~~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 Psalm 77:11: “I will call to mind the deeds of the Lord, I will remember your wonders of old.”

Let us pray. Lord, we thank You for all Your wonderful deeds of those completed and those yet to come. Continue to bless Your people with wisdom, courage, integrity, and strength, as they begin a new week of work for the people of this State. Be their vision during this day. Bless our Nation, State, and all those in leadership positions. 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. FORRESTER moved that when the House adjourns, it adjourn in memory of Jesse M. Ray of Greenville, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the victims of the tornado that hit Darlington County as they continue to suffer due to this tragedy.

**REPORT RECEIVED**

The following was received:

Findings of Fact

Memorandum To: Clerk of the House

Clerk of the Senate

Re: Committee Hearings - April 20, 2010

The Committee to Screen Candidates for Boards of Trustees of State Colleges and Universities finds the following candidates for Boards of Trustees qualified. Background reports from the State Law Enforcement Division show no felony charges against any of the candidates.

**Francis Marion University**

2nd District, Seat 3 Mr. Eddie Gunn

**Clemson University**

One Seat, at large Dr. Ronnie Lee

Ms. Weesie Poole

Mr. Neil C. Robinson

Mr. John Warner

Respectfully submitted,

Senator Jake Knotts, Chairman Rep. Joan Brady, Vice Chairman

Senator Thomas Alexander Rep. Lanny F. Littlejohn

Senator Harvey Peeler, Jr. Rep. David Mack

Senator Yancey McGill Rep. Bill Whitmire

COMMITTEE TO SCREEN CANDIDATES

FOR BOARDS OF TRUSTEES

OF STATE COLLEGES AND UNIVERSITIES

Tuesday, April 20, 2010

10:05 a.m. - 10:45 a.m.

The meeting was conducted on April 20, 2010 at 433 Blatt Building, Columbia, South Carolina, before Lisa F. Huffman, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:

Senator Jake Knotts, Chairman

Representative Joan Brady, Vice Chairman

Senator Harvey Peeler, Jr.

Representative Lanny Littlejohn

Representative David Mack

Representative Bill Whitmire

Also Present: Sophia Derrick

Thursday, April 20, 2010

CHAIRMAN KNOTTS: I will call this committee to screen candidates to the Boards of Trustees of the State Colleges and Universities to order. And let -- I want to let everybody go around and introduce themselves from my left to my right.

REPRESENTATIVE WHITMIRE: Okay. Representative Bill Whitmire. I'm District 1, Oconee County.

REPRESENTATIVE LITTLEJOHN: Representative Lanny Littlejohn, Spartanburg and Cherokee County.

VICE CHAIRMAN BRADY: I'm Representative Joan Brady, House District 78 in Richland County and I am Vice Chair.

SENATOR PEELER: I'm Harvey Peeler, Senator from District 15. That's Cherokee, Spartanburg, Union, and York Counties.

CHAIRMAN KNOTTS: And I'm Jake Knotts representative of Senate District 23 in Lexington county. Okay. At this time, we're calling this meeting to order for the purpose of screening Francis Marion University candidates and Clemson University candidates. Candidates to be screened will be Mr. Eddie Gunn for the Francis Marion University, Dr. Ronnie Lee for Clemson, Ms. Weesie Poole for Clemson, Mr. Neil Robinson for Clemson, and Mr. John Warner for Clemson. This is one seat and is an at-large seat. Anything further from any of the candidates?

CANDIDATES: (No response.)

CHAIRMAN KNOTTS: Okay. Just a little bit of housekeeping here as to the wishes of the committee. We have from the Clemson University, we have Dr. Ronnie Lee that was screened at the last meeting where we screened candidates and he dropped out of that seat to run for this open seat here. We also had Ms. Weesie Poole. She was screened at the last committee screening and she also dropped out of that to run for this open seat. And we also had Mr. John Warner who was screened by the committee and dropped out to be able to run for this seat.

The candidate that has not been screened is Mr. Neil C. Robinson. And of course, we'll be screening him and Mr. Eddie Gunn from Francis Marion. I've got a couple new questions and I thought that I'd put it before the committee. As to what I would like to do is I'd like to bring Dr. Ronnie Lee, Ms. Weesie Poole, and Mr. John Warner up since they were already screened at the last committee briefly, and taking consideration the screening that we did last committee and then let them answer the new questions that I have devised to make sure that everybody's been screened for the same thing at this committee meeting. Do I have any objection to that?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: Okay. No objection. Okay. Well that's we'll do. So, the first one to be screened -- I'm starting with Clemson University. And I would like Dr. Ronnie Lee. He was screened previously. If you'll come forward for the purpose of a brief screening and also the screening that was done at the last committee would be entered into the record for the purposes of screening at this time. Would you state your name?

DR. LEE: Ronnie Lee, Aiken, South Carolina.

CHAIRMAN KNOTTS: Okay. Listen, you were previously screened. Are there any changes to the previous screening that we need to know about? And everything the same?

DR. LEE: Yes, sir. No, sir and yes, sir.

CHAIRMAN KNOTTS: Okay. Let the previous screen enter into the record. Is there any objection?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: Okay. I would like for you to answer the following questions: Mr. Lee, do you have any interests professionally or personally, that would prevent a conflict of interest because of your service on the board?

DR. LEE: No, sir.

CHAIRMAN KNOTTS: Do you now hold any public position of honor or trust that, if elected, would cause you to violate the dual office holding clause of the constitution?

DR. LEE: No, sir.

CHAIRMAN KNOTTS: If your seat is determined by congressional district or judicial circuit, do you reside at the address on your driver's license, voter registration, and property tax statement on a full-time basis? And when I say "property tax statement". That is your four percent claim of residence.

DR. LEE: First, Clemson seats are at large. But regardless, I do answer "yes" to the question.

CHAIRMAN KNOTTS: Okay. Well I just wanted to make -- that's a new question we're going to be asking all candidates.

DR. LEE: Yes, sir.

CHAIRMAN KNOTTS: Okay. Any questions from any of the committee members?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: Okay. Thank you. Do y'all want to vote on one at a time or do y'all want to vote on them as a whole? Do I have a motion?

SENATOR PEELER: Motion for favorable report.

VICE CHAIRMAN BRADY: Second.

CHAIRMAN KNOTTS: I have a motion from the Senator from Gaffney for a favorable report. A second from Representative Brady. Any discussion?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: No discussion. All in favor say, "Aye".

COMMITTEE: Aye.

CHAIRMAN KNOTTS: Okay. Let it be known it's unanimous. Okay. The next one I'd like to call is Ms. Weesie Poole. Ms. Poole, is anything changed in your last screening --

MS. POOLE: No, sir.

CHAIRMAN KNOTTS: -- that we need to know about at this committee?

MS. POOLE: No, sir. Nothing's changed.

CHAIRMAN KNOTTS: Everything's correct?

MS. POOLE: Yes, sir.

CHAIRMAN KNOTTS: Okay. Do you have any objection to it being entered in the record of the screening for this committee?

MS. POOLE: No, sir.

(Recorded Sworn Statement taken February 18, 2010.)

CHAIRMAN KNOTTS: Okay. If you would, just briefly state why you want to serve on the board.

MS. POOLE: Mr. Chairman, thank you so much for the opportunity to be here today. I appreciate your time.

CHAIRMAN KNOTTS: Would you pull your microphone down a bit? There you go.

MS. POOLE: I'm sorry. Is that better?

CHAIRMAN KNOTTS: Yes, ma'am.

MS. POOLE: I kind of changed what I was going to say after someone spoke before me, but I am a cheerleader for Clemson University. I am a passionate Clemson tiger. I bleed orange and I did not really wear orange-colored glasses until today when I put them on. I will defend Clemson until my dying day. I have been so fortunate to serve on several boards.

I've been on the executive board of the parents council. And I've been on the board of visitors where I chaired the student affairs committee. And, so, I feel like I've really gotten to know the ins and outs of Clemson and have developed such a love. But I was born a tiger through family. And I've been a lifelong fan and supporter.

I want to see Clemson continue to accept a large percentage of students from the State of South Carolina with affordable tuition for the students and those families. But I do want to see her maintain her standard of excellence and be second to none.

CHAIRMAN KNOTTS: Any member on the committee have a question? Yes, ma'am, Ms. Brady?

VICE CHAIRMAN BRADY: You did allude to the question that I've asked, but just specifically, what would be your position as a board member on tuition increases?

MS. POOLE: Well I think you need to know first, see what federal dollars, research dollars are out there. And if there are none, I could not compromise the quality of a higher education for Clemson students. I had a daughter that graduated, and I know my money was well spent. I would like to keep it affordable, but I wouldn't compromise the quality of education.

CHAIRMAN KNOTTS: Representative Whitmire?

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman. Ms. Poole, after seeing your maiden name, I'm sure you're infinitely qualified.

VICE CHAIRMAN BRADY: I was going to ask about that.

CHAIRMAN KNOTTS: Okay. Listen to the following questions. I know it's an at-large seat, but we just doing this to make sure we're all right with everything. Do you have interests professionally or personally that would present a conflict of interest because of your service on the board?

MS. POOLE: No, sir.

CHAIRMAN KNOTTS: Do you now hold any public position of honor or trust that, if elected, would cause you violate the dual office holding clause of the constitution?

MS. POOLE: No, sir.

CHAIRMAN KNOTTS: If your seat is determined by congressional district or judicial circuit, do you reside at the address on your driver's license, voter registration, and property tax residential statement on a full-time basis?

MS. POOLE: Yes, sir. I do.

CHAIRMAN KNOTTS: Do you understand that you are prohibited from seeking a commitment until 48 hours after release of this committee's report?

MS. POOLE: Yes, I do, sir.

CHAIRMAN KNOTTS: Okay. Do I have any questions from the committee?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: Do I have a motion?

REPRESENTATIVE WHITMIRE: So moved.

VICE CHAIRMAN BRADY: Second.

CHAIRMAN KNOTTS: I have a motion and a second. Any discussion?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: No discussion for a favorable report. All in favor, raise your right hand. Let it be unanimous.

Okay. Dr. Lee, the same question that, of course, you was told -- you answered the question in your last one, but do you understand that you are prohibited from seeking a commitment until 48 hours after release of the committee's report?

DR. LEE: Yes, sir.

CHAIRMAN KNOTTS: Okay. The next person would be Mr. John Warner. Mr. John Warner, you've previously been screened by this committee?

MR. WARNER: Yes, sir.

CHAIRMAN KNOTTS: Okay. Do you have any objections to -- anything to correct in your last screening?

MR. WARNER: No, sir.

CHAIRMAN KNOTTS: Do you have any objection to being made a part of the report for the purpose of this screening?

MR. WARNER: No, sir.

CHAIRMAN KNOTTS: Okay. Answer the following questions: Do you have any interests professionally or personally that would present a conflict of interest because of your service on the board?

MR. WARNER: No, sir.

CHAIRMAN KNOTTS: Do you now hold any public position of honor and trust that, if elected, would cause you to violate the dual office holding clause of the constitution?

MR. WARNER: I serve on the South Carolina Venture Capital Authority Board and I would resign if I were elected.

CHAIRMAN KNOTTS: Okay. Say that again so we can--

MR. WARNER: I serve on the South Carolina Venture Capital and Authority Board. And if that were a conflict, I would resign to server on the seat.

CHAIRMAN KNOTTS: Okay. If your seat is determined by congressional district or judicial circuit, do you reside at the address on your driver's license, voter registration, and property tax residency statement on a full-time basis?

MR. WARNER: Yes, sir.

CHAIRMAN KNOTTS: Do you understand that you are prohibited from seeking a commitment until 48 hours after release of the committee's report?

MR. WARNER: Yes, sir.

CHAIRMAN KNOTTS: Okay. Any questions from the committee?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: No questions from the committee. Do I have a motion?

SENATOR PEELER: Favorable report.

CHAIRMAN KNOTTS: I have a motion for a favorable report from the Senator from Gaffney. And --

VICE CHAIRMAN BRADY: Second.

CHAIRMAN KNOTTS: -- a second from Representative Brady. Any discussion?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: There'll be no discussion. All in favor, raise your right hand. Okay. Let it be unanimous. Thank you.

MR. WARNER: Thank you.

CHAIRMAN KNOTTS: Each of you who just came before the committee, you were sworn under your last screen so we took that into consideration so you're still under sworn testimony. Okay. The next one would be Mr. Neil C. Robinson from Clemson. Mr. Robinson --

MR. ROBINSON: From Charleston.

CHAIRMAN KNOTTS: Thank you. You have not been screened by this committee in the past. So, he is up for this screening for the first time. Okay. State your name, sir.

MR. ROBINSON: Neil C. Robinson, Jr.

CHAIRMAN KNOTTS: Okay. Mr. Robinson, raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God --

MR. ROBINSON: I do.

CHAIRMAN KNOTTS: -- in front of this committee?

MR. ROBINSON: I do.

CHAIRMAN KNOTTS: Okay. Listen to the following questions for me, please: Do you have any interests professionally or personally that would present a conflict of interests because of your service on the board?

MR. ROBINSON: No, sir.

CHAIRMAN KNOTTS: Do you now hold any public position of honor or trust that, if elected, would cause you to violate the dual office holding clause of the constitution?

MR. ROBINSON: I do not. Let me disclose to you, though, Senator, because it will come up in my testimony that I am chair of the Education Oversight Committee. That committee has been ruled by the Ethics Commission not to be a position of trust or honor. We do not have to file ethics forms, and that was deemed not to be a violation of the constitution. If at some future date that were to change, I would resign from that position in order to serve on the Clemson board.

CHAIRMAN KNOTTS: Any questions from the committee?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: Okay. If your seat is determined by congressional district or judicial circuit, do you reside at the address on your driver's license, voter registration, and property tax statement of residency on a full-time basis?

MR. ROBINSON: I do.

CHAIRMAN KNOTTS: Okay. Do you understand that if you are receiving a favorable report from this committee that you are prohibited from seeking a commitment until 48 hours after release of the committee's report?

MR. ROBINSON: I do.

CHAIRMAN KNOTTS: Do you have any questions about that?

MR. ROBINSON: No, sir.

CHAIRMAN KNOTTS: You fully understand that?

MR. ROBINSON: Yes, sir.

CHAIRMAN KNOTTS: Okay. All right. Mr. Robinson, tell us why you want to serve on the --

MR. ROBINSON: Thank you, Mr. Chairman.

CHAIRMAN KNOTTS: Hold on just a minute. Let me -- staff, you did a background on him?

MS. DERRICK: Yes.

CHAIRMAN KNOTTS: Can you give us a report on the background?

MS. DERRICK: A SLED background check?

CHAIRMAN KNOTTS: Yes, ma'am. Of all the background checks you did.

MS. DERRICK: All the background checks on all of the candidates were fine.

CHAIRMAN KNOTTS: What about driver's license?

MS. DERRICK: Yes, sir. It was fine. Uh-huh. It was appropriate.

CHAIRMAN KNOTTS: When you say "fine", you checked with who?

MS. DERRICK: SLED.

CHAIRMAN KNOTTS: And what else?

MS. DERRICK: And what else?

CHAIRMAN KNOTTS: Uh-huh.

MS. DERRICK: What do you mean besides --

CHAIRMAN KNOTTS: Driving record?

MS. DERRICK: Yes. We checked everything.

CHAIRMAN KNOTTS: Okay. Credit checks?

MS. DERRICK: No records whatsoever. Credit report checks. We did family court, all that. Everything was fine.

CHAIRMAN KNOTTS: Okay. So that's what we wanted to know, to make sure.

MS. DERRICK: He's clear.

CHAIRMAN KNOTTS: Okay. Mr. Robinson, if you would, please tell the committee why you would like to serve on the committee.

MR. ROBINSON: Thank you, Mr. Chairman.

CHAIRMAN KNOTTS: I mean on the board of trustees.

MR. ROBINSON: I would prefer that. Thank you.

CHAIRMAN KNOTTS: You don't want to serve on this committee.

MR. ROBINSON: I'm really pleased to finally have the opportunity to address the committee. However, you know, I think every South Carolinian is proud of Clemson and it's academic reputation. Not only for the stellar education programs that it offers, but for the huge research and economic development support that it provides to business and industry of South Carolina. I know this firsthand because my business is all about promoting, growing the business and industry in South Carolina. My candidacy for this open seat is really based on three distinct qualifications.

First, significant background of professional accomplishment as a real estate and economic development attorney. Second, a dedication to improving public education opportunities for every child in South Carolina. And third, an abiding love and appreciation for Clemson University and the future and promise that it holds for all South Carolinians. While my real estate development legal practice spans the United States, most of my practice has been in South Carolina with an emphasis on large, commercial recreational and resort real estate developments. I represent the Ports Authority in its real estate matters and I represent the largest land owners in the state.

I recently represented the joint venture between the MeadWestvaco and the Rockefeller Group that brought 1.1 million square foot Tire Kingdom distribution center to Berkeley County. And I'm on the legal team representing Boeing Aircraft, which negotiated the deal with South Carolina to bring the Dreamliner 787 Assembly Plant to North Charleston. I currently serve as designee of Clemson University to the Clemson Real Estate Foundation Board, which oversees the I-CAR Research Campus in Greenville as well as other real estate holdings of Clemson. And I'm Clemson's designee to Pate Foundation Board which oversees Clemson's substantial real estate holdings and research in Georgetown County. My passion for education grew from my legal experience in economic development.

