

NO. 41

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, APRIL 1, 2009
(STATEWIDE SESSION)

Wednesday, April 1, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 33:12: "Blessed is the nation whose God is the Lord, the people he chose for his inheritance."

Let us pray. Almighty God, please direct our thoughts and feelings as these Representatives strive to work through the maze of what keeps the State afloat and provides for the needs of the people. Continue Your blessings today in providing skill, opportunity, wisdom, strength, and integrity in the work before them. Give them the pause that refreshes--Your presence among us. As we may grow weary, supply these men and women with the desire to continue to do the necessary work. Grant all our leaders Your blessings and give them the integrity to do the right thing, according to Your will. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

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

MOTION ADOPTED

Rep. DANING moved that when the House adjourns, it adjourn in memory of Dr. James Whitford of Goose Creek, which was agreed to.

INVITATION

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

April 1, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee

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503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of Community Health Solutions, the Members and staff of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, April 22, 2009, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,
Ashley S. Hunter
Vice President of Governmental Affairs

REPORTS OF STANDING COMMITTEES

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report on:

H. 3635 -- Rep. Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-560 SO AS TO SPECIFY APPLICABLE FEES FOR RECREATIONAL SALTWATER FISHING LICENSES; BY ADDING SECTION 50-9-715 SO AS TO SPECIFY RECREATIONAL SALTWATER FISHING LICENSE EXEMPTIONS; BY ADDING SECTION 50-9-925 SO AS TO SPECIFY HOW THE REVENUE FROM THE SALE OF STAMPS, LICENSES, PRINTS, AND RELATED ARTICLES MUST BE DISTRIBUTED; TO AMEND SECTION 50-5-15, RELATING TO THE DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA MARINE RESOURCES ACT, SO AS TO DEFINE THE TERMS "DROP NET" AND "FOLD UP TRAP"; TO AMEND SECTION 50-5-955, RELATING TO THE DESIGNATION AND MAINTENANCE OF PUBLIC SHELLFISH GROUNDS, SO AS TO SUBSTITUTE REFERENCE TO THE RECREATIONAL SALTWATER FISHING LICENSE FOR THE MARINE RECREATIONAL FISHING STAMP; TO AMEND SECTION 50-5-1915, RELATING TO CHARTER FISHING VESSEL LOGS, SO AS TO REQUIRE MONTHLY SUBMISSIONS TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-9-20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, SO AS TO REMOVE REFERENCES TO RESIDENT AND NONRESIDENT LICENSES; TO AMEND SECTION 50-9-40,

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RELATING TO LICENSES FOR FRESHWATER FISHING, SO AS TO SPECIFY RECREATIONAL FRESHWATER FISHING; TO AMEND SECTION 50-9-540, AS AMENDED, RELATING TO FRESHWATER AND SALTWATER FISHING LICENSES, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 50-5-1905, 50-5-1910, 50-5-1920, 50-5-1925, AND 50-5-1945 ALL RELATING TO RECREATIONAL SALTWATER FISHERIES LICENSES AND STAMPS.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3681 -- Reps. Ott, Kirsh, Brantley, McEachern, G. A. Brown, J. H. Neal, Cobb-Hunter, Sellers, Gunn, Dillard, King, Anderson, Duncan, Agnew, Clyburn, Edge, Gambrell, Hosey, Howard, McLeod, M. A. Pitts and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT "CHANDLER'S LAW" TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING THE REQUIREMENT THAT PERSONS FIFTEEN AND YOUNGER MUST COMPLETE A SAFETY COURSE BEFORE THEY MAY OPERATE AN ALL-TERRAIN VEHICLE, TO REQUIRE THAT VEHICLES MEETING SPECIFIC STANDARDS ONLY MAY BE OPERATED BY PERSONS OF A CERTAIN AGE, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES BEGINNING WITH CALENDAR YEAR 2009; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report on:

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

Ordered for consideration tomorrow.

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Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report on:

H. 3571 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-840, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST TAKING OR DESTROYING THE NESTS OR EGGS OF WILD BIRDS, SO AS TO DEFINE THE TERM "ACTIVE NEST" AND TO PROVIDE THAT THE DEPARTMENT MAY ISSUE PERMITS FOR THE REMOVAL OF CERTAIN ACTIVE NESTS.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report on:

H. 3541 -- Reps. Hiott, Frye, Duncan, M. A. Pitts and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-525 SO AS TO ESTABLISH THE REQUIREMENT AND PROCEDURES FOR OBTAINING BEAR TAGS; BY ADDING SECTION 50-9-537 SO AS TO REQUIRE A TEN DOLLAR BEAR DRAW HUNT APPLICATION FEE; BY ADDING SECTION 50-11-435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE APPLICABLE PENALTIES; TO AMEND SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS TO DEFINE THE USES FOR REVENUE GENERATED FROM THE SALE OF BEAR TAGS; TO AMEND SECTION 50-11-310, AS AMENDED, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO DESIGNATE WHEN CERTAIN EQUIPMENT MAY BE USED IN GAME ZONE 1; AND TO AMEND SECTION 50-11-430, RELATING TO BEAR HUNTING, SO AS TO REDESIGNATE THE OPEN SEASON AND PROVIDE ADDITIONAL PENALTIES.

Ordered for consideration tomorrow.

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Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3483 -- Reps. White, M. A. Pitts, Toole and Willis: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING, TRAPPING, AND FISHING AND THE TAKING OF WILD ANIMALS, BIRDS, AND FISH ARE A VALUED PART OF OUR HERITAGE AND SHALL BE FOREVER PRESERVED FOR THE PEOPLE, TO PROVIDE THAT FISH AND WILDLIFE SHALL BE MANAGED BY LAWS AND REGULATIONS THAT PROVIDE PERSONS WITH THE CONTINUED OPPORTUNITY TO TAKE, BY TRADITIONAL MEANS AND METHODS, SPECIES TRADITIONALLY PURSUED BY HUNTERS, ANGLERS, AND TRAPPERS, TO PROVIDE FISH AND WILDLIFE MANAGEMENT, INCLUDING TAKING, SHALL BE CONSISTENT WITH THE STATE'S DUTY TO PROTECT THIS HERITAGE AND ITS DUTY TO CONSERVE WILD ANIMALS, BIRDS, AND FISH, TO PROVIDE HUNTING, FISHING, OR TRAPPING BY SPORTSMEN SHALL ALWAYS BE A PREFERRED AND AVAILABLE MEANS OF CONTROLLING ALL INVASIVE OR OVERPOPULATED SPECIES, TO PROVIDE THAT ANY PERSON WHO IS LICENSED TO HUNT, FISH, OR TRAP AND WHO IS ADVERSELY AFFECTED BY A FAILURE TO COMPLY WITH THIS SECTION SHALL HAVE A PRIVATE CAUSE OF ACTION TO ENFORCE THIS SECTION, AND TO PROVIDE THAT THE RIGHT OF THE PEOPLE TO HUNT, FISH, TRAP, AND HARVEST GAME SHALL BE SUBJECT ONLY TO SUCH REGULATIONS AND RESTRICTIONS AS THE GENERAL ASSEMBLY MAY PRESCRIBE BY GENERAL LAW.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 3830 -- Rep. Dillard: A HOUSE RESOLUTION TO RECOGNIZE THE HERITAGE NEIGHBORHOOD IN GREENVILLE COUNTY AND TO HONOR AND

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CONGRATULATE ITS RESIDENTS UPON THE CELEBRATION OF ITS ONE HUNDREDTH ANNIVERSARY ON MAY 2, 2009.

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 633 -- Senator Davis: 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 returned to the Senate with concurrence.

INTRODUCTION OF BILLS

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

H. 3831 -- Rep. Rutherford: A BILL TO AMEND SECTION 27-40-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SECURITY DEPOSITS PAID UNDER THE RESIDENTIAL LANDLORD-TENANT ACT, SO AS TO PROVIDE A LANDLORD MUST BE EXEMPT FROM CERTAIN WRITTEN NOTICE REQUIREMENTS IF THE TENANT IS EVICTED FOR FAILING TO PAY RENT OR INCURRING DAMAGE EXCEEDING THE AMOUNT OF THE SECURITY DEPOSIT.

Referred to Committee on Judiciary

H. 3832 -- Rep. Rutherford: A BILL TO AMEND SECTION 22-8-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAGISTRATES' SALARIES, SO AS TO PROVIDE A MAGISTRATE WHO IS A LICENSED ATTORNEY IN GOOD STANDING WITH THE SOUTH CAROLINA BAR MUST BE PAID A BASE SALARY EQUAL TO FIFTY-FIVE PERCENT OF A CIRCUIT COURT JUDGE'S SALARY FOR THE STATE'S

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IMMEDIATELY PREVIOUS FISCAL YEAR, REGARDLESS OF THE POPULATION CATEGORY OF THE COUNTY HE SERVES OR THE LENGTH OF HIS TENURE AS A MAGISTRATE.

Referred to Committee on Ways and Means

H. 3833 -- Reps. H. B. Brown, Bowen, Huggins, Brantley, Mitchell, Parker, Kennedy, King, Govan, Spires, Ballentine, Williams, Bedingfield, McEachern, J. E. Smith, Rutherford, J. M. Neal, Hamilton, Toole, R. L. Brown, Alexander, Allen, Allison, Anderson, Anthony, Bales, Barfield, Battle, Bowers, Brady, Branham, G. A. Brown, Clyburn, Cobb-Hunter, Crawford, Daning, Dillard, Duncan, Edge, Forrester, Frye, Funderburk, Gilliard, Gullick, Gunn, Hardwick, Hart, Harvin, Hayes, Hiott, Hodges, Hosey, Hutto, Jennings, Kelly, Kirsh, Knight, Limehouse, Littlejohn, Long, Lowe, Mack, McLeod, Miller, Moss, Nanney, Neilson, Ott, Parks, Pinson, M. A. Pitts, Scott, Sellers, D. C. Smith, J. R. Smith, Sottile, Stringer, Thompson, Vick, Weeks, Whitmire, Willis, Wylie, A. D. Young and T. R. Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 4 SO AS TO PROVIDE PROCEDURES FOR RECALLING AND REMOVING A PERSON HOLDING A STATEWIDE-ELECTED CONSTITUTIONAL OFFICE.

Referred to Committee on Judiciary

H. 3834 -- Rep. Rutherford: A BILL TO AMEND CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO PROHIBIT A MUNICIPALITY OR COUNTY FROM DECLARING A BUSINESS A PUBLIC NUISANCE IF THAT MUNICIPALITY OR COUNTY DOES NOT AUTHORIZE THE USE OF ITS OFF-DUTY LAW ENFORCEMENT OFFICERS TO BE HIRED BY PRIVATE ENTITIES TO PROVIDE SECURITY SERVICES.

Referred to Committee on Judiciary

H. 3835 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Brady, Branham, Brantley, 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,

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Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, 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, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 9, TITLE 23 TO ENACT THE "SOUTH CAROLINA HYDROGEN PERMITTING ACT" SO AS TO CREATE THE STATE HYDROGEN PERMITTING PROGRAM AND TO STATE THE PURPOSE OF THE PROGRAM; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT ONLY THE STATE FIRE MARSHAL MAY PERMIT A HYDROGEN FACILITY IN THIS STATE, BUT MAY DELEGATE THIS AUTHORITY TO A COUNTY OR MUNICIPAL OFFICIAL IN SPECIFIC CIRCUMSTANCES; TO PROVIDE THE DUTIES AND OBLIGATIONS OF THE STATE FIRE MARSHAL UNDER THE ACT; TO PROVIDE REQUIREMENTS FOR A PARTY SEEKING TO RENOVATE OR CONSTRUCT A HYDROGEN FACILITY; TO PROVIDE THE STATE FIRE MARSHAL MAY IMPOSE CERTAIN FEES RELATED TO PERMITTING, LICENSING, AND INSPECTING UNDER THE ACT; TO PROVIDE PENALTIES FOR A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY HYDROGEN IN VIOLATION OF THE ACT; AND TO AMEND SECTION 23-9-20, RELATING TO DUTIES OF THE STATE FIRE MARSHAL, SO AS TO PROVIDE THE STATE FIRE MARSHAL SHALL SUPERVISE ENFORCEMENT OF THE SOUTH CAROLINA HYDROGEN PERMITTING PROGRAM.

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

H. 3836 -- Reps. McEachern and Dillard: A BILL TO AMEND SECTION 6-1-730, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USES ALLOWED FOR LOCAL HOSPITALITY TAX REVENUES, SO AS TO ALLOW THE GOVERNING BODY OF A MUNICIPALITY AND A COUNTY BY ORDINANCE TO USE NOT MORE THAN ONE-

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HALF OF THE REVENUES OF THE LOCAL HOSPITALITY TAX IMPOSED BY THE COUNTY AND MUNICIPALITY FOR TRANSPORTATION NEEDS.

Referred to Committee on Ways and Means

H. 3837 -- Reps. Limehouse and Sottile: A BILL TO AMEND SECTION 56-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS REGARDING THE OPERATION OF MOTOR VEHICLES ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE A DEFINITION FOR THE TERM "LSV-C ELECTRIC VEHICLE"; AND BY ADDING ARTICLE 22 TO CHAPTER 5, TITLE 56 SO AS TO PROVIDE FOR THE REGULATION OF LSV-C ELECTRIC VEHICLES ALONG THE STATE'S HIGHWAYS.

Referred to Committee on Education and Public Works

H. 3838 -- Reps. Bales and Sandifer: A JOINT RESOLUTION TO PROVIDE A PROPERTY TAX EXEMPTION FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY FOR PROPERTY TAX YEAR 2009 ONLY, IN AN AMOUNT EQUAL TO FIFTEEN PERCENT OF THE FAIR MARKET VALUE OF THE PROPERTY.

Referred to Committee on Ways and Means

H. 3839 -- Reps. Edge, Harrison and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 21, TITLE 5 SO AS TO ENACT THE "MUNICIPAL FINANCE OVERSIGHT ACT OF 2009" TO CREATE THE MUNICIPAL FINANCE OVERSIGHT COMMISSION AND AN EXECUTIVE COMMITTEE OF THE COMMISSION, PROVIDE FOR THEIR COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES, REQUIRE MUNICIPALITIES TO SUBMIT ANNUAL FINANCIAL REPORTS AND ANNUAL AUDITS, PROVIDE FOR SANCTIONS AGAINST MUNICIPALITIES THAT FAIL TO COMPLY WITH THE COMMISSION'S PLAN FOR REFINANCING, ADJUSTING, OR COMPROMISING A DEBT, PROVIDE PENALTIES FOR AN OFFICER OR EMPLOYEE OF A MUNICIPALITY WHO FAILS TO COMPLY WITH THE PROVISIONS OF ARTICLE 9, CHAPTER 21; AND TO AMEND SECTION 6-1-50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FINANCIAL REPORT SUBMITTED BY COUNTIES AND MUNICIPALITIES TO THE STATE BUDGET

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AND CONTROL BOARD, OFFICE OF RESEARCH AND STATISTICS, ECONOMIC RESEARCH SECTION, SO AS TO DELETE THE REQUIREMENT THAT THE REPORT BE SUBMITTED BY A MUNICIPALITY.

Referred to Committee on Ways and Means

H. 3840 -- Rep. Cooper: A BILL TO AMEND TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAXATION, SO AS TO REVISE CERTAIN CHAPTERS PERTAINING TO VARIOUS TAX MATTERS.

