

NO. 56

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, MAY 19, 2009
(STATEWIDE SESSION)

Tuesday, May 19, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Isaiah 44:21: "Remember these things, I have made you. You are my servant; I will not forget you."

Let us pray. O Lord our God, help us to remember Your words to us, "I will not forget You". With these words, Lord, we begin another day asking for Your guidance in everything these Representatives accomplish. Give them the courage, wisdom, and strength to achieve what is the best for our people. Continue to be the source of power in guiding our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

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

MOTION ADOPTED

Rep. HARVIN moved that when the House adjourns, it adjourn in memory of Leon Norman "L. J." Richburg, Jr. of Summerton, which was agreed to.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 14, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 758:

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S. 758 -- Senator Land: A BILL TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALE AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW PROCEEDS FROM THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009-2010 SCHOOL YEAR.

and has ordered the Bill enrolled for ratification.

Very respectfully,
President
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 14, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to H. 3311:

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 AN UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A 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

[HJ]

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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 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.

and has ordered the Bill enrolled for ratification.

Very respectfully,
President
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 14, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 41, H. 3776 by a vote of 3 to 0:

[HJ]

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(R41) H. 3776 -- Reps. A. D. Young, Harrell, Horne and Knight: AN ACT TO AUTHORIZE DORCHESTER COUNTY TO PAY PER DIEM, TRAVEL, OR OTHER EXPENSES TO A MEMBER OF A COUNTY BOARD OR COMMISSION WHEN THE MEMBER TRAVELS AND INCURS EXPENSES RELATING TO HIS DUTIES WHILE SERVING ON THE BOARD.

Very respectfully,
President
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 14, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 38, H. 3627 by a vote of 45 to 0:

(R38) H. 3627 -- Reps. Miller and Anderson: AN ACT TO AMEND SECTION 59-67-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION FOR THE TRANSPORTATION OF SCHOOL CHILDREN FROM ISLANDS TO MAINLAND SCHOOLS BY CERTAIN OTHER PERSONS, SO AS TO FURTHER PROVIDE FOR THE OPERATION OF THESE BOATS BY THE DEPARTMENT ON SANDY ISLAND, FOR USE OF THESE BOATS BY SPECIFIED PERSONS, AND THE PROCEDURES APPLICABLE FOR USE.

Very respectfully,
President

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 14, 2009

Mr. Speaker and Members of the House:

[HJ]

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The Senate respectfully informs your Honorable Body that it has appointed Senators Setzler, Alexander and Shoopman of the Committee of Conference on the part of the Senate on :

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

Very respectfully,
President
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 12, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 26, S. 540 by a vote of 1 to 0:

(R26) S. 540 -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY THE STUDENTS OF THE SCHOOL DISTRICT OF OCONEE COUNTY ON MARCH 2, 2009, DUE TO SNOW, IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS

[HJ]

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MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Very respectfully,
President

S. 126--COMMITTEE OF CONFERENCE APPOINTED

The following was received from the Senate:

MESSAGE FROM THE SENATE

Columbia, S.C., May 14, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 126:

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM "HANDICAPPED", DELETE THE TERM "LICENSE TAG" AND REPLACE IT WITH THE TERM "LICENSE PLATE", AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM "HANDICAPPED", AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON'S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED" AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE

[HJ]

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PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

and asks for a Committee of Conference and has appointed Senators Sheheen, Verdin, and Campbell to the Committee of Conference on the part of the Senate.

Very respectfully,
President

Whereupon, the Chair appointed Reps. OWENS, BRANHAM and D. C. SMITH to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

REPORT OF STANDING COMMITTEE

Rep. KIRSH, from the York Delegation, submitted a favorable report on:

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

Ordered for consideration tomorrow.

Rep. KIRSH, from the York Delegation, submitted a favorable report on:

S. 759 -- Senator Hayes: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF

[HJ]

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YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT FOR THE PURPOSE OF PAYING COSTS OF OPERATION AND MAINTENANCE OF CERTAIN ELEMENTARY SCHOOLS, TO REQUIRE THESE BONDS TO MATURE IN NO MORE THAN FIVE YEARS, TO REQUIRE THAT THE BONDS BE AUTHORIZED BY RESOLUTION OF THE BOARD OF TRUSTEES AFTER AN AUTHORIZATION BY A FAVORABLE VOTE OF THE QUALIFIED ELECTORS OF THE DISTRICT, TO PROVIDE THAT THE BONDS MAY BE SOLD BY PUBLIC OR PRIVATE SALE, AND TO PROVIDE OTHER MATTERS RELATED TO THE AUTHORIZATION AND SALE OF THE BONDS.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 4063 -- Reps. Barfield, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, 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, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE COASTAL CAROLINA UNIVERSITY RUGBY TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 NATIONAL SMALL COLLEGE RUGBY ORGANIZATION (NSCRO) MEN'S COLLEGIATE DIVISION III NATIONAL

[HJ]

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CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACH, AND STAFF.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4064 -- Reps. Horne, Harrell, Knight and A. D. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE PINWOOD PREPARATORY SCHOOL BOYS SOCCER TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4065 -- Reps. Horne, A. D. Young, Knight and Harrell: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE PINWOOD PREPARATORY SCHOOL BASEBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4066 -- Reps. Horne, A. D. Young, Knight and Harrell: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE PINWOOD PREPARATORY SCHOOL GOLF TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION

[HJ]

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CLASS AAA STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACH, AND STAFF.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4067 -- Reps. Horne, A. D. Young, Harrell and Knight: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE PINWOOD PREPARATORY SCHOOL GIRLS SOCCER TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

INTRODUCTION OF BILLS

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

H. 4068 -- Rep. Bowers: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO PROPERTY TAX AND THE METHOD OF VALUATION OF REAL PROPERTY AND THE LIMITS ON INCREASES IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO AUTHORIZE A MUNICIPALITY WITH A POPULATION OF LESS THAN FIVE THOUSAND TO EXEMPT FROM MUNICIPAL AD VALOREM TAXATION, FOR NOT MORE THAN FIVE YEARS, IMPROVEMENTS TO COMMERCIAL PROPERTY.

Referred to Committee on Ways and Means

H. 4069 -- Rep. Bowers: A BILL TO AMEND SECTION 50-3-550, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITION OF THE PROCEEDS OF THE SALE OF TIMBER LOCATED ON SPECIFIED LANDS BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO

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PROVIDE THAT BEGINNING JULY 1, 2010, TWENTY-FIVE PERCENT OF THE REVENUE DERIVED FROM THE SALE BY THE DEPARTMENT OF NATURAL RESOURCES OF TIMBER MUST BE PAID BY THE STATE TREASURER TO THE GENERAL FUND OF THE SCHOOL DISTRICT IN WHICH THE LANDS ARE LOCATED.

Referred to Committee on Ways and Means

H. 4070 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-25 SO AS TO REQUIRE, BEGINNING WITH THE REAPPORTIONMENT OF THE HOUSE OF REPRESENTATIVES AFTER THE DECENNIAL CENSUS OF 2010, THE HOUSE OF REPRESENTATIVES TO REAPPORTION ITSELF SO THAT A HOUSE DISTRICT MUST BE WHOLLY CONTAINED WITHIN A COUNTY IF THE COUNTY HAS SUFFICIENT POPULATION.

Referred to Committee on Judiciary

S. 170 -- Senators Cleary and Rose: A BILL TO AMEND TITLE 63, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-17-385 TO AUTHORIZE THE FAMILY COURT TO ISSUE A RULE TO SHOW CAUSE UPON THE FILING OF AN AFFIDAVIT THAT A PARENT HAS FAILED TO PAY COURT-ORDERED SUPPORT, OTHER THAN PERIODIC PAYMENT OF FUNDS FOR THE SUPPORT OF THE CHILD, TO PROVIDE FOR SERVICE BY REGULAR MAIL, TO PROVIDE THAT THE AFFIDAVIT AND CERTAIN OTHER DOCUMENTATION IS PRIMA FACIE EVIDENCE OF NONPAYMENT, SHIFTING THE BURDEN OF PROOF, AND TO PROVIDE A DEFENSE.

Referred to Committee on Judiciary

S. 793 -- Senators Pinckney and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 37 TO TITLE 6, SO AS TO PROVIDE FOR THE BEAUFORT JASPER WATER AND SEWER AUTHORITY TO REMOVE CERTAIN RESTRICTIONS ON THE AREAS IN WHICH THE AUTHORITY PROVIDES SERVICES, TO FURTHER PRESCRIBE THE AUTHORITY'S FUNCTIONS AND POWERS REGARDING WATER AND WASTE WATER SERVICES, TO PRESCRIBE THE CONDITIONS AND TERMS UPON WHICH

[HJ]

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MUNICIPAL CORPORATIONS AND OTHER PUBLIC BODIES OR AGENCIES OPERATING WATER DISTRIBUTION AND WASTE WATER SYSTEMS IN BEAUFORT, JASPER, HAMPTON, AND COLLETON COUNTIES MAY ACQUIRE SERVICES FROM THE AUTHORITY, AND TO CHANGE THE NAME OF THE AUTHORITY TO THE BEAUFORT JASPER WATER AND SEWER AUTHORITY.

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

S. 806 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SOLID WASTE MANAGEMENT: DEMONSTRATION-OF-NEED, DESIGNATED AS REGULATION DOCUMENT NUMBER 3198, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

HOUSE RESOLUTION

The following was introduced:

H. 4071 -- Reps. Erickson, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE

[HJ]

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RESOLUTION TO RECOGNIZE COMMODORE AND MRS. WILMOT SCHOTT FOR THEIR VITAL ROLES IN COORDINATING THE FIFTY-FOURTH ANNUAL BEAUFORT WATER FESTIVAL AND TO CONGRATULATE HISTORIC BEAUFORT ON ITS TRADITION OF PRODUCING ONE OF THE MOST POPULAR VOLUNTEER FESTIVALS ON THE SOUTHEASTERN COAST.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4072 -- Reps. Ballentine, Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, 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, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE DUTCH FORK HIGH SCHOOL GOLF TEAM FOR WINNING THE 2009 CLASS AAAA STATE GOLF TOURNAMENT, AND TO CONGRATULATE COACH MARK GILES UPON THE OCCASION OF HIS RETIREMENT AND FOR MOLDING CHAMPIONSHIP GOLFERS.

The Resolution was adopted.

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HOUSE RESOLUTION

The following was introduced:

H. 4073 -- Rep. Knight: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR LIEUTENANT THEODORE M. STRICKLAND OF DORCHESTER COUNTY FOR AN OUTSTANDING CAREER WITH THE SOUTH CAROLINA HIGHWAY PATROL UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-SEVEN YEARS OF DISTINGUISHED SERVICE, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN HIS FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4074 -- Rep. Knight: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF SHELLEY JOHNSON OF ST. GEORGE, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4075 -- Reps. Knight, 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, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal,

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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 COMMEND THE SUMMERVILLE HIGH SCHOOL JUNIOR VARSITY COLOR GUARD FOR A SUCCESSFUL SEASON AND FOR WINNING THE 2009 SCHOLASTIC AAAA DIVISION STATE CHAMPIONSHIP TITLE IN WINTER GUARD.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4076 -- 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, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Home, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE FIRST BAPTIST SCHOOL BASEBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AA STATE

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CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACH, AND STAFF.

The Resolution was adopted.

HOUSE RESOLUTION

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

H. 4077 -- 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, Delleney, 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, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE FIRST BAPTIST SCHOOL BASEBALL TEAM, COACH, AND SCHOOL OFFICIALS, 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 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the First Baptist School baseball team,

[HJ]

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coach, and school officials, 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 South Carolina Independent School Association Class AA State Championship title.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4078 -- Reps. Clyburn, T. R. Young and J. R. Smith: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF UNITED STATES HIGHWAY 19 THAT RUNS THROUGH THE CITY OF AIKEN "DR. MARTIN LUTHER KING, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "DR. MARTIN LUTHER KING, JR. MEMORIAL HIGHWAY".

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 826 -- Senator Leventis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 521, IN SUMTER COUNTY, FROM THE KERSHAW COUNTY LINE TO ITS INTERSECTION WITH PISGAH ROAD IN REMBERT THE "FIREFIGHTER BUCK BROWN MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "FIREFIGHTER BUCK BROWN MEMORIAL HIGHWAY".