Literacy and technology are now simply prerequisites for gainful employment. About 12 years ago, I brought together a group of the largest employers in the Charleston area and formed the Charleston Education Network. This group has re-engaged the business community with the public school district and significant positive changes have been achieved since that time. In 2005, Senator Glenn McConnell appointed me to the South Carolina Education Oversight Committee. I was recently elected chair of that committee, which as you know, was composed of legislators, educators, and business leaders, who together provide an independent oversight and accountability to South Carolina's public schools.

As for Clemson, my connections run long and deep. I graduated in 1966. I was president of the Inter-Fraternity Council. I was selected Outstanding Senior of my graduating class. Since that time, I've supported the alumni association every year and I'm a life donor to IPTAY. I served on the Humanities Foundation Board, two terms as president of the Clemson Advancement Foundation, and currently serve on 5 Clemson Boards including the Board of Visitors.

Last year, in 2009, I was selected to receive the Distinguished Service Award, which is Clemson's highest honor awarded to an alumnus. Clemson has been in the Lowcountry for over a decade with the school of architecture teaching design and preservation courses in historic Charleston. Several years ago, the need for a permanent Charleston facility led to negotiations for a site on which to construct a new architecture center. I assisted Clemson in lengthy negotiations with downtown neighborhoods and preservation associations and finally was able to secure a highly desirable site of Meeting Street directly across from the College of Charleston for this center and also some of the funding for that acquisition. Around the same time, I facilitated meetings and coordinated negotiations between Clemson and Senator McConnell, Mayor Summey of North Charleston, and the Ports Authority, resulting in the largest gift ever to Clemson consisting of a research laboratory, a dry dock on the Cooper River, and 80 acres of the former navy base.

This property was appraised at 49 million dollars and became the site of the Clemson Restoration Institute. Recently, I have assisted Clemson in raising $750,000 dollars in less than a day for a matching grant application. And within two weeks after that, working with key legislators of the Ports Authority, City of North Charleston, and the Navy Base Redevelopment Authority, I secured the funds and additional property valued at $53 million dollars as a match, which resulted in the award of the $45 million dollar Department of Energy Grant, the largest grant ever received by either Clemson or the State of South Carolina for construction of the world's first off-shore wind turbine drive training facility. With the success of this facility, it is very likely that a major manufacturing facility will follow at the navy base.

In closing, I would just like to emphasize that Clemson needs board representation along the coastal counties. All of the currently elected Clemson trustees and all of the other candidates for this open position are from the Upstate or the Midlands. I have offices in Charleston, Hilton Head, and Myrtle Beach. And I regularly work with legislators, agencies, and businesses that can promote and assist the huge opportunities that face Clemson in the Lowcountry and along the coast. Clemson will soon realize over 150 million dollars in assets in the Greater Charleston area, all of which have been given to the school, yet there's no elected trustee east of Columbia.

The Charleston alumni area has the second highest alumni base of anywhere in the world. To that end, I respectfully submit my qualifications for the open trustee seat for your consideration. Thank you. And I'll answer any questions.

CHAIRMAN KNOTTS: Any questions from any of the committee? Ms. Brady.

VICE CHAIRMAN BRADY: Thank you, Mr. Chairman. And I did ask this question of the other candidates at the initial screening. So, Mr. Robinson, I will ask you as well. Your position regarding tuition increases at Clemson? Briefly, please.

MR. ROBINSON: Having a son that's about to graduate, I am keenly aware of the tuition impacts on families. And to me that would be a source of last resort. There are really three basic ways to gain revenue for a supported institution. And that's from the legislature, from gifts and grants, and from tuition. Those are three key areas.

I would like to think in Clemson's case, being a land-grant college that we can perhaps generate a fourth source of revenue. And that's to find ways to utilize some of the 30,000-plus acres that Clemson owns as revenue-producing properties. And if I'm elected, that will be one of the foremost things that I want to attempt to do is to try to find additional sources of revenue using the resources that Clemson has and keep the tuition rates to an absolute minimum.

CHAIRMAN KNOTTS: Any other question?

REPRESENTATIVE WHITMIRE: Thank you, Mr. Robinson, for your service to our State. I'm not a Clemson graduate, but I live in Oconee County, so I'm sure around a lot of orange. What I hear from a lot of parents and students, they're concerned that this new vision that Clemson has now seems to be leaving the in-state students behind. In other words, there's not as many in-state, in their opinion, not allowed to get into Clemson as they feel they should be. Do you have any opinion on that?

MR. ROBINSON: Well I think that's a terrific question and one that concerns me greatly. I am advised -- and I haven't seen the data yet to be able to say this with certainty, but I'm advised that about the same percentage of students today are South Carolinians as has been historically the pattern. The percentage really hasn't changed much. Because the number of students has grown, however, that means that there are probably more out-of-state students. But percentage-wise, I understand it's about the same.

From a vision standpoint, you know, I think this whole idea of being top 20 is a great thing. I'd like to be in the top of whatever you're participating in, but that shouldn't be the goal. If we do the right things and end up in the top 20, that's wonderful. But to say that everything's going to be focused just to be in the top 20 is not the proper view.

REPRESENTATIVE WHITMIRE: That's what I hear all the time.

MR. ROBINSON: We're going to look at that. If I'm elected, we'll look at that.

REPRESENTATIVE WHITMIRE: Okay.

REPRESENTATIVE LITTLEJOHN: Mr. Robinson, my question is very similar to what Mr. Whitmire had for us: educating South Carolina students versus educating out-of-state students. And I think you pretty well answered that in your philosophy as far as meeting the 20 top best schools in the nation, but could you maybe elaborate a little bit more on educating our local students versus the out-of-state students?

MR. ROBINSON: We have a lot of really good South Carolina students, you know. Every year, we're participate in this reporting of what the schools are doing. And we have a number of really qualified students that can perform in schools anywhere in the United States. So, my goal is to keep those students in state.

REPRESENTATIVE LITTLEJOHN: Okay.

MR. ROBINSON: We don't want them going off because the odds are if they go off to school, there's a chance that they won't be coming back here to work. So, I'm all for giving every South Carolina student the highest opportunity to try to attend Clemson University. And if not Clemson, certainly one of our other state institutions. But it is a key thing to face at Clemson today is to, you know, what that mix should be between in-state and out-of-state students and what the rigor should be in the admissions process.

REPRESENTATIVE WHITMIRE: Okay.

SENATOR PEELER: Mr. Chairman, if there are no other questions, I move a favorable report.

CHAIRMAN KNOTTS: I've got one question. Mr. Robinson, I see on here that you're a member of Nexsen Pruet. Other attorneys have performed legal services for Clemson. If you're elected to the board, you don't intend to represent Clemson?

MR. ROBINSON: No, sir. Everything that I have done for Clemson has been pro bono. I never charged them a fee. We do provide some environmental services and all, but I would recuse myself and not provide any legal services for Clemson.

CHAIRMAN KNOTTS: The other thing is I have the same concerns that has been raised previously by other members of the committee concerning the in-state students. I got a call from a guy about a month ago. Finished number one or either number two from the University of South Carolina in engineering. And he had trouble getting into Clemson. Of course, I think it's been worked out now. I think his records, I think, wasn't the cause of Clemson not accepting him. His records was sent to the undergraduate instead of the graduate.

MR. ROBINSON: I heard about that case.

CHAIRMAN KNOTTS: You did?

MR. ROBINSON: Yes, sir.

CHAIRMAN KNOTTS: Okay. I think that's been worked out now. But I do share the same concerns that the previous question was about making sure that our students in South Carolina are at the head of the class when it comes to trying to get into Clemson if they qualify.

MR. ROBINSON: Yes, sir.

CHAIRMAN KNOTTS: Because that's a state college, state-supported. And we really need to look after our own. Any other questions?

SENATOR PEELER: Mr. Chairman, I must be better about keeping my mouth closed because when you told me that story, I started to have a smart remark, but I'm going to save that smart remark.

CHAIRMAN KNOTTS: I had one too.

SENATOR PEELER: Did you say that he finished number one at Carolina and couldn't get in Clemson?

CHAIRMAN KNOTTS: That's exactly what I said.

SENATOR PEELER: There's no other questions, I move for a favorable report.

CHAIRMAN KNOTTS: Thank you. Okay. Any second?

REPRESENTATIVE LITTLEJOHN: I second.

CHAIRMAN KNOTTS: I have a second by Representative Littlejohn. Any discussion?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: All in favor say, "Aye".

COMMITTEE: Aye.

CHAIRMAN KNOTTS: All opposed?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: May it be unanimous. Thank you, Mr. Robinson. Okay. Yes, sir.

MR. LEE: I have a request. Can I read a quote from Thomas Green Clemson.

CHAIRMAN KNOTTS: State your name.

MR. LEE: Ronnie Lee, again. I hope I'm not out of line, but in light of the sentiments we all have about Clemson exists to educate its students, I found this quote from Thomas Green Clemson that I think is -- kind of shares the visions we have. It says, "I trust. I do not exaggerate the importance of such an institution for developing the material resources of the state by affording to it's youth --" that's the key word.

"It's youth" refers to the state "by affording to its youth the advantages of scientific culture." So, even Thomas Green Clemson will wish that the institution exist to educate our own.

CHAIRMAN KNOTTS: Thank you. Okay. Let me -- any objections to the ones that's been screened with a favorable report being excused?

SENATOR PEELER: Mr. Chairman, I've got a question.

CHAIRMAN KNOTTS: Yes, sir.

SENATOR PEELER: The date's been set for the election of these trustees?

CHAIRMAN KNOTTS: No, sir.

SENATOR PEELER: When would you think?

MR. DERRICK: It's either the 12th or the 19th, the 12th or 19th of May.

SENATOR PEELER: I'm just figuring we may get out of here a little earlier this year, which is -- we just want to be cognizant of it. We won't be here to be able to vote on it if we --

CHAIRMAN KNOTTS: We'll get it as early as possible.

SENATOR PEELER: Thank you, Mr. Chairman.

CHAIRMAN KNOTTS: That would be -- we'll put in a resolution to do that and I'll notify each and every one of you. Okay. Members of the Clemson University that have been screened, y'all are free to leave. And remember, you cannot seek a commitment from anyone in this state legislature, house or senate, until 48 hours after we release our report. You got it? Okay. Thank you.

We now have the Francis Marion is Mr. Eddie Gunn for the 2nd District, Seat 3.

MR. GUNN: Hello, Mr. Chairman, members of the committee.

CHAIRMAN KNOTTS: Mr. Gunn?

MR. GUNN: Yes, sir.

CHAIRMAN KNOTTS: State your name, please.

MR. GUNN: William Edward Gunn.

CHAIRMAN KNOTTS: Okay. And raise your right hand, please? Do you swear to tell the truth, the whole truth to this committee, so help you God?

MR. GUNN: Yes, sir. I do.

CHAIRMAN KNOTTS: Okay. Answer the following questions.

MR. GUNN: Yes, sir.

CHAIRMAN KNOTTS: Mr. Gunn, do you have any interests professionally or personally that would present a conflict of interest because of your service on the board?

MR. GUNN: No, sir.

CHAIRMAN KNOTTS: Do you now hold any public position of honor or trust that, if elected, would cause you to violate the dual office holding clause of the constitution?

MR. GUNN: No, sir.

CHAIRMAN KNOTTS: If your seat is determined by congressional district or judicial circuit -- and you yours is -- do you reside at the address on your driver's license, voter registration, and the property tax statement of residence on a full-time basis?

MR. GUNN: Yes, sir. I do.

CHAIRMAN KNOTTS: Do you understand that you are prohibited from seeking a commitment until 48 hours after the release of the committee's report?

MR. GUNN: Yes, sir.

CHAIRMAN KNOTTS: Okay. Any questions from the committee?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: Okay. Mr. Gunn, if you would, please briefly state to us why you are interested in serving on this board.

MR. GUNN: Thank you, Mr. Chairman, members of the committee. I grew up in Florence, South Carolina. My early formative years as a proud graduate of McClenaghan High School which no longer exists, but watched the development of this small university in eastern Florence develop into two-year campus of the University of South Carolina. Until it became Francis Marion College in 1970, and then later Francis Marion University, I've watched this school grow from a hand full of students that used to meet in the public library to a beautiful campus on 400 acres at a pristine Pee Dee area. I'm proud of the heritage of Pee Dee area, proud to have been a son of the Pee Dee and would like to give back to the community in some small way. And I feel like that my public service experience will lend itself towards making some significant contributions. Prior to my entry in the public service, however, I was an educator in the public and independent schools of Horry County and watched young folks grow up, finish high school, go on to secondary education and achieve great things. And I would like to have this opportunity to give back.

CHAIRMAN KNOTTS: Okay. Any questions from any of the committee? Representative Brady.

VICE CHAIRMAN BRADY: I'm going to ask you the same question.

MR. GUNN: Sure.

VICE CHAIRMAN BRADY: I ask all the candidates regarding tuition increases. And also how are your two daughters, Mae Todd and Chesley? And they are cute girls.

MR. GUNN: I'll take the second question first. They are both doing great. Representative Brady, I'm pleased to say that Francis Marion has a history of having one of the lower tuition rates in the state. I think they've been very judicious in applying any tuition increases. One of the reasons I think that this is done is that so many of the students who attend Francis Marion University are first generation college students. A significant portion of the student body comes from 50 miles around Florence, of course, from the Pee Dee area. There's a high minority population. And Francis Marion University has one of the highest minority student body of any public university in this State. We're certainly providing a significant service to people in that area of the state that otherwise might not be able to afford it. So, we have to be careful about making any significant tuition increases that would impact them.

VICE CHAIRMAN BRADY: Okay.

CHAIRMAN KNOTTS: Any other questions from any members?

SENATOR PEELER: Thank you, Mr. Chairman. Eddie, how would you answer this question if someone posed a question, "Would there be a conflict or do you see some conflict with your Budget and Control Board and your service on the board?"

MR. GUNN: Sir, thank you for asking that. In the event that an issue involving Francis Marion University were to arise and the job that I hold as Chief-of-Staff at Budget and Control, I would certainly step aside and recuse myself on that and not participate in that decision. Since I don't have a vote on the board, it wouldn't be hard for me to do. But I would at any time a policy matter, then I -- I'd leave that to Frank.

CHAIRMAN KNOTTS: Any other questions?

COMMITTEE: (No response.)

SENATOR PEELER: Favorable report.

CHAIRMAN KNOTTS: Okay. Thank you, Mr. Gunn. At this time, the committee has been offered a favorable report by the Senator from Gaffney.

VICE CHAIRMAN BRADY: Second.

CHAIRMAN KNOTTS: And a second by Representative Brady from Richland. Any discussion?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: No discussion. Then all in favor say, "Aye".

COMMITTEE: Aye.

CHAIRMAN KNOTTS: Therefore, we've had a favorable report. Do you understand fully that you cannot seek a commitment until 48 hours --

MR. GUNN: Yes, sir.

CHAIRMAN KNOTTS: -- after the committee presents its report?

MR. GUNN: I do.

CHAIRMAN KNOTTS: Okay. Thank you, sir.

MR. GUNN: Thank you, Senator.

CHAIRMAN KNOTTS: Any other?

COMMITTEE: (No response.)

CHAIRMAN KNOTTS: Okay. I move that this committee -- I adjourn this committee until -- go ahead, Representative Brady.

VICE CHAIRMAN BRADY: Mr. Chairman, I was just curious about the position that vacated with the death of Michael Mungo. Are we going to try to do that screening or what the process is for that?

CHAIRMAN KNOTTS: We're going to try our best to get the screening out and get it done, voted on before we go home or possibly come back for vetoes. We've included that to have a vote to make sure that that position is filled is soon as possible by the General Assembly.

VICE CHAIRMAN BRADY: Timewise, would it be possible to coordinate it with this upcoming election?

CHAIRMAN KNOTTS: No, ma'am. We can't. We've looked at that. Staff and I looked at it and I also talked with leadership in the Senate and leadership in the House. And due to the time frame requirements that we have to have the application and then people can apply it out. We have to put it out for 30 days, at which time, we've already put it out and they would get it as soon as it closed, I will convene this committee as soon as possible to screen the candidates and then we'll expedite as soon as possible the report so that they can take the 48 hours they need to after that to get the commitments. So we're hopefully, we're going to get it done as soon as possible.

VICE CHAIRMAN BRADY: And one more question, sir.

CHAIRMAN KNOTTS: Does any -- does everybody agree with that?

COMMITTEE: Okay.

VICE CHAIRMAN BRADY: And regarding this election, when are we going to know whether it's the 12th or the 19th. Again, is that something you need to check on?

CHAIRMAN KNOTTS: We will make that decision shortly. And we'll have a resolution sent to the House.

MS. DERRICK: We're actually going to have it up in the same time as -- what else is left? Public Service Commission? It's going to be all together.

CHAIRMAN KNOTTS: Yeah, we'll have -- we're going to coordinate for that, make sure it's all together. So we won't have to have two joint assemblies.

VICE CHAIRMAN BRADY: We love having you all.

CHAIRMAN KNOTTS: Why did you all boo us last time?

SENATOR PEELER: Mr. Chairman, I don't know if this is the proper venue, but I had a question about the possibility of numbered seats for the Clemson Board of Trustees. I don't know whether that's in the will or whether it's in their by-law or whatever. But I was just curious about that since the board of trustees -- the non-life members -- I understand that they are. But I was just curious if staff would check into that for me and number those seats. I know they're statewide, but like this last election, it was the three top vote getters and I was just curious about numbered seats.

MS. DERRICK: It actually would have to be legislation introduced. They're in the process of trying to do that with Citadel as well. So it would have to come legislatively.

