen	Anderson
Anthony	Bales	Battle
Bowers	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Cooper
Dillard	Edge	Gambrell
Gilliard	Govan	Gullick
Gunn	Hardwick	Hart
Harvin	Hayes	Hearn
Hiott	Hodges	Hosey
Howard	Hutto	Jefferson
Kennedy	King	Kirsh
Knight	Loftis	Mack
McEachern	McLeod	Miller
Mitchell	Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Parks	Pinson	Sandifer
Sellers	Skelton	J. E. Smith
Stavrinakis	Umphlett	Vick
Weeks	White	Williams
A. D. Young		

Total--61

Those who voted in the negative are:

Allison	Ballentine	Bannister
Bedingfield	Bingham	Bowen
Brady	Cato	Chalk
Cole	Crawford	Daning
Delleney	Duncan	Erickson
Forrester	Haley	Hamilton
Harrell	Harrison	Herbkersman
Horne	Huggins	Kelly
Limehouse	Littlejohn	Long

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Lowe	Merrill	Millwood
Nanney	Owens	Parker
E. H. Pitts	M. A. Pitts	Rice
Simrill	D. C. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stringer	Thompson	Toole
Viers	Willis	Wylie
T. R. Young		

Total--49

So, the Bill was recommitted.

RECORD FOR VOTING

I am refraining from participation in the debate of H. 3442, due to the potential of a perceived conflict of interest.

Rep. Laurie Funderburk

SPEAKER IN CHAIR

MESSAGE FROM THE SENATE

Columbia, S.C., March 26, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurrs in the amendments proposed by the House to H. 3583:

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Very respectfully,
President

[HJ]

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H. 3583--HOUSE RECEDES FROM ITS AMENDMENTS

On motion of Rep. OWENS, the House receded from its amendments, and a message was ordered sent to the Senate accordingly.

Rep. GUNN 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. 3796 -- Reps. J. H. Neal, 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, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, 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. 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 COMMEND THE LOWER RICHLAND HIGH SCHOOL "LADY DIAMONDS" BASKETBALL TEAM ON ITS IMPRESSIVE WIN OF THE 2009 CLASS AAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE PLAYERS, COACH, AND STAFF ON AN OUTSTANDING SEASON.

H. 3808 -- Rep. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE REVEREND DR. JAMES WILLIAM SANDERS, SR., UPON THE OCCASION OF HIS SIXTIETH ANNIVERSARY AS PASTOR OF BETHEL BAPTIST CHURCH IN GAFFNEY.

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H. 3827 -- Reps. Erickson, 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, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Home, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, 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 CONGRATULATE WENDELL WILBURN, FIRE CHIEF OF THE CITY OF BEAUFORT, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE CITY OF BEAUFORT, BEAUFORT COUNTY, AND THE STATE OF SOUTH CAROLINA, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

ADJOURNMENT

At 4:41 p.m. the House, in accordance with the motion of Rep. CLYBURN, adjourned in memory of Mary Jo Crippner of Aiken, to meet at 10:00 a.m. tomorrow.

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