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

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CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 827 -- Senator Leventis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 521, IN SUMTER COUNTY, FROM THE ITS INTERSECTION WITH HIGHWAY 441 TO ITS INTERSECTION WITH CHARLES JACKSON ROAD THE "FIREFIGHTER EUGENE FRANKLIN MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "FIREFIGHTER EUGENE FRANKLIN MEMORIAL HIGHWAY".

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 828 -- Senators Leventis and Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 76, IN SUMTER COUNTY, FROM THE SUMTER-LEE COUNTY LINE TO ITS INTERSECTION WITH LAFAYETTE STREET THE "MAYOR WILLIE M. JEFFERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "MAYOR WILLIE M. JEFFERSON HIGHWAY".

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

CONCURRENT RESOLUTION

The following was taken up for immediate consideration:

S. 839 -- Senators Scott, Jackson, Matthews and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF SEPTEMBER 2009 YOUTH AWARENESS MONTH IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO PROMOTE STRONG FAMILIES AND PARENTING ALONG WITH YOUTH PROGRAMS AND JOBS.

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Whereas, the members of the South Carolina General Assembly recognize that children are the most precious state resource and hold in their collective body the future of our beloved State; and

Whereas, young people today face a multitude of struggles with destructive powers in modern society, such as the use of illicit drugs, a rise in teen pregnancy, gang violence, increasing teen criminal activity including dating violence, tragic youth suicide, far-reaching health issues, and an unacceptably high school dropout rate; and

Whereas, sources suggest that dating violence affects one in four youths and the use of illegal drugs and under-age drinking reportedly occur in over fifty percent of high school students; and

Whereas, the American Academy of Pediatrics explains that the rise in youth suicide stems from the ease of procuring tools for suicide, the greater pressures of modern life, difficult academic competition, and a proliferation of violence in the media; and

Whereas, in addition to mental and emotional health concerns, today's youth face physical health dangers such as sexually transmitted disease, obesity, eating disorders, and lack of physical fitness; and

Whereas, our youth are increasingly uneducated, even illiterate, as a result of an alarmingly high school dropout rate, and are, as well, sadly unaware and uninformed in many life-skill areas such as financial literacy; and

Whereas, the resources of our communities and State can combat the forces that assail our young people, and after-school programs that strengthen their emotional and moral constitution should be encouraged and promoted; and

Whereas, youth jobs also can be provided by local businesses where young people can be mentored and learn the satisfaction and self-worth derived from gainful employment; and

Whereas, most importantly, the Palmetto State recognizes the importance of positive family influence in the lives of young people and the critical need for strong, loving parenting; and

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Whereas, knowing our great responsibility to posterity, the members of the South Carolina General Assembly desire to promote the welfare of our youngest and most vulnerable citizens. Now, therefore,

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

That the members of the General Assembly of the State of South Carolina, by this resolution, declare the month of September 2009 Youth Awareness Month in South Carolina and encourage all citizens of this great State to promote strong families and parenting along with youth programs and jobs.

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

ROLL CALL

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

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
Cobb-Hunter	Cole	Cooper
Daning	Delleney	Dillard
Duncan	Edge	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gullick	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kelly
Kennedy	King	Kirsh
Knight	Littlejohn	Loftis

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Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood
Mitchell	D. C. Moss	V. S. Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Pinson	E. H. Pitts
Rice	Rutherford	Sandifer
Scott	Sellers	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	Weeks
White	Whitmire	Williams
Willis	A. D. Young	T. R. Young

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, May 19.

Jackson "Seth" Whipper	Michael A. Pitts
Anton J. Gunn	H.B. "Chip" Limehouse
James E. Smith	Anne Parks
Gary Simrill	Thad Viers

Total Present--119

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

The SPEAKER granted Rep. CRAWFORD a leave of absence for the day due to illness in the family.

DOCTOR OF THE DAY

Announcement was made that Dr. Beverly Simons of Columbia was the Doctor of the Day for the General Assembly.

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CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

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

CO-SPONSOR ADDED

Bill Number: H. 3037
Date: ADD:
05/19/09 HALEY

CO-SPONSORS ADDED

Bill Number: H. 4022
Date: ADD:
05/19/09 GAMBRELL, RICE and OWENS

S. 537--DEBATE ADJOURNED

Rep. E. H. PITTS moved to adjourn debate upon the following Joint Resolution until Wednesday, May 20, which was adopted:

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

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ORDERED TO THIRD READING

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

H. 4051 -- Reps. Pinson, M. A. Pitts and Parks: A BILL TO AUTHORIZE THE TRANSFER FROM THE SINKING FUND OF GREENWOOD SCHOOL DISTRICT 52 TO ITS GENERAL FUND A SPECIFIED SUM OF MONEY TO REIMBURSE THE DISTRICT FOR AMOUNTS PAID BY IT FROM ITS GENERAL FUND FOR DEBT SERVICE ON A GENERAL OBLIGATION BOND OF THE DISTRICT.

S. 727 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO PHYTOPHTHORA RAMORUM QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4062, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. FORRESTER explained the Joint Resolution.

S. 390 -- Senator Hayes: A BILL TO ENACT THE "MENTAL HEALTH PARITY AND ADDICTION ACT OF 2009"; AND TO AMEND SECTION 38-71-880, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL AND SURGICAL BENEFITS AND MENTAL BENEFITS COVERAGE, SO AS TO ADD PROVISIONS RELATING TO SUBSTANCE USE DISORDER COVERAGE, FINANCIAL REQUIREMENTS, AND TREATMENT LIMITATIONS AND TO PROVIDE FOR DEFINITIONS.

Rep. BRADY explained the Bill.

H. 4055 -- Reps. Hardwick, Hearn, Barfield, Clemmons and Edge: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF HORRY COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE

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PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

S. 166 -- Senator Campsen: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT A HIGHWAY BEAUTIFICATION PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE.

Rep. E. H. PITTS explained the Joint Resolution.

S. 774--AMENDED AND SENT TO THE SENATE

The following Bill was taken up:

S. 774 -- Senator Reese: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SPARTANBURG 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.

Rep. Littlejohn asked unanimous consent to amend the Bill on third reading, which was agreed to.

Rep. LITTLEJOHN proposed the following Amendment No. 2 (COUNCIL\DKA\3750DW09), which was adopted:

Amend the bill, as and if amended, Section 7-7-490(A), SECTION 1, page 3, by adding after line 43:

/ Ben Avon Methodist /.

Renumber sections to conform.

Amend title to conform.

Rep. LITTLEJOHN explained the amendment.

The amendment was then adopted.

The Bill was read the third time and ordered returned to the Senate with amendments.

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H. 3561--DEBATE ADJOURNED

Rep. A. D. YOUNG moved to adjourn debate upon the following Joint Resolution until Wednesday, May 20, which was adopted:

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

H. 3854--DEBATE ADJOURNED

Rep. A. D. YOUNG moved to adjourn debate upon the following Bill until Wednesday, May 20, which was adopted:

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

H. 3603--POINT OF ORDER

The following Bill was taken up:

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

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20362SD09):

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

/SECTION 1. Chapter 1, Title 48 of the 1976 Code is amended by adding:

“Section 48-1-65. (A) Any publicly owned treatment works or privately owned treatment works treating domestic sewage which is responsible for a spill greater than one thousand gallons, as soon as practicable within twelve hours, shall give public notice of the location and extent of the spill.

(B) The board shall prescribe a procedure for this public notice, including a procedure for notification to radio, television, newspaper, and other news outlets by the permit holder, including their website, and notification by publication in a newspaper of general circulation, and other notification considered appropriate by the board including emergency notification of local media outlets, posting relevant notification information on the department’s Internet website, and provision of notice by email to a member of the public who has requested this information.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars for each day’s violation, or imprisoned not more than thirty days, or both.”

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

Renumber sections to conform.

Amend title to conform.

Rep. AGNEW explained the amendment.

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 sustained the Point of Order.

S. 673--REQUESTS FOR DEBATE

The following Bill was taken up:

S. 673 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT",

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BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34-1-20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34-1-110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR

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OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

POINT OF ORDER

Rep. KENNEDY 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.

Pursuant to Rule 5.15, the printing was waived by a division vote of 59 to 16.

Reps. KENNEDY, J. H. NEAL, HART, HOSEY, JEFFERSON, RUTHERFORD, GOVAN, GILLIARD, BRANTLEY, ERICKSON, KING, SANDIFER, MACK, BEDINGFIELD, J. R. SMITH and BANNISTER requested debate on the Bill.

S. 323--POINT OF ORDER

The following Bill was taken up:

S. 323 -- Senator Thomas: A BILL TO AMEND SECTION 38-90-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING OF A CAPTIVE INSURANCE COMPANY, SO AS TO PROHIBIT A CAPTIVE INSURANCE COMPANY FROM WRITING WORKERS' COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE APPLICATION BEING INVESTIGATED; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION

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REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO AUTHORIZE A REDUCTION IN REQUIRED TRUST FUNDS FOR A BRANCH CAPTIVE INSURANCE COMPANY THAT POSTS SECURITY FOR LOSS RESERVES ON BRANCH BUSINESS TO A FRONT COMPANY; TO AMEND SECTION 38-90-55, RELATING TO INCORPORATION OF A CAPTIVE REINSURANCE COMPANY, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS OF CERTAIN TYPE OF CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO AUTHORIZE THE DIRECTOR TO GRANT AN EXTENSION OR WAIVE THE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 38-90-75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO PROVIDE THE SECTION APPLIES TO A CAPTIVE INSURANCE COMPANY, DELETE THE MANNER IN WHICH THE RESERVES WERE DISCOUNTED, AND PROVIDE THAT THIS PROCESS MAY BE ACCOMPLISHED WITH PRIOR WRITTEN APPROVAL BY THE DIRECTOR; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL OF THE INSPECTIONS AND EXAMINATIONS AND AUTHORIZE THE DIRECTOR TO WAIVE THE REQUIREMENT FOR A VISIT TO CERTAIN COMPANIES; TO AMEND SECTION 38-90-90, RELATING TO SUSPENSION OR REVOCATION OF THE LICENSE OF A CAPTIVE INSURANCE COMPANY, SO AS TO AUTHORIZE THE DIRECTOR TO IMPOSE A FINE INSTEAD OF REVOKING OR SUSPENDING A LICENSE; TO AMEND SECTION 38-90-130, RELATING TO THE PROHIBITION OF A CAPTIVE INSURANCE COMPANY FROM PARTICIPATING IN A PLAN, POOL, ASSOCIATION, OR GUARANTY OR INSOLVENCY FUND, SO AS TO AUTHORIZE A COMPANY TO PARTICIPATE IN A POOL FOR THE PURPOSE OF

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COMMERCIAL RISK SHARING UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE THE PROVISIONS OF CHAPTERS 26 AND 27 APPLICABLE TO CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-440, AS AMENDED, RELATING TO LICENSING OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO PROVIDE THE BASIS FOR CALCULATING A PROCESSING FEE, AND CLARIFY THAT SIX THOUSAND DOLLARS BASED ON A MINIMUM FEE OF TWELVE THOUSAND DOLLARS IS PAYABLE UPON FILING OF THE APPLICATION; TO AMEND SECTION 38-90-450, AS AMENDED, RELATING TO THE ORGANIZATION REQUIREMENTS OF A SPECIAL PURPOSE FINANCIAL CAPTIVE, SO AS TO CHANGE FROM MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR WHEN ISSUING A CERTIFICATE; AND TO AMEND SECTION 38-90-560, RELATING TO EXAMINATIONS BY THE DIRECTOR OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL THAT A COMPANY MUST BE INSPECTED AND DELETE THE AUTHORITY OF THE DIRECTOR TO ENLARGE THE PERIOD OF INSPECTION UNDER CERTAIN CIRCUMSTANCES.

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 sustained the Point of Order.