Referred to Committee on Ways and Means

H. 3841 -- Reprs. Owens and Cooper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "TECHNICAL COLLEGE ADMINISTRATIVE EFFICIENCIES ACT OF 2009" SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH A TIERED SYSTEM FOR CATEGORIZING TECHNICAL COLLEGES WITH RESPECT TO THEIR FINANCIAL STRENGTH AND ABILITY TO MANAGE DAY-TO-DAY OPERATIONS AND A REVIEW SYSTEM FOR CERTAIN HUMAN RESOURCES, FACILITIES AND CAPITAL IMPROVEMENT, PROCUREMENT, AND GRANTS MANAGEMENT REQUESTS BY TECHNICAL COLLEGES; BY ADDING SECTION 2-47-70 SO AS TO ALLOW TECHNICAL COLLEGES TO ENTER INTO ONE OR MORE LEASE AGREEMENTS UPON CERTAIN CONDITIONS AND SUBJECT TO APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND REVIEW BY THE JOINT BOND REVIEW COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD; BY ADDING SECTION 6-1-137 SO AS TO ALLOW TECHNICAL COLLEGES TO BE A PART OF CERTAIN CONTRACTS MADE BY COUNTIES, MUNICIPALITIES, OR SCHOOL DISTRICTS; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL AND RECORDATION OF REAL PROPERTY TRANSACTIONS INVOLVING GOVERNMENTAL BODIES, SO AS TO EXCLUDE CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY A TECHNICAL COLLEGE; TO AMEND SECTION 2-47-50, AS AMENDED, RELATING TO THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY THE STATE BUDGET AND CONTROL BOARD, SO AS TO

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PROVIDE FOR THE ESTABLISHMENT AND AUTHORIZATION OF CERTAIN PERMANENT IMPROVEMENT PROJECTS BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION UNDER CERTAIN CONDITIONS, TO PROVIDE THAT A TECHNICAL COLLEGE MAY NOT ADVERTISE AND INTERVIEW FOR PROJECT ARCHITECTURAL AND ENGINEERING SERVICES WITHOUT PRIOR APPROVAL OF THE ARCHITECTURAL AND ENGINEERING PHASE OF A PERMANENT IMPROVEMENT PROJECT BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND TO PROVIDE FOR THE APPROVAL OF SCOPE AND BUDGET CHANGES FOR PREVIOUSLY APPROVED PROJECTS UP TO AN INCREASE OF TWENTY PERCENT OR TOTALING UP TO TWO MILLION DOLLARS BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND FOR THE PUBLICATION OF SUCH APPROVAL TO THE JOINT BOND REVIEW COMMITTEE; TO AMEND SECTION 2-65-30, RELATING TO RECEIPT AND EXPENDITURE OF UNANTICIPATED FUNDS, SO AS TO EXCLUDE TECHNICAL COLLEGES FROM STATE BUDGET AND CONTROL BOARD REVIEW OF EXPENDITURE PROPOSALS, AND TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO MONITOR FEDERAL FUNDS WITHIN THE TECHNICAL COLLEGE SYSTEM; TO AMEND SECTION 8-11-35, RELATING TO SALARY PAYMENT SCHEDULES, SO AS TO PROVIDE THAT THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION MAY APPROVE ALTERNATIVE SALARY PAYMENT SCHEDULES FOR TECHNICAL COLLEGE EMPLOYEES; TO AMEND SECTION 8-11-230, RELATING TO THE CREATION AND DUTIES OF THE STATE BUDGET AND CONTROL BOARD, SO AS TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO COORDINATE WITH THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION IN ESTABLISHING A CLASSIFICATION AND COMPENSATION PLAN FOR TECHNICAL COLLEGE CLASSIFIED EMPLOYEES, AND TO PROVIDE WHAT THE PLAN MUST INCLUDE; TO AMEND SECTION 11-35-1210, AS AMENDED, RELATING TO CERTIFICATION OF PROCUREMENTS, SO AS TO ALLOW FOR STATE BOARD FOR TECHNICAL AND COMPREHENSIVE

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EDUCATION APPROVAL FOR UP TO FIFTY THOUSAND DOLLARS IN ADDITIONAL PROCUREMENT AUTHORITY UPON CERTAIN CONDITIONS, AND TO PROVIDE REPORTING REQUIREMENTS; TO AMEND SECTION 11-35-1550, AS AMENDED, RELATING TO BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO REVISE AMOUNTS TO WHICH CERTAIN PROVISIONS OF THE SECTION APPLY FOR TECHNICAL COLLEGES; TO AMEND SECTION 11-35-3230, AS AMENDED, RELATING TO AN EXCEPTION FOR SMALL ARCHITECT-ENGINEER AND LAND SURVEYING SERVICES CONTRACT, SO AS TO REVISE DOLLAR AMOUNTS FOR SUCH CONTRACTS BY TECHNICAL COLLEGES; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION ITEMS, SO AS TO REVISE DOLLAR LIMITS FOR CERTAIN CONTRACTS FOR TECHNICAL COLLEGES; AND TO AMEND SECTION 11-35-3810, AS AMENDED, RELATING TO REGULATIONS FOR THE SALE, LEASE, TRANSFER, AND DISPOSAL OF SURPLUS PROPERTY, SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH POLICIES AND PROCEDURES FOR GOVERNING THE DISPOSAL OF SURPLUS PROPERTY, AND TO PROVIDE FOR ANNUAL REVIEW AND MONITORING OF SUCH DISPOSAL.

Referred to Committee on Education and Public Works

H. 3842 -- Reps. Moss, Knight, Edge, Gambrell, Bowen, Hodges, Bedingfield, Anthony, Chalk, Spires, Erickson, Huggins, Agnew, Alexander, Allen, Allison, Anderson, Bales, Bowers, Brady, Branham, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Clyburn, Cobb-Hunter, Delleney, Dillard, Duncan, Forrester, Funderburk, Gilliard, Gullick, Gunn, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kennedy, King, Kirsh, Limehouse, Littlejohn, McLeod, Merrill, Miller, Millwood, Mitchell, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Scott, Sellers, Simrill, D. C. Smith, J. R. Smith, J. E. Smith, Stringer, Thompson, Vick, Viers, Weeks and Williams: A JOINT RESOLUTION TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL COMPLY WITH THE RECOMMENDATIONS OF THE SOUTH CAROLINA LEGISLATIVE AUDIT COUNCIL

[HJ]

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CONCERNING THE NONEMERGENCY MEDICAL TRANSPORTATION PROGRAM OPERATED BY THE DEPARTMENT AND TO REPORT TO THE GENERAL ASSEMBLY ON THE DEPARTMENT'S PROGRESS.

Rep. MOSS asked unanimous consent to have the Joint Resolution placed on the Calendar without reference.

Rep. DUNCAN objected.

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

H. 3843 -- Reps. Viers, Clemmons, M. A. Pitts, Thompson, Umphlett and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-5-40 SO AS TO PROVIDE THAT VETERAN'S DAY MUST BE RECOGNIZED AS A HOLIDAY FOR ALL LOCAL SCHOOL DISTRICTS AND PUBLIC COLLEGES AND UNIVERSITIES OF THE STATE.

Referred to Committee on Education and Public Works

H. 3844 -- Reps. Viers, Chalk, Clemmons and Herbkersman: A BILL TO AMEND SECTION 14-23-1130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT THE GOVERNING BODY OF EACH COUNTY PROVIDE THE JUDGE OF PROBATE WITH THE NECESSARY OFFICE EQUIPMENT, BOOKS, OFFICE SPACE, AND PERSONNEL FOR THE OPERATION OF THE COURT, SO AS TO PROVIDE THAT THESE JUDGES HAVE ABSOLUTE CONTROL OVER THESE MATTERS, INCLUDING USE OF BUDGETED FUNDS, EMPLOYEE CLASSIFICATIONS, COMPENSATION, AND PROMOTIONS.

Referred to Committee on Judiciary

H. 3845 -- Reps. T. R. Young, Allen and Kelly: A BILL TO AMEND SECTION 22-3-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

Referred to Committee on Judiciary

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

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THE DESIGNATION OF PLACES OF CONFINEMENT FOR INMATES, SO AS TO SUBSTITUTE THE TERM "REGIONAL COUNTY OR MUNICIPAL JAIL" FOR THE TERM "COUNTY JAIL", AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24-3-27, RELATING TO THE ESTABLISHMENT OF LOCAL REGIONAL CORRECTIONAL FACILITIES, SO AS TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED; TO AMEND SECTION 24-3-30, RELATING TO DESIGNATION OF PLACES OF CONFINEMENT, SO AS TO REVISE THE LIST OF PERSONS FROM WHICH THE STATE MUST OBTAIN CONSENT BEFORE AN INMATE MAY BE PLACED IN A FACILITY MAINTAINED BY A LOCAL GOVERNMENTAL ENTITY; TO AMEND SECTION 24-3-50, RELATING TO THE PENALTY FOR A PRISONER WHO FAILS TO REMAIN WITHIN THE EXTENDED LIMITS OF HIS CONFINEMENT, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PRISONER CONFINED IN A LOCAL FACILITY, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-60, RELATING TO THE CLERKS OF COURT PROVIDING NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE NUMBER OF CONVICTS SENTENCED TO IMPRISONMENT IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-70, RELATING TO ALLOWABLE EXPENSES INCURRED FOR THE TRANSPORTATION OF CONVICTS TO THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-80, RELATING TO THE DETENTION OF A PRISONER BY COMMITMENT AUTHORIZED BY THE GOVERNOR, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-81, RELATING TO CONJUGAL VISITS WITHIN THE STATE PRISON SYSTEM, SO AS TO PROVIDE THAT NO PRISONER IN THE STATE PRISON SYSTEM OR WHO IS BEING DETAINED IN A LOCAL GOVERNMENTAL FACILITY IS PERMITTED TO HAVE CONJUGAL VISITS; TO AMEND SECTION 24-3-130,

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RELATING TO THE USE OF INMATE LABOR ON PUBLIC WORKS PROJECTS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-131, RELATING TO THE SUPERVISION OF INMATES USED ON PUBLIC PROJECTS, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-140, RELATING TO THE USE OF CONVICT LABOR AT THE STATE HOUSE, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-160, RELATING TO THE COST OF MAINTAINING CONVICTS BY STATE INSTITUTIONS, SO AS TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-170, RELATING TO THE USE OF CONVICTS BY CLEMSON UNIVERSITY, SO AS TO SUBSTITUTE THE TERMS "FEE" FOR THE TERM "HIRE", "INMATES" FOR THE TERM "CONVICTS", "EMPLOYEES" FOR THE TERM "GUARDS", AND "PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-180, RELATING TO THE PROVISION OF TRANSPORTATION AND CLOTHING FOR CONVICTS WHO HAVE BEEN DISCHARGED, SO AS TO SUBSTITUTE THE TERMS "INMATE" FOR THE TERM "CONVICT" AND THE TERM "STATE PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-190, RELATING TO APPROPRIATION OF CLOSE OF THE YEAR BALANCES FOR THE SUPPORT OF THE PENITENTIARY, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "PENITENTIARY" AND THE TERM "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-310, RELATING TO THE GENERAL ASSEMBLY'S INTENT FOR ESTABLISHING A PRISON INDUSTRIES PROGRAM, SO AS TO SUBSTITUTE THE TERM "PRISON" FOR THE TERM "CONVICT", AND "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-320, RELATING TO THE PURCHASE OF EQUIPMENT AND MATERIALS AND EMPLOYMENT OF PERSONNEL FOR THE ESTABLISHMENT AND MAINTENANCE OF PRISON INDUSTRIES, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS" AND TO DELETE THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-330, RELATING TO THE PURCHASE OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM

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"INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-340, RELATING TO THE STATE'S PURCHASE OF PRODUCTS THAT ARE NOT PRODUCED BY CONVICT LABOR, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-37-370, RELATING TO THE PRIORITY OF DISTRIBUTION OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-400, RELATING TO THE PRISON INDUSTRIES ACCOUNT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-420, RELATING TO PENALTIES FOR VIOLATIONS OF THE PROVISIONS RELATING TO THE PRISON INDUSTRIES PROGRAM, SO AS TO DELETE THE TERM "JAIL"; TO AMEND SECTION 24-3-520, RELATING TO THE TRANSPORTATION OF A PERSON SENTENCED TO DEATH, SO AS TO REVISE THIS PROVISION AND PROVIDE THAT THE FACILITY MANAGER WHO HAS CUSTODY OF THE INMATE HAS THE AUTHORITY TO TRANSFER HIM TO THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 24-3-540, RELATING TO THE DEATH CHAMBER AND THE TRANSPORTING OF A PERSON TO A PLACE TO BE ELECTROCUTED, SO AS TO SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-550, RELATING TO WITNESSES THAT MAY BE PRESENT DURING AN EXECUTION, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-560, RELATING TO THE CERTIFICATION OF THE EXECUTION OF A PERSON, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-570, RELATING TO THE DISPOSITION OF THE BODY OF A PERSON WHO HAS BEEN EXECUTED, SO AS TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-710, RELATING TO THE INVESTIGATION OF THE MISCONDUCT THAT OCCURS IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND PROVIDE THAT THE DIRECTOR OF THE STATE PRISON SYSTEM'S AUTHORITY TO INVESTIGATE MISCONDUCT IN THE STATE

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PRISON SYSTEM IS THE SAME AUTHORITY THAT AN OFFICIAL IN CHARGE OF A LOCAL FACILITY MAY EXERCISE; TO AMEND SECTION 24-3-720, RELATING TO ENLISTING THE AID OF CITIZENS TO SUPPRESS PRISON RIOTS AND DISORDERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-740, RELATING TO THE COMPENSATION OF A PERSON WHO ASSISTS THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-750, RELATING TO PROVIDING IMMUNITY TO A PERSON WHO ASSISTS THE DEPARTMENT OF CORRECTIONS IN SUPPRESSING DISORDER, RIOT, OR INSURRECTION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-760, RELATING TO THE POWERS OF THE KEEPER WHEN THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS ABSENT, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-920, AS AMENDED, RELATING TO REWARDS FOR THE CAPTURE OF AN ESCAPED CONVICT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-930, RELATING TO EXEMPTING CERTAIN PERSONS EMPLOYED BY THE PENITENTIARY FROM SERVING ON JURIES AND MILITARY OR STREET DUTY, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY" AND THE TERM "OTHER EMPLOYEES" FOR THE TERM "OTHER OFFICERS"; TO AMEND SECTION 24-3-940, RELATING TO PROHIBITING PRISONERS FROM GAMBLING, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-951, RELATING TO THE POSSESSION OR USE OF MONEY BY PRISONERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-965, RELATING TO THE TRIAL OF CERTAIN OFFENSES RELATED TO CONTRABAND IN MAGISTRATES COURT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO PROVIDE THAT THIS PROVISION APPLIES TO REGIONAL DETENTION FACILITIES AND PRISON CAMPS, AND TO DEFINE THE TERM CONTRABAND; TO AMEND SECTION 24-5-10, RELATING TO A SHERIFF'S RESPONSIBILITIES AS THE CUSTODIAN OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER" AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-5-12, RELATING TO COUNTIES THAT

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ASSUME CERTAIN RESPONSIBILITIES WITH REGARD TO THE CUSTODY OF COUNTY JAILS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO PROVIDE THE CIRCUMSTANCES IN WHICH A COUNTY CAN DEVOLVE ITS POWER TO OPERATE A JAIL UPON A SHERIFF; TO AMEND SECTION 24-5-20, RELATING TO THE EMPLOYMENT OF A JAILER, SO AS TO DELETE THE PROVISION THAT ALLOWS A SHERIFF WHO DOES NOT LIVE IN A JAIL TO APPOINT A JAILER, TO PROVIDE THAT A SHERIFF WHO HAS CONTROL OF A JAIL SHALL APPOINT A FACILITY MANAGER WHO HAS CONTROL AND CUSTODY OF THE JAIL UNDER THE SUPERVISION OF THE SHERIFF, AND TO PROVIDE THAT IN CASES WHERE THE SHERIFF DOES NOT CONTROL A JAIL, THE COUNTY'S GOVERNING BODY SHALL APPOINT THE FACILITY MANAGER; TO AMEND SECTION 24-5-50, RELATING TO A SHERIFF'S KEEPING OF PRISONERS COMMITTED BY A CORONER, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGERS" FOR THE TERM "JAILERS", AND TO PROVIDE THIS PROVISION ALSO APPLIES TO GOVERNING BODIES THAT HAVE CUSTODY OF A JAIL TECHNICAL CHANGE; TO AMEND SECTION 24-5-60, RELATING TO SHERIFFS AND JAILERS KEEPING PRISONERS COMMITTED BY THE UNITED STATES GOVERNMENT, SO AS TO SUBSTITUTE THE TERM "GOVERNING BODIES" FOR THE TERM "JAILERS", AND TO PROVIDE THAT A SHERIFF OR FACILITY MANAGER MAY CHARGE A FEE FOR KEEPING THESE PRISONERS; TO AMEND SECTION 24-5-80, RELATING TO PROVIDING BLANKETS AND BEDDING TO PRISONERS, SO AS TO REVISE THE ITEMS THAT A PRISONER MUST BE FURNISHED TO INCLUDE SUFFICIENT FOOD, WATER, CLOTHING, HYGIENE PRODUCTS, BEDDING, AND SHELTER; TO AMEND SECTION 24-5-90, RELATING TO THE UNLAWFUL DISCRIMINATION IN THE TREATMENT OF PRISONERS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO REVISE THE PENALTY FOR A VIOLATION OF THIS PROVISION; TO AMEND SECTION 24-5-110, RELATING TO THE RETURN TO COURT BY A SHERIFF OF THE NAMES OF PRISONERS WHO ARE CONFINED ON THE FIRST DAY OF THE TERM OF GENERAL SESSIONS COURT, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF", AND TO PROVIDE THAT THE USE OF