CHAIRMAN KNOTTS: Senator from Gaffney, I applaud your statement on that, but you heard testimony today that the only thing the Midlands got is the majority of people on the Clemson Board. So you know, y'all got the Senators from Washington, y'all got every other term. Y'all got the Governor, Lieutenant Governor, somebody all the way from Charleston, even Gaffney, Spartanburg.

SENATOR PEELER: I'm not talking about geographic mode.

CHAIRMAN KNOTTS: I know. I'm just joking. I'm being facetious.

SENATOR PEELER: Okay. I was just thinking if one of these candidates was fortunate enough to be elected and they did a good job, they should be able to run on a vote. If they did a bad job, in turn, somebody would go for that numbered seat. And I'm just curious and wonder why it's set up like that.

CHAIRMAN KNOTTS: I don't know but we do have it by -- now is Clemson all at large?

SENATOR PEELER: Yes, sir.

CHAIRMAN KNOTTS: Oh, okay. Okay. That might be something to look into to.

SENATOR PEELER: And not change the at-large portion. Just allow that seat to be numbered.

CHAIRMAN KNOTTS: If you do that, you're going to have -- will you make them all -- they could live anywhere in the state and run for a numbered seat?

SENATOR PEELER: That's right.

CHAIRMAN KNOTTS: Okay.

SENATOR PEELER: Surely -- maybe -- maybe they can tell us. Neil, do you know?

MR. ROBINSON: There are six at-large elected seats and there are seven life seats. The six at-large are just at-large. And I'm not certain whether the will provides that they be -- I think they provide that they be at-large, but they wouldn't prevent what you're talking about, Senator, having numbered seats.

MR. WARNER: The will doesn't mention it at all.

SENATOR PEELER: To me, that would make -- I'm not asking for your opinion one way or the other, but it would just seem to me like that would be a better way to do it. Keep it at-large, but if you have a trustee doing a good job because now, you may have ten people running for three seats and it's cumbersome.

CHAIRMAN KNOTTS: Well let's check -- we in the Midlands would be proud to let y'all have the Governor, Lieutenant Governor, and all that. We just -- we're proud of our seats on the Clemson board. As probably equal.

MS. DERRICK: Y'all actually got four for that -- Mr. Mungo's seat already.

CHAIRMAN KNOTTS: Ma'am.

MS. DERRICK: You got four.

CHAIRMAN KNOTTS: We got four?

MS. DERRICK: So far. Uh-huh. And the deadline's May 12th. I would like to screen them May 13th if we can.

CHAIRMAN KNOTTS: Okay. Well I'll tell you what we'll do. Any objection, to setting the next screening for May 13th?

MS. DERRICK: Which will be the day after our deadline?

CHAIRMAN KNOTTS: Okay. We will screen them on May 13th. I'll call the committee back. We'll adjourn until May 13th.

VICE CHAIRMAN BRADY: That's my birthday so I'll expect cake. All right.

CHAIRMAN KNOTTS: Committee is now adjourned.

(Adjourned at 10:45 a.m.)

**R. 171, H. 3395--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

April 26, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3395, R. 171.

This bill makes changes to the way our state government plans for, and deals with, bad budget years. I applaud its intent and give credit to the General Assembly for including provisions in this legislation that would indeed make bad economic and budget times more manageable. Unfortunately in weighing the positives and negatives of this bill, we still found the legislation wanting and, for that reason, are compelled to veto H. 3395, R. 171.

We very much support the provisions that raise the amount of revenue required to be accumulated in the General Reserve Fund from three percent of the revenue of the latest completed fiscal year to five percent. We also support the provision that requires General Reserve Fund replenishment within five fiscal years; these requirements are great steps in the right direction. If the bill stopped here, we would have supported it; unfortunately it does not and so we veto for the following reasons:

Section 3 of the bill includes the requirement that if the Budget and Control Board does not take unanimous action within seven days of the Board of Economic Advisors decision to reduce its revenue estimate by two percent or more – then the Director of the Office of State Budget must reduce the general fund appropriations to agencies across-the-board. Over the course of this administration, we have clearly stated our belief that targeted, rather than across-the-board, cuts are more appropriate because not all agencies or activities are of equal importance to the citizens of the state. Across the board cuts also have the unintended consequence of encouraging agencies to spend everything they get because there is no reward for frugality with taxpayer funds. They do not recognize the ways in which some agencies may have been great stewards of taxpayer resources, while others are profligate spenders. We believe that elected officials should make the tough, although unpleasant, decisions by prioritizing activities when revenues are down. This provision essentially codifies the practice of across-the-board cuts.

This provision also gives an unelected official authority to automatically cut agency budgets. Our concern is not a criticism of the individual who currently holds this position – we simply believe that the addition or decrease of appropriated funds should be decided by elected officials so that there is a consequence for decisions as they are deliberated on by voters and taxpayers.

We also disagree with Section 4 of the bill, which moves from three to four the number of Budget and Control Board members necessary to recognize an agency deficit. Currently, only three members of the Board must agree to recognize a deficit. We believe this provision is constitutionally suspect, based on the case law that is routinely cited when the constitutionality of the board is challenged on the grounds that it violates separation of powers, as defined by the South Carolina Constitution, since three, not four, members are linked to the executive branch of our state.

The South Carolina Supreme Court, in a series of cases, has determined that the Separation of Powers Clause does not preclude the membership of two legislators on the board. In *State v. Edwards*, the Court upheld the constitutionality of the board against a separation of powers challenge because “the General Assembly has been careful to put the legislative members in a *minority position* on The Board.”

Similarly, in *Tall Tower, Inc. v. South Carolina Procurement Review Panel*, the Supreme Court upheld the legislative presence on the Procurement Review Panel against a separation of powers challenge, relying heavily on the majority-minority distinction in *Edwards*. The Court further held that “the statutory composition of the panel comports with both these criteria” because the executive branch would always constitute a majority.

Section 4 of H. 3395 fails the *Edwards* rule because the bill’s four-member threshold runs afoul of South Carolina Supreme Court precedent. Under Section 4, no longer may the Executive Branch majority control the outcome of a board’s decision – instead, the Executive Branch must obtain legislative consent before executing or administering laws passed by the General Assembly.

For these reasons, I am vetoing and returning without my approval H. 3395, R. 171.

Sincerely,

Mark Sanford

Governor

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 22, 2010

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. 907:

S. 907 -- Senator Peeler: A BILL TO REPEAL ARTICLE 1, CHAPTER 61, TITLE 44 OF THE 1976 CODE, RELATING TO EMERGENCY MEDICAL SERVICES.

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., April 22, 2010

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. 481:

S. 481 -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 4890 -- Reps. J. R. Smith, T. R. Young, Clyburn, Stewart, Spires, 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, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, 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, Norman, 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, Sottile, Stavrinakis, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie and A. D. Young: A HOUSE RESOLUTION TO COMMEND THE HONORABLE DONALD C. SMITH FOR HIS TEN YEARS OF COMMITTED SERVICE TO THE CITIZENS OF DISTRICT 83 IN AIKEN AND EDGEFIELD COUNTIES, AND TO WISH HIM CONTENTMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, for ten years, the Honorable Donald C. Smith has represented the citizens of House District 83 in Aiken and Edgefield counties with faithful integrity in the House of Representatives of this great State; and

Whereas, to begin preparation for a multifaceted career, Don Smith served his country as a member of the U.S. Army from 1959 to 1960 and as a member of the U.S. Army Reserve from 1960 to 1965. He completed his undergraduate studies at the University of South Carolina in 1962, followed by several years of work in the banking industry. In 1967, he accepted employment with the Medical College of Georgia, retiring as a college and hospital administrator after thirty‑one years of service at this institution; and

Whereas, during his years in the House of Representatives, Don Smith has proven his worth as a member of both the Education and Public Works Committee, of which he is Second Vice Chairman, and the Interstate Cooperation Committee, which he serves as Chairman; and

Whereas, Representative Smith believes in giving back to his community and freely does so in volunteer service to various organizations. He finds time to serve on the Grace United Methodist Church Board of Stewards and the North Augusta Exchange Club Board of Directors. In the past, he has served as Chairman of the Health Center Credit Union and as a member of the North Augusta City Council; and

Whereas, as a proud husband and father, he finds his beloved wife, the former Linda Ellen Leitner, and his three children, Wendy S. Jacobs, Clarke Smith, and Darryl C. Smith, a blessing. He draws his strength from their strong support and from his faith, nurtured through worship at Grace United Methodist Church; and

Whereas, Don Smith’s colleagues in the House of Representatives, understanding that he will not seek re‑election, thank him for his dedicated service to the people of House District 83 and extend heartiest wishes for all the best life has to offer in the coming years. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable Donald C. Smith for his ten years of committed service to the citizens of House District 83 in Aiken and Edgefield counties, and wish him contentment and success in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to our distinguished colleague, the Honorable Donald C. Smith.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

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

H. 4891 -- Rep. Bingham: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, IMMEDIATELY FOLLOWING THE ELECTION OF TRUSTEES TO INSTITUTIONS OF HIGHER EDUCATION AND MEMBERS OF THE PUBLIC SERVICE COMMISSION, AS THE TIME TO ELECT MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL TO SUCCEED THE INTERIM MEMBERS OF THAT PANEL.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4892 -- Rep. Harrison: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR WILLIAM E. "BILLY" JENKINSON III OF KINGSTREE UPON THE OCCASION OF HIS RETIREMENT FROM THE BOARD OF VISITORS OF THE CITADEL, AND TO EXPRESS THE GRATITUDE OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES FOR HIS EIGHTEEN YEARS OF TIRELESS SERVICE AS A MEMBER AND FORMER CHAIRMAN OF THAT BOARD.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4893 -- Reps. Limehouse, Stavrinakis, Gilliard and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-190 SO AS TO ESTABLISH THE "STATE DAY OF PRAYER" AS THE FIRST THURSDAY IN MAY OF EACH YEAR.

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

H. 4894 -- Rep. Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-235 SO AS TO PROVIDE THAT CONTRACTS BETWEEN DENTAL PLANS AND DENTISTS MAY NOT ESTABLISH FEES THAT A DENTIST MUST ACCEPT FOR SERVICES RENDERED BY THE DENTIST BUT NOT COVERED BY THE DENTAL PLAN.

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

S. 1129 -- Senator Ryberg: A BILL TO AMEND CHAPTER 150, TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION LOTTERY TICKET SALES, BY ADDING SECTION 59-150-155 TO PROVIDE THAT A PERSON WHO CURRENTLY HOLDS A RETAIL LOTTERY TICKET SALES LICENSE MAY BE GRANTED A TEMPORARY LICENSE FOR RETAIL LOTTERY TICKET SALES IF HE ACQUIRES ANOTHER RETAIL BUSINESS WHICH SELLS LOTTERY TICKETS, TO PROVIDE THE LENGTH OF TIME A TEMPORARY LICENSE IS VALID, AND TO PROVIDE THE FEE FOR A TEMPORARY LICENSE.

Referred to Committee on Ways and Means

S. 1177 -- Senators Fair, Reese, Cromer, Campbell, Coleman, Shoopman, Williams and Rose: A BILL TO AMEND SECTION 8-27-10 OF THE 1976 CODE, RELATING TO THE DEFINITION OF A REPORT AS USED IN THE WHISTLEBLOWER STATUTE, TO PROVIDE THAT TESTIMONY GIVEN TO A STANDING COMMITTEE, SUBCOMMITTEE OF A STANDING COMMITTEE, OR A STUDY COMMITTEE OF THE SENATE OR HOUSE OF REPRESENTATIVES IS ENTITLED TO THE PROTECTIONS OF THE WHISTLEBLOWER STATUTE.

Referred to Committee on Judiciary

S. 1234 -- Senator Fair: A BILL TO ESTABLISH A STUDY COMMITTEE TO STUDY AND DEVELOP A PLAN TO CONSOLIDATE THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO PROVIDE FOR THE STUDY COMMITTEE’S DUTIES AND RESPONSIBILITIES.

Referred to Committee on Judiciary

**HOUSE RESOLUTION**

The following was introduced:

H. 4895 -- Reps. Limehouse, 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, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, 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, Norman, 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 LIFETIME TELEVISION SERIES ARMY WIVES, FILMED IN CHARLESTON, AS IT MARKS THE BEGINNING OF ITS FOURTH SEASON ON THE AIR, AND TO CONGRATULATE THE PRODUCERS, CAST, AND CREW FOR THEIR TELECASTING SUCCESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1393 -- Senators Knotts, Cromer, Setzler and Courson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE WALKWAY ADJACENT TO THE PORTION OF SOUTH CAROLINA HIGHWAY 6 IN LEXINGTON COUNTY THAT CROSSES THE LAKE MURRAY DAM THE "JOHNNY W. JEFFCOAT WALKWAY", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS WALKWAY THAT CONTAIN THE WORDS "JOHNNY W. JEFFCOAT WALKWAY".

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. 1394 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO HONOR THE REVEREND SAMMIE T. NELSON, PASTOR OF OAK GROVE MISSIONARY BAPTIST CHURCH IN SANTEE, FOR HIS THIRTY-FIVE YEARS OF MINISTRY AT OAK GROVE AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

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. 1395 -- Senators Rose, Matthews and Grooms: A CONCURRENT RESOLUTION CONGRATULATING THE EDISTO NATCHEZ-KUSSO TRIBE (FOUR HOLES INDIAN ORGANIZATION) ON THE HIGHEST HONOR OF ITS RECOGNITION AS A TRIBE BY THE SOUTH CAROLINA COMMISSION ON MINORITY AFFAIRS.

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:

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| --- | --- | --- |
| 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 | Crawford | Daning |
| Delleney | Duncan | Edge |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Limehouse | Littlejohn | Loftis |
| Long | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Umphlett | Vick | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**STATEMENT OF ATTENDANCE**

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

|  |  |
| --- | --- |
| Paul Agnew | Chandra Dillard |
| Nikki Haley | Phillip Lowe |
| Terry Alexander | David Weeks |
| Anne Parks | Jackson "Seth" Whipper |
| Timothy E. Scott | Douglas Jennings |
| James E. Smith | Harold Mitchell |
| James E. Stewart | William Clyburn |
| Leon Howard | Thad Viers |
| Ralph Norman |  |

**Total Present--119**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. TOOLE a temporary leave of absence for the day, due to attending a funeral.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Louis Costa II of Charleston was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written 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. 4842 |
| Date: | ADD: |
| 04/27/10 | SCOTT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3645 |
| Date: | ADD: |
| 04/27/10 | BOWERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3839 |
| Date: | ADD: |
| 04/27/10 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4470 |
| Date: | ADD: |
| 04/27/10 | ALLISON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4663 |
| Date: | ADD: |
| 04/27/10 | VICK |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4616 |
| Date: | ADD: |
| 04/27/10 | M. A. PITTS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4806 |
| Date: | ADD: |
| 04/27/10 | HUGGINS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4260 |
| Date: | ADD: |
| 04/27/10 | WHIPPER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4559 |
| Date: | ADD: |
| 04/27/10 | WHIPPER and R. L. BROWN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3645 |
| Date: | REMOVE: |
| 04/27/10 | R. L. BROWN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3492 |
| Date: | REMOVE: |
| 04/27/10 | BINGHAM |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3492 |
| Date: | REMOVE: |
| 04/27/10 | CATO |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4663 |
| Date: | REMOVE: |
| 04/27/10 | COBB-HUNTER |

**ORDERED TO THIRD READING**

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

H. 4887 -- Rep. Stavrinakis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DISTRICT OF CHARLESTON COUNTY FOR FISCAL YEARS 2010-2011 AND 2011-2012 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUED FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS.

H. 4350 -- Reps. Limehouse, Sottile, Gilliard and Mack: A BILL TO AMEND SECTION 40-29-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRITERIA REQUIRED FOR A MANUFACTURED HOME, SO AS TO PROVIDE THAT FOR A SALE OF A PREVIOUSLY OWNED MANUFACTURED HOME, THE BUYER MUST CERTIFY HE HAS DETERMINED AT LEAST TWO FUNCTIONING SMOKE DETECTORS ARE IN THE HOME.

Rep. BALES explained the Bill.

H. 4352 -- Reps. Hodges and Dillard: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE NEED TO FOSTER THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 20, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Rep. HODGES explained the Joint Resolution.

H. 4885 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. FORRESTER explained the Joint Resolution.

**H. 3561--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Thursday, April 29, 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. COOPER moved to adjourn debate upon the following Bill until Thursday, April 29, 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.