S. 636--POINT OF ORDER

The following Bill was taken up:

S. 636 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 64 TO TITLE 38 SO AS TO ENACT THE "LIFE SETTLEMENTS ACT"; TO PROVIDE FOR THE REGULATION OF A LIFE SETTLEMENT CONTRACT; TO PROVIDE FOR THE

[HJ]

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PROTECTION OF PERSONS ENTERING INTO THESE AGREEMENTS REGARDING CONTRACTUAL AND PROPERTY RIGHTS OF A LIFE INSURANCE POLICY OWNER AND AUTHORIZE THE DIRECTOR OF INSURANCE TO ENFORCE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR THE LICENSING OF A BROKER OR PRODUCER TO ENTER INTO LIFE SETTLEMENT CONTRACTS; TO PROVIDE FOR THE SUSPENSION, REVOCATION, OR REFUSAL TO RENEW THESE LICENSES; TO PROVIDE FOR CONTRACT REQUIREMENTS, REPORTING AND PRIVACY REQUIREMENTS; TO AUTHORIZE THE DIRECTOR TO EXAMINE THE BUSINESS AND AFFAIRS OF A LICENSEE OR APPLICANT, PROVIDE FOR EXAMINATION REPORTS AND CONFIDENTIALITY OF EXAMINATION INFORMATION, PROHIBIT CONFLICT OF INTEREST BY AN EXAMINER, AND PROVIDE FOR IMMUNITY FROM LIABILITY; TO PROVIDE FOR ADVERTISING REQUIREMENTS OF A BROKER OR LICENSED PROVIDER; TO PROVIDE FOR CERTAIN DISCLOSURES TO AN OWNER; TO PROVIDE DISCLOSURE BY A PROPOSED OWNER OF A LIFE INSURANCE POLICY IF THE OWNER INTENDS TO PAY PREMIUMS WITH THE ASSISTANCE OF FINANCING FROM A LENDER THAT WILL USE THE POLICY AS COLLATERAL TO SUPPORT THE FINANCING; TO REQUIRE A PROVIDER ENTERING INTO A LIFE SETTLEMENT CONTRACT WITH AN OWNER OF THE POLICY WHERE THE INSURED IS TERMINALLY OR CHRONICALLY ILL TO OBTAIN CERTAIN INFORMATION; TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS TO IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR PROHIBITIVE PRACTICES, FRAUD PREVENTION, AND CONTROL; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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 sustained the Point of Order.

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H. 4048--DEBATE ADJOURNED

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

H. 4048 -- Reps. M. A. Pitts, Duncan and Willis: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR LAURENS COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

H. 3976--POINT OF ORDER

The following Bill was taken up:

H. 3976 -- Rep. G. M. Smith: A BILL TO AMEND SECTIONS 24-13-1530 AND 24-13-1590, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO ELIGIBILITY FOR OFFENDERS TO BE PLACED ON HOME DETENTION, SO AS TO ALLOW CERTAIN DRUG AND CONTROLLED SUBSTANCE OFFENDERS TO PARTICIPATE IN THE HOME DETENTION PROGRAM UNDER CERTAIN CIRCUMSTANCES.

POINT OF ORDER

Rep. G. R. SMITH 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. 3798--POINT OF ORDER

The following Bill was taken up:

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

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ACCOMMODATION BONDSMAN TO PAY A HANDLING FEE TO THE CLERK OF COURT EQUAL TO FOUR PERCENT OF THE AMOUNT OF THE BOND SET.

POINT OF ORDER

Rep. BANNISTER 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. 3719--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3719 -- Reps. Clemmons, Weeks, Willis and Dillard: A BILL TO AMEND SECTION 23-3-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23-3-250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY; TO AMEND SECTION 23-3-270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTERS TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23-3-330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

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Rep. CLEMMONS proposed the following Amendment No. 1 (COUNCIL\SWB\5935CM09), which was adopted:

Amend the bill, as and if amended, Section 23-3-250, as contained in SECTION 2, page 2, by inserting:

/ and, when appropriate, contact their local media outlets / after the /,
/ on line 24.

Amend the bill further by deleting SECTION 4 in its entirety and inserting:

/ SECTION 4. Article 5, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-330. (A) There is established within the Missing Person Information Center the Endangered Person Notification System. The purpose of the Endangered Person Notification System is to provide a system statewide for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or other cognitive impairment.

(B) If the center receives a report that involves a missing person who is believed to be suffering from dementia or other cognitive impairment, for the protection of the missing person from potential abuse or other physical harm, neglect, or exploitation, the center shall issue notification providing for the appropriate dissemination of information regarding the missing person.

(C) The center shall adopt guidelines and develop procedures for issuing a notification for missing persons believed to be suffering from dementia or other cognitive impairment and shall provide education and training to local law enforcement agencies, and to encourage radio and television broadcasters to participate in the notification.

(D) The center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on the missing person who is believed to be suffering from dementia or other cognitive impairment when vehicle and license tag information is available. The Department of Transportation shall utilize current protocol for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

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

S. 796--RECONSIDERED AND DEBATE ADJOURNED

The motion of Rep. T. R. YOUNG to reconsider the vote whereby S. 796 was read third time and enrolled for ratification was taken up and agreed to.

Rep. H. B. BROWN moved to adjourn debate on the Bill until Friday, May 22, which was agreed to.

S. 155--RECALLED FROM COMMITTEE ON JUDICIARY

On motion of Rep. J. E. SMITH, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

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

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H. 3853--RECALLED FROM COMMITTEE ON JUDICIARY

On motion of Rep. HART, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

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.

H. 4022--RECALLED FROM COMMITTEE ON JUDICIARY

On motion of Rep. E. H. PITTS, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

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

H. 4005--RECALLED FROM COMMITTEE ON JUDICIARY

On motion of Rep. SELLERS, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 4005 -- Reps. Sellers, Bingham, Ott and A. D. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976,

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BY ADDING SECTION 8-13-1335 SO AS TO MAKE IT UNLAWFUL FOR AN INDIVIDUAL SEEKING ELECTION TO MEMBERSHIP ON THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING FILLED BY A VOTE OF THE GENERAL ASSEMBLY TO MAKE OR OFFER TO MAKE A CONTRIBUTION TO A CANDIDATE FOR THE GENERAL ASSEMBLY OR HOST OR SPONSOR ANY FUNDRAISING EVENT FOR SUCH A CANDIDATE FROM THE TIME THE INDIVIDUAL FILES THE NOTICE OF INTENTION TO SEEK MEMBERSHIP ON THE BOARD THROUGH THE DATE THE OFFICE IS FILLED.

OBJECTION TO RECALL

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

Rep. WHITMIRE objected.

OBJECTION TO RECALL

Rep. KENNEDY asked unanimous consent to recall H. 3492 from the Committee on Labor, Commerce and Industry.

Rep. THOMPSON objected.

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

THE HOUSE RESUMES

At 2:30 p.m. the House resumed, Acting Speaker LONG in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

SPEAKER IN CHAIR

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**H. 3762--SENATE AMENDMENTS AMENDED AND
RETURNED TO THE SENATE**

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

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

Rep. OWENS proposed the following Amendment No. 2 (COUNCIL\SWB\5937CM09), which was adopted:

Amend the bill, as and if amended, Section 56-3-4510 as contained in SECTION 2. A. by deleting lines 19 through 42 on page 2 and lines 1 through 13 on page 3 and inserting:

/ Section 56-3-4510. (A) The Department of Motor Vehicles shall issue a series of special commemorative motor vehicle license plates for use by the owner on his private passenger motor vehicle for the purposes of the 'Non-game Wildlife and Natural Areas Fund' provided in Section 50-1-280. The special fee for the commemorative license plate is thirty dollars and this amount must be placed in the fund. This fee is in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3 of Title 56. The commemorative plate must be of the same size and general design of regular motor vehicle license plates and must be imprinted with the words 'South Carolina Protects Endangered Species'. The plates must be issued or revalidated for a biennial period, which expires twenty-four months from the month they are issued. Once the plate supply is exhausted, any revenues derived from a renewal or transfer of a 'South Carolina Protects Endangered Species' plate must be distributed as directed in this subsection.

(B) The department shall issue a collection of special motor vehicle license plates to owners of private passenger carrying motor vehicles and motorcycles. The fee for each special license plate is thirty dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates, and must be imprinted with the words 'South Carolina Wildlife'. Each special license plate must be issued or

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revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(C) Of the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering this special license plate collection. The remaining funds collected from each special motor vehicle license plate fee must be deposited in the Game Protection Fund provided for in Title 50.

(D) The department simultaneously may make available more than one special license plate. However, before the department produces and distributes a special license plate with the South Carolina Wildlife collection pursuant to this section, it must comply with the provisions contained in Section 56-3-8100.”/

Amend the bill further, by striking SECTION 3 in its entirety and inserting:

/SECTION 3. Section 56-3-9910 of the 1976 Code is amended to read:

/ SECTION 3. Section 56-3-9910 of the 1976 Code is amended to read:

“Section 56-3-9910. (A) The Department of Motor Vehicles may issue ‘Gold Star Family’ special license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in ~~their~~ the names of members of the immediate family of United States armed forces killed in action. ~~The~~ There is no fee for this special license plate ~~must be the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title and the special fee required by Section 56-3-2020.~~ The license plates issued pursuant to this section must conform to a design agreed to by the department and the Chief Executive Officer of the South Carolina Chapter of American Gold Star Mothers, Inc. or other similar organization operating in this State. ~~Notwithstanding any other provision of law, of the fees collected for the special license plate, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special plate.~~

(B) Notwithstanding another provision of law, the provisions contained in Section 56-3-8000(B) and (C) do not apply to the production and distribution of ‘Gold Star Family’ special license plates.

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(C) For the purposes of this section, ‘members of the immediate family’ means a person who is a parent, spouse, sibling, or child of an armed forces member killed in action. Each qualifying person is entitled to a limit of two ‘Gold Star Family’ special license plates.’/

Renumber sections to conform.

Amend title to conform.

Rep. OWENS explained the amendment.

The amendment was then adopted.

Rep. DUNCAN proposed the following Amendment No. 1 (COUNCIL\SWB\5915MM09), which was adopted:

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

/ SECTION __. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 79

Recycling Special License Plates

Section 56-3-7940. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles as defined in Section 56-3-630, or motorcycles registered in their names which shall have imprinted on the plate ‘Reduce, Reuse, Recycle’ and the recycling logo. The Carolina Recycling Association shall submit to the department for its approval a design it desires to be used for this special license plate. The Carolina Recycling Association may request a change in the design not more than once every five years. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the Carolina Recycling Association to promote the growth of the South Carolina recycling industry.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.” /

Renumber sections to conform.

Amend title to conform.

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

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

H. 3022--POINT OF ORDER

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

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.

Rep. E. H. PITTS proposed the following Amendment No. 1A (COUNCIL\MS\7390AHB09):

Amend the bill, as and if amended, SECTION 3, page 6, by deleting line 43 and inserting:

/ proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or /

Renumber sections to conform.

Amend title to conform.

Rep. E. H. PITTS explained the amendment.

POINT OF ORDER

Rep. KING raised the Point of Order that Amendment No. 1A was out of order in that it was not germane to the Bill,

SPEAKER HARRELL stated that the amendment was germane to the bill and he overruled the Point of Order.

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POINT OF ORDER

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

The SPEAKER sustained the Point of Order.

**H. 3347--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

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

H. 3347 -- Reps. Clemmons, McLeod and Harrell: A BILL TO AMEND SECTION 56-1-143, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES GIVING APPLICANTS FOR CERTAIN SERVICES THE OPTION TO MAKE A VOLUNTARY CONTRIBUTION TO DONATE LIFE OF SOUTH CAROLINA, SO AS TO INCREASE THE AMOUNT THAT MAY BE DONATED.

Rep. OWENS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Bedingfield	Bowen	Bowers
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	Cato
Chalk	Clemmons	Cobb-Hunter
Cole	Cooper	Daning
Delleney	Dillard	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hearn	Herbkersman	Hiott

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Hodges	Horne	Hosey
Huggins	Hutto	Jefferson
Jennings	Kelly	King
Kirsh	Knight	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Mack
McEachern	McLeod	Miller
Millwood	D. C. Moss	V. S. Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	Rice	Rutherford
Sandifer	Sellers	Simrill
Skelton	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stringer	Thompson
Toole	Umphlett	Weeks
Whitmire	Williams	Willis
A. D. Young	T. R. Young	

Total--101

Those who voted in the negative are:

Total--0

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

RECORD FOR VOTING

I was temporarily out of the Chamber dealing with other Legislative issues during the vote on H. 3347. If I had been present, I would have voted in favor of concurrence with the Senate's amendments to H. 3347.

Rep. Kenny Bingham

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S. 184--POINT OF ORDER

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

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE,

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MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

Rep. SANDIFER explained the Senate Amendments.

POINT OF ORDER

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

The SPEAKER sustained the Point of Order.

**H. 3413--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

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

H. 3413 -- Rep. Harrison: A BILL TO AMEND SECTION 61-4-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING BEER KEG REGISTRATION REQUIREMENTS, SO AS TO REVISE THE DEFINITION OF "KEG".