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ELECTRONIC RECORDS SATISFIES THIS REQUIREMENT; TO AMEND SECTION 24-5-120, RELATING TO A SHERIFF'S ANNUAL REPORT ON THE CONDITION OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF"; TO AMEND SECTION 24-5-170, RELATING TO THE REMOVAL OF PRISONERS FROM A JAIL THAT MAYBE DESTROYED, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO A JAIL THAT IS RENDERED UNINHABITABLE, AND TO REVISE THE PROCEDURES TO TRANSFER THESE PRISONERS TO ANOTHER FACILITY; TO AMEND SECTIONS 24-5-300, 24-5-310, 24-5-320, AS AMENDED, 24-5-330, 24-5-350, 24-5-360, AS AMENDED, 24-5-370, 24-5-380, AND 24-5-390, ALL RELATING TO DEFINITIONS, AND THE APPOINTMENT, TRAINING, PHYSICAL COMPETENCE, DUTIES, IDENTIFICATION CARDS, UNIFORMS, AND WORKERS' COMPENSATION BENEFITS FOR RESERVE DETENTION OFFICERS, SO AS TO DELETE THE TERM "JAILER"; TO AMEND SECTION 24-7-60, RELATING TO THE CARE OF CONVICTS SENTENCED TO LABOR ON A COUNTY PUBLIC WORKS PROJECT, SO AS TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "GENERAL FUND" FOR THE TERM "ROAD FUND"; TO AMEND SECTION 24-7-110, RELATING TO THE HEALTH OF CONVICTS IN A COUNTY'S CUSTODY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "MEDICAL PERSONNEL" FOR THE TERM "PHYSICIAN", "INMATES" FOR THE TERM "CONVICTS", "COUNTY JAIL, DETENTION FACILITY, PRISON CAMP, OR OTHER LOCAL FACILITIES" FOR THE TERM "CHAIN GANG", AND TO REVISE THE PROCEDURE TO PROVIDE AND PAY FOR HEALTH CARE SERVICES FOR INMATES IN A COUNTY'S CUSTODY; TO AMEND SECTION 24-7-120, RELATING TO THE INCARCERATION OF CONVICTS BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE STANDARDS THAT A MUNICIPAL AUTHORITY MUST MAINTAIN WHEN IT SUPERVISES PERSONS SENTENCED TO A PUBLIC WORK DETAIL, OR OPERATES A JAIL, AND TO REVISE THIS PROVISION TO ALLOW A MUNICIPALITY TO ENTER INTO AGREEMENTS TO HOUSE THEIR PRISONERS IN COUNTY FACILITIES; TO AMEND SECTION 24-7-155, RELATING TO THE PROHIBITION OF CONTRABAND IN A COUNTY OR

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MUNICIPAL PRISON, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO MULTI-JURISDICTIONAL FACILITIES, TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO DELETE A REFERENCE TO THE TERM "SUPERINTENDENT OF THE FACILITY", AND TO PROVIDE THAT THE FACILITY MAY DESIGNATE ADDITIONAL ITEMS OF CONTRABAND THAT ARE PROHIBITED; TO AMEND SECTION 24-9-30, RELATING TO MINIMUM STANDARDS THAT MUST BE MET BY FACILITIES THAT HOUSE PRISONERS OR PRETRIAL DETAINEES, SO AS TO DELETE THE PROVISION THAT REQUIRES A COPY OF CERTAIN INSPECTION REPORTS BE SENT TO CERTAIN JUDGES OF THE JUDICIAL CIRCUIT IN WHICH THE FACILITY IS LOCATED, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-9-35, RELATING TO REPORTS OF DEATHS OF INCARCERATED PERSONS, SO AS TO MAKE TECHNICAL CHANGES, PROVIDE THAT THIS PROVISION APPLIES TO MULTI-JURISDICTIONAL FACILITIES AND TO SUBSTITUTE THE TERM "FACILITY MANGER" FOR THE TERM "JAILER"; TO AMEND SECTION 24-9-40, RELATING TO THE CERTIFICATION OF ARCHITECTURAL PLANS BEFORE A CONFINEMENT FACILITY IS CONSTRUCTED, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO THE RENOVATION OF CONFINEMENT FACILITIES; TO AMEND SECTIONS 24-13-10, 24-13-20, 24-13-30, 24-13-40, 24-13-50, 24-13-80, 24-13-125, 24-13-150, 24-13-210, 24-13-230, 24-13-235, 24-13-260, 24-13-410, 24-13-420, 24-13-430, 24-13-440, 24-13-450, 24-13-460, 24-13-470, 24-13-640, 24-13-660, 24-13-910, 24-13-915, 24-13-940, AND 24-13-1540, ALL RELATING TO THE INCARCERATION OF PRISONERS, THE REDUCTION IN A PRISONER'S SENTENCE, PRISONER OFFENSES, THE PRISON WORK RELEASE PROGRAM, FURLOUGHS, THE SHOCK INCARCERATION PROGRAM, AND THE HOME DETENTION PROGRAM, SO AS TO SUBSTITUTE THE TERM "LOCAL DETENTION FACILITIES" FOR THE TERM "CHAIN GANGS", SUBSTITUTE THE TERMS "INMATES" AND "CONVICTS" FOR THE TERM "PRISONERS", TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "OFFICIAL", TO REVISE THE DEFINITION OF THE TERM "DETENTION FACILITY", TO REVISE THE TYPE AND COST OF MEDICAL SERVICES THAT MAYBE PAID FROM AN

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INMATE'S ACCOUNT, TO PROVIDE THAT IT IS UNLAWFUL FOR A PRISONER TO ESCAPE FROM CUSTODY OR TO POSSESS ITEMS THAT MAY BE USED TO FACILITATE AN ESCAPE, AND TO DELETE A REFERENCE TO THE TERM "LOCAL CORRECTIONAL FACILITY"; TO AMEND SECTION 16-7-140, RELATING TO PENALTIES FOR VIOLATING PROVISIONS THAT PROHIBIT THE WEARING OF MASKS AND PLACING A BURNING CROSS ON A PROPERTY WITHOUT ITS OWNER'S PERMISSION, SO AS TO DELETE A REFERENCE TO THE TERM "COUNTY JAIL"; TO AMEND SECTION 20-7-1350, AS AMENDED, RELATING TO PENALTIES FOR A PERSON'S FAILURE TO OBEY CERTAIN ORDERS OF A COURT AND STATUTES RELATING TO THE CHILDREN'S CODE OF LAW, SO AS TO SUBSTITUTE THE TERM "DETENTION FACILITY" FOR THE TERM "CORRECTIONAL FACILITY", AND TO DELETE A PROVISION THAT PLACES RESTRICTIONS ON WHO MAY PARTICIPATE IN A WORK/PUNISHMENT PROGRAM; TO REPEAL SECTIONS 24-3-150, 24-3-200, 24-5-30, 24-5-70, 24-5-100, 24-5-140, 24-5-150, 24-5-160, 24-7-70, 24-7-80, 24-7-130, 24-7-140, AND 24-7-150 RELATING TO THE TRANSFER OF CONVICTS TO A COUNTY CHAIN GANG, THE TRANSFER OF A PRISONER TO A COUNTY OTHER THAN THE COUNTY WHERE HE WAS SENTENCED, THE APPOINTMENT OF A JAILER BY A SHERIFF, THE USE OF FEDERAL PRISONERS BY A COUNTY, A SHERIFF'S IMPRESSING A SUFFICIENT NUMBER OF GUARDS TO SECURE A PRISONER WHO IS ACCUSED OF A CAPITAL OFFENSE, THE HOUSING OF FEMALE CONVICTS, THE CONFINEMENT OF PERSONS CHARGED WITH A CRIME IN A PRISON LOCATED IN AN INDUSTRIAL COMMUNITY, THE LEASE OF COUNTY CONVICTS, THE DIETING AND CLOTHING AND MAINTENANCE OF CERTAIN PRISONERS BY LOCAL GOVERNMENTAL AUTHORITIES, AND THE COLLECTION AND DISPOSITION OF MONEY BY A COUNTY FOR THE HIRING OF CONVICTS; BY ADDING ARTICLE 2 TO CHAPTER 5, TITLE 24 SO AS TO ENACT THE LOCAL DETENTION FACILITY MUTUAL AID AND ASSISTANCE ACT TO ALLOW LOCAL DETENTION FACILITIES TO ASSIST EACH OTHER IN PROVIDING SAFE AND SECURE HOUSING OF INMATES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 24-21-560, RELATING TO THE DEPARTMENT OF

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PROBATION, PAROLE AND PARDON SERVICES COMMUNITY SUPERVISION PROGRAM, SO AS TO REVISE THE MAXIMUM AGGREGATE AMOUNT OF TIME A PRISONER MAY BE REQUIRED TO BE INCARCERATED WHEN SENTENCED FOR SUCCESSIVE COMMUNITY SUPERVISION PROGRAM REVOCATIONS.

Referred to Committee on Judiciary

S. 470 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-560 SO AS TO SPECIFY APPLICABLE FEES FOR RECREATIONAL SALTWATER FISHING LICENSES; BY ADDING SECTION 50-9-715 SO AS TO SPECIFY RECREATIONAL SALTWATER FISHING LICENSE EXEMPTIONS; BY ADDING SECTION 50-9-925 SO AS TO SPECIFY HOW THE REVENUE FROM THE SALE OF STAMPS, LICENSES, PRINTS, AND RELATED ARTICLES MUST BE DISTRIBUTED; TO AMEND SECTION 50-5-15, RELATING TO THE DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA MARINE RESOURCES ACT, SO AS TO DEFINE THE TERMS "DROP NET" AND "FOLD UP TRAP"; TO AMEND SECTION 50-5-955, RELATING TO THE DESIGNATION AND MAINTENANCE OF PUBLIC SHELLFISH GROUNDS, SO AS TO SUBSTITUTE REFERENCE TO THE RECREATIONAL SALTWATER FISHING LICENSE FOR THE MARINE RECREATIONAL FISHING STAMP; TO AMEND SECTION 50-5-1915, RELATING TO CHARTER FISHING VESSEL LOGS, SO AS TO REQUIRE MONTHLY SUBMISSIONS TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-9-20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, SO AS TO REMOVE REFERENCES TO RESIDENT AND NONRESIDENT LICENSES; TO AMEND SECTION 50-9-40, RELATING TO LICENSES FOR FRESHWATER FISHING, SO AS TO SPECIFY RECREATIONAL FRESHWATER FISHING; TO AMEND SECTION 50-9-540, AS AMENDED, RELATING TO FRESHWATER AND SALTWATER FISHING LICENSES, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 50-5-1905, 50-5-1910 50-5-1920, 50-5-1925, AND 50-5-

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1945 ALL RELATING TO RECREATIONAL SALTWATER FISHERIES LICENSES AND STAMPS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 594 -- Senator Leatherman: A BILL TO AMEND SECTION 59-147-30 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

Referred to Committee on Ways and Means

S. 602 -- Finance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF REVENUE, RELATING TO FEDERAL GOVERNMENT CONSTRUCTION CONTRACTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4004, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Ways and Means

S. 620 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSIONERS OF PILOTAGE, RELATING TO ENFORCEMENT OF PILOT STATUES AND MARITIME HOMELAND SECURITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4053, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 623 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE LAW ENFORCEMENT DIVISION, RELATING TO STATEWIDE CRIMINAL GANG DATABASE, DESIGNATED AS REGULATION DOCUMENT NUMBER 3221, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Judiciary

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ROLL CALL

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

Alexander	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
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
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	Mack	McEachern
McLeod	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. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Weeks
White	Whitmire	Williams

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Willis
T. R. Young

Wylie

A. D. Young

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, April 1.

Leon Stavrinakis	James E. Stewart
G. Murrell Smith	James Merrill
Paul Agnew	James Lucas
Jerry Govan	

Total Present--122

DOCTOR OF THE DAY

Announcement was made that Dr. T. Edwin Evans of Seneca was the Doctor of the Day for the General Assembly.

SPECIAL PRESENTATION

Rep. SKELTON presented to the House the R. C. Edwards Middle School Band, the 2009 Presidential Inaugural Heritage Band Festival Concert Band Champions, their director and other school officials.

SPECIAL PRESENTATION

Reps. BRADY, GUNN, and MCEACHERN presented to the House the Spring Valley High School "Lady Vikings" Varsity Basketball Team, the 2009 Class AAAA Champions, their coaches and other school officials.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written

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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. 3311
Date: ADD:
04/01/09 BEDINGFIELD

CO-SPONSOR ADDED

Bill Number: H. 3762
Date: ADD:
04/01/09 HODGES

CO-SPONSORS ADDED

Bill Number: H. 3018
Date: ADD:
04/01/09 VIERS and BALLENTINE

CO-SPONSORS ADDED

Bill Number: H. 3395
Date: ADD:
04/01/09 NEILSON, BALES and T. R. YOUNG

CO-SPONSORS ADDED

Bill Number: H. 3415
Date: ADD:
04/01/09 BALES and NEILSON

CO-SPONSORS ADDED

Bill Number: H. 3396
Date: ADD:
04/01/09 NEILSON, BALES and T. R. YOUNG

CO-SPONSOR ADDED

Bill Number: H. 3148
Date: ADD:
04/01/09 FUNDERBURK

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CO-SPONSORS ADDED

Bill Number: H. 3018
Date: ADD:
04/01/09 CLEMMONS and BALLENTINE

CO-SPONSORS ADDED

Bill Number: H. 3272
Date: ADD:
04/01/09 CLEMMONS and EDGE

CO-SPONSOR ADDED

Bill Number: H. 3762
Date: ADD:
04/01/09 KNIGHT

CO-SPONSOR REMOVED

Bill Number: H. 3842
Date: REMOVE:
04/01/09 BEDINGFIELD

**H. 3352--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

On the motion of Rep. COOPER, with unanimous consent, the Senate Amendments to the following Joint Resolution were taken up for immediate consideration:

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E. H. Pitts, R. L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G. R. Smith, Knight, Willis, Neilson, T. R. Young, Cobb-Hunter, J. H. Neal, Clyburn, G. M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J. R. Smith, A. D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M. A. Pitts, Loftis, D. C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J. E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW

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SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TERE TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

Rep. COOPER explained the Senate Amendments.

The Senate Amendments were concurred in and a message was ordered sent to the Senate accordingly.

RETURNED TO THE SENATE WITH AMENDMENTS

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

S. 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.

H. 3589--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

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 COUNTY MUST PROVIDE TO THE ANDERSON COUNTY

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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.

Rep. WHITE proposed the following Amendment No. 2 (COUNCIL\GJK\20247SD09), which was adopted:

Amend the bill, as and if amended, in subsection(B) of Section 1 of Act 269 of 1989, as contained in SECTION 1 by striking the last two sentences of the subsection which begin on line 36, page 1, and inserting:

/The budget must reflect on a line item detailed basis the manner in which all funds in the budget shall be expended during the fiscal year. In addition, the county Board of Education shall obtain from each school district in the county and post on its web site the compensation of all administrative employees of each district receiving compensation of fifty thousand dollars or more annually./

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

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

ORDERED TO THIRD READING

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

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.

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

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OF THEIR RESIDENCES OR PLACES OF BUSINESS, AND TO PROVIDE THAT DURING NIGHTTIME HOURS, THE GOLF CART MUST BE OPERATED WITH WORKING HEADLIGHTS AND TAILLIGHTS.

SENT TO THE SENATE

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

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.

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".

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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 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.

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

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.

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.

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.

ORDERED ENROLLED FOR RATIFICATION

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

S. 588 -- Senators Peeler, Setzler, Hayes and Matthews: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH A SCHOOL

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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.

H. 3561--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Thursday, April 2, 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.

ORDERED TO THIRD READING

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

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

Rep. HERBKERSMAN explained the Joint Resolution.

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

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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.

Rep. KIRSH explained the Bill.

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 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

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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.

Rep. HERBKERSMAN explained the Bill.

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 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.

Rep. BINGHAM explained the Bill.

H. 3395--DEBATE ADJOURNED

Rep. LITTLEJOHN moved to adjourn debate upon the following Bill until Thursday, April 2, which was adopted:

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,

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Viers, White, Willis, Toole, Neilson, Bales and T. R. Young: 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.

H. 3396--DEBATE ADJOURNED

Rep. LITTLEJOHN moved to adjourn debate upon the following Joint Resolution until Thursday, April 2, which was adopted:

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, Toole, Neilson, Bales and T. R. Young: 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.

H. 3254--DEBATE ADJOURNED

The following Bill was taken up:

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

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BY THE GENERAL ASSEMBLY FOR THIS PURPOSE IF AVAILABLE.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11402BH09):

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

/SECTION 1. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59-26-87. (A) For purposes of this section, ‘certified speech-language pathologist’ means a speech-language pathologist who has:

- (1) a master’s degree that includes medical training;
- (2) completed a one-year clinical fellowship;
- (3) passed the Praxis Exam; and
- (4) received and maintained a Certificate of Clinical

Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association.

(B) Beginning with the 2009-2010 school year, the Department of Education shall pay a yearly bonus of three thousand dollars to a certified speech-language pathologist who:

(1) holds a South Carolina teaching certification as a speech-language therapist;

(2) is continuously employed full time in a South Carolina school district as a speech-language pathologist at the time of receiving the bonus;

(3) is not considered a purchased service contractor; and

(4) is not receiving a salary supplement as a result of holding a National Board for Professional Teaching Standards certification.