**S. 382--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-2-805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT'S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

**S. 372--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 372 -- Senators Hayes and Ford: A BILL TO AMEND SECTION 62-2-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR IN PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT'S WILL IS A BENEFICIAL INTEREST CHARGEABLE TO THE ELECTIVE SHARE; AND TO AMEND SECTION 62-7-401, AS AMENDED, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

**H. 4540--DEBATE ADJOURNED**

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

H. 4540 -- Reps. Brady, Erickson, Harrison, Hardwick, Bowen, Cato, Harvin, Hearn, Scott, T. R. Young, Horne, Clemmons, Bedingfield, Nanney, G. R. Smith and Weeks: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

**S. 217--DEBATE ADJOURNED**

Rep. G. M. SMITH moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PLACES OF CONFINEMENT FOR INMATES, SO AS TO SUBSTITUTE THE TERM "REGIONAL COUNTY OR MUNICIPAL JAIL" FOR THE TERM "COUNTY JAIL", AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24-3-27, RELATING TO THE ESTABLISHMENT OF LOCAL REGIONAL CORRECTIONAL FACILITIES, SO AS TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED; TO AMEND SECTION 24-3-30, RELATING TO DESIGNATION OF PLACES OF CONFINEMENT, SO AS TO REVISE THE LIST OF PERSONS FROM WHICH THE STATE MUST OBTAIN CONSENT BEFORE AN INMATE MAY BE PLACED IN A FACILITY MAINTAINED BY A LOCAL GOVERNMENTAL ENTITY; TO AMEND SECTION 24-3-50, RELATING TO THE PENALTY FOR A PRISONER WHO FAILS TO REMAIN WITHIN THE EXTENDED LIMITS OF HIS CONFINEMENT, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PRISONER CONFINED IN A LOCAL FACILITY, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-60, RELATING TO THE CLERKS OF COURT PROVIDING NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE NUMBER OF CONVICTS SENTENCED TO IMPRISONMENT IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-70, RELATING TO ALLOWABLE EXPENSES INCURRED FOR THE TRANSPORTATION OF CONVICTS TO THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-80, RELATING TO THE DETENTION OF A PRISONER BY COMMITMENT AUTHORIZED BY THE GOVERNOR, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-81, RELATING TO CONJUGAL VISITS WITHIN THE STATE PRISON SYSTEM, SO AS TO PROVIDE THAT NO PRISONER IN THE STATE PRISON SYSTEM OR WHO IS BEING DETAINED IN A LOCAL GOVERNMENTAL FACILITY IS PERMITTED TO HAVE CONJUGAL VISITS; TO AMEND SECTION 24-3-130, RELATING TO THE USE OF INMATE LABOR ON PUBLIC WORKS PROJECTS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-131, RELATING TO THE SUPERVISION OF INMATES USED ON PUBLIC PROJECTS, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-140, RELATING TO THE USE OF CONVICT LABOR AT THE STATE HOUSE, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-160, RELATING TO THE COST OF MAINTAINING CONVICTS BY STATE INSTITUTIONS, SO AS TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-170, RELATING TO THE USE OF CONVICTS BY CLEMSON UNIVERSITY, SO AS TO SUBSTITUTE THE TERMS "FEE" FOR THE TERM "HIRE", "INMATES" FOR THE TERM "CONVICTS", "EMPLOYEES" FOR THE TERM "GUARDS", AND "PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-180, RELATING TO THE PROVISION OF TRANSPORTATION AND CLOTHING FOR CONVICTS WHO HAVE BEEN DISCHARGED, SO AS TO SUBSTITUTE THE TERMS "INMATE" FOR THE TERM "CONVICT" AND THE TERM "STATE PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-190, RELATING TO APPROPRIATION OF CLOSE OF THE YEAR BALANCES FOR THE SUPPORT OF THE PENITENTIARY, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "PENITENTIARY" AND THE TERM "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-310, RELATING TO THE GENERAL ASSEMBLY'S INTENT FOR ESTABLISHING A PRISON INDUSTRIES PROGRAM, SO AS TO SUBSTITUTE THE TERM "PRISON" FOR THE TERM "CONVICT", AND "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-320, RELATING TO THE PURCHASE OF EQUIPMENT AND MATERIALS AND EMPLOYMENT OF PERSONNEL FOR THE ESTABLISHMENT AND MAINTENANCE OF PRISON INDUSTRIES, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS" AND TO DELETE THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-330, RELATING TO THE PURCHASE OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-340, RELATING TO THE STATE'S PURCHASE OF PRODUCTS THAT ARE NOT PRODUCED BY CONVICT LABOR, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-37-370, RELATING TO THE PRIORITY OF DISTRIBUTION OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-400, RELATING TO THE PRISON INDUSTRIES ACCOUNT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-420, RELATING TO PENALTIES FOR VIOLATIONS OF THE PROVISIONS RELATING TO THE PRISON INDUSTRIES PROGRAM, SO AS TO DELETE THE TERM "JAIL"; TO AMEND SECTION 24-3-520, RELATING TO THE TRANSPORTATION OF A PERSON SENTENCED TO DEATH, SO AS TO REVISE THIS PROVISION AND PROVIDE THAT THE FACILITY MANAGER WHO HAS CUSTODY OF THE INMATE HAS THE AUTHORITY TO TRANSFER HIM TO THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 24-3-540, RELATING TO THE DEATH CHAMBER AND THE TRANSPORTING OF A PERSON TO A PLACE TO BE ELECTROCUTED, SO AS TO SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-550, RELATING TO WITNESSES THAT MAY BE PRESENT DURING AN EXECUTION, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-560, RELATING TO THE CERTIFICATION OF THE EXECUTION OF A PERSON, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-570, RELATING TO THE DISPOSITION OF THE BODY OF A PERSON WHO HAS BEEN EXECUTED, SO AS TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-710, RELATING TO THE INVESTIGATION OF THE MISCONDUCT THAT OCCURS IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND PROVIDE THAT THE DIRECTOR OF THE STATE PRISON SYSTEM'S AUTHORITY TO INVESTIGATE MISCONDUCT IN THE STATE PRISON SYSTEM IS THE SAME AUTHORITY THAT AN OFFICIAL IN CHARGE OF A LOCAL FACILITY MAY EXERCISE; TO AMEND SECTION 24-3-720, RELATING TO ENLISTING THE AID OF CITIZENS TO SUPPRESS PRISON RIOTS AND DISORDERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-740, RELATING TO THE COMPENSATION OF A PERSON WHO ASSISTS THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-750, RELATING TO PROVIDING IMMUNITY TO A PERSON WHO ASSISTS THE DEPARTMENT OF CORRECTIONS IN SUPPRESSING DISORDER, RIOT, OR INSURRECTION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-760, RELATING TO THE POWERS OF THE KEEPER WHEN THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS ABSENT, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-920, AS AMENDED, RELATING TO REWARDS FOR THE CAPTURE OF AN ESCAPED CONVICT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-930, RELATING TO EXEMPTING CERTAIN PERSONS EMPLOYED BY THE PENITENTIARY FROM SERVING ON JURIES AND MILITARY OR STREET DUTY, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY" AND THE TERM "OTHER EMPLOYEES" FOR THE TERM "OTHER OFFICERS"; TO AMEND SECTION 24-3-940, RELATING TO PROHIBITING PRISONERS FROM GAMBLING, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-951, RELATING TO THE POSSESSION OR USE OF MONEY BY PRISONERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-965, RELATING TO THE TRIAL OF CERTAIN OFFENSES RELATED TO CONTRABAND IN MAGISTRATES COURT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO PROVIDE THAT THIS PROVISION APPLIES TO REGIONAL DETENTION FACILITIES AND PRISON CAMPS, AND TO DEFINE THE TERM CONTRABAND; TO AMEND SECTION 24-5-10, RELATING TO A SHERIFF'S RESPONSIBILITIES AS THE CUSTODIAN OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER" AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-5-12, RELATING TO COUNTIES THAT ASSUME CERTAIN RESPONSIBILITIES WITH REGARD TO THE CUSTODY OF COUNTY JAILS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO PROVIDE THE CIRCUMSTANCES IN WHICH A COUNTY CAN DEVOLVE ITS POWER TO OPERATE A JAIL UPON A SHERIFF; TO AMEND SECTION 24-5-20, RELATING TO THE EMPLOYMENT OF A JAILER, SO AS TO DELETE THE PROVISION THAT ALLOWS A SHERIFF WHO DOES NOT LIVE IN A JAIL TO APPOINT A JAILER, TO PROVIDE THAT A SHERIFF WHO HAS CONTROL OF A JAIL SHALL APPOINT A FACILITY MANAGER WHO HAS CONTROL AND CUSTODY OF THE JAIL UNDER THE SUPERVISION OF THE SHERIFF, AND TO PROVIDE THAT IN CASES WHERE THE SHERIFF DOES NOT CONTROL A JAIL, THE COUNTY'S GOVERNING BODY SHALL APPOINT THE FACILITY MANAGER; TO AMEND SECTION 24-5-50, RELATING TO A SHERIFF'S KEEPING OF PRISONERS COMMITTED BY A CORONER, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGERS" FOR THE TERM "JAILERS", AND TO PROVIDE THIS PROVISION ALSO APPLIES TO GOVERNING BODIES THAT HAVE CUSTODY OF A JAIL TECHNICAL CHANGE; TO AMEND SECTION 24-5-60, RELATING TO SHERIFFS AND JAILERS KEEPING PRISONERS COMMITTED BY THE UNITED STATES GOVERNMENT, SO AS TO SUBSTITUTE THE TERM "GOVERNING BODIES" FOR THE TERM "JAILERS", AND TO PROVIDE THAT A SHERIFF OR FACILITY MANAGER MAY CHARGE A FEE FOR KEEPING THESE PRISONERS; TO AMEND SECTION 24-5-80, RELATING TO PROVIDING BLANKETS AND BEDDING TO PRISONERS, SO AS TO REVISE THE ITEMS THAT A PRISONER MUST BE FURNISHED TO INCLUDE SUFFICIENT FOOD, WATER, CLOTHING, HYGIENE PRODUCTS, BEDDING, AND SHELTER; TO AMEND SECTION 24-5-90, RELATING TO THE UNLAWFUL DISCRIMINATION IN THE TREATMENT OF PRISONERS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO REVISE THE PENALTY FOR A VIOLATION OF THIS PROVISION; TO AMEND SECTION 24-5-110, RELATING TO THE RETURN TO COURT BY A SHERIFF OF THE NAMES OF PRISONERS WHO ARE CONFINED ON THE FIRST DAY OF THE TERM OF GENERAL SESSIONS COURT, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF", AND TO PROVIDE THAT THE USE OF ELECTRONIC RECORDS SATISFIES THIS REQUIREMENT; TO AMEND SECTION 24-5-120, RELATING TO A SHERIFF'S ANNUAL REPORT ON THE CONDITION OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF"; TO AMEND SECTION 24-5-170, RELATING TO THE REMOVAL OF PRISONERS FROM A JAIL THAT MAYBE DESTROYED, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO A JAIL THAT IS RENDERED UNINHABITABLE, AND TO REVISE THE PROCEDURES TO TRANSFER THESE PRISONERS TO ANOTHER FACILITY; TO AMEND SECTIONS 24-5-300, 24-5-310, 24-5-320, AS AMENDED, 24-5-330, 24-5-350, 24-5-360, AS AMENDED, 24-5-370, 24-5-380, AND 24-5-390, ALL RELATING TO DEFINITIONS, AND THE APPOINTMENT, TRAINING, PHYSICAL COMPETENCE, DUTIES, IDENTIFICATION CARDS, UNIFORMS, AND WORKERS' COMPENSATION BENEFITS FOR RESERVE DETENTION OFFICERS, SO AS TO DELETE THE TERM "JAILER"; TO AMEND SECTION 24-7-60, RELATING TO THE CARE OF CONVICTS SENTENCED TO LABOR ON A COUNTY PUBLIC WORKS PROJECT, SO AS TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "GENERAL FUND" FOR THE TERM "ROAD FUND"; TO AMEND SECTION 24-7-110, RELATING TO THE HEALTH OF CONVICTS IN A COUNTY'S CUSTODY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "MEDICAL PERSONNEL" FOR THE TERM "PHYSICIAN", "INMATES" FOR THE TERM "CONVICTS", "COUNTY JAIL, DETENTION FACILITY, PRISON CAMP, OR OTHER LOCAL FACILITIES" FOR THE TERM "CHAIN GANG", AND TO REVISE THE PROCEDURE TO PROVIDE AND PAY FOR HEALTH CARE SERVICES FOR INMATES IN A COUNTY'S CUSTODY; TO AMEND SECTION 24-7-120, RELATING TO THE INCARCERATION OF CONVICTS BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE STANDARDS THAT A MUNICIPAL AUTHORITY MUST MAINTAIN WHEN IT SUPERVISES PERSONS SENTENCED TO A PUBLIC WORK DETAIL, OR OPERATES A JAIL, AND TO REVISE THIS PROVISION TO ALLOW A MUNICIPALITY TO ENTER INTO AGREEMENTS TO HOUSE THEIR PRISONERS IN COUNTY FACILITIES; TO AMEND SECTION 24-7-155, RELATING TO THE PROHIBITION OF CONTRABAND IN A COUNTY OR MUNICIPAL PRISON, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO MULTI-JURISDICTIONAL FACILITIES, TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO DELETE A REFERENCE TO THE TERM "SUPERINTENDENT OF THE FACILITY", AND TO PROVIDE THAT THE FACILITY MAY DESIGNATE ADDITIONAL ITEMS OF CONTRABAND THAT ARE PROHIBITED; TO AMEND SECTION 24-9-30, RELATING TO MINIMUM STANDARDS THAT MUST BE MET BY FACILITIES THAT HOUSE PRISONERS OR PRETRIAL DETAINEES, SO AS TO DELETE THE PROVISION THAT REQUIRES A COPY OF CERTAIN INSPECTION REPORTS BE SENT TO CERTAIN JUDGES OF THE JUDICIAL CIRCUIT IN WHICH THE FACILITY IS LOCATED, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-9-35, RELATING TO REPORTS OF DEATHS OF INCARCERATED PERSONS, SO AS TO MAKE TECHNICAL CHANGES, PROVIDE THAT THIS PROVISION APPLIES TO MULTI-JURISDICTIONAL FACILITIES AND TO SUBSTITUTE THE TERM "FACILITY MANGER" FOR THE TERM "JAILER"; TO AMEND SECTION 24-9-40, RELATING TO THE CERTIFICATION OF ARCHITECTURAL PLANS BEFORE A CONFINEMENT FACILITY IS CONSTRUCTED, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO THE RENOVATION OF CONFINEMENT FACILITIES; TO AMEND SECTIONS 24-13-10, 24-13-20, 24-13-30, 24-13-40, 24-13-50, 24-13-80, 24-13-125, 24-13-150, 24-13-210, 24-13-230, 24-13-235, 24-13-260, 24-13-410, 24-13-420, 24-13-430, 24-13-440, 24-13-450, 24-13-460, 24-13-470, 24-13-640, 24-13-660, 24-13-910, 24-13-915, 24-13-940, AND 24-13-1540, ALL RELATING TO THE INCARCERATION OF PRISONERS, THE REDUCTION IN A PRISONER'S SENTENCE, PRISONER OFFENSES, THE PRISON WORK RELEASE PROGRAM, FURLOUGHS, THE SHOCK INCARCERATION PROGRAM, AND THE HOME DETENTION PROGRAM, SO AS TO SUBSTITUTE THE TERM "LOCAL DETENTION FACILITIES" FOR THE TERM "CHAIN GANGS", SUBSTITUTE THE TERMS "INMATES" AND "CONVICTS" FOR THE TERM "PRISONERS", TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "OFFICIAL", TO REVISE THE DEFINITION OF THE TERM "DETENTION FACILITY", TO REVISE THE TYPE AND COST OF MEDICAL SERVICES THAT MAYBE PAID FROM AN INMATE'S ACCOUNT, TO PROVIDE THAT IT IS UNLAWFUL FOR A PRISONER TO ESCAPE FROM CUSTODY OR TO POSSESS ITEMS THAT MAY BE USED TO FACILITATE AN ESCAPE, AND TO DELETE A REFERENCE TO THE TERM "LOCAL CORRECTIONAL FACILITY"; TO AMEND SECTION 16-7-140, RELATING TO PENALTIES FOR VIOLATING PROVISIONS THAT PROHIBIT THE WEARING OF MASKS AND PLACING A BURNING CROSS ON A PROPERTY WITHOUT ITS OWNER'S PERMISSION, SO AS TO DELETE A REFERENCE TO THE TERM "COUNTY JAIL"; TO AMEND SECTION 63-3-620, AS AMENDED, RELATING TO PENALTIES FOR A PERSON'S FAILURE TO OBEY CERTAIN ORDERS OF A COURT AND STATUTES RELATING TO THE CHILDREN'S CODE OF LAW, SO AS TO SUBSTITUTE THE TERM "DETENTION FACILITY" FOR THE TERM "CORRECTIONAL FACILITY", AND TO DELETE A PROVISION THAT PLACES RESTRICTIONS ON WHO MAY PARTICIPATE IN A WORK/PUNISHMENT PROGRAM; TO REPEAL SECTIONS 24-3-150, 24-3-200, 24-5-30, 24-5-70, 24-5-100, 24-5-140, 24-5-150, 24-5-160, 24-7-70, 24-7-80, 24-7-130, 24-7-140, AND 24-7-150 RELATING TO THE TRANSFER OF CONVICTS TO A COUNTY CHAIN GANG, THE TRANSFER OF A PRISONER TO A COUNTY OTHER THAN THE COUNTY WHERE HE WAS SENTENCED, THE APPOINTMENT OF A JAILER BY A SHERIFF, THE USE OF FEDERAL PRISONERS BY A COUNTY, A SHERIFF'S IMPRESSING A SUFFICIENT NUMBER OF GUARDS TO SECURE A PRISONER WHO IS ACCUSED OF A CAPITAL OFFENSE, THE HOUSING OF FEMALE CONVICTS, THE CONFINEMENT OF PERSONS CHARGED WITH A CRIME IN A PRISON LOCATED IN AN INDUSTRIAL COMMUNITY, THE LEASE OF COUNTY CONVICTS, THE DIETING AND CLOTHING AND MAINTENANCE OF CERTAIN PRISONERS BY LOCAL GOVERNMENTAL AUTHORITIES, AND THE COLLECTION AND DISPOSITION OF MONEY BY A COUNTY FOR THE HIRING OF CONVICTS; BY ADDING ARTICLE 2 TO CHAPTER 5, TITLE 24 SO AS TO ENACT THE LOCAL DETENTION FACILITY MUTUAL AID AND ASSISTANCE ACT TO ALLOW LOCAL DETENTION FACILITIES TO ASSIST EACH OTHER IN PROVIDING SAFE AND SECURE HOUSING OF INMATES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 24-21-560, RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES COMMUNITY SUPERVISION PROGRAM, SO AS TO REVISE THE MAXIMUM AGGREGATE AMOUNT OF TIME A PRISONER MAY BE REQUIRED TO BE INCARCERATED WHEN SENTENCED FOR SUCCESSIVE COMMUNITY SUPERVISION PROGRAM REVOCATIONS.