Rep. BANNISTER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 1

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Anderson	Anthony	Bales
Ballentine	Bannister	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	Brantley

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H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Cobb-Hunter
Cole	Cooper	Daning
Delleney	Dillard	Duncan
Edge	Erickson	Forrester
Frye	Funderburk	Gambrell
Gilliard	Govan	Gullick
Gunn	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Hearn
Herbkersman	Hiott	Horne
Hosey	Huggins	Hutto
Jennings	Kelly	Kennedy
King	Kirsh	Knight
Limehouse	Littlejohn	Long
Lucas	Mack	McEachern
McLeod	Miller	Millwood
D. C. Moss	V. S. Moss	Nanney
J. H. Neal	J. M. Neal	Neilson
Ott	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Rutherford	Sandifer	Scott
Sellers	Simrill	Skelton
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stewart
Stringer	Thompson	Toole
Umphlett	Weeks	Whitmire
Willis	A. D. Young	T. R. Young

Total--99

Those who voted in the negative are:
Parker

Total--1

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

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H. 3543--DEBATE ADJOURNED

The following Bill was taken up:

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

Rep. COBB-HUNTER spoke against the Bill.

Rep. WHITMIRE moved to adjourn debate on the Bill until Wednesday, May 20, which was agreed to.

S. 453--DEBATE ADJOURNED

The following Bill was taken up:

S. 453 -- Senators Verdin and Ford: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

Rep. DUNCAN spoke in favor of the Bill.

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

S. 792--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

S. 792 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF OCTOBER 2009 AS GANG AWARENESS MONTH IN SOUTH CAROLINA IN ORDER TO RAISE PUBLIC AWARENESS OF THE INCREASING PROBLEM OF CRIMINAL GANG ACTIVITY IN OUR STATE.

The Concurrent Resolution was adopted and sent to the Senate.

H. 4058--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

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

The Concurrent Resolution was adopted and sent to the Senate.

MOTION PERIOD

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

[HJ]

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H. 3279--INTERRUPTED DEBATE

The following Joint Resolution was taken up:

H. 3279 -- Reps. T. R. Young, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Daning, Horne, Funderburk, Wylie, Bedingfield, Hart, Harrell and A. D. Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20299SD09), which was adopted:

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

/SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of the provisions of this paragraph, the Secretary of State must be appointed by the Governor, upon the advice and consent of the General Assembly. The term of office must be for four years, coterminous with that of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Secretary of State may be removed from office.”

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SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Secretary of State from the list of state officers which the Constitution requires to be elected; provide that upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of this provision, the Secretary of State must be appointed by the Governor, upon the advice and consent of the General Assembly; and require the General Assembly to provide by law for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Secretary of State may be removed from office?”

The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

Renumber sections to conform.

Amend title to read:

/PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF

[HJ]

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THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE./

Rep. HARRISON explained the amendment.

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

Yeas 67; Nays 41

Those who voted in the affirmative are:

Agnew	Bales	Ballentine
Bannister	Battle	Bingham
Bowen	Brady	Chalk
Clemmons	Cobb-Hunter	Daning
Dillard	Duncan	Edge
Erickson	Funderburk	Gunn
Haley	Hamilton	Hardwick
Harrell	Harrison	Hart
Hearn	Herbkersman	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Limehouse
Long	Lowe	Lucas
McEachern	Merrill	Miller
Millwood	Mitchell	Nanney
J. H. Neal	Neilson	Owens
Parks	E. H. Pitts	M. A. Pitts
Rice	Rutherford	Sandifer
Scott	G. M. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	Whitmire
Williams	Willis	A. D. Young
T. R. Young		

Total--67

[HJ]

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Those who voted in the negative are:

Allen	Allison	Anderson
Anthony	Barfield	Bowers
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cole
Cooper	Delleney	Forrester
Frye	Gambrell	Gilliard
Govan	Gullick	Harvin
Hiott	Hodges	Jennings
Kelly	Kennedy	Kirsh
Knight	Littlejohn	Mack
McLeod	D. C. Moss	J. M. Neal
Ott	Parker	Pinson
Sellers	Simrill	Skelton
Weeks	White	

Total--41

So, the amendment was adopted.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 1 to H. 3279. If I had been present, I would have voted in favor of the Amendment.

Rep. Eric Bedingfield

Further proceedings were interrupted by the House recurring to the Morning Hour, the pending question being passage of the Joint Resolution on second reading.

RECURRENCE TO THE MORNING HOUR

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

**H. 3482--SENATE AMENDMENTS AMENDED AND
RETURNED TO THE SENATE**

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

H. 3482 -- Reps. Harrell, Cooper, Mack and Bannister: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS

[HJ]

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OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL PERSONAL PROPERTY, INCLUDING AIRCRAFT, OF A COMPANY ENGAGED IN AIR TRANSPORT OF SPECIALIZED CARGO.

Rep. COOPER proposed the following Amendment No. 1 (COUNCIL\GGS\22360AB09), which was adopted:

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

/ SECTION 1. Section 12-37-220(B)(33) of the 1976 Code is amended to read:

“(33) (a) All personal property including aircraft of an air carrier which operates an air carrier hub terminal facility in this State for a period of ten consecutive years from the date of qualification, if its qualifications are maintained. An air carrier hub terminal facility is defined in Section 55-11-500.

(b) All aircraft, including associated personal property, owned by a company owning aircraft meeting the requirements of Section 55-11-500(a)(3)(i) without regard to the other requirements of Section 55-11-500. An aircraft qualifying for the exemption allowed by this subitem may not be used by the operator of the aircraft as the basis for an exemption pursuant to subitem (a) of this item.”

SECTION 2. If any section, subsection, part, 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 severability, 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 3. This act takes effect upon approval by the Governor and applies for property tax years beginning after 2006. /

renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

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

Yeas 110; Nays 0

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Chalk	Cobb-Hunter
Cole	Cooper	Daning
Delleney	Dillard	Duncan
Edge	Erickson	Forrester
Frye	Funderburk	Gambrell
Gilliard	Govan	Gullick
Gunn	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	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	D. C. Moss	V. S. Moss
Nanney	J. H. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	E. H. Pitts
Rice	Rutherford	Sandifer
Scott	Sellers	Simrill
Skelton	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Weeks	Whipper	White

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Whitmire
A. D. Young

Williams
T. R. Young

Willis

Total--110

Those who voted in the negative are:

Total--0

So, the amendment was adopted.

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

H. 3572--COMMITTEE OF CONFERENCE APPOINTED

The following was received from the Senate:

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 19, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3572:

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

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

Very respectfully,
President

Whereupon, the Chair appointed Reps. G. M. SMITH, UMPHLETT and H. B. BROWN to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

[HJ]

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HOUSE RESOLUTION

The following was introduced:

H. 4079 -- Reps. Cobb-Hunter, 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, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. DAVID LONGSHORE OF ORANGEBURG COUNTY, UPON THE OCCASION OF HIS RETIREMENT, FOR HIS FAITHFUL SERVICE AS A TEACHER, PRINCIPAL, AND SUPERINTENDENT IN ORANGEBURG COUNTY SCHOOL DISTRICT THREE, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4080 -- Rep. Agnew: A HOUSE RESOLUTION TO HONOR BROTHER I.V. WHITE, RETIRING ELDER AND FORMER PASTOR OF HAIGLER STREET CHURCH OF CHRIST IN ABBEVILLE, FOR HIS FIFTY YEARS OF MINISTRY AT

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HAIGLER STREET, AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4081 -- Reps. Allen, Dillard, Agnew, Alexander, 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, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Home, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE REVEREND FLORA JOHNSON WINESTOCK, OF GREENVILLE COUNTY, AND TO CONGRATULATE HER FOR HER SERVICE AS PRESIDENT OF THE BAPTIST MINISTERS FELLOWSHIP OF GREENVILLE AND VICINITY.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 4082 -- Reps. Bales, J. H. Neal, Ballentine, Brady, Gunn, Harrison, Hart, Howard, McEachern, Rutherford and J. E. Smith: A CONCURRENT RESOLUTION TO ENCOURAGE THE

[HJ]

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RICHLAND COUNTY COUNCIL BY ORDINANCE TO POSTPONE FOR ONE ADDITIONAL YEAR A COUNTYWIDE PROPERTY TAX EQUALIZATION AND REASSESSMENT PROGRAM OTHERWISE SCHEDULED FOR IMPLEMENTATION BEGINNING FOR PROPERTY TAX YEAR 2009.

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

HOUSE RESOLUTION

The following was introduced:

H. 4083 -- Reps. Ballentine and Huggins: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE DUTCH FORK HIGH SCHOOL VARSITY GIRLS' TRACK TEAM FOR CAPTURING THE 2009 SOUTH CAROLINA CLASS AAAA STATE CHAMPIONSHIP TITLE, AND TO CONGRATULATE THE ATHLETES, COACHES, AND SCHOOL OFFICIALS FOR A SUCCESSFUL SEASON.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4084 -- Reps. Barfield, Clemmons, Hearn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT

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RESOLUTION TO RECOGNIZE AND HONOR EDWARD M. "DICK" SINGLETON, COASTAL CAROLINA UNIVERSITY CHANCELLOR EMERITUS, FOR HIS MANY YEARS OF SERVICE AND DEDICATION TO HIS BELOVED UNIVERSITY.

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 843 -- Senator Leatherman: A CONCURRENT RESOLUTION TO CONGRATULATE MR. EMERSON F. GOWER, JR., UPON HIS RETIREMENT AND TO WISH HIM ALL THE BEST IN HIS FUTURE ENDEAVORS.

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 844 -- Senator Leatherman: A CONCURRENT RESOLUTION TO CONGRATULATE MR. CHARLES LEE YOUNG IN FLORENCE, SOUTH CAROLINA, UPON HIS RETIREMENT FROM CIRCLE PARK BEHAVIORAL HEALTH SERVICES.

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. 4085 -- Reps. Rice, Cooper and Owens: A BILL TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDITS ALLOWED PURSUANT TO THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO ALLOW UNUSED CREDIT AGAINST STATE-IMPOSED TAXES TO BE TRANSFERRED, DEVISED, OR DISTRIBUTED, WITH OR WITHOUT

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CONSIDERATION AND REQUIRE WRITTEN NOTICE OF THE TRANSFER TO THE SOUTH CAROLINA DEPARTMENT OF REVENUE.

Referred to Committee on Ways and Means

H. 4086 -- Rep. A. D. Young: A BILL TO AMEND SECTION 41-29-170, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCLOSURE OF CERTAIN INFORMATION TO ENSURE THAT A CLAIMANT, OR HIS LEGAL REPRESENTATIVE, BE SUPPLIED WITH RECORDS IN ORDER TO MAKE A CLAIM, SO AS TO ADD A PROVISION TO PROVIDE UNEMPLOYMENT INFORMATION NECESSARY FOR WORKFORCE IMPROVEMENT AND PROGRAM EVALUATION TO THE AGENCY ADMINISTERING THE WORKFORCE INVESTMENT ACT, AND TO REQUIRE THE COMMISSION TO RESPOND TO A REQUEST FROM AN AGENCY DESIGNATED BY THE GOVERNOR TO ENHANCE ECONOMIC DEVELOPMENT AND CREATE JOBS WITH INFORMATION OBTAINED PURSUANT TO THE PROVISIONS OF CHAPTERS 27 THROUGH 42 CONSIDERED NECESSARY TO THE REQUESTING AGENCY FOR ECONOMIC DEVELOPMENT AND WORKFORCE IMPROVEMENT; TO AMEND SECTION 41-35-50, RELATING TO THE MAXIMUM POTENTIAL BENEFITS OF AN INSURED WORKER, SO AS TO CHANGE THE FORMULA FOR CALCULATING THE BENEFIT; TO AMEND SECTION 41-35-120, AS AMENDED, RELATING TO DISQUALIFICATION OF BENEFITS, SO AS TO ADD A PROVISION PROVIDING FOR "GROSS MISCONDUCT" AND CONFORMING THE TERM "MOST RECENT BONA FIDE EMPLOYER" TO ITS DEFINITION IN SECTION 41-35-110(5), AND TO REQUIRE THE DEDUCTION OF SEVERANCE PAY FROM UNEMPLOYMENT COMPENSATION PAYMENTS.

Referred to Committee on Judiciary

S. 813 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO PC&N (STRETCHER VANS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4020, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

[HJ]

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S. 817 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO OCCUPATIONAL SAFETY AND HEALTH ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4019, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

S. 818 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO MILK AND MILK PRODUCTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4017, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 819 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING NURSING HOMES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4013, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 820 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO PUBLIC SWIMMING POOLS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4030, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

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ORDERED TO THIRD READING

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

H. 4048 -- Reps. M. A. Pitts, Duncan and Willis: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR LAURENS COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

Rep. DUNCAN explained the Bill.