(C) Bonuses paid to a certified speech-language pathologist pursuant to this section must be paid from funds appropriated by the General Assembly specifically for this purpose. However, the yearly bonuses provided by this section must not be paid unless necessary funding in an amount certified annually by the Office of State Budget of the Budget and Control Board has been appropriated by the General Assembly specifically for this purpose.

(D) The cost and expenses related to the acquisition and maintenance of the Certificate of Clinical Competence in Speech-Language Pathology for the American Speech-Language-Hearing Association are the responsibility of the certified speech-language pathologist.

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(E) Upon implementation of programs and efforts coordinated by the South Carolina Department of Education to attract individuals to positions that are difficult to staff or to critical subject areas by providing bonuses, the line-item appropriation for the Speech Language Pathologist bonus program must be combined with funds appropriated by the General Assembly for other teacher bonuses and must be allocated for that purpose based on the guidelines established by the South Carolina Department of Education.”

SECTION 2. This act takes effect upon approval by the Governor and applies beginning with the 2009-2010 school year./

Re-number sections to conform.

Amend title to conform.

Rep. NEILSON explained the amendment.

Rep. EDGE moved to adjourn debate on the Bill until Thursday, April 2, which was agreed to.

H. 3722--POINT OF ORDER

The following Bill was taken up:

H. 3722 -- Reps. Kirsh and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO PROVIDE FOR DETERMINATION OF TREATMENT OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; BY ADDING SECTION 12-36-2575 SO AS TO PROVIDE FOR FILING OF A RETURN FOR EACH SALES OR USE TAX LIABILITY PERIOD EVEN IF NO TAX LIABILITY ACCRUES FOR THAT PERIOD; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS; TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL REVENUE CODE FOR SIMILAR STATE TREATMENT; TO AMEND SECTION 12-6-2250, AS AMENDED, RELATING TO THE APPORTIONMENT OF INCOME DERIVED BY A TAXPAYER TO THE TAXPAYER'S CONDUCT OF BUSINESS IN THIS STATE,

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SO AS TO CHANGE THE WORD "ALLOCATED" TO "APPORTIONED"; TO AMEND SECTION 12-6-2295, RELATING TO INCLUSIONS AND EXCLUSIONS IN CONNECTION WITH THE TERMS "SALES" AND "GROSS RECEIPTS" AS USED IN THE APPORTIONMENT OF INCOME TO THIS STATE FOR STATE INCOME TAX PURPOSES, SO AS TO FURTHER SPECIFY RENTAL AND SALES INCOME FROM TANGIBLE AND INTANGIBLE, REAL AND PERSONAL PROPERTY IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT AGAINST THE STATE INCOME TAX, SO AS TO DELETE A REFERENCE TO GENERAL CONTRACTORS IN CONNECTION WITH THE TERM "CORPORATE OFFICE"; TO AMEND SECTION 12-6-3376, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR THE PURCHASE OR LEASE OF A PLUG-IN HYBRID VEHICLE, SO AS TO REQUIRE THAT THE CREDIT BE THE FIRST CLAIMED FOR THAT VEHICLE, TO PROVIDE FOR REGULATIONS PROMULGATED BY THE STATE ENERGY OFFICE, TO FURTHER PROVIDE FOR CLAIMING THE CAPPED CREDIT, AND TO PROVIDE FOR THE EFFECT OF A REPEAL OF THE CAPS ON THE CREDIT; TO AMEND SECTION 12-6-3377, RELATING TO THE ALTERNATIVE MOTOR VEHICLE FUEL CREDIT AGAINST THE STATE INCOME TAX, SO AS TO FURTHER PROVIDE FOR THE CALCULATION OF THE CREDIT FOR BUSINESS USE AND TO DELETE A PROVISION DEEMING THE FEDERAL TAX TREATMENT OF THE ALTERNATIVE FUEL CREDIT TO BE PERMANENT; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR REHABILITATION OF A HISTORIC STRUCTURE, SO AS TO INCLUDE A CREDIT AGAINST THE CORPORATE LICENSE FEES; TO AMEND SECTION 12-6-3550, AS AMENDED, RELATING TO THE VOLUNTARY CLEANUP INCOME TAX CREDIT, SO AS TO CLARIFY THAT THE CREDIT IS ONE AGAINST THE STATE INCOME TAX; TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND CREDIT AGAINST STATE TAXES, SO AS TO ALLOW THE CREDIT TO BE USED AGAINST THE TAXPAYER'S APPLICABLE STATE INCOME TAX, BANK TAX, INSURANCE PREMIUM TAX, OR LICENSE FEE LIABILITY; TO AMEND SECTION 12-6-3610, AS AMENDED,

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RELATING TO INCOME TAX CREDIT FOR PROPERTY USED FOR DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL, SO AS TO DELETE CERTAIN TRANSITIONAL PROVISIONS; TO AMEND SECTION 12-6-3630, RELATING TO A CREDIT AGAINST CERTAIN STATE TAXES FOR A CONTRIBUTION TO THE SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT FUND, SO AS TO FURTHER PROVIDE FOR CLAIMING THE CREDIT; TO AMEND SECTION 12-8-1530, RELATING TO QUARTERLY RETURNS OF WITHHELD TAX, SO AS TO REQUIRE RETURNS EVEN IN PERIODS WHEN NO TAX HAS BEEN WITHHELD; TO AMEND SECTION 12-8-1550, RELATING TO STATEMENTS REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR PRESCRIPTION BY THE DEPARTMENT OF EITHER ELECTRONIC OR MAGNETIC MEDIA METHOD FOR SUBMISSION OF CERTAIN INFORMATION; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO THE JOB DEVELOPMENT TAX CREDIT, SO AS TO MAKE TECHNICAL CORRECTIONS AND ADD A CROSS REFERENCE; TO AMEND SECTION 12-20-100, RELATING TO LICENSE TAX ON UTILITIES AND ELECTRIC COOPERATIVES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-21-2575, RELATING TO METHODS OF ACCOUNTING FOR ADMISSIONS OTHER THAN TICKETS, SO AS TO PROVIDE THAT THE TICKETS BE COLLECTED AND RETAINED TO ACCOUNT FOR ADMISSIONS; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO THE FIVE PERCENT SALES TAX ON THE PROCEEDS OF THE SALE OF TANGIBLE PERSONAL PROPERTY, SO AS TO DELETE A REDUNDANCY AS TO THE TAX ON PROCEEDS FROM THE SALE OF A WARRANTY, MAINTENANCE, OR SIMILAR CONTRACT FOR TANGIBLE PERSONAL PROPERTY; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE'S SALES TAX, SO AS TO SPECIFY NOTIFICATION REQUIREMENTS FOR CLAIMING THE EXEMPTION ON THE CONSTRUCTION MATERIALS USED IN CERTAIN SINGLE MANUFACTURING AND DISTRIBUTION FACILITIES AND TO PROVIDE FOR ASSESSMENT OF ANY TAX DUE, TO SPECIFY THAT THE EXEMPTION IN CONNECTION WITH THE SALE OF CURRENCY APPLIES TO CURRENCY THAT IS LEGAL TENDER, AND TO CLARIFY THE EXEMPTION AS TO

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DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO AMEND SECTION 12-37-90, RELATING TO DUTIES OF A FULL-TIME COUNTY ASSESSOR, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ALTER A VALUE OF REAL PROPERTY AS SET BY THE ASSESSOR; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR EXEMPTION OF THE REAL PROPERTY OF DEFINED TAX EXEMPT ORGANIZATIONS AND TO CORRECT A CROSS REFERENCE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO CORRECT A CROSS REFERENCE IN THE DEFINITION OF "SPONSOR"; TO AMEND SECTION 12-54-70, AS AMENDED, RELATING TO EXTENSION OF TIME FOR FILING RETURNS OR PAYING TAX, SO AS TO FURTHER DEFINE THE LENGTH OF THE EXTENSION; TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO TIME LIMITATION FOR ASSESSMENT OF TAXES OR FEES BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR THE INSTANCE OF A TAXPAYER LACKING A VALID BUSINESS PURPOSE; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS AND REPORTS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE THAT THE DISCLOSURE MUST BE WILFUL TO GIVE RISE TO THE PENALTIES; TO AMEND SECTION 12-63-20, AS AMENDED, RELATING TO THE ENERGY FREEDOM AND RURAL DEVELOPMENT ACT, SO AS TO DEFINE "BIODIESEL" FOR THAT PURPOSE; TO AMEND SECTION 30-2-320, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLIC RECORDS, AND SECTION 37-20-180, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLICATION OF A SOCIAL SECURITY NUMBER, BOTH SO AS TO ALLOW DISCLOSURE BY AND TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF CARRYING OUT ITS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATION OF DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A CROSS REFERENCE; AND TO REPEAL SECTION 12-20-175, RELATING TO REDUCTION OF LICENSE FEES DUE TO TAX CREDITS AND SECTION 12-36-30, RELATING TO THE

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DEFINITION OF "PERSON" FOR PURPOSES OF THE SALES AND USE TAX.

POINT OF ORDER

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

The SPEAKER sustained the Point of Order.

H. 3590--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, April 2, which was adopted:

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

H. 3148--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3148 -- Reps. Clyburn, G. M. Smith, H. B. Brown, Branham, Ott, Agnew, R. L. Brown, Hayes, Battle, Miller, Weeks, J. R. Smith,

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D. C. Smith, Parks, Rice, Littlejohn, Hosey, Jefferson, Cobb-Hunter, Howard, Cooper, Gunn, McLeod, T. R. Young, Kennedy, Vick, Edge, J. E. Smith, Harrell, A. D. Young, Alexander, Neilson, Lucas, Merrill, Barfield, Bales, Allen, Hodges, Knight and Funderburk: A BILL TO 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.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20239SD09), which was adopted:

Amend the bill, as and if amended, by striking item (5) of Section 11-50-40 of the 1976 Code, as contained on page 3, and inserting:

/ (5) 'Eligible entity' means a municipality, county, special purpose or public service district, and public works commission. The term 'eligible project' also includes a not-for-profit water company. /

Amend the bill further, as and if amended, by striking item (13) of Section 11-50-40 of the 1976 Code, as contained on page 4 and inserting:

/ (13) 'Rural infrastructure project' means the acquisition, construction, installation, modification, renovation, repair, extension, renewal, replacement, or rehabilitation of land, interest in land, buildings, structures, facilities, or other improvements and the acquisition, installation, modification, renovation, repair, extension, renewal, replacement, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, for the essential public purpose of providing environmental facilities and

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services to meet public health and environmental standards and to aid the development of trade, commerce, industry, agriculture, aquaculture, and employment opportunities, all of which must be primarily located in a county designated as distressed or least developed pursuant to Section 12-6-3360 for 2008 or located in a county with a project that otherwise meets the requirements of this item. A rural infrastructure project also includes water supply and aquaculture projects. /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The amendment was then adopted.

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

H. 3018--POINT OF ORDER

The following Bill was taken up:

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, R. L. Brown, Viers, Clemmons and Ballentine: 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.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9298HTC09):

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

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/ SECTION 1. Section 12-37-220(B) of the 1976 Code is amended by adding a new item at the end appropriately numbered to read:

“() one hundred percent of the value of an improvement to real property consisting of a newly constructed detached single family home offered for sale by a residential builder or developer through the earlier of:

(a) the property tax year in which the home is sold or otherwise occupied; or

(b) the property tax year ending the third December thirty first after the home is completed and a certificate of occupancy, if required, is issued thereon.

In lieu of other exemption application requirements, the owner of property eligible for the exemption allowed by this item shall obtain the exemption by notifying the county assessor and county auditor by written affidavit no later than thirty days after the certificate of occupancy is issued and no later than January thirty-first in subsequent exemption eligibility years that the property is of the type eligible for the exemption and unoccupied and if found in order, the exemption is allowed for the applicable property tax year. If the unsold residence is occupied at any time before eligibility for the exemption ends, the owner shall so notify the auditor and assessor and the exemption ends as provided in subitem (a) of this item.”

SECTION 2. This act takes effect upon approval by the Governor and applies for single family homes completed and, if required, a certificate of occupancy issued thereon after 2006. No refunds are allowed for property tax years 2007 and 2008 as a result of the exemption allowed pursuant to this act. /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

SPEAKER *PRO TEMPORE* IN CHAIR

POINT OF ORDER

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

The SPEAKER *PRO TEMPORE* sustained the Point of Order.

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H. 3272--POINT OF ORDER

The following Bill was taken up:

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

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POINT OF ORDER

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

The SPEAKER *PRO TEMPORE* sustained the Point of Order.

H. 3365--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

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

Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20238SD09), which was adopted:

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

/ Part I

Citation

SECTION 1. This act is known and may be cited as the "South Carolina Higher Education Efficiency and Administrative Policies Act of 2009".

Part II

Human Resource Reforms

SECTION 2. Chapter 101, Title 59 of the 1976 Code is amended by adding:

"Article 5

Human Resources at a Public Institution

of Higher Learning

Section 59-101-1010. (A) As used in this article, 'public institution of higher learning', or 'institution' means a four-year and graduate level public institution of higher learning in this state not including technical colleges.

(B) As used in this article 'institutional board' means the governing body of an institution of higher learning as defined in Section 59-101-1010.

Section 59-101-1020. (A) Except as provided in subsection (B) of this section, the governing body of each public institution of higher learning has the sole responsibility of establishing and implementing human resource policies and procedures for those employees of the

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institution who, but for the provisions of Sections 8-11-260 and 8-11-270, would be subject to the provisions of Article 1 and Article 3, Chapter 11 of Title 8. These policies include, but are not limited to, promotion, hiring and termination, job descriptions, compensation, leave, hours and conditions of employment, furloughs, and reductions in force.

(B) Institution employees affected by the provisions of subsection (A) of this section, where not exempt pursuant to Section 8-17-370 are covered by the provisions of Article 5, Chapter 17, of Title 8, the State Employee Grievance Procedure Act.

(C) Institutions of higher learning implementing human resource policies and procedures as permitted in subsection (A) shall first provide them to the state Office of Human Resources for review and comment.

(D) Institutions must take all actions necessary to ensure compliance with subsection (9) of Section 8-11-230.

Section 59-101-1030. Nothing in this article may be construed as changing or restricting the access of an institution's employees to coverage under the state health insurance plan and other insurance coverage provided through the Office of Insurance Services of the State Budget and Control Board when these employees meet the eligibility requirements or to membership or participation in the various state-operated retirement systems operated by the Retirement Systems Division of the State Budget and Control Board.

Section 59-101-1040. For purposes of the distribution of appropriated funds for employee pay raises and employee benefits only, institutions are deemed to retain the FTE's occupied by employees affected by the provisions of Section 59-101-1010(A)."

SECTION 3. Section 8-11-260 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding a new item at the end to read:

"(l) employees of four-year and graduate level public institutions of higher learning in this state not including technical colleges. However, the provisions of this item do not exempt such employees from the requirements and provisions of Section 8-11-230(9) relating to a central personnel data system of all state employees."

Part III

Facilities and Capital Expenditure Revisions

SECTION 4. A. Chapter 47, Title 2 of the 1976 Code is amended by adding:

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“Section 2-47-53. (A) Except as otherwise provided in this subsection, as to all projects proposed by four-year and graduate level public institutions of higher learning in this state not including technical colleges referred to herein as institutions of higher learning, upon favorable review by the committee, the institutional board shall establish formally each permanent improvement project before actions which implement the project in any way may be undertaken and before expenditure of funds for any services or for any other project purpose contracted for, delivered, or otherwise provided prior to the date of the formal action of the institutional board to establish the project may be approved. However, these institutions of higher learning may advertise and interview for project architectural and engineering services for a pending project, and the architectural and engineering contract may be awarded before a state project number is assigned. After the committee has reviewed the form to be used to request the establishment of permanent improvement projects and has reviewed the time schedule for considering the requests as proposed by the institution, requests for review of the permanent improvement projects may be made in such form and at such times as the committee may require.

(B) Except as provided in subsection (C)(2), a proposal to finance all or any part of any project using any funds not previously authorized specifically for the permanent improvement project by the General Assembly or using any funds not previously approved for the project by the institutional board must be referred to the committee for review prior to approval by the institutional board and the State Budget and Control Board, if required.

(C)(1) A proposed revision of the scope or of the budget of an established permanent improvement project deemed by the committee to be substantial must be reviewed prior to any final action by the institutional board. In making their determinations regarding changes in project scope, the committee shall utilize the permanent improvement project proposal and justification statements, together with supporting documentation, considered at the time the project was authorized or established originally. Except as provided in subsection (C)(2), any proposal to increase the budget of a previously approved project using any funds not previously approved for the project by the institutional board must in all cases be deemed to be a substantial revision of a project budget which must be referred to the committee for review.

(2) Notwithstanding subsection (C)(1), with regard to these institutions of higher learning, a previously approved permanent

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improvement project whose total costs increase not more than twenty percent of the initially approved total costs, but not to exceed two million dollars, is not required to have that proposal reviewed by the committee; except that the proposal is subject to staff level review.