**H. 4049--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4049 -- Reps. Nanney and Loftis: A BILL TO AMEND SECTION 29-3-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7804AB10), which was adopted:

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

/ SECTION 1. Section 29‑3‑330(c) and (e) of the 1976 Code is amended to read:

“(c) In case the original mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property has been lost or destroyed it may be satisfied, either by the owner and holder of the instrument in person or his personal representative or duly authorized attorney in fact, by an instrument in writing duly executed in the presence of two witnesses and ~~probated~~ acknowledged pursuant to the Uniform Recognition of Acknowledgments Act in Chapter 3, Title 26, and in addition the person executing the satisfaction shall make an affidavit that he or the person he represents is at the time of the satisfaction a bona fide owner and holder of the mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property and that has not been assigned, hypothecated, or otherwise disposed of. The affidavit must be recorded along with the satisfaction. The maker of any affidavit which is false is guilty of perjury and punished as by law provided for the punishment of perjury.

The signature of owner or holder of the instrument which has been lost or destroyed to which this section applies may be proved in the manner provided above or in the alternative may also be acknowledged by the owner or holder of the instrument in the presence of two witnesses, taken before an officer competent to administer an oath. The form of the acknowledgement must be as provided in Section 30‑5‑30(C) and if the acknowledgement is taken outside this State, it may be taken in the manner provided in Section 30‑5‑30(B).

(e) Any licensed attorney admitted to practice in the State of South Carolina who can provide proof of payment of funds by evidence of payment made payable to the mortgagee, holder of record, servicer, or other party entitled to receive payment may record, or cause to be recorded, an affidavit, in writing, duly executed in the presence of two witnesses and ~~probated or~~ acknowledged pursuant to the Uniform Recognition of Acknowledgments Act in Chapter 3, Title 26, which states that full payment of the balance or pay‑off amount of the mortgage or other instrument securing the payment of money and being a lien upon real property has been made and that evidence of payment from the mortgagee, assignee, or servicer exists. This affidavit, duly recorded in the appropriate county, shall serve as notice of satisfaction of the mortgage and release of the lien upon the real property. The filing of the affidavit shall be sufficient to satisfy, release, or discharge the lien. Upon presentation of the instrument of satisfaction, release, or discharge, the officer or his deputy having charge of the recording of instruments shall record the same. This section may not be construed to require an attorney to record an affidavit pursuant to Section 29‑3‑330(e) or to create liability for failure to file such affidavit. The licensed attorney signing any such instrument which is false is guilty of perjury and subject to Section 16‑9‑10 and shall be liable for damages that any person may sustain as a result of the false affidavit, including reasonable attorney’s fees incurred in connection with the recovery of such damages. The affidavit referred to in this item (e) shall be as follows:

‘STATE OF SOUTH CAROLINA MORTGAGE LIEN

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_ SATISFACTION AFFIDAVIT

PURSUANT TO Section 29‑3‑330 OF SC CODE OF LAWS

FOR BOOK \_\_\_\_ PAGE \_\_\_\_\_

The undersigned on oath, being first duly sworn, hereby certifies as follows:

1. The undersigned is a licensed attorney admitted to practice in the State of South Carolina.

2. That with respect to the mortgage given by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_ and recorded in the offices of the Register of Deeds in book \_\_\_\_\_\_\_\_\_ at page \_\_\_\_\_\_\_\_:

a. [ ] That the undersigned was given written payoff information and made such payoff and is in possession of a canceled check or other evidence of payment to the mortgagee, holder of record, or representative servicer;

b. [ ] That the undersigned was given written payoff information and made such pay off by wire transfer or other electronic means to the mortgagee, holder of record, or representative servicer and has confirmation from the undersigned’s bank of the transfer to the account provided by the mortgagee, holder of record, or representative servicer.

Under penalties of perjury, I declare that I have examined this affidavit this \_\_\_ day of \_\_\_\_ and, to the best of my knowledge and belief, it is true, correct, and complete.

(Witness) (Signature)

(Witness) (Name‑‑Please Print)

(Attorney’s S.C. Bar number)

‘STATE OF SOUTH CAROLINA ACKNOWLEDGEMENT

COUNTY OF

The foregoing instrument was acknowledged before me this day of by .

Notary Public for South Carolina

My Commission Expires: ’

Upon presentation to the office of the Register of Deeds, the Register is directed to record pursuant to Section 29‑3‑330(e) and mark the mortgage satisfied of record.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. NANNEY explained the amendment.

The amendment was then adopted.

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

**S. 728--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 728 -- Senators Hayes, Fair and Ford: A BILL TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENTITLEMENT TO TAX CREDITS UNDER THE TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO FURTHER PROVIDE FOR THE APPLICABILITY OF SPECIFIC REQUIREMENTS FOR TEXTILE MILL SITES ACQUIRED BEFORE AND AFTER 2007, TO REVISE THE ALLOWABLE AMOUNT OF THE CREDITS IN CERTAIN INSTANCES, TO PROVIDE THAT THE TAX CREDITS ALLOWED INCLUDE CREDITS AGAINST INSURANCE PREMIUM TAXES, TO MAKE A TECHNICAL CORRECTION, AND TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CREDITS ARE VESTED IN A TAXPAYER AND MAY BE ALLOCATED TO PARTNERS OR MEMBERS; BY ADDING SECTION 12-65-50 SO AS TO PROVIDE TRANSITION RULES APPLICABLE TO SPECIFIC MILL SITES; AND BY ADDING SECTION 12-65-60 SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY CERTIFICATION PROCESS.

**S. 1066--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 1066 -- Senators O'Dell and Sheheen: A BILL TO AMEND CHAPTER 6, TITLE 12 OF THE 1976 CODE, BY ADDING SECTION 12-6-3595 TO PROVIDE A TAX CREDIT EQUAL TO ONE HUNDRED PERCENT OF AN AMOUNT CONTRIBUTED TO THE SOUTH CAROLINA EXISTING MANUFACTURERS' RETENTION AND GROWTH FUND, TO PROVIDE THAT THE CREDIT MAY NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS FOR A SINGLE TAXPAYER AND NOT TO EXCEED AN AGGREGATE OF FOUR MILLION DOLLARS FOR EACH TAX YEAR, AND TO PROVIDE THE PROCESS AND REQUIREMENTS FOR CLAIMING THE CREDIT.

**S. 1131--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 1131 -- Senators Peeler and Coleman: A BILL TO AMEND SECTION 4-29-67, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUSTRIAL DEVELOPMENT PROJECTS REQUIRING A FEE IN LIEU OF PROPERTY TAXES AGREEMENT, SO AS TO ADD CERTAIN DEFINITIONS, TO FURTHER PROVIDE FOR THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED NUCLEAR PLANT FACILITY, TO PROVIDE FOR THE TIMELINE WHEN THE SPONSOR MUST ENTER INTO AN INITIAL LEASE AGREEMENT WITH THE COUNTY IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY, AND THE TIMELINES WHEN THE SPONSOR MUST MEET MINIMUM INVESTMENT REQUIREMENTS IN THE CASE OF A QUALIFIED NUCLEAR PLANT FACILITY AND PLACE THE PROJECT INTO SERVICE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; AND TO AMEND SECTION 12-44-40, AS AMENDED, RELATING TO THE REQUIRED FEE AGREEMENT BETWEEN THE SPONSOR AND THE COUNTY UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO PROVIDE THE TIME WITHIN WHICH A SPONSOR HAS TO ENTER INTO A FEE AGREEMENT IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY.

**H. 4245--DEBATE ADJOURNED**

Rep. MERRILL moved to adjourn debate upon the following Joint Resolution, which was adopted:

H. 4245 -- Reps. Merrill, Daning, Long, Wylie and Hutto: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ALLOW RAFFLES TO BE CONDUCTED BY CHARITABLE OR NONPROFIT ORGANIZATIONS AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION ALLOWED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THE CONDUCT AND MANAGEMENT OF THE RAFFLES, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ASSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

**H. 4270--REQUESTS FOR DEBATE**

The following Joint Resolution was taken up:

H. 4270 -- Reps. Merrill, Daning, Wylie, Kirsh and Hutto: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, BY ADDING A NEW PARAGRAPH SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL ENACT A GENERAL LAW AUTHORIZING A CHARITABLE ORGANIZATION TO CONDUCT A RAFFLE, AND WHICH DEFINES THE TYPE OF ORGANIZATION ALLOWED TO CONDUCT A RAFFLE, PROVIDES THE STANDARDS FOR THE CONDUCT AND MANAGEMENT OF THE RAFFLE, PROVIDES PENALTIES FOR VIOLATIONS, AND ENSURES THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLE IS CONDUCTED, AND TO PROVIDE THAT A RAFFLE CONDUCTED IN CONFORMITY WITH LAWS ENACTED PURSUANT TO THIS PARAGRAPH IS NOT CONSIDERED A LOTTERY PROHIBITED BY THE CONSTITUTION.

Reps. J. R. SMITH, G. R. SMITH, BEDINGFIELD, NANNEY, SIMRILL, D. C. SMITH, T. R. YOUNG, PARKER, FORRESTER, WYLIE, CHALK, HIOTT, LOFTIS, OTT, HOSEY, VICK, DANING, DUNCAN and MERRILL requested debate on the Joint Resolution.

**H. 4506--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Joint Resolution, which was adopted:

H. 4506 -- Reps. Lucas, Harrison, J. E. Smith, Harrell, Battle and Rutherford: A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS' MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

**S. 1172--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 1172 -- Senators Fair, Hutto, Jackson, Alexander, Ford, L. Martin, Campbell, Rose, Knotts and Cromer: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

**H. 4181--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Joint Resolution, which was adopted:

H. 4181 -- Reps. Scott, Long, Haley, Duncan and Bedingfield: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS, SO AS TO ADD A NEW SECTION PRESERVING THE FREEDOM OF SOUTH CAROLINIANS WITH RESPECT TO THE PROVIDING OF HEALTH CARE SERVICES, BY PROHIBITING ANY LAW, REGULATION, OR RULE TO COMPEL AN INDIVIDUAL, EMPLOYER, OR HEALTH CARE PROVIDER TO PARTICIPATE IN A HEALTH CARE SYSTEM, BY ALLOWING INDIVIDUALS AND EMPLOYERS TO PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES WITHOUT PENALTIES OR FINES FOR THESE DIRECT PAYMENTS, BY PROVIDING THAT THE PURCHASE OR SALE OF HEALTH INSURANCE IN PRIVATE HEALTH CARE SYSTEMS MUST NOT BE PROHIBITED BY LAW, REGULATION, OR RULE, BY PROVIDING THOSE INCENTIVES IN WHICH THE RIGHTS PROVIDED BY THIS SECTION DO NOT APPLY, AND TO PROVIDE APPROPRIATE DEFINITIONS.

**S. 1097--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 1097 -- Senators Alexander, L. Martin, Sheheen, O'Dell, Land, Mulvaney and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-21-110 TO CHAPTER 21, TITLE 41 SO AS TO ENACT THE "FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA" AND TO ESTABLISH THE JUNIOR FIREFIGHTERS PROGRAM.

**H. 4562--DEBATE ADJOURNED**

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

H. 4562 -- Rep. Vick: A BILL TO AMEND SECTION 39-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGISTRATION FEES OF WEIGHMASTERS AND DEPUTY WEIGHMASTERS, SO AS TO REVISE THE REGISTRATION FEE FOR WEIGHMASTERS AND TO DELETE THE ADDITIONAL FEE FOR DEPUTY PUBLIC WEIGHMASTERS; TO AMEND SECTION 39-11-60, RELATING TO LENGTH OF REGISTRATION AND RENEWAL, SO AS TO REVISE THE TIME IN WHICH PUBLIC WEIGHMASTER REGISTRATIONS MUST BE RENEWED; TO AMEND SECTION 39-11-80, RELATING TO REFUSAL OR REVOCATION OF A LICENSE, SO AS TO DELETE THE REFUSAL OR REVOCATION OF A DEPUTY PUBLIC WEIGHMASTER LICENSE BY THE COMMISSIONER OF AGRICULTURE; AND TO REPEAL SECTIONS 39-11-40 AND 39-11-50 RELATING TO EMPLOYMENT OR DESIGNATION OF DEPUTY WEIGHMASTERS AND RENEWAL OF REGISTRATION, RESPECTIVELY.

**H. 4589--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4589 -- Reps. Gambrell, D. C. Moss, Frye, V. S. Moss and White: A BILL TO AMEND SECTION 46-7-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ANIMAL FACILITY WASTE MANAGEMENT TRAINING AND CERTIFICATION PROGRAMS, SO AS TO EXEMPT CATTLE STOCKYARD OWNERS AND OPERATORS AND CATTLE PRODUCERS FROM THESE TRAINING AND CERTIFICATION REQUIREMENTS.

The Agriculture, Natural Resources and Environmental Affairs Subcommittee proposed the following Amendment No. 1 (COUNCIL\NBD\12269AC10), which was adopted:

Amend the bill, as and if amended, by deleting Section 46-7-110(C) beginning on page 1, line 40 and inserting:

/ (C) Notwithstanding the provisions of subsection (B) or any other provision of law, cattle stockyard owners and operators are exempt from the training and certification requirements of this section.”/

Renumber sections to conform.

Amend Title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

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

**S. 495--DEBATE ADJOURNED**

Rep. UMPHLETT moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 495 -- Senators Massey, Hutto and S. Martin: A BILL TO AMEND SECTION 50-11-2100 OF THE 1976 CODE, RELATING TO FIELD TRIALS, TO PROVIDE THAT A PARTICIPANT IN FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE IF THE PARTICIPANT IS NOT CARRYING A FIREARM AND NO GAME IS TAKEN, AND TO PROVIDE THAT NO FIELD TRIALS MAY BE HELD OUTSIDE OF THE REGULAR SEASON EXCEPT AS PERMITTED BY THE DEPARTMENT.

**H. 3492--POINT OF ORDER**

The following Bill was taken up:

H. 3492 -- Reps. Kennedy, Brantley, McEachern, Clyburn, Hodges, Hosey, Jefferson, King and Williams: A BILL TO AMEND SECTION 40-59-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN CONNECTION WITH THE LICENSURE AND REGULATION OF RESIDENTIAL HOME BUILDERS SO AS TO INCREASE FROM FIVE THOUSAND DOLLARS TO FIFTEEN THOUSAND DOLLARS THE AMOUNT THAT A PERSON MAY UNDERTAKE IN THE CONSTRUCTION, REPAIR, OR IMPROVEMENT OF A RESIDENTIAL BUILDING WITHOUT BEING CONSIDERED A RESIDENTIAL HOME BUILDER SUBJECT TO LICENSURE AND REGULATIONS BY THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION.