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. 453 -- Senators Verdin and Ford: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

Rep. DUNCAN explained the Bill.

STATEMENTS FOR THE JOURNAL

We wish the record to reflect that we did not support S. 453 on third reading.

Rep. J. R. Smith
Rep. Tom Young
Rep. Keith Kelly
Rep. John King

[HJ]

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H. 3199--REQUESTS FOR DEBATE WITHDRAWN

Reps. SIMRILL, J. E. SMITH, MACK, BRANTLEY, J. H. NEAL, MCLEOD, HOSEY, WEEKS, JEFFERSON and LOWE withdrew their requests for debate on H. 3199; however, other requests for debate remained on the Bill.

OBJECTION TO RECALL

Rep. HART asked unanimous consent to recall H. 3083 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

**S. 793--RECALLED FROM COMMITTEE ON MEDICAL,
MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

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

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

OBJECTION TO RECALL

Rep. PINSON asked unanimous consent to recall H. 3246 from the Committee on Ways and Means.

Rep. A. D. YOUNG objected.

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OBJECTION TO RECALL

Rep. OWENS asked unanimous consent to recall H. 4037 from the Committee on Judiciary.

Rep. HARRISON objected.

OBJECTION TO RECALL

Rep. JENNINGS asked unanimous consent to recall S. 324 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. LOFTIS objected.

OBJECTION TO RECALL

Rep. A. D. YOUNG asked unanimous consent to recall H. 4086 from the Committee on Judiciary.

Rep. COBB-HUNTER objected.

OBJECTION TO RECALL

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

Rep. WHITMIRE objected.

MOTION PERIOD

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

H. 3279--DEBATE ADJOURNED

Debate was resumed on the following Joint Resolution, the pending question being the consideration of the Joint Resolution:

H. 3279 -- Reps. T. R. Young, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Daning, Horne, Funderburk, Wylie, Bedingfield, Hart, Harrell and A. D. Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE

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SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

Rep. HARRISON moved to adjourn debate upon the Joint Resolution until Wednesday, May 20, which was agreed to.

H. 3280--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Joint Resolution until Wednesday, May 20, which was adopted:

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Viers, Wylie, Bedingfield, Hart, Harrell and A. D. Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

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H. 3746--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Bill until Wednesday, May 20, which was adopted:

H. 3746 -- Rep. Clemmons: A BILL TO AMEND SECTION 7-11-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7-11-75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7-11-80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7-11-85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7-11-95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT

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THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7-11-100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

H. 3199--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3199 -- Reps. Harrison, Allison, G. M. Smith, Weeks, Hutto, A. D. Young and Anderson: A BILL TO AMEND SECTION 1-30-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, TO ENACT THE BEHAVIORAL HEALTH SERVICES ACT OF 2009, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWER AND DUTIES OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH

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SERVICES, DIVISION OF MENTAL HEALTH; BY ADDING SECTION 1-30-72 SO AS TO PLACE THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES UNDER THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DIVISION OF MENTAL HEALTH AND TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES; TO AMEND CHAPTERS 9, 11, 13, and 15 OF TITLE 44, RELATING, AMONG OTHER THINGS, TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF MENTAL HEALTH AND ITS FACILITIES, THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, AND LOCAL MENTAL HEALTH PROGRAMS AND BOARDS, SO AS TO CONFORM THESE CHAPTERS TO THE PROVISIONS OF THIS ACT AND TO PROVIDE THAT THE MENTAL HEALTH COMMISSION IS AN ADVISORY BOARD TO THE DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION; AND TO AMEND SECTIONS 44-52-10, 44-52-165, 44-52-200, AND 44-52-210, RELATING, AMONG OTHER THINGS, TO ALCOHOL AND DRUG ABUSE COMMITMENTS AND PROGRAMS FOR CHEMICALLY DEPENDENT PERSONS, SO AS TO CONFORM THESE SECTIONS TO THE PROVISIONS OF THIS ACT.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11446AC09), which was adopted:

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

/SECTION 1. This act may be cited as the "Behavioral Health Services Act".

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SECTION 2. Section 1-30-10(A) of the 1976 Code is amended to read:

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

1. Department of Agriculture
2. Department of ~~Alcohol and Other Drug Abuse~~ Behavioral Health Services
3. Department of Commerce
4. Department of Corrections
5. Department of Disabilities and Special Needs
6. Department of Education
7. Department of Health and Environmental Control
8. Department of Health and Human Services
9. Department of Insurance
10. Department of Juvenile Justice
11. Department of Labor, Licensing, and Regulation
12. ~~Department of Mental Health~~ Reserved
13. Department of Natural Resources
14. Department of Parks, Recreation and Tourism
15. Department of Probation, Parole, and Pardon Services
16. Department of Public Safety
17. Department of Revenue
18. Department of Social Services
19. Department of Transportation.”

SECTION 3. Section 1-30-20 of the 1976 Code is amended to read:

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

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

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

(B) Effective on January 1, 2011, the Department of Alcohol and Other Drug Abuse Services, as contained in subsection (A), including all allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations

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associated with the department and these entities, except for those subdivisions specifically included or transferred to another department, is transferred to the Department of Behavioral Health Services, Division of Alcohol and Other Drug Abuse Services, and all powers, duties, obligations, and responsibilities of the Department of Alcohol and Other Drug Abuse Services are devolved upon the Department of Behavioral Health Services, Division of Alcohol and Other Drug Abuse Services.”

SECTION 4. Section 1-30-70 of the 1976 Code is amended to read:

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

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

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

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

“Section 1-30-72. Effective on January 1, 2011, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in and must be administered as part of the Department of Behavioral Health Services:

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

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

(3) Continuum of Care for Emotionally Disturbed Children, formerly provided for at Section 20-7-5610, et seq.”

SECTION 6. Section 1-30-110 of the 1976 Code is amended to read:

“Section 1-30-110. Effective ~~July 1, 1993~~ January 1, 2011, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Office of the Governor:

(1) ~~Continuum of Care for Emotionally Disturbed Children provided for at Section 20-7-5610, et seq.;~~ Reserved

(2) Guardian Ad Litem Program, formerly provided for at Section 20-7-121, et seq.;

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

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

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

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

(7) Foster Care Review Board, formerly provided for at Section 20-7-2376, et seq.;

SECTION 7. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 8

Department of Behavioral Health Services

Section 44-8-10.(A) There is created the Department of Behavioral Health Services comprised of the Division of Mental Health, the Division of Alcohol and Other Drug Abuse Services, and the Division of Continuum of Care for Emotionally Disturbed Children.

(B) The department shall:

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

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

Section 44-8-20. The Governor shall appoint and remove the Director of the Department of Behavioral Health Services, who is the chief executive of the Department of Behavioral Health Services. Subject to the supervision and control of the Governor, the director shall administer the policies and regulations established by the department. The director must be a person of proven executive and administrative ability with appropriate education and substantial experience.

Section 44-8-30. (A)(1) There is established the Department of Behavioral Health Services Advisory Committee to study the organizational structure of the department to evaluate the effectiveness, efficiency, and accountability of the department and to make recommendations for organizational and service delivery changes.

(2) The advisory committee must be composed of:

(a) the director, or a designee, of the Department of Behavioral Health Services, who shall serve as the chairperson of the advisory committee;

(b) two representatives of the Division of Mental Health appointed by the director of the division, one of whom may be the director of the division;

(c) two representatives of the Division of Alcohol and Other Drug Abuse Services appointed by the director of the division, one of whom may be the director of the division;

(d) two representatives of the Division of Continuum of Care for Emotionally Disturbed Children;

(e) two professionals with expertise in the field of mental health services appointed by the Governor;

(f) two professionals with expertise in the field of alcohol and other drug abuse services appointed by the Governor;

(g) two professional with expertise in the field of children's mental health services appointed by the Governor;

(h) two recipients of services of the Division of Mental Health, or a family member of a recipient of these services, appointed by the Governor;

(i) two recipients of services of the Division of Alcohol and Other Drug Abuse Services, or a family member of a recipient of these services, appointed by the Governor;

(j) two recipients of services of the Division of Continuum of Care for Emotionally Disturbed Children.

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In appointing members to the advisory committee, the appointing authority shall select members who are representative of the ethnic, gender, rural, and urban diversity of the State.

(3) Members shall serve terms of five years and until their successors are appointed and qualify. However, of the initial appointees, four must be appointed for five years, four must be appointed for four years, four must be appointed for three years, and two must be appointed for two years. Members other than initial appointees may not be reappointed unless they are filling a vacancy for an unexpired portion of a term. The Governor may remove a member pursuant to the provisions of Section 1-3-240. A vacancy must be filled by the Governor for the unexpired portion of the term. Members representing divisions shall serve ex officio at the pleasure of the division director.

(B) The director has the authority to create and appoint other standing or ad hoc advisory committees in his discretion to assist the department in particular areas of public concern or professional expertise as the director considers appropriate. These committees, including the advisory committee created pursuant to subsection (A), shall serve at the pleasure of the director, and committee members may not receive salary or per diem but are entitled to reimbursement for actual and necessary expenses incurred pursuant to the discharge of official duties, not to exceed the per diem, mileage, and subsistence amounts allowed by law for members of boards, commissions, and committees.

Section 44-8-40. (A) The department shall promulgate regulations, which must include, but are not limited to, criteria and definitions for eligibility determination, standards for the delivery of services, content and development and revision of individual client plans, including participation by the client and family in the development and revision of the plan, fee structures for services rendered and charges that may be incurred, client safety and protection, security procedures, and procedures to appeal agency decisions. These regulations must require statewide consistency and uniformity of rights and services for all client populations served by the department. The regulations must require the department to provide each client an individualized service delivery plan addressing the particular needs of each client. To ensure uniformity statewide and across client populations, regulations promulgated by the department pursuant to this section apply to local entities that are operated by or contract with

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the department or its divisions, services, or programs or local boards created pursuant to state law to provide services to department clients.

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

Section 44-8-50. The department may accept gifts, bequests, devises, grants, donations of money or real and personal property of whatever kind for its use in furthering the purposes of the department. However, no such gift or grant may be accepted upon the condition that it shall diminish an obligation due the department. The department may refuse to accept any such gift or grant and the acceptance of any such gift or grant shall not incur any obligation on the part of the State. Any gift or grant given to a specific facility, program, or service must be used for that facility, program, or service only, or to its successor. The department may promulgate rules governing the disposition of such gifts and grants.

Section 44-8-60. (A) The department may enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on behavioral health services and the needs, problems, and services for clients of the department.

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

Section 44-8-70. The department may acquire motor vehicle liability insurance for employees operating vehicles or private vehicles in connection with their official departmental duties to protect against liability.

Section 44-8-80. The department may sell timber from its forest lands with the proceeds from the sales to be deposited in the general fund of the State. Before a sale, the State Budget and Control Board shall consult with the State Forester to determine the economic feasibility of the sale, and a sale must not be made without the approval of the board.

Section 44-8-90. The director of the department shall submit an annual report to the Governor setting forth its activities, the financial

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affairs, and the state and condition of the state mental health facilities and alcohol and drug abuse facilities and other information as the Governor may request to be kept apprised of the operations of the department. The report shall include recommendations that, in the opinion of the director of the department, will improve the mental health programs and alcohol and other drug abuse programs of the State.

Section 44-8-100. All departments, officers, agencies, and employees of the State shall cooperate with the Department of Behavioral Health Services in carrying out the department's functions, duties, and responsibilities. The Attorney General shall furnish such legal services as are necessary to the department."

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

"CHAPTER 9

State Department of Division of Mental Health, Department of Behavioral Health Services

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

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

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

- ~~(a) one member from each of the six congressional districts;~~
- ~~(b) one member from the State at large.~~

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

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

~~(C) The commission shall determine policies and promulgate regulations governing the operation of the department and the employment of professional and staff personnel.~~

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

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

Section 44-9-50. The ~~Department~~ Division of Mental Health may be divided into such ~~divisions~~ subdivisions as may be authorized by the Director of ~~Mental Health~~ the Department of Behavioral Health Services and approved by the ~~commission~~. These ~~divisions~~ subdivisions may be headed by deputy ~~commissioners~~ directors, but any deputy ~~commissioner~~ director heading a medical ~~division~~ subdivision must be a medical doctor ~~duly~~ licensed in South Carolina. One of the ~~divisions~~ subdivisions must be a ~~Division~~ the Office on Alcohol and Drug Addiction which shall have primary responsibility in the State for treatment of alcohol and drug addicts. One of the ~~divisions~~ subdivisions must be a ~~Division~~ the Office for Long Term Care which shall have primary responsibility for care and treatment of elderly persons who are mentally and physically handicapped to the extent that their needs are not met in other facilities either public or private.