(D)(1) For purposes of this chapter, and except as provided in item (2) below in regard to new construction, with regard to these institutions of higher learning, a permanent improvement project is defined as any of the following in which, after completion of architectural and engineering and other types of planning and design work, the total cost of the item is one million dollars or more:

- (a) acquisition of land;
- (b) acquisition, as opposed to the construction, of buildings or other structures;
- (c) work on existing facilities including safety issues for any given project including their renovation, repair, maintenance, alteration, or demolition;
- (d) capital lease purchase of a facility acquisition or construction; or
- (e) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract shall be included as a part of a project.

(2) For purposes of this chapter, any project of these institutions which involves new construction of a facility that exceeds a total cost of five hundred thousand dollars, after completion of architectural and engineering and other types of planning and design work, must be considered a permanent improvement project.

(3) Any permanent improvement project that meets the above definitions must become a project, regardless of the source of funds. However, an institution of higher learning that has been authorized or appropriated capital improvement bond funds, state institution bond funds, capital reserve funds or state appropriated funds, or state infrastructure bond funds by the General Assembly for capital improvements shall process a permanent improvement project, regardless of the amount.

(E) Notwithstanding subsection (D) of this section, acquisition of land under subsection (D)(1)(a) and acquisition of buildings and other structures under subsection (D)(1)(b) regardless of cost must have office of state budget staff approval including a Phase I environmental study and appraisal, and all permanent improvement projects costing one million dollars or more must have favorable review of the committee and approval by the institutional board.

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(F) For purposes of this chapter, Clemson University Public Service Activities (Clemson--PSA) and South Carolina State University Public Service Activities (SC State-PSA) are subject to subsection (D) of this section and Section 2-47-40(A) and (D).

(G) For projects submitted to the Joint Bond Review Committee for review, the committee may request the assistance of the State Treasurer's Office to review the project's feasibility and financing structure.

B. Section 1-11-65(A) of the 1976 Code is amended to read:

“(A) All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State and excluding a real property transaction made for or by a four-year and graduate level public institution of higher learning in this state not including technical colleges, must be approved by and recorded with the State Budget and Control Board. Upon approval of the transaction by the Budget and Control Board, there must be recorded simultaneously with the deed, a certificate of acceptance, which acknowledges the board's approval of the transaction. The county recording authority cannot accept for recording any deed not accompanied by a certificate of acceptance. The board may exempt a governmental body from the provisions of this subsection.”

SECTION 5. Chapter 47, Title 2 of the 1976 Code is amended by adding:

“Section 2-47-54. The Boards of Trustees of four-year and graduate level public institutions of higher learning in this state not including technical colleges with the favorable review of the committee may enter into one or more ground lease agreements with a private entity whereby the private entity will provide all services necessary for the creation and operation of on-campus infrastructure including, but not limited to, financing which is subject to review and approval of state treasurer, designing, constructing, managing, operating, maintaining, and related services. Upon expiration of the ground lease agreement term, the private entity shall surrender unto the Board of Trustees such premises with the existing buildings, other structures, and improvements constructed and located thereon and therein, in the same condition as when the construction of the buildings, other structures, and improvements were completed, only natural and normal wear and tear excepted. The committee must first favorably review and the institutional board approve all ground lease agreement terms and conditions including the consideration involved. The full faith and credit of the State toward the lease obligations must not be pledged,

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and any statement to the contrary is deemed null and void as a matter of public policy. The private entity may be a nonprofit organization. The committee favorable review and institutional board approval required is instead of or a substitute for any other approval required by any other provision of law or regulation in connection with the undertaking of the private entity and the subject institution; however, the private entity and the subject institution shall adhere to fire, life, and safety codes as required by the Office of the State Engineer. This section and the approval required by this section does not exempt any transaction or entity from complying with Chapter 35, Title 11.

SECTION 6. A. Section 2-47-30 of the 1976 Code is amended to read:

“Section 2-47-30. The committee is specifically charged with, but not limited to, the following responsibilities to:

(1) ~~To~~ review, prior to approval by the Budget and Control Board, if required, the establishment of any permanent improvement project and the source of funds for ~~any~~ such a project not previously authorized specifically by the General Assembly;

(2) ~~To~~ study the amount and nature of existing general obligation and ~~institutional~~ institution bond obligations and the capability of the State to fulfill such obligations based on current and projected revenues;

(3) ~~To~~ recommend priorities of future bond issuance based on the social and economic needs of the State;

(4) ~~To~~ recommend prudent limitations of bond obligations related to present and future revenue estimates;

(5) ~~To~~ consult with independent bond counsel and other nonlegislative authorities on such matters and with fiscal officials of other states to gain in-depth knowledge of capital management and assist in the formulation of short and long-term recommendations for the General Assembly;

(6) ~~To~~ carry out all of the above assigned responsibilities in consultation and cooperation with the executive branch of government and the Budget and Control Board; and

(7) ~~To~~ report its findings and recommendations to the General Assembly annually or more frequently if deemed advisable by the committee.”

B. Section 2-47-35 of the 1976 Code is amended to read:

“Section 2-47-35. ~~No~~ A project authorized in whole or in part for capital improvement bond funding ~~under~~ pursuant to the provisions of Act 1377 of 1968, as amended, ~~may~~ must not be implemented until

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funds ~~can be~~ are made available and until the Joint Bond Review Committee, in consultation with the Budget and Control Board, if required, establishes priorities for the funding of the projects. The Joint Bond Review Committee shall report its priorities to the members of the General Assembly within thirty days of the establishment of the funding priorities.”

C. Section 2-47-40 of the 1976 Code is amended to read:

“Section 2-47-40. (A) To assist the State Budget and Control Board (the Board), if required, and the Joint Bond Review Committee (the committee) in carrying out their respective responsibilities hereunder, ~~any~~ an agency or institution requesting or receiving funds from any source for use in the financing of ~~any~~ a permanent improvement project, as a minimum, shall provide to the board, pursuant to Section 2-47-50 and to the committee pursuant to Section 2-47-53, in such form and at such times as the board, ~~after review by or~~ the committee, may prescribe: (a) a complete description of the proposed project; (b) a statement of justification for the proposed project; (c) a statement of the purposes and intended uses of the proposed project; (d) the estimated total cost of the proposed project; (e) an estimate of the additional future annual operating costs associated with the proposed project; (f) a statement of the expected impact of the proposed project on the five-year operating plan of the agency or institution proposing the project; (g) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and (h) the specification of the priority of each project among those proposed.

(B) All institutions of higher learning shall submit permanent improvement project proposal and justification statements to the ~~Board~~ committee pursuant to Section 2-47-53 through the Commission on Higher Education which shall forward all ~~such~~ statements and all supporting documentation received to the ~~Board~~ committee together with its comments and recommendations. The recommendations of the Commission on Higher Education, among other things, shall include all of the permanent improvement projects requested by the several institutions listed in the order of priority deemed appropriate by the Commission on Higher Education without regard to the sources of funds proposed for the financing of the projects requested.

(C) The board shall forward a copy of each project proposal and justification statement and supporting documentation received pursuant to subsection (A) together with the board’s recommendations on such projects to the committee for its review and action. The

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recommendations of the Commission on Higher Education ~~shall be included in the materials~~ must be forwarded to the committee ~~by the Board.~~

~~(D) No provision in this section or elsewhere in this~~ This chapter, ~~shall be construed to~~ does not limit in any manner the prerogatives of the committee and the General Assembly with regard to recommending or authorizing permanent improvement projects and the funding ~~such~~ the projects may require.”

D. Section 2-47-50 of the 1976 Code is amended to read:

“Section 2-47-50. (A) This section applies to all proposed projects other than those proposed for four-year and graduate level public institutions of higher learning in this state not including technical colleges, the approval process for which shall be as provided in Section 2-47-53.

(B) The board shall establish formally each permanent improvement project before actions ~~of any sort~~ which implement the project in any way may be undertaken and ~~no~~ before expenditure of any funds for any services or for any other project purpose contracted for, delivered, or otherwise provided prior to the date of the formal action of the board to establish the project ~~shall~~ may be approved. State agencies ~~and institutions~~ may advertise and interview for project architectural and engineering services for a pending project so long as the architectural and engineering contract is not awarded until after a state project number is assigned. After the committee has reviewed the form to be used to request the establishment of permanent improvement projects and has reviewed the time schedule for considering ~~such~~ the requests as proposed by the board, requests to establish permanent improvement projects ~~shall~~ must be made in ~~such~~ a form and at such times as the board may require.

(C) ~~Any~~ A proposal to finance all or any part of ~~any~~ a project using ~~any~~ funds not previously authorized specifically for the project by the General Assembly or using ~~any~~ funds not previously approved for the project by the board and reviewed by the committee ~~shall~~ must be referred to the committee for review prior to approval by the board.

(D) ~~Any~~ A proposed revision of the scope or of the budget of an established permanent improvement project deemed by the board to be substantial ~~shall~~ must be referred to the committee for its review ~~prior~~ to ~~before~~ any final action by the board. In making their determinations regarding changes in project scope, the board and the committee shall utilize the permanent improvement project proposal and justification statements, together with any supporting documentation, considered at

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the time the project was authorized or established originally. ~~Any~~ A proposal to increase the budget of a previously approved project using ~~any~~ funds not previously approved for the project by the board and reviewed by the committee ~~shall in all cases~~ must be deemed in all cases to be a substantial revision of a project budget ~~which that~~ shall be referred to the committee for review. The committee ~~shall~~ must be advised promptly of all actions taken by the board which approve revisions in the scope of or the budget of ~~any a~~ previously established permanent improvement project not deemed substantial by the board.

~~For purposes of this chapter, with regard to all institutions of higher learning, permanent improvement project is defined as:~~

- ~~(1) acquisition of land, regardless of cost;~~
- ~~(2) acquisition, as opposed to the construction, of buildings or other structures, regardless of cost;~~
- ~~(3) construction of additional facilities and work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is five hundred thousand dollars or more;~~
- ~~(4) architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are not to be included;~~
- ~~(5) capital lease purchase of a facility acquisition or construction;~~
and
- ~~(6) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract shall be included as a part of a project.~~

~~Any permanent improvement project that meets the above definition must become a project, regardless of the source of funds. However, an institution of higher learning that has been authorized or appropriated capital improvement bond funds, capital reserve fund or state appropriated funds, or state infrastructure bond funds by the General Assembly for capital improvements shall process a permanent improvement project, regardless of the amount.”~~

Part IV

Financing and Administrative Improvements

SECTION 7. A. Section 59-147-30 of the 1976 Code is amended to read:

“Section 59-147-30. Subject to the ~~approval~~ favorable review of the ~~State Budget and Control Board~~ Joint Bond Review Committee by

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~~resolution duly adopted~~, approval of the institutional board, and the provisions of Sections 59-147-35 and 59-147-36, the university may issue revenue bonds of the university for the purpose of financing or refinancing in whole or in part the cost of acquisition, construction, reconstruction, renovation and improvement of land, buildings, and other improvements to real property and equipment for the purpose of providing facilities serving the needs of the university including, but not limited to, dormitories, apartment buildings, dwelling houses, bookstore and other university operated stores, laundry, dining halls, cafeterias, parking facilities, student recreational, entertainment and fitness related facilities, inns, conference and other nondegree educational facilities and similar auxiliary facilities of the university and any other facilities which are auxiliary to any of the foregoing excluding, however, athletic department projects which primarily serve varsity athletic teams of the university.

Notwithstanding the provisions of Section 59-147-120, four-year and graduate level public institutions of higher learning in this State not including technical colleges may issue revenue bonds as authorized by this section for those academic facilities as may be authorized by joint resolution of the General Assembly.

B. Chapter 147, Title 59 of the 1976 Code is amended by adding:

“Section 59-147-35. By resolution duly adopted making the findings required of it by Section 59-147-40, the institutional board shall transmit to the state treasurer a request for the issuance of revenue bonds, such request shall set forth:

(1) the name of the institution requesting issuance of revenue bonds, the amount of revenue bonds requested for issuance, and the annual principal and interest requirements on all then outstanding revenue bonds;

(2) a statement that the institutional board has made the findings required of it by Section 59-147-40;

(3) the proposed maturity schedule of the bonds;

(4) the anticipated aggregate annual principal and interest requirements for the bonds;

(5) the numbers and maturity dates of the bonds which shall be subject to redemption prior to their stated maturities;

(6) the proposed redemption premium schedule;

(7) the actual and projected revenues anticipated to be pledged by the institution supporting issuance of the bonds; and

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(8) any other schedules, analyses, and documents prescribed by the state treasurer which, in his discretion, are necessary to support the request for issuance of revenue bonds pursuant to this chapter.”

C. Chapter 147, Title 59 of the 1976 Code is amended by adding:

“Section 59-147-36. The state treasurer shall examine the request provided for in Section 59-147-35, and if he shall approve it, and for himself, determine that the facts and circumstances support the request for issuance of revenue bonds pursuant to this chapter, he shall be empowered to provide for the issuance of revenue bonds in the amount approved by the institutional board.”

SECTION 8. Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Article 7

Provisions Applicable to Bond Acts for
Institutions of Higher Learning

Section 59-101-1010. As used in this article:

(1) ‘Bond acts’ means the various revenue bond acts for public institutions, including those identified in this item and also including any others not identified in this item.

(a) University of South Carolina:

(i) Act 518 of 1980 - Athletic Facilities Revenue Bonds;

(ii) Act 366 of 2008 - Business School Revenue Bonds;

(iii) Article 3, Chapter 117, Title 59 - Auxiliary Facilities Revenue Bonds;

(b) Clemson University:

(i) Article 5, Chapter 119, Title 59 - Clemson Revenue Bonds;

(ii) Article 9, Chapter 119, Title 59 - Athletic Facilities Revenue Bonds;

(iii) Article 7, Chapter 119, Title 59 - Auxiliary Facilities Revenue Bonds;

(c) Medical University of South Carolina:

(i) Act 392 of 1982 - Student and Faculty Housing Facilities;

(d) The Citadel:

(i) Article 3, Chapter 121, Title 59 - Citadel Athletic Facilities Bonds;

(ii) Chapter 122, Title 59 - The Citadel Housing Revenue Bonds;

(e) College of Charleston:

(i) Chapter 130, Title 59 - Revenue Bonds;

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(ii) Chapter 131, Title 59 - Parking Facilities at the College of Charleston;

(iii) Act 1281 of 1970 - Student and Faculty Housing Revenue Bonds and Plant Improvement Bonds;

(iv) Act 77 of 1975 - Parking Facilities Revenue Bonds;

(v) Act 653 of 1978 - Student and Housing Revenue Bonds;

(f) South Carolina State University:

(i) Article 3, Chapter 127, Title 59 - Special Obligations Bonds;

(ii) Article 4, Chapter 127, Title 59 - South Carolina State University Academics and Admissions Faculty Facilities Bonds;

(g) Winthrop University:

(i) Article 3, Chapter 125, Title 59 - Winthrop University Facilities Revenue Bond Act;

(ii) Article 5, Chapter 125 - Winthrop University Athletic Facilities Bonds;

(iii) Act 488 of 1965 - Student and Faculty Housing Revenue Bonds;

(h) Coastal Carolina University:

(i) Article 3, Chapter 136, Title 59 - Revenue Bonds;

(i) Lander University:

(i) Act 1305 of 1974 - Student and Faculty Housing Revenue Bonds;

(j) Francis Marion University:

(i) Act 653 of 1978 - Student and Faculty Housing Revenue Bonds;

(ii) Article 3, Chapter 133, Title 59 - Athletic Facilities Revenue Bonds.

(2) 'Public institution' means a four-year and graduate level public institution of higher learning in this state not including technical colleges.

Section 59-101-1020. All authority and duties of the State Budget and Control Board with respect to bond acts is devolved upon the Joint Bond Revenue Committee established pursuant to Chapter 47, Title 2, for review and approval by the corresponding institutional board pursuant to this title.

Part V

Procurement Code Revisions

SECTION 9. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

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“Section 6-1-135. When a county, municipality, or school district acting through the procurement process applicable to it enters into a contract with a vendor to acquire goods or services from that vendor, a four-year or graduate level institution of higher learning not including technical colleges located in the county, municipality, or school district, upon the consent of the county, municipality, or school district, and the vendor, also may become a party to the contract thereby making the goods or services available to the institution of higher learning under the same terms and conditions they are available to the county, municipality, or school district without the necessity of complying with any other procurement requirements.”

SECTION 10. Section 11-35-1550(2) of the 1976 Code, as last amended by Act 376 of 2006, is further amended to read:

“(2) Competition and Price Reasonableness.

(a) Purchases not in excess of two thousand five hundred dollars. Except as provided in subitem (d) below, small purchases not exceeding two thousand five hundred dollars may be accomplished without securing competitive quotations if the prices are considered reasonable. The purchasing office must annotate the purchase requisition: ‘Price is fair and reasonable’ and sign. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchase ‘not in excess of’ may more than offset potential savings in detecting instances of overpricing. Action to verify the reasonableness of the price need be taken only when the procurement officer of the governmental body suspects that the price may not be reasonable, comparison to previous price paid, or personal knowledge of the item involved.