**POINT OF ORDER**

Rep. SIMRILL 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. 3645--POINT OF ORDER**

The following Bill was taken up:

H. 3645 -- Reps. T. R. Young, Merrill, Hardwick, J. R. Smith, D. C. Smith, Haley, Erickson, Stringer, Stewart, G. R. Smith, Harrison, Gullick, Nanney, Cato, Huggins, Crawford, Spires, Allison, Ballentine, Bannister, Bedingfield, Bingham, Clyburn, Cole, Forrester, Hamilton, Harrell, Hearn, Herbkersman, Horne, Hosey, King, Limehouse, Long, Millwood, Parker, E. H. Pitts, Sandifer, Scott, Sellers, Simrill, Sottile, Toole, White, Wylie, A. D. Young and Bowers: A BILL TO AMEND SECTION 56-1-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS TO WHOM THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE A DRIVER'S LICENSE OR PERMIT, SO AS TO PROVIDE THAT A DRIVER'S LICENSE MAY NOT BE ISSUED TO A PERSON WHO IS UNDER EIGHTEEN YEARS OLD OR A PERSON WHO HOLDS A CONDITIONAL DRIVER'S LICENSE; TO AMEND SECTION 56-1-176, RELATING TO SCHOOL ATTENDANCE CONDITIONS ASSOCIATED WITH THE ISSUANCE OF CONDITIONAL AND SPECIAL RESTRICTED DRIVER'S LICENSES, TO PROVIDE THAT THESE AND ADDITIONAL CONDITIONS SHALL APPLY TO THE ISSUANCE OR REINSTATEMENT OF A BEGINNER'S PERMIT, CONDITIONAL DRIVER'S LICENSE, SPECIAL RESTRICTED DRIVER'S LICENSE, AND A REGULAR DRIVER'S LICENSE ISSUED TO A PERSON LESS THAN EIGHTEEN YEARS OF AGE, TO PROVIDE FOR THE SUSPENSION OF A PERSON'S PERMIT OR LICENSE IF HE FAILS TO COMPLY WITH THESE CONDITIONS, AND TO REQUIRE THAT THE SUSPENSION REMAIN IN EFFECT UNTIL THE PERSON HAS DEMONSTRATED COMPLIANCE WITH THESE CONDITIONS FOR ONE FULL SEMESTER SUBSEQUENT TO THE SEMESTER DURING WHICH HIS PERMIT OR LICENSE WAS SUSPENDED; BY ADDING SECTION 56-1-177 SO AS TO PROVIDE THAT A MINOR'S PRIVILEGE TO DRIVE MUST BE SUSPENDED UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE REINSTATEMENT OF A DRIVER'S LICENSE THAT HAS BEEN SUSPENDED; TO AMEND SECTION 56-1-180, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO INCREASE THE MAXIMUM AGE OF A PERSON WHO MAY BE ISSUED THIS DRIVER'S LICENSE; TO AMEND SECTION 59-65-10, RELATING TO COMPULSORY SCHOOL ATTENDANCE, SO AS TO PROVIDE THAT A CHILD MUST ATTEND SCHOOL UNTIL HE ATTAINS THE AGE OF EIGHTEEN; TO AMEND SECTION 63-19-20, RELATING TO DEFINITIONS OF THE CHILDREN'S CODE, SO AS TO DEFINE "CHILD" FOR THE PURPOSE OF TRUANCY AS A PERSON WHO IS LESS THAN EIGHTEEN YEARS OF AGE; TO AMEND SECTION 63-19-1030, RELATING TO PREHEARING INQUIRY AND INVESTIGATION IN PROCEEDINGS AGAINST A CHILD, SO AS TO SPECIFY HOW COURT DOCUMENTS FOR TRUANCY PETITIONS MUST BE TITLED; TO AMEND SECTION 63-19-1420, RELATING TO SUSPENSION OR RESTRICTION OF A CHILD'S DRIVER'S LICENSE, SO AS TO PROVIDE THAT A COURT MAY RESTRICT THE DRIVER'S LICENSE OF A CHILD WHO IS ADJUDICATED DELINQUENT FOR TRUANCY; AND TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF A CHILD, SO AS TO PROVIDE THAT A CHILD MAY BE COMMITTED FOR A VIOLATION OF A COURT ORDER TO ATTEND SCHOOL PRIOR TO THE CHILD'S EIGHTEENTH BIRTHDAY.

**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.

**H. 4820--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 4820 -- Reps. Allison, Harrell, Cato, Mitchell, G.R. Smith, Bedingfield, Parker, Millwood, Bannister, Forrester, Hamilton, Kelly, Littlejohn, Nanney, Stringer and Wylie: A JOINT RESOLUTION TO PROVIDE THAT IN 2011 AND 2012, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER’S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SIX HUNDRED NINETY‑NINE DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4821--POINT OF ORDER**

The following Bill was taken up:

H. 4821 -- Reps. Allison, Harrell, Cato, Mitchell, Parker, Millwood, Hamilton, G. R. Smith, Bedingfield, Bannister, Forrester, Kelly, Littlejohn, Nanney, Stringer and Wylie: A BILL TO AMEND SECTION 56-3-2330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANUFACTURER LICENSE PLATES FOR MOTOR VEHICLES, SO AS TO INCREASE FROM FOUR TO FIVE HUNDRED THE NUMBER OF THESE PLATES THAT MAY BE ISSUED TO A MANUFACTURER AND TO INCREASE FROM TEN TO TWENTY DAYS THE MAXIMUM NUMBER OF CONSECUTIVE DAYS THAT VEHICLES WITH THESE PLATES MAY BE USED IN CONNECTION WITH CIVIC AND SPORTING EVENTS.

**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.

**H. 4260--POINT OF ORDER**

The following Bill was taken up:

H. 4260 -- Reps. R. L. Brown and Whipper: A BILL TO AMEND SECTION 57-9-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY, SO AS TO PROVIDE THAT NOTICE OF INTENTION TO FILE A PETITION MUST BE POSTED ALONG THE STREET, ROAD, OR HIGHWAY.

**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.

**H. 3839--POINT OF ORDER**

The following Bill was taken up:

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

**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.

**S. 1024--DEBATE ADJOURNED**

Rep. KENNEDY moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 1024 -- Senators O'Dell, Knotts and Setzler: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO ALLOW THE SURVIVING SPOUSE OF A DECEDENT WHO WAS ELIGIBLE FOR THE EXEMPTION OF THE DWELLING OWNED BY A PERSON WITH CERTAIN SPECIFIC ILLNESSES CAUSING THE SAME AMBULATORY DIFFICULTIES AS PERSONS WITH PARAPARESIS OR HEMIPARESIS.

**H. 4808--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4808 -- Reps. Clemmons and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-1-70 SO AS TO PROVIDE CERTAIN DEFINITIONS RELATED TO TRANSFER FEE COVENANTS, TO STATE CERTAIN FINDINGS RELATED TO TRANSFER FEE COVENANTS, TO PROVIDE A TRANSFER FEE COVENANT RECORDED AFTER THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN TO THE EXTENT THAT IT PURPORTS TO SECURE THE PAYMENT OF A TRANSFER FEE, IS NOT BINDING ON OR ENFORCEABLE AGAINST THE AFFECTED REAL PROPERTY OR ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE OF ANY INTEREST IN THE PROPERTY, AND TO PROVIDE THE SECTION DOES NOT IMPLY THAT A TRANSFER FEE COVENANT RECORDED BEFORE THE EFFECTIVE DATE OF THIS SECTION IS VALID OR ENFORCEABLE.

Reps. CLEMMONS, KENNEDY, BALLENTINE, HUGGINS, FRYE, HARDWICK, HEARN, WILLIS, HOSEY, G. R. SMITH and BEDINGFIELD requested debate on the Bill.

**H. 4559--POINT OF ORDER**

The following Bill was taken up:

H. 4559 -- Reps. Barfield, Huggins, Crawford, Jefferson, Williams, H. B. Brown, Viers, Govan, Chalk, G. M. Smith, Weeks, Bowen, Clemmons, Gunn, Hardwick, Harrison, Hart, Hearn, Long, V. S. Moss, J. H. Neal, Ott, J. E. Smith, Toole, Vick, White, Willis, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 53, TITLE 44 TO ENACT THE "UTILIZATION OF UNUSED PRESCRIPTION DRUGS ACT" SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, IN CONSULTATION WITH THE BOARD OF PHARMACY, SHALL DEVELOP A VOLUNTARY PROGRAM WHEREBY HEALTH CARE FACILITIES CAN DONATE UNUSED PRESCRIPTION DRUGS OF PATIENTS WHO NO LONGER NEED THEM AND WHO HAVE VOLUNTARILY AGREED TO DONATE THEIR PRESCRIPTION DRUGS TO CHARITABLE CLINICS PROVIDING SERVICES TO MEDICALLY INDIGENT PERSONS; TO PROVIDE THAT CERTAIN PROGRAM PROCEDURES AND REQUIREMENTS MUST BE PROMULGATED IN REGULATION BY THE DEPARTMENT AND BY THE BOARD OF PHARMACY, INDIVIDUALLY, TO CARRY OUT THE PROVISIONS OF THIS ARTICLE; AND TO CREATE AN ADVISORY COUNCIL TO OVERSEE AND ADVISE THE DEPARTMENT IN ESTABLISHING THIS PROGRAM AND IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS ARTICLE; BY ADDING SECTION 44-53-60 SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, IN CONJUNCTION WITH THE BOARD OF PHARMACY, SHALL DEVELOP A PROGRAM TO RECEIVE AND DISPOSE OF UNUSED MEDICATIONS FROM THE PUBLIC AND SHALL DEVELOP GUIDELINES FOR THE SAFE AND PROPER DISPOSAL OF MEDICATIONS WHICH MUST BE AVAILABLE AND DISTRIBUTED TO THE PUBLIC.

**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.

**H. 3853--POINT OF ORDER**

The following Bill was taken up:

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.

**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.

**H. 4695--POINT OF ORDER**

The following Bill was taken up:

H. 4695 -- Reps. Anderson, Miller, Crawford, Brantley, Allen, G. A. Brown, Dillard, Hayes, Hodges, Hosey, Jefferson, Littlejohn, Lowe and J. H. Neal: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-31-1040 SO AS TO PROVIDE FOR THE MANNER IN WHICH A NONPROFIT CORPORATION MAY CONVERT TO A FOR PROFIT CORPORATION; BY ADDING SECTION 33-31-1045 SO AS TO PROVIDE FURTHER CONDITIONS FOR THE CONVERSION OF A PUBLIC BENEFIT OR RELIGIOUS CORPORATION TO A FOR PROFIT CORPORATION; AND TO AMEND SECTION 33-1-200, AS AMENDED, RELATING TO FILING REQUIREMENTS UNDER THE BUSINESS CORPORATION ACT, SO AS TO ADD A REFERENCE TO THE CHAPTER ON NONPROFIT CORPORATIONS.

**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.

**H. 4682--POINT OF ORDER**

The following Bill was taken up:

H. 4682 -- Reps. Erickson, Herbkersman, Chalk, Bowen, Brady, Gambrell, Harrison and Sandifer: A BILL TO AMEND SECTION 59-10-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESIGNATION OF PHYSICAL ACTIVITY DIRECTORS, SO AS TO PROVIDE THAT DANCE INSTRUCTION THAT MEETS CERTAIN STANDARDS MAY BE USED TO SATISFY ONE-HALF OF THE REQUIRED PHYSICAL EDUCATION MINUTES.

**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.

**H. 3393--POINT OF ORDER**

The following Bill was taken up:

H. 3393 -- Reps. Spires, Clyburn, Herbkersman, Hosey, Jefferson, Knight, Long, D. C. Smith, J. R. Smith, Williams, Forrester, A. D. Young, Huggins and Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-190 SO AS TO ESTABLISH A JOINT COMMITTEE WITH MEMBERS FROM THE BOARD OF MEDICAL EXAMINERS AND BOARD OF PHARMACY TO ASSIST THESE BOARDS IN ESTABLISHING A PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINES WITHOUT AN ORDER OF A PRACTITIONER; BY ADDING SECTION 40-43-200 SO AS TO REQUIRE THE STATE BOARD OF PHARMACY AND THE BOARD OF MEDICAL EXAMINERS TO ISSUE A JOINT WRITTEN PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINATIONS WITHOUT AN ORDER OF A PRACTITIONER; AND TO AMEND SECTION 40-43-86, AS AMENDED, RELATING TO, AMONG OTHER THINGS, VARIOUS PHARMACY FACILITY, STAFFING, AND PRESCRIPTION REQUIREMENTS, SO AS TO INCREASE THE MAXIMUM AMOUNT OF A LEGEND DRUG THAT A PHYSICIAN IN CHARGE OF AN EMERGENCY ROOM MAY DISPENSE FROM A SEVENTY-TWO HOUR SUPPLY TO A ONE HUNDRED FORTY-FOUR HOUR SUPPLY.

**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.

**H. 4715--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 4715 -- Rep. Vick: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF JEFFERSON NATIONAL GUARD ARMORY IN JEFFERSON, SOUTH CAROLINA, TO THE COUNTY OF CHESTERFIELD.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4616--POINT OF ORDER**

The following Bill was taken up:

H. 4616 -- Reps. Littlejohn, Brantley, Hodges, Jefferson, R. L. Brown, Clemmons, Cobb-Hunter, Herbkersman, Weeks and M. A. Pitts: A BILL TO AMEND SECTION 50-9-510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND OTHER LICENSES, SO AS TO ADD A ONE-DOLLAR SURCHARGE TO EACH LICENSE FEE CONTAINED IN THE SECTION AND PROVIDE THAT THIS SURCHARGE MUST BE USED FOR THE PURPOSE OF FEEDING HUNGRY INDIVIDUALS IN THE MANNER PROVIDED IN SECTION 50-1-275; AND TO ADD SECTION 50-1-275 SO AS TO PROVIDE FOR THE MANNER IN WHICH THE ONE-DOLLAR SURCHARGE MUST BE USED FOR THE PURPOSE OF FEEDING HUNGRY INDIVIDUALS, INCLUDING THE ESTABLISHMENT OF A SEVEN-MEMBER BOARD IN EACH GAME ZONE TO OVERSEE THE EXPENDITURE OF THE FUNDS ALLOCATED TO THAT GAME ZONE FOR THIS PURPOSE.

**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.

**H. 4269--REQUEST FOR DEBATE WITHDRAWN**

Rep. UMPHLETT withdrew his request for debate on the following Bill:

H. 4269 -- Reps. Herbkersman, D. C. Smith, Umphlett, Ballentine, J. R. Smith, Limehouse, Lowe, Bingham, Merrill, Toole, R. L. Brown, T. R. Young, Stewart, McLeod, G. A. Brown, Hiott, Rice, J. E. Smith, Duncan, Agnew, Hutto, Clemmons, Chalk, Clyburn, Hosey, Crawford, Battle, Pinson, Ott, Lucas, Hayes, Stavrinakis, Knight, D. C. Moss, Brady, Horne, Sellers, H. B. Brown and Sottile: A BILL TO AMEND ACT 200 OF 2002, RELATING TO THE SOUTH CAROLINA CONSERVATION BANK ACT, SO AS TO DELETE A PROVISION WHICH PROVIDES THAT NO FURTHER DEED RECORDING FEES OR OTHER FUNDS MAY BE CREDITED TO THE CONSERVATION BANK TRUST FUND IN ANY YEAR WHEN A MAJORITY OF STATE AGENCY APPROPRIATIONS ARE REDUCED IN THE ANNUAL GENERAL APPROPRIATIONS ACT OR WHEN THE STATE BUDGET AND CONTROL BOARD IMPOSES ACROSS THE BOARD CUTS AND INSTEAD PROVIDE FOR A REDUCTION ON A PERCENTAGE BASIS IN THE AMOUNT OF DEED RECORDING FEES WHICH MAY BE TRANSFERRED TO THE TRUST FUND, AND TO EXTEND THE EXPIRATION DATE OF THE PROVISIONS OF LAW RELATING TO THE CONSERVATION BANK ACT AND OTHER RELATED DATES PERTAINING TO THE CLOSURE OF THE CONSERVATION BANK ACT AND CONSERVATION BANK FUND.

**H. 4838--REQUESTS FOR DEBATE WITHDRAWN**

Reps. SELLERS, GOVAN, HOSEY, MCEACHERN, NEILSON, KING, J. R. SMITH, KENNEDY and OTT withdrew their requests for debate on H. 4838; however, other requests for debate remained on the Bill.

**H. 4269--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4269 -- Reps. Herbkersman, D. C. Smith, Umphlett, Ballentine, J. R. Smith, Limehouse, Lowe, Bingham, Merrill, Toole, R. L. Brown, T. R. Young, Stewart, McLeod, G. A. Brown, Hiott, Rice, J. E. Smith, Duncan, Agnew, Hutto, Clemmons, Chalk, Clyburn, Hosey, Crawford, Battle, Pinson, Ott, Lucas, Hayes, Stavrinakis, Knight, D. C. Moss, Brady, Horne, Sellers, H. B. Brown and Sottile: A BILL TO AMEND ACT 200 OF 2002, RELATING TO THE SOUTH CAROLINA CONSERVATION BANK ACT, SO AS TO DELETE A PROVISION WHICH PROVIDES THAT NO FURTHER DEED RECORDING FEES OR OTHER FUNDS MAY BE CREDITED TO THE CONSERVATION BANK TRUST FUND IN ANY YEAR WHEN A MAJORITY OF STATE AGENCY APPROPRIATIONS ARE REDUCED IN THE ANNUAL GENERAL APPROPRIATIONS ACT OR WHEN THE STATE BUDGET AND CONTROL BOARD IMPOSES ACROSS THE BOARD CUTS AND INSTEAD PROVIDE FOR A REDUCTION ON A PERCENTAGE BASIS IN THE AMOUNT OF DEED RECORDING FEES WHICH MAY BE TRANSFERRED TO THE TRUST FUND, AND TO EXTEND THE EXPIRATION DATE OF THE PROVISIONS OF LAW RELATING TO THE CONSERVATION BANK ACT AND OTHER RELATED DATES PERTAINING TO THE CLOSURE OF THE CONSERVATION BANK ACT AND CONSERVATION BANK FUND.

Rep. HAMILTON moved to adjourn debate on the Bill.

Rep. MERRILL moved to table the motion, which was agreed to by a division vote of 56 to 19.

Reps. NANNEY, WYLIE, MERRILL, CRAWFORD, RUTHERFORD, HARRISON, LOWE, OTT, UMPHLETT, DANING, HOSEY, VICK, GOVAN, DUNCAN, STRINGER and FRYE requested debate on the Bill.

**H. 3815--RECONSIDERED**

The motion of Rep. HIOTT to reconsider the vote whereby H. 3815 was given third reading, was taken up and agreed to.

**H. 3815--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3815 -- Rep. Haley: A BILL TO AMEND SECTION 40-13-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS PERTAINING TO THE LICENSURE AND REGULATION OF COSMETOLOGISTS, SO AS TO SPECIFICALLY EXCLUDE FROM THE DEFINITION OF "SALON" A RENTAL BOOTH AND THE SPACE IN A SALON OCCUPIED BY AN INDEPENDENT CONTRACTOR; AND BY ADDING SECTION 40-13-255 SO AS TO PROVIDE THAT A PERSON PRACTICING UNDER AN INDIVIDUAL COSMETOLOGY LICENSE IN A BOOTH RENTAL OR AS AN INDEPENDENT CONTRACTOR MAY NOT BE CHARGED A LICENSURE OR LICENSURE RENEWAL FEE OTHER THAN THE FEE CHARGED FOR INDIVIDUAL LICENSURE OR LICENSURE RENEWAL.