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

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

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

Section 44-9-90. The ~~commission~~ Division of Mental Health shall:

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

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

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

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

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

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

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

Section 44-9-100. The ~~commission~~ Division of Mental Health may:

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

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

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

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

(5) subject to the approval of the Director of the Department of Behavioral Health Services, take appropriate action to initiate and

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

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

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

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

SECTION 9. Chapter 11, Title 44 of the 1976 Code is amended to read:

“CHAPTER 11

Organization and Control of State Mental Health Facilities

Section 44-11-10. The following facilities shall continue in existence and ~~shall~~ must be maintained for the following purposes:

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(1) those inpatient facilities as authorized by the Division of Mental Health, Department of ~~Mental Health~~ Behavioral Health Services and funded by legislative appropriations, including facilities for the evaluation and treatment of mentally ill persons, facilities for the evaluation and treatment of chemically dependent persons, and long term care facilities; and

(2) the mental health clinics for the diagnosis, treatment, and prevention of mental illness.

Section 44-11-30. The ~~South Carolina~~ Division of Mental Health Commission, Department of Behavioral Health Services, in mutual agreement with the authorities of the United States Veterans Administration, may establish South Carolina veterans homes to be located on grounds owned by the Department of ~~Mental Health~~ Behavioral Health Services. The purpose of these homes is to provide treatment for South Carolina veterans who are mentally ill or whose physical condition requires long term nursing care. Admission requirements to these homes are the same as any other facility operated by the ~~department~~ division except that the patients at these facilities must be South Carolina veterans. The ~~South Carolina~~ Division of Mental Health Commission, Department of Behavioral Health Services is designated as the agency of the State to apply for and to accept gifts, grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes. The ~~South Carolina~~ Division of Mental Health Commission shall consult with the Division of Veterans Affairs, Office of the Governor, concerning the policies, management, and operation of the South Carolina veterans homes.

Section 44-11-40. For the purpose of Section 4-11-30 'South Carolina veterans' means any ex service South Carolina citizen who was discharged under other than dishonorable conditions and who served in any branch of the military or naval service of the United States.

Section 44-11-60. The Division of Mental Health Commission, Department of Behavioral Health Services shall establish mental health clinics throughout the State and shall supervise them.

Section 44-11-70. The Director of the Division of Mental Health Commission may employ or may authorize the ~~superintendents~~ directors of mental health facilities to employ suitable persons to act as marshals to keep intruders off and prevent trespass upon State mental health facilities. The marshals employed, in so far as State mental health facilities are concerned, shall be vested with all the powers and

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charged with all the duties of police officers generally. They may eject trespassers. They may without warrant arrest persons guilty of disorderly conduct or of trespass on State mental health facilities and have them tried in any court of competent jurisdiction.

Section 44-11-75. (A) It is unlawful for a person without legal cause or good excuse to enter on the premises of a state mental health facility after having been warned by the facility director or, in his absence, by the director's representative, in writing, within the six months preceding not to enter on the premises.

(B) It is unlawful for a person without legal cause or good excuse to fail or refuse immediately to leave the premises of a state mental health facility upon being ordered or requested to leave by the facility director or, in his absence, by the facility director's representative.

(C) A person violating subsection (A) or (B), upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

(D) A municipal court or magistrate's court has jurisdiction over violations of this section occurring within the respective limits of the municipality or magisterial district.

Section 44-11-110. ~~The Mental Health Commission~~ Director of the Department of Behavioral Health Services may, ~~by resolution recorded on the minutes of its meetings,~~ grant easements, permits or rights of way on, over or under the grounds of the facilities, but none may be granted unless approved in writing by the Attorney General before delivery."

SECTION 10. Chapter 13, Title 44 of the 1976 Code is amended to read:

"CHAPTER 13

Admission, Detention and Removal of Patients at State Mental Health Facilities

Section 44-13-05. (A) Except as provided for in Sections 56-5-2930 and 56-5-2950, if a law enforcement officer observes a person conducting himself in a manner that causes the law enforcement officer to reasonably believe that the person is mentally ill or is suffering from chemical dependency and because of that condition poses a likelihood of serious harm to himself or others or if a criminal offense that carries a penalty of less than one year and that does not involve a victim who could seek a warrant for the person's arrest has occurred, the law enforcement officer may take the person into protective custody and transport the person to the local mental health center or a crisis stabilization program, if available in their

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jurisdictions, for examination and pre admission screening and evaluation of psychiatric and chemical dependency emergencies.

(B) Upon arrival at the mental health center or a crisis stabilization program, if available in their jurisdictions, the law enforcement officer who took the person into protective custody pursuant to this section shall complete a written affidavit under oath pursuant to Section 44-17-410(1). If the person is subsequently the subject of a hearing, and if the law enforcement officer who completed the affidavit is given notice of the hearing pursuant to Section 44-17-550, the officer may, but is not required to, appear at the hearing.

(C) The local mental health center or a crisis stabilization program, if available in their jurisdictions, shall arrange for an examination of the person in protective custody by a licensed physician. The center or crisis stabilization program, if available in their jurisdictions, may detain the person for up to twenty four hours for the purpose of psychiatric evaluation and examination by a licensed physician. If within twenty four hours of being taken into protective custody the person is not examined by a licensed physician, or if upon examination the physician does not execute the certification provided for in Section 44-17-410(2), the person in protective custody must be released. If the physician examining the person completes the certification provided for in Section 44-17-410(2), the center or crisis stabilization program, if available in their jurisdictions, may continue to detain the person pending transportation by a law enforcement officer to the hospital designated by the certification, as provided for in Section 44-17-440.

(D) The taking of a person into protective custody pursuant to this section is not an arrest. The officer shall inform the person that he or she is being held in protective custody and is not under arrest. However, a law enforcement officer taking an individual into protective custody may use that kind and degree of force necessary, including reasonable precautions for self protection.

(E) Except when a person is injured as a result of intentional injury, gross negligence, or a wanton disregard for their personal safety, a law enforcement officer, examining physician, or staff person of a mental health center or a designated facility who acts in accordance with this section is immune from civil liability.

(F) For purposes of this section, 'crisis stabilization program' means a community based psychiatric program providing short term, intensive, mental health treatment in a nonhospital setting for persons who are experiencing a psychiatric crisis and who are either unable to

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safely function in their daily lives or are a potential threat to themselves or the community, with treatment available twenty four hours a day, seven days a week.

(G) A law enforcement officer may transport a person as provided in this section to a local mental health center or a crisis stabilization program beyond the officer's jurisdiction if the law enforcement agency employing the officer has a written memo of understanding with the local mental health center or crisis stabilization program receiving the person taken into custody.

(H) For purposes of this section, 'local mental health center or crisis stabilization program' includes such center or program in an adjoining county or if there is not such a center or program in an adjoining county, then such a center or program in the nearest location.

Section 44-13-10. Pending his removal to a State mental health facility an individual taken into custody or ordered to be admitted may be temporarily detained in his home, a licensed foster home or any other suitable facility under such reasonable conditions as the county governing body, supervisor, or manager may fix, but he ~~shall~~ must not, except because of and during an extreme emergency, be detained in a nonmedical establishment used for the detention of individuals charged with or convicted of penal offenses. The county governing body, supervisor or manager shall take such reasonable measures, including provision of medical care, as may be necessary to assure proper care of an individual temporarily detained under this section.

Section 44-13-20. Any individual, legally a resident of this State, ordered to be admitted to any mental health facility under the laws of any other state, may be admitted, upon satisfactory proof of residence, to care and treatment in any State mental health facility of this State. The orders of any court of competent jurisdiction of another state or of the District of Columbia authorizing admittance of such individual to a mental health facility shall have the same force and effect upon his transfer to this State as a lawful order of any court of competent jurisdiction in this State. A certified copy of such order ~~shall~~ must be furnished the ~~Department~~ Division of Mental Health prior to the issuance by the ~~Department~~ Division of Mental Health of any authorization of transfer of such patient. Jurisdiction in all further matters relating to such mentally ill person shall vest in the judge of probate of the county in which the mental health facility, to which such person is admitted, is located, during his confinement therein, or the judge of probate of the county in which he is legally resident.

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Section 44-13-30. Unless he was admitted pursuant to the Interstate Compact on Mental Health as set out in Section 44-25-20 or a supplementary agreement thereto, if any person admitted to a State mental health facility is not a citizen of this State, the ~~superintendent~~ director of the facility concerned shall immediately notify the ~~Department~~ Division of Mental Health, and the ~~Department~~ Division of Mental Health shall notify the mental health commission or other appropriate agency of the state of which the patient or trainee is a citizen. If the state of his citizenship fails to provide for his removal within a reasonable time, the ~~Department~~ Division of Mental Health shall cause him to be delivered to the officials authorized by law to care for similar persons pending their commitment to state institutions of the state of his citizenship. The cost of these proceedings and conveyance from this State ~~shall~~ must be borne by this State under reciprocity agreements made by the ~~Department~~ Division of Mental Health with the mental health authorities of other states. In entering upon such reciprocal agreements with other states, the ~~Department~~ Division of Mental Health shall provide that the requirements necessary to gain residence in this State ~~shall~~ must not be less than those required for the acquisition of residence in the other contracting state. The ~~Department~~ Division of Mental Health may, however, in cases of undue hardship waive the requirements of residence, for cause.

Section 44-13-40. If any person admitted to a State mental health facility is not a citizen of the United States, the ~~superintendent~~ director of the facility concerned shall immediately notify the ~~Department~~ Division of Mental Health of the name of the person and all ascertainable information as to race, nativity, date of last arrival in the United States, the name of the vessel on which he arrived, the port at which he landed and the name of the transporting company. The ~~Department~~ Division of Mental Health shall transmit this information to the appropriate United States authorities and shall continue to provide care and treatment for the patient or trainee pending arrangements for his deportation.

Section 44-13-50. If a mentally ill patient from an out of State mental health facility is found to be in this State without permission and upon satisfactory identification of the patient and the request of such facility that the patient be returned, he may be taken into custody by proper public officials and transported directly to the out of State facility or may be detained in a State mental health facility until such time as transportation arrangements can be made or the patient's health will permit his return. The state requesting the return of the patient

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shall pay all costs of, and incidental to, the transportation and detention of the patient.

Section 44-13-60. The ~~Department~~ Division of Mental Health shall investigate the case of each patient or trainee in a State mental health facility who is simply mentally or physically infirm or who is a harmless mental defective or harmless epileptic. When, in the opinion of the ~~Department~~ Division of Mental Health, the family, guardian, trustee, committee or other person legally responsible for the person is financially able to provide for his care, ~~the division~~ shall, when in the opinion of the ~~Department~~ Director of the Division of Mental Health this is advisable, transfer the patient or trainee to the custody of that person. If all persons legally responsible for the patient or trainee are financially unable to provide for his care, the ~~Department~~ Division of Mental Health shall, when practicable, transfer the custody of the person to the county health authorities of the county of which the patient or trainee was a resident prior to admittance.

Section 44-13-70. The judge of probate in each county shall keep an adequate supply of forms necessary for the admission or commitment of persons under this chapter, Chapter 9, Chapter 11, Article 1 of Chapter 15, Chapter 17, Chapter 23, Chapter 24, Chapter 27, and Chapter 52.”

SECTION 11. Chapter 15, Title 44 of the 1976 Code is amended to read:

“CHAPTER 15

Local Mental Health Programs, Boards and Centers

Section 44-15-10. Any county, city, town, political subdivision, or any combination ~~thereof~~ of them, of over one hundred thousand population, and upon consent of the ~~South Carolina Department~~ Division of Mental Health, Department of Behavioral Health Services, any city, county, town, or political subdivision, or combination ~~thereof~~ of them, with less than one hundred thousand population, may establish a community mental health services program and may establish clinics and staff them with persons specially trained in psychiatry and related fields. Such programs and clinics may be administered by a county, city, town, political subdivision or nonprofit corporation or a community mental health board established pursuant to this ~~article~~ chapter.