(b) Purchases over two thousand five hundred dollars to ten thousand dollars. Except as provided in subitem (d) below, solicitation of written quotes from a minimum of three qualified sources of supply must be made and documentation of the quotes attached to the purchase requisition for a small purchase over two thousand five hundred dollars but not in excess of ten thousand dollars. The award must be made to the lowest responsive and responsible sources.

(c) Purchases over ten thousand dollars up to fifty thousand dollars. Written solicitation of written quotes, bids, or proposals must be made for a small purchase over ten thousand dollars but not in excess of fifty thousand dollars. The procurement must be advertised at least once in the South Carolina Business Opportunities publication

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or through a means of central electronic advertising as approved by the designated board office. A copy of the written solicitation and written quotes must be attached to the purchase requisition. The award must be made to the lowest responsive and responsible source or, when a request for proposal process is used, the highest ranking offeror.

(d) For four-year and graduate public institutions of higher learning in this State not including technical colleges, small purchase amounts to which the provisions of subitem (a) above shall apply are those purchases not exceeding ten thousand dollars, and for these purchases subitem (b) above shall not apply. In addition, purchasing cards of the institution for these purchases also may be used by officials or employees of the institution as the governing board thereof approves.”

SECTION 11. Section 11-35-3310 of the 1976 Code, as last amended by Act 174 of 2008, is further amended to read:

“Section 11-35-3310. (1) General Applicability. Indefinite delivery contracts may be awarded on an as-needed basis for construction services pursuant to the procedures in Section 11-35-3015(2)(b) and for architectural-engineering and land surveying services pursuant to Section 11-35-3220.

(a) Construction Services. When construction services contracts are awarded, each contract shall be limited to a total expenditure of seven hundred fifty thousand dollars for a two-year period with individual project expenditures not to exceed one hundred fifty thousand dollars; provided, that these limits for four-year and graduate public institutions of higher learning not including technical colleges in this item shall be one million dollars for total expenditures and two hundred fifty thousand dollars for individual expenditures within the time periods specified.

(b) Architectural-Engineering and Land Surveying Services. When architectural-engineering and land surveying services contracts are awarded, each contract shall be limited to a total expenditure of three hundred thousand dollars for a two-year period with individual project expenditures not to exceed one hundred thousand dollars; provided, that these limits for four-year and graduate public institutions of higher learning not including technical colleges in this item shall be five hundred thousand dollars for total expenditures and two hundred thousand dollars for individual expenditures within the time periods specified.

(2) Small Indefinite Delivery Contracts. Small indefinite delivery contracts for architectural-engineering and land surveying

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services may be procured as provided in Section 11-35-3230. A contract established under this section shall be subject to Section 11-35-3230, and any regulations promulgated thereunder except that the individual and total contract limits shall be fifty and one hundred fifty thousand dollars respectively for four-year and graduate public institutions of higher learning not including technical colleges.”

SECTION 12. Section 11-35-4810 of the 1976 Code is amended by adding at the end:

“Section 11-35-4810. Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between public procurement units and open-ended state public procurement unit contracts which shall be made available to local public procurement units, except as provided in Section 11-35-4820 or except as may otherwise be limited by the board through regulations.

However, thirty days notice of a proposed multi-state solicitation shall be provided through central advertising and such contracts may be only awarded to manufacturers who will be distributing the products to South Carolina governmental bodies through South Carolina vendors; provided, however, that the provisions of this paragraph do not apply to four-year and graduate public institutions of higher learning in this State not including technical colleges if the institution demonstrates a cost savings to the Office of State Procurement in regard to the multi-state solicitation and procurement.”

Part VI

Miscellaneous Provisions

SECTION 13. Section 1-7-170 of the 1976 Code, as added by Act 353 of 2008, is amended to read:

“Section 1-7-170. A department or agency of state government may not engage on a fee basis an attorney at law except upon the written approval of the Attorney General and upon a fee as must be approved by him. This section does not apply to the employment of attorneys in special cases in inferior courts when the fee to be paid does not exceed two hundred fifty dollars or exceptions approved by the State Budget and Control Board. This section does not apply to an attorney hired by the General Assembly or the judicial department.

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(B) Notwithstanding the provisions of subsection (A), a four-year and graduate public institution of higher learning not including technical colleges when it determines to employ outside counsel on a particular matter, for a series of similar matters, or on a retainer basis shall submit the names of three qualified law firms consisting of a single practitioner or a group of practitioners from which the Attorney General shall approve one or more which the institution is then authorized to employ or retain. Approval by the Attorney General of these law firms also authorizes the institution to pay legal fees to that firm at its usual and customary rates for engaging in that type of work.”

SECTION 14. (A) Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59-101-55. State appropriated funds shall not be used to provide out-of-state subsidies to students attending state-supported institutions of higher learning.

(B) Section 59-101-620 of the 1976 Code is amended to read:

“Section 59-101-620. (A) A public institution of higher learning may offer educational fee waivers to no more than four percent of the undergraduate student body; provided that four-year and graduate level state-supported institutions of higher learning not including technical colleges may offer educational fee waivers to not more than eight percent of their student body. Any fee waivers above four percent must be used for in-state students. For the purposes of fee waivers, an in-state student shall be defined by Section 59-112-20(A).

(B) State-supported institutions of higher learning to which subsection (A) applies shall annually report to the Commission on Higher Education the amount of such waivers provided during that fiscal year and such other information as the commission may require in regard to these waivers.

(C) Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59-112-115. Whenever the governing board of a four-year and graduate level public institution of higher learning in this State not including a technical college adopts a change to the tuition or fees imposed on students, the change only may be implemented by the institution after a publically recorded roll call vote, and a majority vote shall be required to implement any change to the tuition or fees.”

SECTION 15. Within six months after the effective date of this act, each governing board of a four-year and graduate level public institution of higher learning in this State not including technical colleges shall adopt a policy that promotes financial disclosure by the institution for the benefit of citizens, students, and their families

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regarding the institution's spending practices, and that provides information on decisions that demonstrate the institution is a good steward of its financial resources. This policy and financial disclosure must be published in a timely manner on the institution's website. The policy must also solicit feedback from the public, students and their families to identify information of greatest use and interest to them.

Part VII

Severability and Time Effective

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

SECTION 17. Unless otherwise provided, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to read:

/TO ENACT THE SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2009, INCLUDING PROVISIONS TO AMEND CHAPTER 101 OF TITLE 59, RELATING TO HIGHER EDUCATION, BY ADDING ARTICLE 5 SO AS TO FURTHER PROVIDE FOR HUMAN RESOURCES POLICIES, PROCEDURES, AND REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE EXCEPT FOR TECHNICAL COLLEGES; TO AMEND SECTION 8-11-260, AS AMENDED, RELATING TO STATE PERSONNEL ADMINISTRATIVE REQUIREMENTS, SO AS TO EXEMPT EMPLOYEES OF THESE INSTITUTIONS WITH CERTAIN EXCEPTIONS; BY ADDING SECTION 2-47-53 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS FOR THE STATE'S INSTITUTIONS OF HIGHER LEARNING, EXCLUDING TECHNICAL COLLEGES, AND FOR THE APPROVAL OF THESE PROJECTS AND TO REDEFINE 'PERMANENT IMPROVEMENT PROJECT' FOR PURPOSES OF PROPOSALS BY INSTITUTIONS OF HIGHER LEARNING IN THIS STATE; TO AMEND SECTION 1-11-65,

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RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS BY THE STATE BUDGET AND CONTROL BOARD AND ACCEPTANCE OF THE TRANSFER OF TANGIBLE PERSONAL PROPERTY BY A STATE ENTITY, SO AS TO EXEMPT CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY THESE INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 2-47-54 SO AS TO PROVIDE THAT THE STATE'S INSTITUTIONS OF HIGHER LEARNING, EXCLUDING TECHNICAL COLLEGES, MAY ENTER INTO A GROUND LEASE AGREEMENT WITH A PRIVATE ENTITY FOR THE BUILDING OF ON-CAMPUS INFRASTRUCTURE AND TO EXEMPT THE TRANSACTION AND ENTITY FROM THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTIONS 2-47-30, 2-47-35, 2-47-40, AND 2-47-50, RELATING TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO FURTHER PROVIDE FOR THE PROCESSES AND PROCEDURES OF THE COMMITTEE AND THE BUDGET AND CONTROL BOARD IN REGARD TO CERTAIN PROJECTS; BY ADDING SECTIONS 59-147-35 AND 59-147-36 AND TO AMEND SECTION 59-147-30, RELATING TO THE PROCEDURES FOR THE ISSUANCE OF REVENUE BONDS UNDER THE HIGHER EDUCATION REVENUE BOND ACT, SO AS TO REVISE THESE PROCEDURES AND THE PURPOSES FOR WHICH THE BONDS MAY BE USED; TO AMEND CHAPTER 101 OF TITLE 59, RELATING TO HIGHER EDUCATION, BY ADDING ARTICLE 7 SO AS TO PROVIDE FOR CERTAIN PROVISIONS APPLICABLE TO BOND ACTS FOR INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 6-1-135 SO AS TO PROVIDE THAT WHEN A COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT ACTING THROUGH THE PROCUREMENT PROCESS APPLICABLE TO IT ENTERS INTO A CONTRACT WITH A VENDOR TO ACQUIRE GOODS OR SERVICES FROM THAT VENDOR, A FOUR-YEAR OR GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING LOCATED IN THE COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT, UPON THE CONSENT OF THE COUNTY, MUNICIPALITY OR SCHOOL DISTRICT, AND THE VENDOR, ALSO MAY BECOME A PARTY TO THE CONTRACT THEREBY MAKING THE GOODS OR SERVICES AVAILABLE TO THE INSTITUTION OF HIGHER LEARNING UNDER THE SAME TERMS AND CONDITIONS THEY ARE AVAILABLE TO THE COUNTY, MUNICIPALITY, OR

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SCHOOL DISTRICT WITHOUT THE NECESSITY OF COMPLYING WITH ANY OTHER PROCUREMENT REQUIREMENTS; TO AMEND SECTION 11-35-1550, AS AMENDED, RELATING TO SMALL PURCHASES UNDER THE CONSOLIDATED PROCUREMENT CODE AND BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED SMALL PURCHASES BY FOUR-YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TO AUTHORIZE THESE INSTITUTIONS TO USE PURCHASING CARDS FOR THESE PURCHASES IN THE AMOUNT AUTHORIZED; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION, ARCHITECTURAL-ENGINEERING AND LAND SURVEYING SERVICES, SO AS TO RAISE THE PERMITTED AMOUNTS OF SUCH CONTRACTS; TO AMEND SECTION 11-35-4810, RELATING TO COOPERATIVE PURCHASES OF PUBLIC ENTITIES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO ESTABLISH CERTAIN EXCEPTIONS FOR FOUR-YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING IN REGARD TO NOTICE AND ELIGIBLE VENDORS; TO AMEND SECTION 1-7-170, RELATING TO THE REQUIRED APPROVAL OF THE ATTORNEY GENERAL BEFORE AN AGENCY OR DEPARTMENT OF THIS STATE MAY ENGAGE AN ATTORNEY AT LAW ON A FEE BASIS AND EXCEPTIONS TO THIS REQUIREMENT, SO AS TO ESTABLISH A SPECIAL APPROVAL PROCEDURE FOR FOUR-YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-101-55 SO AS TO PROVIDE THAT STATE APPROPRIATED FUNDS SHALL NOT BE USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO LIMITATIONS ON EDUCATIONAL FEE WAIVERS OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO REVISE THESE LIMITATIONS FOR CERTAIN INSTITUTIONS AND TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS TO THE COMMISSION OF HIGHER EDUCATION IN REGARD TO THESE WAIVERS; AND BY ADDING SECTION 59-112-115 SO AS TO PROVIDE THAT

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WHENEVER THE GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE NOT INCLUDING A TECHNICAL COLLEGE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE ONLY MAY BE IMPLEMENTED BY THE INSTITUTION AFTER A PUBLICALLY RECORDED ROLL CALL VOTE, AND A MAJORITY VOTE SHALL BE REQUIRED TO IMPLEMENT ANY CHANGE TO THE TUITION OR FEES; AND TO PROVIDE THAT WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT, EACH GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE NOT INCLUDING TECHNICAL COLLEGES SHALL ADOPT CERTAIN POLICIES PROMOTING FINANCIAL DISCLOSURE /

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

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

H. 3584--REQUESTS FOR DEBATE AND POINT OF ORDER

The following Bill was taken up:

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

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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 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.

Reps. COOPER, RICE, EDGE, MILLWOOD, CRAWFORD, WYLIE, KELLY and SELLERS requested debate on the Bill.

POINT OF ORDER

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

The SPEAKER *PRO TEMPORE* sustained the Point of Order.

[HJ]

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H. 3415--POINT OF ORDER

The following Joint Resolution was taken up:

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, Wylie, Neilson and Bales: 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.

POINT OF ORDER

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

The SPEAKER *PRO TEMPORE* sustained the Point of Order.

S. 12--REQUEST FOR DEBATE AND POINT OF ORDER

The following Bill was taken up:

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

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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.

Rep. COOPER requested debate on the Bill.

POINT OF ORDER

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

The SPEAKER *PRO TEMPORE* sustained the Point of Order.

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

RECURRENCE TO THE MORNING HOUR

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

INTRODUCTION OF BILLS

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

H. 3846 -- Rep. Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 23, TITLE 37 SO AS TO PROVIDE FOR MANUFACTURED HOUSING LOAN DEFAULT AND REPOSSESSION PROCEDURES INCLUDING DEFINITIONS, NOTICE REQUIREMENTS, COURT ORDERS, CURE OF DEFAULT, VOLUNTARY AND INVOLUNTARY REPOSSESSION, AND REINSTATEMENT OF THE LOAN.

Referred to Committee on Judiciary

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H. 3847 -- Rep. Sellers: A BILL TO AMEND SECTION 27-33-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FINANCIAL RESPONSIBILITY OF A TENANT FOR A UTILITY BILL, SO AS TO PROVIDE A TENANT MAY PAY AN OUTSTANDING UTILITY BILL OWED BY THE LANDLORD IN CERTAIN CIRCUMSTANCES, THAT THIS PAYMENT MAY BE DEDUCTED FROM THE TENANT'S NEXT DUE RENT PAYMENT, AND THAT THIS PAYMENT OF A UTILITY BILL MUST BE CONSIDERED A RENT PAYMENT FOR THE PURPOSES OF THIS CHAPTER.

Referred to Committee on Judiciary

H. 3848 -- Rep. Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-3-795 SO AS TO CREATE THE SOUTH CAROLINA FORECLOSURE DATABASE IN THE OFFICE OF THE SECRETARY OF STATE BY DECEMBER 31, 2009; TO PROVIDE INFORMATION THAT MUST BE CONTAINED IN THE DATABASE AND REPORTING REQUIREMENTS FOR THE INFORMATION; TO PROVIDE LIABILITY MAY NOT ACCRUE TO THE PARTY FORECLOSING THE MORTGAGE OR ITS ATTORNEY FOR CERTAIN ERRORS IN THE PROVISION OF INFORMATION TO THE DATABASE; TO PROVIDE OMISSION OF INFORMATION REQUIRED BY THIS SECTION DOES NOT INVALIDATE A FORECLOSURE; AND TO PROVIDE THE SECRETARY OF STATE MAY PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE DATABASE.

Referred to Committee on Judiciary

ORDERED TO THIRD READING

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

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

[HJ]

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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 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.

Rep. HARVIN explained the Bill.

H. 3762 -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, Moss, Parker, Stringer, Vick, Hodges and Knight: A BILL TO AMEND THE

[HJ]

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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.

Rep. DUNCAN explained the Bill.

S. 483--ORDERED TO THIRD READING

The following Bill was taken up:

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

Rep. COOPER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 55; Nays 46

Those who voted in the affirmative are:

Agnew	Alexander	Anderson
Bales	Bannister	Battle
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown

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Cato	Clemmons	Clyburn
Cooper	Crawford	Daning
Edge	Gambrell	Gullick
Hardwick	Harvin	Hayes
Hearn	Herbkersman	Hodges
Hosey	Hutto	Jefferson
Jennings	Kennedy	King
Knight	Littlejohn	Lowe
Mack	Miller	Moss
J. H. Neal	Neilson	Ott
Pinson	Rutherford	Sandifer
Skelton	D. C. Smith	J. E. Smith
J. R. Smith	Umphlett	Vick
Viers	White	Whitmire
A. D. Young		

Total--55

Those who voted in the negative are:

Allison	Barfield	Bedingfield
Bingham	Bowen	Bowers
Cole	Delleney	Duncan
Forrester	Frye	Funderburk
Gilliard	Gunn	Haley
Hamilton	Hart	Hiott
Kelly	Kirsh	Limehouse
Lucas	Merrill	Millwood
Nanney	Owens	Parker
E. H. Pitts	M. A. Pitts	Rice
Scott	Sellers	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stavrinakis	Stewart
Stringer	Thompson	Toole
Weeks	Willis	Wylie
T. R. Young		

Total--46

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

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S. 26--POINT OF ORDER

The following Joint Resolution was taken up:

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.