Rep. RICE asked unanimous consent to amend the Bill on third reading.

Rep. KENNEDY objected.

Rep. WHITE moved to adjourn debate on the Bill.

Rep. HALEY moved to table the motion.

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

Yeas 28; Nays 70

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Bingham | Bowers | Cato |
| Duncan | Forrester | Frye |
| Gilliard | Gunn | Haley |
| Hamilton | Hiott | Huggins |
| Hutto | King | Loftis |
| Mack | Millwood | Nanney |
| Rice | Simrill | G. R. Smith |
| Spires | Stavrinakis | Whipper |
| Willis |  |  |

**Total--28**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bowen |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Edge | Funderburk | Gambrell |
| Govan | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Herbkersman | Hodges |
| Horne | Hosey | Jennings |
| Kelly | Kennedy | Kirsh |
| Littlejohn | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | Pinson |
| Rutherford | Sandifer | Scott |
| D. C. Smith | J. R. Smith | Sottile |
| Umphlett | Vick | White |
| Whitmire | Williams | Wylie |
| A. D. Young |  |  |

**Total--70**

So, the House refused to table the motion.

The question then recurred to the motion to adjourn debate, which was agreed to.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3033 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. GUNN asked unanimous consent to recall H. 4108 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall H. 4806 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall S. 1204 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. GUNN asked unanimous consent to recall H. 4119 from the Committee on Judiciary.

Rep. SELLERS objected.

**OBJECTION TO RECALL**

Rep. GOVAN asked unanimous consent to recall H. 3180 from the Committee on Education and Public Works.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. G. M. SMITH asked unanimous consent to recall H. 4837 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. GUNN asked unanimous consent to recall H. 4348 from the Committee on Rules.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. RUTHERFORD asked unanimous consent to recall S. 1014 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. DUNCAN asked unanimous consent to recall H. 4280 from the Committee on Education and Public Works.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. KELLY asked unanimous consent to recall H. 4255 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3523 from the Committee on Judiciary.

Rep. KENNEDY objected.

**R. 140, S. 191-- DEBATE ADJOURNED**

The motion to reconsider the vote whereby the Veto on the following Act was sustained was taken up:

(R140) S. 191 -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2010" SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 63-19-1820, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 63-19-1850, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO AN ELIGIBLE INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

Rep. KELLY moved to adjourn debate on the motion to reconsider until Wednesday, April 28.

Rep. RUTHERFORD moved to table the motion.

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

Yeas 28; Nays 75

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cobb-Hunter | Crawford |
| Dillard | Govan | Gunn |
| Hart | Harvin | Hodges |
| Hosey | Kennedy | King |
| Lowe | Mack | Mitchell |
| Nanney | Ott | Parks |
| Rutherford | G. R. Smith | Vick |
| Williams |  |  |

**Total--28**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Daning |
| Delleney | Duncan | Edge |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Jennings | Kelly | Kirsh |
| Limehouse | Littlejohn | Loftis |
| Long | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| J. M. Neal | Neilson | Owens |
| Parker | Pinson | Rice |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--75**

So, the House refused to table the motion.

The question then recurred to the motion to adjourn debate on the motion to reconsider the vote whereby the Veto was sustained.

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

Yeas 81; Nays 22

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Edge |
| Forrester | Funderburk | Gambrell |
| Gilliard | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Jennings | Kelly |
| Kirsh | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Pinson | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Umphlett |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Brantley | H. B. Brown | Cobb-Hunter |
| Dillard | Duncan | Haley |
| Hodges | Hosey | King |
| Mack | Mitchell | Parks |
| M. A. Pitts | Rutherford | G. M. Smith |
| Vick | Viers | Whipper |
| Williams |  |  |

**Total--22**

So, the motion to adjourn debate on the motion to reconsider until Wednesday, April 28, was agreed to.

**S. 191--MOTION TO RECONSIDER TABLED**

Rep. A. D. YOUNG moved to reconsider the vote whereby debate was adjourned on the motion to reconsider until Wednesday, April 28.

Rep. A. D. YOUNG moved to table the motion to reconsider, which was agreed to.

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

**THE HOUSE RESUMES**

At 3:00 p.m. the House resumed, Acting Speaker BRADY in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

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

**H. 3418--DEBATE ADJOURNED**

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

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7-13-25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7-15-470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7-1-25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7-5-230 TO REFERENCE REVISIONS TO SECTION 7-1-25.

Rep. LITTLEJOHN moved to adjourn debate upon the Senate Amendments until Tuesday, May 4, which was agreed to.

**H. 3280--DEBATE ADJOURNED**

Rep. T. R. YOUNG moved to adjourn debate upon the following Joint Resolution until Thursday, April 29, which was adopted:

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Wylie, Bedingfield, Harrell, A. D. Young, Viers, Gunn, Erickson, Clemmons and Loftis: 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 GENERAL ASSEMBLY 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.

**MOTION PERIOD**

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

**H. 3608--DEBATE ADJOURNED**

Rep. LITTLEJOHN moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

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

**H. 4413--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4413 -- Reps. Chalk, Gunn, Hardwick, Clemmons, Lowe, Crawford, Long, J. M. Neal, G. R. Smith, Harrison, A. D. Young, Horne, Brady, Erickson, Herbkersman, Millwood, Allison, Parker, Duncan, M. A. Pitts, Harvin, Williams, Neilson, Battle, Miller, Huggins, Spires, Willis, Hearn, Scott, Daning, J. E. Smith, Vick and H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE "LICENSURE OF IN-HOME CARE PROVIDER ACT" SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN-HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN-HOME CAREGIVERS EMPLOYED BY IN-HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT'S RESPONSIBILITIES UNDER THIS CHAPTER.

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 (COUNCIL\ NBD\12079AC10), which was adopted:

Amend the bill, as and if amended, Section 44-70-40 beginning on page 2, line 39 by deleting lines 39 through 42 and inserting:

/Section 44‑70‑40. The department shall promulgate regulations for the licensure of in‑home care providers. The department must use as a basis for these regulations the current standards for the appropriate levels of care of as outlined in Medicaid Scope of Services for Personal Care II Services as/. So when amended Section 44-70-40 reads:

/Section 44‑70‑40. The department shall promulgate regulations for the licensure of in‑home care providers. The department must use as a basis for these regulations the current standards for the appropriate levels of care of as outlined in Medicaid Scope of Services for Personal Care II Services as outlined by the Department of Health and Human Services and in use on July 1, 2010, and must include:

(1) license application and renewal procedures;

(2) criminal background checks for licensure applicants, which may include criminal offenses that preclude licensure;

(3) responsibilities and duties of a licensee, including requirements for bonding, record keeping, and reporting;

(4) fees the department may charge to process an application for a license, the issuance of a license, the renewal of a license, and the reinstatement of a revoked or suspended license;

(5) criteria that a licensee’s employee, agent, independent contractor or referral must satisfy before providing in‑home care service. These criteria must include, but are not limited to, personal information, completion of a minimum education requirement, completion of minimum training and continuing education requirements, and screening for communicable diseases; and

(6) sanctions that the department may impose for a violation of this chapter, including the suspension or revocation of a license or the imposition of a monetary penalty. Sanctions imposed may be appealed pursuant to Section 44‑1‑60./

Renumber sections to conform.

Amend title to conform.

Rep. CHALK explained the amendment.

The amendment was then adopted.

Reps. CHALK and T. R. YOUNG proposed the following Amendment No. 2 (COUNCIL\NBD\12248AC10), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-70-40(1) through (6) on page 4413-2, lines 3 through 20 and inserting:

/ (1) license application and renewal procedures;

(2) criminal background checks for licensure applicants, which may include criminal offenses that preclude licensure;

(3) drug testing of licensure applicants;

(4) responsibilities and duties of a licensee, including requirements for bonding, record keeping, and reporting;

(5) fees the department may charge to process an application for a license, the issuance of a license, the renewal of a license, and the reinstatement of a revoked or suspended license;

(6) criteria that a licensee’s employee, agent, independent contractor or referral must satisfy before providing in‑home care service. These criteria must include, but are not limited to, personal information, completion of a minimum education requirement, completion of minimum training and continuing education requirements, and screening for communicable diseases; and

(7) sanctions that the department may impose for a violation of this chapter, including the suspension or revocation of a license or the imposition of a monetary penalty. Sanctions imposed may be appealed pursuant to Section 44‑1‑60. /

Renumber sections to conform.

Amend title to conform.

Rep. CHALK explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

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

**Total--97**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was temporarily out of the Chamber, dealing with a Public Utility Screening matter, when the vote was taken on H. 4413. Had I been present, I would have voted “yea”, in favor of this Bill.

Rep. Harry Cato

**S. 1027--DEBATE ADJOURNED**

Rep. DUNCAN moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50-11-770 TO ENACT THE "RENEGADE HUNTER ACT", TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

**H. 3748--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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

The Ways and Means Committee proposed the following Amendment No. 1A (COUNCIL\AGM\19987BH10), which was adopted:

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

/ SECTION 1. Chapter 20, Title 59 of the 1976 Code is amended by adding:

“Section 59‑20‑24. Notwithstanding Section 59‑20‑20, the index of taxpaying ability as calculated by the Department of Revenue for 2009 applies for the 2010‑11 fiscal year.”

SECTION 2. (A) From the funds appropriated or authorized for the Department of Education, there is created the Index of Taxpaying Ability Study Committee. The committee shall examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee also shall examine the manner in which the index is calculated and the impact of property tax measures on the calculation.

(B) The committee is composed of fourteen members, who are appointed as follows:

(1) four members appointed by the President *Pro Tempore* of the Senate, and four members appointed by the Speaker of the House of Representatives. Appointees shall possess experience in business, school district finance, or economics, and must include representatives from the Department of Education, the Department of Revenue, and the Office of Research and Statistics as well as members of the business and education communities;

(2) one member of the Senate appointed by the Senate President *Pro Tempore*;

(3) one member of the Senate appointed by the Senate Majority Leader; and

(4) one member of the Senate appointed by the Senate Minority Leader; and

(5) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(C) The members shall elect a chairman at the first meeting of the committee.

(D) No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

(E) Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. G. R. SMITH moved to continue the Bill, which was not agreed to, by a division vote of 35 to 46.

Rep. COOPER explained the Bill.

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

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Cato | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Gunn | Haley | Hamilton |
| Harvin | Hayes | Hiott |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Spires | Stewart | Stringer |
| Umphlett | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | Wylie | T. R. Young |

**Total--93**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Barfield | Chalk | Clemmons |
| Gilliard | Hardwick | Harrell |
| Hearn | Herbkersman | Horne |
| Hutto | Limehouse | Miller |
| Sottile | Stavrinakis | Whipper |
| A. D. Young |  |  |

**Total--16**

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

**H. 4215--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4215 -- Reps. Harrison, McLeod and Weeks: A BILL TO AMEND SECTION 18-3-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST SERVE A NOTICE OF APPEAL OF A DECISION OF A MAGISTRATE UPON THE OFFICER OR ATTORNEY WHO PROSECUTED THE CASE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.

Rep. DELLENEY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 77; Nays 24

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Jennings | Kelly |
| Limehouse | Littlejohn | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Neilson |
| Ott | Owens | Parker |
| Pinson | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young |  |

**Total--77**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Brantley | Crawford |
| Dillard | Harvin | Hutto |
| Kennedy | King | Kirsh |
| Loftis | Long | Millwood |
| Nanney | Norman | M. A. Pitts |
| Rutherford | Scott | Sellers |
| Simrill | G. M. Smith | Stavrinakis |
| Stewart | Stringer | T. R. Young |

**Total--24**

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

**H. 4243--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4243 -- Reps. Owens, Harrell, Cato, Duncan, Harrison, Sandifer, Whitmire, Allison, Skelton, E. H. Pitts, Bowen, Wylie, Rice, G. R. Smith, Limehouse, Daning, Long, Littlejohn, Hutto, A. D. Young, Simrill, Loftis, Stewart, D. C. Smith, Bedingfield and Haley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE MUST DETERMINE APPLICATION COMPLIANCE; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-210, AS AMENDED, RELATING TO CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL, SO AS TO ALLOW A PRIVATE SCHOOL TO DISSOLVE AND IMMEDIATELY SEEK TO FORM A CHARTER SCHOOL; AND TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP.

Rep. HARVIN moved to adjourn debate on the Bill until Tuesday, May 4.

Rep. OWENS moved to table the motion.

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

Yeas 70; Nays 34

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Forrester | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Herbkersman | Horne | Huggins |
| Hutto | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Neilson | Norman |
| Owens | Pinson | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Umphlett | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Gunn | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Mack |
| McEachern | McLeod | Mitchell |
| Parker | M. A. Pitts | Rutherford |
| Sellers | Vick | Weeks |
| Whipper |  |  |

**Total--34**

So, the motion to adjourn debate was tabled.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19962BH10), which was adopted:

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

/ SECTION 1. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59‑40‑55. (A) A charter school sponsor shall:

(1) approve charter applications that meet the requirements specified in Sections 59‑40‑50 and 59‑40‑60;

(2) decline to approve charter applications according to Section 59‑40‑70(C);

(3) negotiate and execute sound charter contracts with each approved charter school;

(4) monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools to include collecting and analyzing data to support ongoing evaluation according to the charter contract;

(5) conduct or require oversight activities that enable the sponsor to fulfill its responsibilities outlined in this chapter, including conducting appropriate inquiries and investigations, only if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contact, and do not unduly inhibit the autonomy granted to public charter schools;

(6) collect, in accordance with Section 59‑40‑140(H), an annual report from each of its sponsored charter schools and submit the reports to the Department of Education;

(7) notify the charter school of perceived problems if its performance or legal compliance appears to be unsatisfactory and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation and revocation timeframes apply;

(8) take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include requiring a school to develop and execute a corrective action plan within a specified timeframe;

(9) determine whether each charter contract merits renewal, nonrenewal, or revocation; and

(10) provide to parents and the general public information about charter schools authorized by the district as an enrollment option within the district to the same extent and through the same means as the district provides and publicizes information about all public schools in the district.

(B) A local charter school sponsor may retain no more than two percent of the total state and local appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. The South Carolina Public Charter School District may retain no more than two percent of the total state and local appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. The sponsor’s administrative fee does not include costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor’s fee is not applicable to federal money or grants received by the charter school. The sponsor shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling sponsor obligations in accordance with this chapter.”

SECTION 2. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59‑40‑175. There is created in the state treasury the Charter School Facility Revolving Loan Program. This loan program is comprised of federal funds obtained by the state for charter school facilities, other funds appropriated or transferred to the fund by the state, and privately donated funds. Funds deposited to the Charter School Facility Revolving Loan Program must remain available for the purposes of the program until appropriated or reverted by the General Assembly. The State Treasurer may approve loans from monies in the Charter School Revolving Loan Program to a charter school, upon application by the charter school. Money loaned to a charter school pursuant to this section must be used for construction, purchase, renovation, and maintenance of public charter school facilities. The State Treasurer shall establish guidelines and procedures for application, approval, allocation, and repayment regarding loans from these monies.”

SECTION 3. Section 59‑40‑20 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑20. This chapter is enacted to:

(1) improve student learning;

(2) increase learning opportunities for students;

(3) encourage the use of a variety of productive teaching methods;

(4) establish new forms of accountability for schools;

(5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; ~~and~~

(6) assist South Carolina in reaching academic excellence~~.~~; and

(7) create new, innovative, and more flexible ways of educating children within the public school system, with the goal of closing achievement gaps between low performing student groups and high performing student groups.”

SECTION 4. Section 59‑40‑40 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑40. As used in this chapter:

(1) A ‘charter school’ means a public, nonreligious, nonhome‑based, nonprofit corporation forming a school that operates within a public school district or the South Carolina Public Charter School District, but is accountable to the school board of trustees of that district which grants its charter. Nothing in this chapter prohibits charter schools from offering virtual services pursuant to state law and subsequent regulations defining virtual schools.

(2) A charter school:

(a) is considered a public school and part of the South Carolina Public Charter School District or local school district in which it is located for the purposes of state law and the state constitution;

(b) is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services; however, an applicant may seek to form a single gender charter school without regard to the gender makeup of that proposed charter school;

(c) must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the sponsor, the governing body to be selected~~,~~ as provided in Section 59‑40‑50(B)(9);

(d) may not charge tuition or other charges pursuant to Section 59‑19‑90(8) except as may be allowed by the sponsor and is comparable to the charges of the local school district in which the charter school is located~~.~~;

(e) is subject to the same fixed asset inventory requirements as are traditional public schools.

(3) ‘Applicant’ means the person who or nonprofit corporate entity that desires to form a charter school and files the necessary application with the South Carolina Public Charter School District Board of Trustees or the local school board of trustees in which the charter school is to be located. The applicant also must be the person who or the nonprofit corporate entity that applies to the Secretary of State to organize the charter school as a nonprofit corporation.

(4) ‘Sponsor’ means the South Carolina Public Charter School District Board of Trustees or the local school board of trustees in which the charter school is to be located, as provided by law, from which the charter school applicant requested its charter and which granted approval for the charter school’s existence. The sponsor of a charter school is the charter school’s Local Education Agency (LEA) and a charter school is a school within that LEA. The sponsor retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

(5) ‘Certified teacher’ means a person currently certified by the State of South Carolina to teach in a public elementary or secondary school or who currently meets the qualifications outlined in Sections 59‑27‑10 and 59‑25‑115.