Section 44-15-20. The ~~Department~~ Division of Mental Health may, when funds are available for such purposes, make grants to assist counties, cities, towns, political subdivisions or any combinations ~~thereof~~ of them, or any nonprofit corporation, in the establishment and

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operation of local mental health programs to provide the following services:

- (1) collaborative and cooperative services with public health, education, welfare and other groups for programs of prevention of mental illness, mental retardation and other psychiatric disabilities;
- (2) informational and educational services to the general public and lay and professional groups;
- (3) consultative services to schools, courts and health and welfare agencies, both public and private;
- (4) diagnostic and treatment services; and
- (5) after care services for patients suffering from mental or emotional disorders, ~~mental retardation~~ and other psychiatric conditions, particularly those who have received prior treatment in an inpatient facility.

Section 44-15-30. Any county, city, town, political subdivision, nonprofit corporation, or community mental health board administering a mental health services program may apply for the assistance provided by this ~~article~~ chapter by submitting annually to the ~~Department~~ Division of Mental Health its plan and budget for the next fiscal year together with the recommendations of the community mental health board. ~~No~~ A program ~~shall be~~ is not eligible for such assistance unless its plan and budget have been approved by the ~~Department~~ division.

Section 44-15-40. At the beginning of each fiscal year the ~~Department~~ division shall allocate available funds to the mental health programs for disbursement during the fiscal year in accordance with such approved plans and budgets. The ~~Department~~ division shall, from time to time during the fiscal year, review the budgets and expenditures of the various programs, and if funds are not needed for a program to which they were allocated, it may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. It may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

Section 44-15-50. Grants may be made for expenditures for mental health services whether provided by operation of a local facility or through contract with other public or private agencies or individual persons.

Section 44-15-60. Every county, city, town, or political subdivision, or combination of them, establishing a community mental health services program, before it may come within this ~~article~~ chapter, shall establish a community mental health board to be made up of not

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less than seven nor more than fifteen members. Membership of the boards, so far as may be practicable, must be representatives of local health departments, medical societies, county welfare boards, hospital boards, and lay associations concerned with mental health as well as labor, business, and civic groups, and the general public. At least one member of the board must be a medical doctor licensed to practice medicine in this State. The members must be appointed by the Governor upon the recommendation of a majority of the members of the legislative delegations of the counties participating. The legislative delegations and the Governor shall consider consumer and family representation, including parents of emotionally disturbed children and adolescents, when recommending and appointing members to the board. By resolution a county legislative delegation may delegate to the governing body of the county they represent the authority to recommend board members to the Governor. The resolution is not revocable, and copies of the resolution must be sent to the Governor, the ~~Department~~ Division of Mental Health, and the governing bodies of the counties concerned. The number of members representing each county must be proportional to its population. The term of office of each member of the community mental health board is four years and until the member's successor is appointed. Vacancies must be filled for the unexpired term in the same manner as original appointments. A member of a board may be removed by the Governor pursuant to the provisions of Section 1-3-240. A person may serve consecutive terms.

In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.

In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996.

Section 44-15-70. Subject to the provisions of this ~~article~~ chapter and the rules and regulations of the ~~Department~~ Division of Mental Health, Department of Behavioral Health Services, each community mental health board shall:

(1) ~~Be~~ serve as the administrative agency for the community mental health services program; and it shall be a body corporate in deed and in law with all the powers incident to corporation, including the power to purchase, lease or sell real and personal property;

(2) employ personnel necessary to carry out the community mental health services program, who shall meet the job specifications as prescribed by the ~~Department~~ division and its merit system;

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(3) review and evaluate community mental health services provided pursuant to this ~~article chapter~~ and report its findings and recommendations to the ~~Department division~~, the administrator of the local program and, when indicated, the public;

(4) recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies and other lawful sources, and promote public support for municipal and county appropriations;

(5) promote, arrange and implement working agreements with other social service agencies, both public and private, and with other educational and judicial agencies;

(6) advise the administrator of the local program on the adoption and implementation of policies to stimulate effective community relations; and

(7) review the annual plan and budget of the local program and make recommendations ~~thereon on them~~.

Section 44-15-80. In addition to the powers and duties already conferred by law, the ~~Department~~ Division of Mental Health shall:

(1) ~~Promulgate rules and~~ recommend regulations to the Director of the Department of Behavioral Health Services governing the eligibility of community mental health programs to receive State grants; and prescribing standards for qualification of personnel and quality of professional service and for in service training and educational leave programs for personnel;

(2) govern eligibility for service so that no person will be denied service on the basis of inability to pay and so that anyone who cannot afford to pay for necessary treatment at the rate customarily charged in available private practice ~~shall~~ will be eligible to receive services from the community mental health clinic;

(3) provide for establishment of fee schedules and reduction of balance due which ~~shall~~ must be based upon ability to pay;

(4) regulate fees for consultation and diagnostic services, which services may be provided to anyone without regard to his financial status when ~~such~~ the person is referred by the courts, schools, or health or welfare agencies;

(5) ~~promulgate such~~ adopt other rules and promulgate regulations as ~~it deems~~ necessary to carry out the purposes of this ~~article chapter~~;

(6) review and evaluate local programs and the performance of all personnel and make recommendations ~~thereon on them~~ to community mental health boards and program administrators;

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(7) provide consultative staff service to communities to assist in ascertaining local needs and in planning and establishing community mental health programs; ~~and~~

(8) employ personnel, certified by the merit system as classified according to existing job classifications, including a State Director of Community Mental Health Services, to be under the supervision of the Director of the ~~Department~~ Division of Mental Health, to implement the provisions of this ~~article~~ chapter;

(9) require reports from the directors of community mental health programs relating to the intake, examination, diagnosis, and file closing of any patient or client.

Section 44-15-90. If any balances of appropriations for the program authorized by this ~~article~~ chapter are unexpended during any fiscal year, the ~~Department~~ Division of Mental Health, Department of Behavioral Health Services may carry ~~such~~ these balances forward to the next fiscal year; provided, that not more than five per cent of the amount appropriated during any fiscal year ~~shall~~ may be carried forward.”

SECTION 12. Chapter 49, Title 44 of the 1976 Code is amended to read:

“CHAPTER 49

~~Department~~ Division of Alcohol and Other Drug Abuse Services, Department of Behavioral Health Services

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

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

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

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

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

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

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

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

(C)~~(1)~~ The ~~department division~~ shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) provide a statewide system for the delivery of alcohol and controlled substance abuse services to treat, reduce, and prevent alcohol and controlled substance abuse for the citizens of this State.

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

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

~~In carrying out the provisions of this section the department and the supervisor of adult education for the prevention of alcoholism may consult and work in conjunction with groups such as Alcoholics Anonymous, the Yale Center of Alcohol Studies of Yale University, the Research Council on Problems of Alcohol of the American Association for the Advancement of Science, the South Carolina Medical Association, the department of Mental Health, the Christian Action Council, the Committee on Alcoholism of the South Carolina Conference of Social Work and other groups or agencies that are able to assist in the study, prevention, treatment and rehabilitation of alcoholics and in a scientific educational program on the problems of alcohol.~~

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

~~Section 44-49-80. The department shall establish a program to provide alcohol and drug abuse intervention, prevention, and treatment services for the public schools of the State. The department shall provide staff and support necessary to administer the program. Funds for this program must be annually appropriated by the General~~

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~~Assembly from the Education Improvement Act of 1984 Fund as it determines appropriate. The appropriated funds must be forwarded to the South Carolina Department of Alcohol and Other Drug Abuse Services from the Education Improvement Act of 1984 Fund in the manner the State Treasurer shall direct.”~~

SECTION 13. Section 44-52-10(4) and (9) of the 1976 Code is amended to read:

“(4) ‘Treatment facility’ means any facility licensed or approved by the Department of Health and Environmental Control equipped to provide for the care and treatment of chemically dependent persons including the Division of Alcohol and Drug Addiction Services of the ~~South Carolina Department~~ Division of Mental Health, Department of Behavioral Health Services, and any other treatment facility approved by the Director of the ~~Department~~ Division of Mental Health.

(9) ‘Division’ means the Division of Alcohol and Drug Addiction Services of the ~~South Carolina Department~~ Division of Mental Health, Department of Behavioral Health Services.”

SECTION 14. Section 44-52-165(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a patient receiving inpatient services in a program under the jurisdiction of the Division of Mental Health in a treatment facility operated by the ~~South Carolina Department~~ Division of Mental Health to possess alcoholic beverages, firearms, dangerous weapons, or controlled substances as defined by Section 44-53-110. A patient who violates the provisions of this section while in a treatment facility is guilty, in the case of:

(1) alcoholic beverages, of a misdemeanor and, upon conviction, must be fined not less than one hundred nor more than two hundred dollars or imprisoned for not more than thirty days;

(2) controlled substances, of a misdemeanor and, upon conviction, must be punished in accordance with Section 44-53-370;

(3) firearms or dangerous weapons, of a felony and, upon conviction, must be fined not less than one thousand nor more than ten thousand dollars or imprisoned for not less than one year nor more than ten years, or both.”

SECTION 15. Section 44-52-200 of the 1976 Code is amended to read:

“Section 44-52-200. The ~~State Department~~ Division of Mental Health may prescribe the form of applications, reports, records, and medical certificates provided for under this chapter, and the information required to be contained; require reports from the head of

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any treatment facility relating to the admission, examination, diagnosis, release, or discharge of any patient; visit each facility regularly; review the admission procedures of all new patients admitted between visits; provide care and treatment for involuntary admissions of chemically dependent persons; investigate by personal visit complaints made by any patient or by any person on behalf of a patient; and adopt regulations not inconsistent with the provisions of this chapter which it finds to be reasonably necessary for proper and efficient hospitalization and care of chemically dependent persons.”

SECTION 16. Section 44-52-210 of the 1976 Code is amended to read:

“Section 44-52-210. The division shall establish a comprehensive and coordinated program of treatment for chemically dependent persons utilizing, to the extent financial resources allow, services of other state agencies, local facilities, and private treatment facilities. The program may include:

- (1) emergency treatment provided by a physician affiliated with or part of the medical service of a general hospital;
- (2) inpatient treatment; and
- (3) outpatient treatment and follow up treatment, or all of them.

The division may contract for the use of any public or private facility as an approved treatment facility if the division, subject to the approval of the Department of ~~Mental Health~~ Behavioral Health Services, considers this to be an effective and economical course to follow.”

SECTION 17. Section 63-11-1140(5), (8), and (9) of the 1976 Code, as added by Act 361 of 2008, are amended to read:

“(5) when unanimous consent is not obtained as required in item (4), a panel must be convened composed of the following persons:

(a) one public agency board member and one agency head appointed by the ~~Governor~~ Director of the Department of Behavioral Health Services. Recommendations for appointments may be submitted by the Human Services Coordinating Council. No member may be appointed who represents any agency involved in the resolution of the case;

(b) one legislator appointed by the ~~Governor~~ Director of the Department of Behavioral Health Services upon the recommendation of the ~~Joint Legislative Committee on Children~~ Division of Continuum of Care for Emotionally Disturbed Children; and

(c) two members appointed by the ~~Governor~~ Director of the Department of Behavioral Health Services, drawn from a list of

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qualified individuals not employed by a child serving public agency, established in advance by the System, who have knowledge of public services for children in South Carolina.

The chairman must be appointed by the ~~Governor~~ Director of the Department of Behavioral Health Services from members appointed as provided in subitem (c) of this item. A decision is must be made by a majority of the panel members present and voting, but in no case may a decision be rendered by less than three members. The panel shall review a case at the earliest possible date after sufficient staff review and evaluation pursuant to items (3) and (4) and shall make a decision by the next scheduled panel meeting. When private services are necessary, financial responsibility must be apportioned among the appropriate public agencies based on the reasons for the private services. Agencies designated by the panel shall carry out the decisions of the panel, but the decisions may not substantially affect the funds appropriated for the designated agency to such a degree that the intent of the General Assembly is changed. Substantial impact of the decisions must be defined by regulations promulgated by the State Budget and Control Board. When the panel identifies similar cases that illustrate a break in the delivery of service to children, either because of restrictions by law or substantial lack of funding, the panel shall report the situation to the General Assembly and subsequently may not accept any similar cases for decision until the General Assembly takes appropriate action, however, the System may continue to perform the functions provided in items (3) and (4).

Each member of the panel is entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions. The respective agency is responsible for the compensation of the members appointed in subitems (a) and (b) of this item, and the System is responsible for the compensation of the members appointed in subitem (c) of this item;

(8) submit an annual report on the activities of the System to the ~~Governor, the Joint Legislative Committee on Children,~~ Director of the Department of Behavioral Health Services and agencies designated by the System as relevant to the cases; and

(9) compile and transmit additional reports on the activities of the System, and recommendations for service delivery improvements, as necessary, to the ~~Governor and the Joint Legislative Committee on Children~~ Director of the Department of Behavioral Health Services.”