POINT OF ORDER

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

The SPEAKER *PRO TEMPORE* sustained the Point of Order.

OBJECTION TO RECALL

Rep. HARRISON asked unanimous consent to recall S. 337 from the Committee on Judiciary.

Rep. CRAWFORD objected.

OBJECTION TO RECALL

Rep. SANDIFER asked unanimous consent to recall S. 573 from the Committee on Labor, Commerce and Industry.

Rep. HART objected.

OBJECTION TO RECALL

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

Rep. SANDIFER objected.

S. 337--RECALLED AND REFERRED TO COMMITTEE ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

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

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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 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,

[HJ]

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RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES 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

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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 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.

OBJECTION TO RECALL

Rep. COOPER asked unanimous consent to recall S. 573 from the Committee on Labor, Commerce and Industry.

Rep. HART objected.

OBJECTION TO RECALL

Rep. COOPER asked unanimous consent to recall S. 304 from the Committee on Ways and Means.

Rep. HART objected.

OBJECTION TO RECALL

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

Rep. BOWEN objected.

OBJECTION TO RECALL

Rep. COOPER asked unanimous consent to recall H. 3840 from the Committee on Ways and Means.

Rep. HART objected.

MOTION PERIOD

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

Rep. BANNISTER moved that the House recede until 2:15 p.m., which was agreed to.

THE HOUSE RESUMES

At 2:15 p.m. the House resumed, Acting Speaker PARKER in the Chair.

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POINT OF QUORUM

The question of a quorum was raised.
A quorum was later present.

SPEAKER IN CHAIR

LEAVE OF ABSENCE

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

H. 3311--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3311 -- Reps. Brady, Harrison, Erickson, Umphlett, A. D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan, Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G. M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G. R. Smith, Hamilton, Jennings, T. R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens, Bannister and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT A UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR AN MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF

[HJ]

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PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7267AC09), which was tabled:

Amend the bill, as and if amended, Section 63-9-730(B)(4) on page 6, line 21 after /action / by inserting / pursuant to a subpoena / so when amended, Section 63-9-730(B)(4) reads:

/ (4) ~~any~~ a person who is recorded on the child's birth certificate as the child's father. The Department of Health and Environmental Control shall release this information to any attorney representing a party in an adoption or termination of parental rights action pursuant to a subpoena; /

Amend the bill further Section 63-7-2530(C) on page 7, beginning on line 7 by deleting / A continuance may not be granted by consent order / so when amended Section 63-7-2530(C) reads:

(C) The hearing on the petition to terminate parental rights must be held within one hundred twenty days of the date the termination of parental rights petition is filed. A party may request a continuance that would result in the hearing being held more than one hundred twenty days after the petition was filed; however, the court may only grant the continuance if exceptional circumstances exist. If a continuance is granted, the court must issue a written order stating the exceptional circumstances and scheduling the case for trial on a date and time certain."

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Renumber sections to conform.

Amend title to conform.

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

Reps. BANNISTER, G. M. SMITH and BRADY proposed the following Amendment No. 6 (COUNCIL\NBD\11400AC09), which was adopted:

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

/SECTION 1. Article 1, Chapter 9, Title 63 of the 1976 Code is amended by adding:

“Subarticle 8

Responsible Father Registry

Section 63-9-810. The State has a compelling interest in promptly providing stable and permanent homes for adoptive children and in preventing the disruption of adoptive placements. It is the purpose of the Responsible Father Registry to provide notice to unmarried biological fathers who affirmatively assume responsibility for children they may have fathered by registering with the Responsible Father Registry.

Section 63-9-820. (A) There is established within the Department of Social Services the Responsible Father Registry, which the department shall maintain.

(B) As used in this section:

(1) ‘Department’ means the Department of Social Services.

(2) ‘Registrant’ means an unmarried biological father or a male who claims to be the unmarried biological father of a child.

(3) ‘Registry’ means the Responsible Father Registry as established by this section.

(4) ‘Unmarried biological father’ means a male who is not married to the biological mother of a child of whom he is or claims to be the natural father.

(C) Except as set forth in Section 63-9-730(B), in order to preserve the right to notice of an adoption proceeding or the right to notice of a petition for termination of parental rights, a registrant must file a claim of paternity with the registry. A claim of paternity filed with the registry must not be deemed to be an acknowledgment of paternity, and a claim of paternity filed with the registry, as well as any

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other information contained in the registry, is not admissible as evidence in any proceeding.

(D) Except for a person who is required to receive notice pursuant to Section 63-9-730(B), an unmarried biological father's failure to file a claim of paternity with the registry constitutes implied irrevocable consent to the termination of his parental rights and to the child's adoption.

(E) A claim of paternity must be signed by the registrant and must include:

- (1) the registrant's name, address, and date of birth;
- (2) the mother's name and, if known, her address and date of birth;
- (3) if known, the child's name, place of birth, and date of birth;
- (4) if known, the date, county, and state of conception of the child; and
- (5) the date the claim is filed.

(F) The claim of paternity may be filed with the registry before or after the birth of the child; however, a claim of paternity filed with the registry is null and void if it is filed on or after the date a petition for termination of parental rights or a petition for adoption is filed.

(G) Only the registrant may file the claim of paternity. No other person may file the claim of paternity on behalf of the registrant. The registrant must notify the registry of any change of address in the manner prescribed by the department. Failure to notify the registry of a change of address in the manner prescribed by the department is deemed to be a waiver of a right to notice or to any other right to which the registrant may be entitled as a result of filing a claim of paternity pursuant to this section, including, but not limited to, notice by publication.

(H) The department shall issue a certificate to the registrant verifying that the claim of paternity, revocation, or change of address has been filed.

(I) No fee may be charged for filing a claim of paternity, a revocation, or a change of address with the registry. The department may charge a reasonable fee for processing searches of the registry.

(J) A registrant may at any time revoke a claim of paternity and shall file the revocation with the department in the manner prescribed by the department. The filing of a revocation of a claim of paternity with the registry in the manner prescribed by the department makes the prior claim of paternity filed by the registrant null and void.

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(K) Except as set forth in Section 63-9-730(B), no unmarried biological father who fails to file a claim of paternity with the registry is entitled to notification of any adoption proceeding or of any termination of parental rights proceeding concerning the unmarried biological father's child.

(L) An unmarried biological father's failure to file a claim of paternity with the registry is deemed to be a lack of proper diligence under Section 63-9-770(B). An unmarried biological father's lack of knowledge of the biological mother's pregnancy does not excuse an unmarried biological father's failure to file a claim of paternity pursuant to this chapter. An unmarried biological father's sexual intercourse or his consent to artificial insemination with the biological mother is deemed to be notice to the unmarried biological father of the biological mother's pregnancy.

(M)(1) The registry is not available for public inspection and is not subject to disclosure under the Freedom of Information Act pursuant to Chapter 4, Title 30 except that:

(a) the department shall disclose the contents of the registry upon order of a court of competent jurisdiction for good cause shown;

(b) the department may file a written request with the registry regarding a child for whom the department has an open case for child welfare services;

(c) the department shall provide the names and addresses of all registrants who have filed a claim of paternity for the child in question upon written request of a child placing agency or an attorney assisting in the adoption or termination of parental rights of a child. The written request may be filed with the registry before or after the birth of the child and must include:

(i) the mother's name and, if known, her address and date of birth;

(ii) if known, the child's date of birth and place of birth;

and
(iii) if known, the date, county, and state of conception of the child.

(2) If a written request is submitted by or to the department pursuant to item (b) or (c) of subsection (M)(1) and no claim of paternity for the registrant is found, the department shall issue a certificate of diligent search verifying that a search of the registry has been conducted and that no claim of paternity regarding that registrant or child was found.

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(N) A registrant who has filed a claim of paternity must be served with notice of any adoption proceeding and any termination of parental rights proceeding involving any child identified in the registrant's filed claim of paternity within ten days of receipt of the registrant's name and address by the attorney or child placing agency pursuant to item (c) of subsection (M)(1).

(O) Should the department issue a certificate of diligent search, the attorney for the requesting party in an adoption proceeding or in a termination of parental rights proceeding shall file the certificate of diligent search with the court in which the proceeding is pending within ten days of receipt of the certificate.

(P) A registrant's claim of paternity shall remain on the registry until nineteen years after the claim of paternity has been filed with the registry, at which time the information may be purged from the registry. A registrant's claim of paternity shall be purged from the registry if the registrant revokes his claim of paternity pursuant to subsection (J).

(Q) The department may promulgate regulations and forms necessary to implement the provisions of this section. Notwithstanding the provisions of the Administrative Procedures Act, to be effective, these regulations must be affirmatively approved by the General Assembly by joint resolution. The department shall produce and distribute a pamphlet or publication informing the public of the Responsible Father Registry. The pamphlet or publication shall indicate the procedure for registering and the consequences for failure to register.

(R)(1) Any unauthorized use, or attempted unauthorized use, of the registry is expressly prohibited, and any person or organization seeking, receiving, using, or publishing, or attempting to do so, of any information contained in the registry in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(2) A person who knowingly, maliciously, or in bad faith files a false claim of paternity with the registry is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both."

SECTION 2. Section 63-9-730(B) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

"(B) The following persons or agencies are entitled to notice as provided in subsection (A) ~~of this section~~:

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(1) ~~any~~ a person adjudicated by a court in this State to be the father of the child;

(2) ~~any~~ a person or agency required to give consent or relinquishment pursuant to ~~subsections (A) or (B)~~ of Section 63-9-310(A) or (B) from whom consent or relinquishment cannot be obtained;

(3) ~~the father of the child whose consent or relinquishment is not required pursuant to items (4) or (5) of subsection (A) of Section 63-9-310~~ a person who has properly registered with the Responsible Father Registry at the time of the filing of the petition for termination of parental rights or adoption;

(4) ~~any~~ a person who is recorded on the child's birth certificate as the child's father. The Department of Health and Environmental Control shall release this information pursuant to a subpoena to any attorney representing a party in an adoption or termination of parental rights action;

(5) ~~any~~ a person who is openly living with the child or the child's mother, or both, at the time the adoption proceeding is initiated; and who is holding himself out to be the child's father;

(6) ~~any~~ a person who has been identified as the child's father by the mother in a sworn, written statement; and

(7) ~~any~~ a person from whom consent or relinquishment is not required pursuant to ~~item (2) of subsection (A) of Section 63-9-320(A)(2).~~"

SECTION 3. Section 63-7-2550 of 1976 Code, as added by Act 361 of 2008, is amended to read:

"Section 63-7-2550. (A) A summons and petition for termination of parental rights must be filed with the court and served on:

(1) the child, if the child is fourteen years of age or older;

(2) the child's guardian ad litem, appointed pursuant to Section 63-7-2560(B), if the child is under fourteen years of age;

(3) the parents of the child; and

~~(3)~~(4) an agency with placement or custody of the child.

(B) The right of an unmarried biological father, as defined in Section 63-9-820, to receive notice of a termination of parental rights action must be governed by the notice provisions of Section 63-9-730(B)(1), (3), (4), (5), and (6), and Subarticle 8, Chapter 9."

SECTION 4. This act takes effect upon approval by the Governor, except that those provisions of Section 1 of this act pertaining to the establishment of the Responsible Father Registry and the receipt of

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claims of paternity by the registry take effect six months after approval by the Governor and those provisions of Section 1 of this act and Section 63-9-730 of the 1976 Code, as amended by Section 2 of this act, affecting an unmarried biological father's right to receive notice in a termination of parental rights or an adoption action by filing a claim of paternity and Section 63-7-2250(B) of the 1976 Code, as added by Section 3 of this act, apply to termination of parental rights actions and adoption actions filed one year after approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Rep. BRADY spoke in favor of the amendment.

Rep. CLEMMONS spoke in favor of the amendment.

The amendment was then adopted.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

Agnew	Alexander	Allison
Anderson	Bales	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	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
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Kelly
King	Kirsh	Knight

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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	Simrill
Skelton	D. C. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Weeks
White	Whitmire	Williams
Willis	A. D. Young	T. R. Young

Total--111

Those who voted in the negative are:

Total--0

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

H. 3442--RECONSIDERED AND DEBATE ADJOURNED

Rep. OTT moved to reconsider the vote whereby the following Bill was recommitted to the Judiciary Committee:

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

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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 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-

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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, 41-35-730, 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. VICK moved to table the motion to reconsider.

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

Yeas 53; Nays 57

Those who voted in the affirmative are:

Agnew	Anderson	Bales
Barfield	Bowers	Branham
G. A. Brown	H. B. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Dillard
Gambrell	Gilliard	Govan
Gullick	Gunn	Hart
Harvin	Hayes	Hodges

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Hosey	Howard	Hutto
Jefferson	Kennedy	King
Kirsh	Knight	Mack
McEachern	McLeod	Miller
Mitchell	Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Parks	Pinson	Rutherford
Sandifer	Simrill	G. R. Smith
J. E. Smith	Stavrinakis	Umphlett
Vick	Weeks	White
Williams	A. D. Young	

Total--53

Those who voted in the negative are:

Allison	Ballentine	Bannister
Bedingfield	Bingham	Bowen
Brady	Cato	Chalk
Clemmons	Cole	Cooper
Crawford	Daning	Delleney
Duncan	Edge	Erickson
Forrester	Frye	Haley
Hamilton	Harrell	Harrison
Hearn	Herbkersman	Hiott
Horne	Huggins	Kelly
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Merrill	Millwood	Nanney
Owens	Parker	E. H. Pitts
M. A. Pitts	Rice	Skelton
D. C. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Whitmire
Willis	Wylie	T. R. Young

Total--57

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

The question then recurred to the motion to reconsider.

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

Yeas 59; Nays 50

Those who voted in the affirmative are:

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

Total--59

Those who voted in the negative are:

Agnew	Anderson	Bales
Barfield	Bowers	Branham
G. A. Brown	H. B. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Dillard
Gambrell	Gilliard	Govan
Gunn	Hart	Harvin
Hayes	Hodges	Hosey
Howard	Hutto	Jefferson
Kennedy	King	Knight
Mack	McEachern	McLeod
Miller	Mitchell	Moss
J. H. Neal	J. M. Neal	Neilson

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Ott	Parks	Pinson
Rutherford	Sandifer	Simrill
J. E. Smith	Stavrinnakis	Umphlett
Vick	Weeks	White
Williams	A. D. Young	

Total--50

So, the motion to reconsider was agreed to.

Rep. BINGHAM moved to adjourn debate on the Bill until Tuesday, April 7, which was agreed to.

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

H. 3748--COMMITTED

The following Bill was taken up:

H. 3748 -- Reps. Duncan, Clemmons and Chalk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-24 SO AS TO PROVIDE THAT THE VALUE OF OWNER OCCUPIED PROPERTY MUST BE INCLUDED IN THE CALCULATION OF THE INDEX OF TAXPAYING ABILITY UNTIL A PERMANENT CHANGE IN THE METHOD OF ITS CALCULATION IS ENACTED; AND TO CREATE THE INDEX OF TAXPAYING ABILITY STUDY COMMITTEE, TO PROVIDE FOR ITS MEMBERSHIP AND ITS PURPOSE, AND TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY BY JANUARY 10, 2010, UPON WHICH DATE THE COMMITTEE SHALL DISSOLVE.

Rep. STAVRINAKIS proposed the following Amendment No. 1 (COUNCIL\AGM\19373BH09):

Amend the bill, as and if amended, Section 59-20-24 as found in SECTION 1, page 1, lines 30-34, by deleting Section 59-20-24 in its entirety and inserting:

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/ “Section 59-20-24. Notwithstanding Section 59-20-20, the value of owner occupied residential property must be included in the calculation of the index of taxpaying ability for the 2010 taxable year.”/

Renumber sections to conform.

Amend title to conform.

Rep. STAVRINAKIS explained the amendment.

Rep. SIMRILL moved to commit the Bill to the Committee on Ways and Means.

Rep. CLEMMONS moved to table the motion.

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

Yeas 30; Nays 83

Those who voted in the affirmative are:

Chalk	Cooper	Duncan
Edge	Erickson	Funderburk
Gambrell	Gilliard	Gunn
Hardwick	Harrell	Hayes
Hearn	Herbkersman	Hutto
Knight	Limehouse	McEachern
McLeod	Merrill	Miller
M. A. Pitts	Sandifer	J. R. Smith
Stavrinakis	Umphlett	Viers
White	Whitmire	Willis

Total--30

Those who voted in the negative are:

Agnew	Alexander	Allen
Allison	Anderson	Bales
Ballentine	Bannister	Barfield
Bedingfield	Bingham	Bowen
Bowers	Brady	Branham
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Clemmons	Cobb-Hunter
Cole	Crawford	Daning
Delleney	Dillard	Forrester

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Frye	Govan	Gullick
Haley	Hamilton	Harrison
Hart	Harvin	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Jefferson
Kelly	Kennedy	King
Kirsh	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	Millwood	Mitchell
Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Parker	Parks	Pinson
E. H. Pitts	Rice	Rutherford
Scott	Simrill	Skelton
G. R. Smith	J. E. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Vick
Weeks	Williams	Wylie
A. D. Young	T. R. Young	

Total--83

So, the House refused to table the motion commit the Bill.