SECTION 18. Article 13, Chapter 11, Title 63 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

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“Article 13

Division of Continuum of Care for Emotionally Disturbed Children

Section 63-11-1310. (A) It is the purpose of this article to develop and enhance the delivery of services to severely emotionally disturbed children and youth and to ensure that the special needs of this population are met appropriately to the extent possible within this State. To achieve this objective, the Division of Continuum of Care for Emotionally Disturbed Children is established as a division in the office of the Governor Department of Behavioral Health Services. The division is vested with all of the functions, powers, and duties of the Office of the Governor Continuum of Care for Emotionally Disturbed Children and shall have full authority to formulate, coordinate, and administer total service plans for severe emotionally disturbed children in this State. This article supplements and does not supplant existing services provided to this population.

Section 63-11-1320. (A)(1) The ~~Continuum of Care~~ division serves children:

- (a) who have been diagnosed as severely emotionally disturbed;
- (b) who have exhausted existing available treatment resources or services;
- (c) whose severity of emotional, mental, or behavioral disturbance requires a comprehensive and organized system of care.

(2) Priority in the selection of clients must be based on criteria to be established by the ~~Continuum of Care~~ division.

(B) Before a court refers a child to the ~~Continuum of Care~~ division, it must be given the opportunity to evaluate the child and make a recommendation to the court regarding:

- (1) the child's suitability for placement with the ~~Continuum of Care~~ division pursuant to the provisions of this article, related regulations, and policies and procedures of administration and operation;
- (2) the agencies which offer services most appropriate to meet the child's needs and the proportionate share of the costs among the agencies to meet those needs;
- (3) the necessity of obtaining other services for the child if the services provided in item (2) are not available through the existing service delivery system.

Section 63-11-1330. The ~~Continuum of Care~~ division shall perform the following duties and functions:

- (1) identify needs and develop plans to address the needs of severely emotionally disturbed children and youth;

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(2) coordinate planning, training, and service delivery among public and private organizations which provide services to severely emotionally disturbed children and youth;

(3)(a) augment existing resources by providing or procuring services to complete the range of services needed to serve this population in the least restrictive, most appropriate setting. The scope of services includes, but is not limited to:

1. in home treatment programs;
2. residential treatment programs;
3. education services;
4. counseling services;
5. outreach services;
6. volunteer and community services;

(b) provide needed services until they can be procured;

(4) provide case management services directly;

(5) supervise and administer the development and operation of its activities and services on a statewide regional basis.

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

Section 63-11-1350. (A) Records, reports, applications, and files kept on any client or potential client of the ~~Continuum of Care division~~ are confidential and only may be disclosed in order to develop or provide appropriate services for the client or potential client unless:

- (1) the client or potential client or his guardian consents;
- (2) a court orders the disclosure for conduct of proceedings before it upon a showing that disclosure is in the public interest;
- (3) disclosure is necessary for research conducted or authorized by the ~~Continuum of Care division~~; or

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(4) disclosure is necessary to any entity or state agency providing or potentially providing services to the client or potential client.

(B) Nothing in this section:

(1) precludes disclosure, upon proper inquiry, of information as to a client's or potential client's current condition to members of his family; or

(2) requires the release of records of which disclosure is prohibited or regulated by federal law.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both.

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

SECTION 19. Section 63-11-1510 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63-11-1510. There is established the Interagency System for Caring for Emotionally Disturbed Children, an integrated system of care to be developed by the Division of Continuum of Care for Emotionally Disturbed Children ~~of the Governor's Office and the Division of Mental Health, both in the Department of Behavioral Health Services, the Department of Disabilities and Special Needs, the State Department of Health and Human Services Finance Commission, the Department of Mental Health, and the Department of Social Services to be implemented by November 1, 1994.~~ The goal of the system is to implement South Carolina's Families First Policy and to support children in a manner that enables them to function in a community setting. The system shall provide assessment and evaluation procedures to insure a proper service plan and placement for each child. This system must have as a key component the clear identification of the agency accountable for monitoring on a regular basis each child's care plan and procedures to evaluate and certify the programs offered by providers.”

SECTION 20. (A) Where the provisions of this act transfer particular state agencies, departments, boards, commissions, committees or entities, or sections, divisions or portions thereof (transferring departments), to another state agency, department, division or entity or make them a part of another department or division

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(receiving departments), the employees, authorized appropriations, bonded indebtedness if applicable, and real and personal property of the transferring department are also transferred to and become part of the receiving department or division unless otherwise specifically provided. All classified or unclassified personnel of the affected agency, department, board, commission, committee, entity, section, division or position employed by these transferring departments on the effective date of this act, either by contract or by employment at will, shall become employees of the receiving department or division, with the same compensation, classification, and grade level, as applicable. The Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The boards' action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(B) Where an agency, department, entity or official is transferred to or consolidated with another agency, department, division, entity or official, regulations promulgated by that transferred agency, department, entity or official under the authority of former provisions of law pertaining to it are continued and are considered to be promulgated under the authority of present provisions of law pertaining to it.

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

(D) Employees or personnel of agencies, departments, entities or public officials, or sections, divisions or portions thereof, transferred to or made a part of another agency, department, division, or official pursuant to the terms of this act shall continue to occupy the same office locations and facilities which they now occupy unless or until otherwise changed by appropriate action and authorization. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency, department, entity or official formerly employing these personnel until otherwise provided by the General Assembly. The records and files of the agencies that formerly employed these personnel shall continue to remain the

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property of these transferring agencies, except that these personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(E) Unless otherwise provided herein or by law, all fines, fees, forfeitures, or revenues imposed or levied by agencies, personnel, or portions thereof, so transferred to other agencies or departments must continue to be used and expended for those purposes provided prior to the effective date of this act. If a portion of these fines, fees, forfeitures, or revenues were required to be used for the support, benefit, or expense of personnel transferred, such funds must continue to be used for these purposes.

(F) The Budget and Control Board, in consultation with the appropriate standing committees of the General Assembly as designated by the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives and the other affected agencies, shall prescribe the manner in which the provisions of subsections (A), (D), and (E) must be implemented where agreement between the affected agencies cannot be obtained.

(G) Regulations of the Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, and the Governor's Office Continuum of Care for Emotionally Disturbed Children in effect on this act's effective date continue in force and effect as the regulations of the Department of Behavioral Health Services, Division of Mental Health, Division of Alcohol and Other Drug Abuse Services, and the Division of Continuum of Care for Emotionally Disturbed Children until such time as the department amends or repeals these regulations or promulgates new regulations.

(H) The membership of the Legislative Council shall cause the changes to the 1976 Code as contained in this act to be printed in replacement volumes or in cumulative supplements as they consider practical and economical.

SECTION 21. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this

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act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 22. 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 23. This act takes effect January 1, 2011./

Re-number sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

The amendment was then adopted.

Rep. HARRISON proposed the following Amendment No. 2 (COUNCIL\BBM\9413HTC09), which was adopted:

Amend the bill, as and if amended, page 3199-6, after line 7, by inserting:

/ Section 44-8-35. The Department of Behavioral Health Services shall provide a central care management system for behavioral health services. /

Amend the bill, further, by deleting Section 44-8-40(B) on page 3199-6, lines 27 through 35.

Amend the bill, further, Section 44-8-90 on page 3199-7, on line 24 and on line 27 after /Governor/ by inserting /and members of the General Assembly/.

Amend the bill, further, Section 44-9-50 on page 3199-9, line 16 by deleting /on/ and inserting /~~on~~ of/ and on line 17 after /Addiction/ by inserting /Services/.

Amend the bill, further, by deleting Section 44-49-40(C)(11) on page 3199-24, lines 34 through 37 and inserting:

/(11)provide a statewide system for the delivery of alcohol and substance abuse services to treat, reduce, and prevent alcohol and substance abuse for the citizens of this State. The system is defined as those providers established pursuant to Section 61-12-20 and certified by the division to provide services./

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Amend the bill, further, page 3199-25 by deleting lines 1 through 19 and inserting:

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

~~In carrying out the provisions of this section the department and the supervisor of adult education for the prevention of alcoholism may consult and work in conjunction with groups such as Alcoholics Anonymous, the Yale Center of Alcohol Studies of Yale University, the Research Council on Problems of Alcohol of the American Association for the Advancement of Science, the South Carolina Medical Association, the department of Mental Health, the Christian Action Council, the Committee on Alcoholism of the South Carolina Conference of Social Work and other groups or agencies that are able to assist in the study, prevention, treatment and rehabilitation of alcoholics and in a scientific educational program on the problems of alcohol.~~

The Division of Alcohol and Other Drug Abuse Services is designated as the State's authority for purposes of administering federal funds allotted to South Carolina under the provisions of the Public Health Service Act, Title XIX, Part B, Subpart II, as amended, Public Law 106-310; 42 U.S.C. 300x (CFDA No. 93.959). the Division of Alcohol and Other Drug Abuse Services is further designated as the state agency authorized to administer standards and requirements for providers of substance abuse services as conditions for participation in federal-state grants-in-aid under the provisions of all related federal statutes./

Amend the bill, further, page 3199-25 by deleting lines 24 through 34 and inserting:

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

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~~Education Improvement Act of 1984 Fund in the manner the State Treasurer shall direct.”/~~

Amend the bill, further, by deleting Section 13 of the bill beginning on page 3199-25, line 35 and inserting:

/Section. 13. Section 44-52-10(4) and (9) of the 1976 Code are amended to read:

“(4) ‘Treatment facility’ means any facility licensed or approved by the Department of Health and Environmental Control equipped to provide for the care and treatment of chemically dependent persons including the ~~Division~~ Office of Alcohol and Drug Addiction Services of the ~~South Carolina Department~~ Division of Mental Health, Department of Behavioral Health Services, and any other treatment facility approved by the Director of the ~~Department~~ Division of Mental Health.

(9) ~~‘Division’~~ ‘Office’ means the ~~Division of~~ Office of Alcohol and Drug Addiction Services of the ~~South Carolina Department~~ Division of Mental Health, Department of Behavioral Health Services.”/

Renumber subsections and sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

The amendment was then adopted.

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

Yeas 108; Nays 0

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	H. B. Brown
R. L. Brown	Cato	Chalk
Clemmons	Cobb-Hunter	Cole
Cooper	Daning	Delleney
Dillard	Duncan	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan

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Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Huggins
Hutto	Jefferson	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	Mack	McEachern
McLeod	Miller	Millwood
Mitchell	D. C. Moss	V. S. Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Owens	Parker
Parks	Pinson	E. H. Pitts
M. A. Pitts	Rice	Rutherford
Sandifer	Scott	Sellers
Simrill	Skelton	G. M. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stewart
Stringer	Thompson	Toole
Umphlett	Weeks	Whipper
White	Whitmire	Williams
Willis	A. D. Young	T. R. Young

Total--108

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. 3608--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Bill until Wednesday, May 20, which was adopted:

H. 3608 -- Reps. Mack, Alexander, Allen, R. L. Brown, Williams and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO

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PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80.

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

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 3274 -- Reps. Gilliard, Alexander, Brantley, Clyburn, Cobb-Hunter, Forrester, Govan, Gunn, Hosey, Howard, Hutto, Jefferson, Kirsh, Mack, Miller, Sottile, Stavrinakis, Whipper and R. L. Brown: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO APPROPRIATE THE FUNDS NECESSARY TO ALLOW THE STATE OF SOUTH CAROLINA AND THE CITY OF CHARLESTON TO COMPLETE THE SPRING STREET/FISHBURNE STREET/UNITED STATES HIGHWAY 17 DRAINAGE BASIN IMPROVEMENTS PROJECT LOCATED IN THE CITY OF CHARLESTON, SOUTH CAROLINA.

H. 4003 -- Reps. Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, 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, D. C. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott,

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Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO DECLARE MAY 22, 2009, PARENT CARE DAY IN SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO SUPPORT AND HONOR THEIR PARENTS.

H. 4008 -- Reps. Funderburk, 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, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF NOVEMBER 2009 AS "EPILEPSY AWARENESS MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF EPILEPSY.

ADJOURNMENT

At 4:32 p.m. the House, in accordance with the motion of Rep. HARVIN, adjourned in memory of Leon Norman "L. J." Richburg, Jr. of Summerton, to meet at 10:00 a.m. tomorrow.

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