The question then recurred to the motion to commit the Bill, which was agreed to.

H. 3579--AMENDED AND ORDERED TO THIRD READING

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 OTHER BALLOT QUESTIONS FOR ALL ENTITIES AUTHORIZED TO CONDUCT THEM.

Reps. HALEY and E. H. PITTS proposed the following Amendment No. 1 (COUNCIL\MS\7311ZW09), which was adopted:

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

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/SECTION 1. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7-13-200. (A) An entity authorized by law to conduct a referendum, ballot measure, or other election event where a person is not elected to an office shall conduct this event, at which qualified electors are allowed to cast a ballot, the Tuesday after the first Monday in November.

(B) Notwithstanding another provision of law, if an entity is required to conduct a referendum, ballot measure, or other election event at which a person is not elected to office, it must be conducted pursuant to subsection (A).

(C) The provisions of this section do not apply to amendments proposed to the Constitution of this State or the United States Constitution.”

SECTION 2. This act takes effect upon approval by the Governor and applies to a referendum, ballot question, or other election event at which a person is not elected to office after July 1, 2009. /

Renumber sections to conform.

Amend title to conform.

Rep. E. H. PITTS explained the amendment.

The amendment was then adopted.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 99; Nays 11

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	G. A. Brown
H. B. Brown	Cato	Chalk
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Duncan	Edge	Erickson
Forrester	Gambrell	Gilliard
Govan	Gullick	Gunn
Haley	Hamilton	Hardwick

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Harrell	Harrison	Hart
Hearn	Herbkersman	Hiott
Horne	Hosey	Huggins
Hutto	Kelly	Kennedy
King	Kirsh	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
McEachern	Merrill	Miller
Millwood	Mitchell	Moss
Nanney	Neilson	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
D. C. Smith	G. R. 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

Total--99

Those who voted in the negative are:

Funderburk	Harvin	Hayes
Howard	Jefferson	Mack
McLeod	J. H. Neal	Rutherford
Simrill	J. E. Smith	

Total--11

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

H. 3358--DEBATE ADJOURNED

Rep. CRAWFORD moved to adjourn debate upon the following Bill until Tuesday, April 7, which was adopted:

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

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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.

RECURRENCE TO THE MORNING HOUR

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

REPORTS OF STANDING COMMITTEES

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

H. 3766 -- Rep. Scott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MYERS ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 "FIREFIGHTER BRANDON THOMPSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FIREFIGHTER BRANDON THOMPSON HIGHWAY".

Ordered for consideration tomorrow.

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

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".

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

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

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".

Ordered for consideration tomorrow.

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

S. 559 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON THURSDAY, JUNE 11, 2009, AND FRIDAY, JUNE 12, 2009.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 3849 -- Reps. Weeks, 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, 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, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE SUMTER DIXIE BOYS BASEBALL TEAM FOR ITS IMPRESSIVE WIN OF THE 2008 DIXIE BOYS WORLD SERIES CHAMPIONSHIP TITLE, SUMTER'S SECOND CONSECUTIVE WORLD SERIES TITLE AND DIXIE YOUTH BASEBALL'S FIRST BACK-TO-BACK TITLE VICTORIES, AND TO HONOR THE PLAYERS, COACHES, AND STAFF ON AN OUTSTANDING SEASON.

The Resolution was adopted.

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HOUSE RESOLUTION

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

H. 3850 -- Reps. Weeks, 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, 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, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE SUMTER DIXIE BOYS BASEBALL TEAM, COACHES, AND STAFF, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2008 DIXIE BOYS WORLD SERIES CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Sumter Dixie Boys baseball team, coaches, and staff, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2008 Dixie Boys World Series Championship title.

The Resolution was adopted.

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HOUSE RESOLUTION

The following was introduced:

H. 3851 -- Reps. Harrell, 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, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, 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 WELCOME TO SOUTH CAROLINA THE MEMBERS OF THE DELEGATION OF 1FFC MONTABAUR, A GERMAN YOUTH SOCCER TEAM, WHICH IS VISITING COLUMBIA DURING THE FIRST WEEK IN APRIL TO PARTICIPATE IN A YOUTH SOCCER CULTURAL-EXCHANGE PROGRAM.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3852 -- Rep. Gunn: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR GLORY COMMUNICATIONS, INC., ON ITS FIFTEENTH YEAR OF PRESENTING THE GOSPEL MUSIC CELEBRATION "FAMILYFEST" AND FOR SPONSORING THE "FUTURE LEADER SCHOLARSHIP FUND" PRESENTATIONS HELD IN CONJUNCTION WITH FAMILYFEST.

The Resolution was adopted.

[HJ]

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INTRODUCTION OF BILLS

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

H. 3853 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO ENACT THE "MIDDLE COURT PROCESSES ACT", TO REQUIRE THE CREATION AND ADMINISTRATION OF A MIDDLE COURT PROCESS IN EACH JUDICIAL CIRCUIT BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF A MIDDLE COURT JUDGE, TO PROVIDE REQUIREMENTS FOR AN OFFENDER TO QUALIFY FOR ADMISSION TO A MIDDLE COURT PROCESS, AND TO REQUIRE FUNDING OF THE MIDDLE COURT PROCESS BY THE GENERAL ASSEMBLY TO THE JUDICIAL DEPARTMENT, THE OFFICE OF THE ATTORNEY GENERAL, AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES.

Referred to Committee on Judiciary

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

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

H. 3855 -- Reps. T. R. Young, Spires, Clyburn, D. C. Smith, J. R. Smith and Stewart: A BILL TO AMEND SECTION 56-15-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF REGULATION OF MOTOR VEHICLE MANUFACTURERS, LICENSES FOR DEALERS AND WHOLESALERS, AND WHOLESALE MOTOR VEHICLE AUCTIONS, SO AS TO EXCLUDE FROM THE DEFINITION OF "MOTOR VEHICLE DEALER", A BUSINESS ENTITY WHICH FOR NO FEE OR CHARGE AND WHILE NOT OPEN FOR BUSINESS OFFERS THE USE OF ITS PROPERTY FOR CASUAL SALES OF MOTOR VEHICLES.

Referred to Committee on Labor, Commerce and Industry

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H. 3856 -- Reps. Umphlett, Battle and Hardwick: A BILL TO AMEND SECTION 51-17-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON DISPOSITION OF HERITAGE TRUST PROPERTY, SO AS TO EXCLUDE PUBLIC INFRASTRUCTURE PROJECTS FROM THE LIMITATION.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3857 -- Reps. Crawford, Lowe, Daning, Scott, Simrill, Millwood, Parker, Allison, Forrester, Kelly, Limehouse, Owens and Sottile: A BILL TO AMEND SECTION 59-63-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF AVAILABLE HEALTH-RELATED SERVICES AND RIGHTS, SO AS TO PROVIDE THAT NOTICE OF RIGHTS PERTAINING TO PSYCHOLOGICAL SCREENINGS MUST BE SENT BY A SCHOOL DISTRICT TO PARENTS AT THE BEGINNING OF THE SCHOOL YEAR, AND TO PROVIDE THAT A PARENT OR GUARDIAN IS NOT REQUIRED TO TAKE ANY MEDICAL ACTION AND THAT PSYCHOLOGICAL SCREENING OF A STUDENT MAY NOT BE REQUIRED IN THE ABSENCE OF A SIGNED, WRITTEN CONSENT BY A STUDENT'S PARENT OR GUARDIAN.

Referred to Committee on Education and Public Works

H. 3858 -- Reps. Loftis, Bedingfield, Nanney, Toole, Spires, Delleney, Frye, Hamilton, Owens, Rice, Scott, D. C. Smith, G. R. Smith, Stringer, Williams and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-435 SO AS TO ENACT THE "RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT" WHICH PROHIBITS A SCHOOL DISTRICT FROM DISCRIMINATING AGAINST A STUDENT BASED ON RELIGIOUS VIEWPOINT, ALLOWS A STUDENT TO EXPRESS HIS RELIGIOUS VIEWPOINT, ALLOWS A STUDENT TO EXPRESS HIS RELIGIOUS BELIEFS IN HOMEWORK AND CLASSROOM ASSIGNMENTS, AND ALLOWS STUDENTS TO ORGANIZE AND PARTICIPATE IN RELIGIOUS STUDENT GATHERINGS TO THE SAME EXTENT AS SECULAR NONCURRICULAR GROUPS.

Referred to Committee on Judiciary

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H. 3859 -- Reps. J. H. Neal and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-19-130 SO AS TO ADOPT THE "AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE", AND FOR OTHER PURPOSES; AND TO REPEAL SECTIONS 7-19-70, 7-19-80, 7-19-90, 7-19-100, AND 7-19-120 ALL RELATING TO PRESIDENTIAL ELECTORS.

Referred to Committee on Judiciary

H. 3860 -- Reps. J. H. Neal and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 35, TITLE 41 SO AS TO PROVIDE FOR AN ALTERNATIVE BASE PERIOD FOR CERTAIN CLAIMANTS OF BENEFITS UNDER THE SOUTH CAROLINA EMPLOYMENT SECURITY LAW, TO DEFINE "ALTERNATIVE BASE PERIOD", AND TO FURTHER PROVIDE THAT, WHEN CERTAIN INFORMATION IS NOT AVAILABLE, THE COMMISSION MAY BASE THE DETERMINATION FOR ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS ON THE AFFIDAVIT OF A CLAIMANT WITH RESPECT TO WEEKS AND WAGES FOR CERTAIN CALENDAR QUARTERS.

Referred to Committee on Labor, Commerce and Industry

H. 3861 -- Reps. J. H. Neal and Howard: A BILL TO AMEND SECTION 11-35-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SURETY BONDING REQUIREMENTS FOR BIDDERS ON A PUBLIC PROCUREMENT CONTRACT, SO AS TO DEFINE "HISTORICALLY UNDERUTILIZED BUSINESS", TO PROVIDE THAT THE MATERIALS MANAGEMENT OFFICE OF THE STATE BUDGET AND CONTROL BOARD SHALL ESTABLISH A PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO A HISTORICALLY UNDERUTILIZED BUSINESS SEEKING A SURETY BOND, AND TO PROVIDE THAT THE MATERIALS MANAGEMENT OFFICE MAY CONTRACT FOR THE IMPLEMENTATION OF THE PROGRAM.

Referred to Committee on Ways and Means

H. 3862 -- Reps. J. H. Neal and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 7, TITLE 6 SO AS TO ENACT THE "SOUTH CAROLINA INCLUSIONARY ZONING ACT" TO

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PROVIDE THAT COUNTIES AND MUNICIPALITIES ARE EMPOWERED TO USE INCLUSIONARY ZONING STRATEGIES TO EXPAND THE AVAILABILITY OF AFFORDABLE HOUSING.

Referred to Committee on Ways and Means

H. 3863 -- Reps. J. H. Neal and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3379 SO AS TO ALLOW A STATE INCOME TAX CREDIT EQUAL TO THIRTY PERCENT OF THE COST TO THE TAXPAYER FOR THE PURCHASE AND INSTALLATION OF A SOLAR OR WIND ENERGY SYSTEM ON PROPERTY IN THIS STATE AND TO PROVIDE THE REQUIREMENTS APPLICABLE FOR CLAIMING THIS CREDIT.

Referred to Committee on Ways and Means

H. 3864 -- Reps. J. H. Neal and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 3, TITLE 23 SO AS TO ENACT THE "INNOCENCE PROTECTION ACT", TO PROVIDE THAT A PERSON IN CUSTODY AFTER CONVICTION MAY APPLY TO THE COURT FOR CERTAIN FORENSIC DNA TESTING, TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF A COURT UPON RECEIPT OF AN APPLICATION FOR DNA TESTING, AND TO PROVIDE FOR PRESERVATION OF BIOLOGICAL MATERIAL SECURED IN CONNECTION WITH A CRIMINAL CASE FOR AS LONG AS THE MATERIAL MAY HAVE PROBATIVE VALUE AS EVIDENCE.

Referred to Committee on Judiciary

H. 3865 -- Reps. J. H. Neal and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-456 SO AS TO PROVIDE THAT AN EMPLOYEE MAY BE GRANTED BY HIS EMPLOYER A SPECIFIED AMOUNT OF ADDITIONAL PAID LEAVE EACH YEAR FOR THE PURPOSE OF ATTENDING CERTAIN ELEMENTARY AND SECONDARY SCHOOL CONFERENCES OR ACTIVITIES DURING THE EMPLOYEE'S WORK HOURS OR TO ENGAGE IN CERTAIN VOLUNTEER TEACHING ACTIVITIES IN THE SCHOOLS, TO PROVIDE THAT THE EMPLOYERS OF THESE EMPLOYEES ARE ENTITLED TO A SPECIFIED STATE INCOME TAX DEDUCTION FOR THESE ACTIVITIES, AND TO PROVIDE

[HJ]

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THE PROCEDURES NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

Referred to Committee on Ways and Means

H. 3866 -- Reps. J. H. Neal and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-510 SO AS TO ENACT THE "SOUTH CAROLINA HIGH SCHOOL DROPOUT PREVENTION ACT OF 2009" SO AS TO PROVIDE THAT ANY HIGH SCHOOL STUDENT DURING A SCHOOL YEAR WHO HAS CUMULATIVELY FAILED TO PASS AT LEAST TWO UNITS OF INSTRUCTION REQUIRED FOR A HIGH SCHOOL DIPLOMA IN THE STUDENT'S PROGRAM OF STUDY OR WHO HAS SCORED IN THE TWENTY-FIVE PERCENTILE OR LOWER ON APPLICABLE END-OF-YEAR ASSESSMENT TESTS MUST MEET WITH HIS HIGH SCHOOL GUIDANCE COUNSELOR AND HIS PARENTS OR LEGAL GUARDIAN BEFORE THE START OF THE NEXT SCHOOL YEAR TO REVIEW THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN AND HIS ACADEMIC PROGRESS TO DETERMINE IF MODIFICATIONS IN THE PLAN OR CHANGES IN THE STUDENT'S PROGRAM OF STUDY ARE REQUIRED IN ORDER TO ALLOW THE STUDENT TO ACHIEVE GREATER EDUCATIONAL BENEFITS AND ALSO TO PREVENT THE STUDENT FROM DROPPING OUT OF SCHOOL; TO AMEND SECTION 59-63-230, RELATING TO NOTIFICATION TO PARENTS OR LEGAL GUARDIAN OF A PUPIL WHO HAS BEEN SUSPENDED FROM A CLASS OR SCHOOL AND CONFERENCES IN REGARD TO THE SUSPENSION WITH THE STUDENT'S PARENTS OR LEGAL GUARDIAN WHICH ARE AVAILABLE WITH SCHOOL ADMINISTRATORS, SO AS TO REQUIRE THE CONFERENCE TO BE HELD AND FURTHER PROVIDE FOR THE INFORMATION TO BE COVERED AT THE CONFERENCE; TO AMEND SECTION 59-65-10, RELATING TO THE RESPONSIBILITY OF PARENTS OR A LEGAL GUARDIAN TO CAUSE THEIR CHILD TO ATTEND SCHOOL DURING CERTAIN AGES, SO AS TO PROVIDE THAT A CHILD WHO HAS NOT ATTAINED THE AGE OF NINETEEN RATHER THAN SEVENTEEN AND WHO HAS NOT GRADUATED FROM HIGH SCHOOL IS REQUIRED TO ATTEND SCHOOL.

Referred to Committee on Education and Public Works

[HJ]

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**H. 3856--RECALLED FROM 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 Agriculture, Natural Resources and Environmental Affairs:

H. 3856 -- Reps. Umphlett, Battle and Hardwick: A BILL TO AMEND SECTION 51-17-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON DISPOSITION OF HERITAGE TRUST PROPERTY, SO AS TO EXCLUDE PUBLIC INFRASTRUCTURE PROJECTS FROM THE LIMITATION.

**S. 573--RECALLED AND REFERRED TO COMMITTEE ON
WAYS AND MEANS**

On motion of Rep. CRAWFORD, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Labor, Commerce and Industry and was referred to the Committee on Ways and Means:

S. 573 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO TAX CREDITS FOR FORTIFICATION MEASURES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3205, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**S. 304--RECALLED FROM COMMITTEE ON WAYS AND
MEANS**

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

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION

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6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

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

ADJOURNMENT

At 3:50 p.m. the House, in accordance with the motion of Rep. DANING, adjourned in memory of Dr. James Whitford of Goose Creek, to meet at 10:00 a.m. tomorrow.

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H. 3561	33	H. 3852	100
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