(6) ‘Noncertified teacher’ means an individual considered appropriately qualified for the subject matter taught and who has completed at least one year of study at an accredited college or university and meets the qualifications outlined in Section 59‑25‑115.

(7) ‘Charter committee’ means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the election, the board of directors of the corporation must be organized as the governing body and the charter committee is dissolved.

(8) ‘Local school district’ means any school district in the State except the South Carolina Public Charter School District and does not include special school districts.

(9) ‘Charter school contract’ means a fixed term, renewable contract between a charter school and a sponsor that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(10) ‘Resident public school’ means the school, other than a charter school, within whose attendance boundaries the charter school student’s custodial parent or legal guardian resides.”

SECTION 5. Section 59‑40‑50 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑50. (A) Except as otherwise provided in this chapter, a charter school is exempt from all provisions of law and regulations applicable to a public school, a school board, or a district, although a charter school may elect to comply with one or more of these provisions of law or regulations.

(B) A charter school must:

(1) adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District, the local school district in which the charter school is located;

(2) meet, but may exceed, the same minimum student attendance requirements as are applied to public schools;

(3) adhere to the same financial audits, audit procedures, and audit requirements as are applied to public schools;

(4) be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or wilful racial discrimination by the governing body or employees of the charter school. Employees of charter schools must be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district or, in the case of the South Carolina Public Charter School District, the local school district in which the charter school is located are relieved;

(5) in its discretion hire noncertified teachers in a ratio of up to twenty‑five percent of its entire teacher staff; however, if it is a converted charter school, it shall hire in its discretion noncertified teachers in a ratio of up to ten percent of its entire teacher staff. However, in either a new or converted charter school, a teacher teaching in the core academic areas as defined by the federal No Child Left Behind law must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach. Part‑time noncertified teachers are considered pro rata in calculating this percentage based on the hours which they are expected to teach;

(6) hire in its discretion administrative staff to oversee the daily operation of the school. At least one of the administrative staff must be certified or experienced in the field of school administration;

(7) admit all children eligible to attend public school to a charter school, subject to space limitations, except in the case of an application to create a single gender charter school. However, it is required that the racial composition of the charter school enrollment reflect that of the local school district in which the charter school is located or that of the targeted student population of the local school district that the charter school proposes to serve, to be defined for the purposes of this chapter as differing by no more than twenty percent from that population. This requirement is also subject to the provisions of Section 59‑40‑70(D). If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor;

(8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single gender charter school; however, a charter school may give enrollment priority to a sibling of a pupil already enrolled or previously enrolled, children of a charter school employee, and children of the charter committee, if such priority enrollment does not constitute more than twenty percent of the enrollment of the charter school;

(9) elect its board of directors ~~annually~~. At least one‑third of the board positions must be open for election annually, allowing for staggered terms of no more than three years. Board members may be reelected for consecutive terms as allowed by the charter school bylaws. All employees of the charter school and all parents or guardians of students enrolled in the charter school are eligible to participate in the election. Parents or guardians of a student shall have one vote for each student enrolled in the charter school. A person who has been convicted of a felony must not be elected to a board of directors;

(10) be subject to the Freedom of Information Act, including the charter school and its governing body.

(C)(1) If a charter school denies admission to a student, the student may appeal the denial to the sponsor. The decision is binding on the student and the charter school.

(2) If a charter school suspends or expels a student, other charter schools or the local school district in which the charter school is located has the authority but not the obligation to refuse admission to the student.

(3) ~~The sponsor has no obligation to provide extracurricular activities or access to facilities of the school district for students enrolled in the charter school; however, the charter contract may include participation in agreed upon interscholastic activities at a designated school within the sponsor district. Notwithstanding another provision of law, the local school district has no obligation to provide charter schools, sponsored by the South Carolina Public Charter School District, extracurricular activities or access to facilities of the school district for students enrolled in charter schools unless the school district, by contract, has agreed to provide activities or access. Students participating under this agreement must be considered eligible to participate in league events if other eligibility requirements are met.~~ (a) A charter school is eligible for federally sponsored, state‑sponsored or district‑sponsored interscholastic leagues, competitions, awards, scholarships, grants, and recognition programs for students, educators, administrators, staff, and schools to the same extent as all other public schools.

(b) A charter school student is eligible to compete for, and if selected, participate in extracurricular activities not offered by the student’s school at the resident public school.

(c) A charter school student is eligible for extracurricular activities at the student’s resident public school consistent with eligibility standards as applied to full‑time students of the resident public school.

(d) A school district or resident public school may not impose additional requirements on a charter school student to participate in extracurricular activities that are not imposed on full‑time students of the resident public school.

(e) Charter school students shall pay the same fees as other students to participate in extracurricular activities.

(f) Charter school students shall be eligible for the same fee waivers for which other students are eligible.

(D) The State is not responsible for student transportation to a charter school unless the charter school is designated by the local school district as the only school selected within the local school district’s attendance area. However, a charter school may enter into a contract with a school district or a private provider to provide transportation to the charter school students.

(E) The South Carolina Public Charter School District Board of Trustees may not use program funding for transportation.”

SECTION 6. Section 59‑40‑60 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑60. (A) An approved charter application constitutes an agreement~~, and the terms must be the terms of a contract~~ between the charter school and the sponsor.

(B) ~~The~~ A contract between the charter school and the sponsor ~~shall~~ must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract. All agreements regarding the release of the charter school from school district policies must be contained in the contract. The Department of Education shall develop a contract template to be used by charter schools and the sponsor. The template must serve as a foundation for the development of a contract between the charter school and the sponsor.

(C) A material revision of the terms of the contract between the charter school and the sponsor may be made only with the approval of both parties.

(D) Except as provided in subsection (F), an applicant who wishes to form a charter school shall:

(1) organize the charter school as a nonprofit corporation pursuant to the laws of this State;

(2) form a charter committee for the charter school which includes one or more teachers;

(3) submit a written charter school application to the charter school advisory committee and the school board of trustees from which the committee is seeking sponsorship.

(E) A charter committee is responsible for and has the power to:

(1) submit an application to operate as a charter school, sign a charter school contract, and ensure compliance with all of the requirements for charter schools provided by law;

(2) employ and contract with teachers and nonteaching employees, contract for services, and develop pay scales, performance criteria, and discharge policies for its employees. All teachers whether certified or noncertified must undergo the background checks and other investigations required for certified teachers, as provided by law, before they may teach in the charter school; and

(3) decide all other matters related to the operation of the charter school, including budgeting, curriculum, and operating procedures.

(F) The charter school application ~~shall be a proposed contract and~~ must include:

(1) the mission statement of the charter school, which must be consistent with the principles of the General Assembly’s purposes pursuant to Section 59‑40‑20;

(2) the goals, objectives, and pupil achievement standards to be achieved by the charter school, and a description of the charter school’s admission policies and procedures;

(3) evidence that an adequate number of parents, teachers, pupils, or any combination of them support the formation of a charter school;

(4) a description of the charter school’s educational program, pupil achievement standards, and curriculum which must meet or exceed any content standards adopted by the State Board of Education and the chartering district must be designed to enable each pupil to achieve these standards;

(5) a description of the charter school’s plan for evaluating pupil achievement and progress toward accomplishment of the school’s achievement standards in addition to state assessments, the timeline for meeting these standards, and the procedures for taking corrective action if that pupil achievement falls below the standards;

(6) evidence that the plan for the charter school is economically sound, a proposed budget for the term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school district, is to be conducted;

(7) a description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

(8) a description of how the charter school plans to ensure that the enrollment of the school is similar to the racial composition of the local school district in which the charter school is to be located or the targeted student population of the local school district that the charter school proposes to serve and provide assurance that the school does not conflict with any school district desegregation plan or order in effect for the school district in which the charter school is to be located;

(9) a description of how the charter school plans to meet the transportation needs of its pupils;

(10) a description of the building, facilities, and equipment and how they shall be obtained;

(11) an explanation of the relationship that shall exist between the proposed charter school and its employees, including descriptions of evaluation procedures and evidence that the terms and conditions of employment have been addressed with affected employees;

(12) a description of a reasonable grievance and termination procedure, as required by this chapter, including notice and a hearing before the governing body of the charter school. The application must state whether or not the provisions of Article 5, Chapter 25 ~~of~~, Title 59 apply to the employment and dismissal of teachers at the charter school;

(13) a description of student rights and responsibilities, including behavior and discipline standards, and a reasonable hearing procedure, including notice and a hearing before the board of directors of the charter school before expulsion;

(14) an assumption of liability by the charter school for the activities of the charter school and an agreement that the charter school must indemnify and hold harmless the school district, its servants, agents, and employees, from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school; and

(15) a description of the types and amounts of insurance coverage to be obtained by the charter school.

(G) Nothing in this section shall require a charter school applicant to provide a list of prospective or tentatively enrolled students or prospective employees with the application.”

SECTION 7. Section 59‑40‑70 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59‑40‑70. (A) The Charter School Advisory Committee must be established by the State Board of Education to review charter school applications for compliance with established standards that reflect the requirements and intent of this chapter. Members must be appointed by the State Board of Education unless otherwise indicated.

(1) The advisory committee shall consist of ~~eleven~~ twelve members as follows:

(a) ~~South Carolina Association of Public Charter Schools, the president or his designee and one additional representative from the association;~~

~~(b)~~ South Carolina Association of School Administrators, the executive director or his designee;

(~~c~~b) South Carolina Chamber of Commerce, the executive director or his designee and one additional representative from the chamber;

(~~d~~c) South Carolina Education Oversight Committee, the chair or a business designee;

(~~e~~d) South Carolina Commission on Higher Education, the chair or his designee;

(~~f~~e) South Carolina School Boards Association, the executive director or his designee;

(~~g~~f) South Carolina Alliance of Black Educators, the president or his designee; ~~and~~

(g) South Carolina High School League, the president or his designee;

(h) one teacher and one parent to be appointed by the State Superintendent of Education~~.~~; and

(i) one charter school principal and one charter school board member to be appointed by the Governor.

(2) As an application is reviewed, a representative from the board of trustees from which the committee is seeking sponsorship and a representative of the charter committee shall serve on the advisory committee as ex officio nonvoting members. If the applicant indicates a proposed contractual agreement with the local school district in which the charter school is located, a representative from the local school board of trustees of that district shall serve on the advisory committee as an ex officio, nonvoting member.

(3) Appointing authorities shall give consideration to the appointment of minorities and women as representatives on the committee.

(4) The committee shall establish bylaws for its operation that must include terms of office for its membership.

(5) An applicant shall submit the application to the advisory committee and one copy to the school board of trustees of the district from which it is seeking sponsorship. In the case of the South Carolina Public Charter School District, the applicant shall provide notice of the application to the local school board of trustees in which the charter school will be located for informational purposes only. The advisory committee shall receive input from the school district in which the applicant is seeking sponsorship and shall request clarifying information from the applicant. An applicant may submit an application to the advisory committee ~~at any time during the fiscal year~~ pursuant to State Board of Education regulations and the advisory committee, within ~~sixty~~ ninety days, shall determine whether the application is in compliance. An application that is in compliance must be forwarded to the school district from which the applicant is seeking sponsorship with a letter stating the application is in compliance. The letter also shall include a recommendation from the Charter School Advisory Committee to approve or deny the charter. The letter must specify the reasons for its recommendation. This recommendation is nonbinding on the school board of trustees. If the application is in noncompliance, it must be returned to the applicant with deficiencies noted. The applicant may appeal the decision to the Administrative Law Court.

(B) The school board of trustees from which the applicant is seeking sponsorship shall rule on the application for a charter school in a public hearing, upon reasonable public notice, within ~~thirty~~ forty‑five days after receiving the application. If there is no ruling within ~~thirty~~ forty‑five days, the application is considered approved. Once the application has been approved by the school board of trustees, the charter school may open at the beginning of the following year. However, before a charter school may open, the State Department of Education shall verify the accuracy of the financial data for the school within forty‑five days after approval.

(C) A school district board of trustees only shall deny an application if the application does not meet the requirements specified in Section 59‑40‑50 or 59‑40‑60, fails to meet the spirit and intent of this chapter, or adversely affects, as defined in regulation, the other students in the district in which the charter school is to be located. It shall provide, within ten days, a written explanation of the reasons for denial, citing specific standards related to provisions of Section 59‑40‑50 or 59‑40‑60 that the application violates. This written explanation immediately must be sent to the charter committee and filed with the State Board of Education and the Charter School Advisory Committee.

(D) In the event that the racial composition of an applicant’s or charter school’s enrollment differs from the enrollment of the local school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the school district board of trustees from which the applicant is seeking sponsorship shall consider the applicant’s or the charter school’s recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the school district board of trustees that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter as provided in this section or in Section 59‑40‑110, as may be applicable. A finding by the school district board of trustees that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.

(E) If the school district board of trustees from which the applicant is seeking sponsorship denies a charter school application, the charter applicant may appeal the denial to the Administrative Law Court pursuant to Section 59‑40‑90.

(F) If the school district board of trustees approves the application, it becomes the charter school’s sponsor and shall sign the approved application~~, which constitutes a contract with the charter committee of the charter school~~. The sponsor shall submit a copy of the charter ~~must be filed with~~ contract to the State Board of Education.

(G) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District adversely affects the other students in its district, as defined in regulation, or that the approval of the application fails to meet the spirit and intent of this chapter, the local school board of trustees may appeal the granting of the charter to the Administrative Law Court. The Administrative Law Court, within forty‑five days, may affirm or reverse the application for action by the South Carolina Public Charter School District in accordance with an order of the state board.”

SECTION 8. Section 59‑40‑100 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑100. (A) An existing public school may be converted into a charter school if two‑thirds of the faculty and instructional staff employed at the school and ~~two‑thirds~~ a majority of ~~all voting parents or legal guardians of students enrolled in the school~~ returned pre‑mailed ballots issued to those who are eligible to vote agree to the filing of an application with the local school board of trustees for the conversion and formation of that school into a charter school. Parents or legal guardians of students enrolled in the school must be given the opportunity to vote on the conversion. Parents or guardians of a student shall have one vote for each ~~student~~ household having students enrolled in the school seeking conversion. The State Board of Education shall promulgate regulations providing for paper ballots to be used in the voting process. The application must be submitted pursuant to Section 59‑40‑70(A)(5) by the principal of that school or his designee who must be considered the applicant. The application must include all information required of other applications pursuant to this chapter. The local school board of trustees shall approve or disapprove this application in the same manner it approves or disapproves other applications. The existence of another charter granting authority must not be grounds for disapproving a school desiring to convert to a charter school.

(B) A converted charter school shall offer at least the same grades, or nongraded education appropriate for the same ages and education levels of pupils, as offered by the school immediately before conversion, and also may provide additional grades and further educational offerings.

(C) All students enrolled in the school at the time of conversion must be given priority enrollment. Thereafter, students who reside within the former attendance area of that public school must be given enrollment priority.

(D) All employees of a converted school shall remain employees of the local school district or the South Carolina Public Charter School District with the same compensation and benefits including any future increases. The converted charter school quarterly shall reimburse the local school district or the South Carolina Public Charter School District for the compensation and employer contribution benefits paid to or on behalf of these employees and provide to the school district any reports, forms, or data necessary for maintaining retirement coverage and providing South Carolina Retirement Systems benefits to converted school employees. The provisions of Article 5, Chapter 25 ~~of~~, Title 59 apply to the employment and dismissal of teachers at a converted school.

(E) For the duration of a converted charter school’s contract with a sponsor, a converted charter school shall have the right to retain occupancy and use of the school’s facility or facilities and all equipment, furniture, and supplies that were available to the school before it converted, in the same manner as before the school converted, with no additional fees or charges.

(~~E~~F) The South Carolina Public Charter School District may not sponsor a public school to convert to a charter school. However, the South Carolina Public Charter School District may sponsor a converted charter school renewal if the charter school has not committed a material violation of the provisions specified in subsection (C) of Section 59‑40‑110 and the local school district board of trustees refuses to renew the charter. In such cases, the charter school shall continue to receive local funding pursuant to Section 59‑40‑110(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.”

SECTION 9. Section 59‑40‑110 of the 1976 Code is amended to read:

“Section 59‑40‑110. (A) A charter must be approved or renewed for a period of ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection (C) of this section. The sponsor annually shall evaluate the conditions outlined in subsection (C). The annual evaluation results must be used in making a determination for nonrenewal or revocation.

(B) A charter renewal application must be submitted to the school’s sponsor, and it must contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application; and

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education.

(C) A charter ~~must~~ may be revoked or not renewed by the sponsor if it determines that the charter school:

(1) committed a material violation of the conditions, standards, or procedures provided for in the charter application;

(2) failed to meet or make reasonable progress, as defined in the charter application, toward pupil achievement standards identified in the charter application;

(3) failed to meet generally accepted standards of fiscal management; or

(4) violated any provision of law from which the charter school was not specifically exempted.

(D) At least sixty days before not renewing or terminating a charter school, the sponsor shall notify in writing the charter school’s governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail. Termination must follow the procedure provided for in this section.

(E) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified in subsection (C) of this section.

(F) The charter school’s governing body may request in writing a hearing before the sponsor within fourteen days of receiving notice of nonrenewal or termination of the charter. Failure by the school’s governing body to make a written request for a hearing within fourteen days must be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the school’s governing body of the hearing date. The sponsor shall conduct a hearing before taking final action. The sponsor shall take final action to renew or not renew a charter by the last day of classes in the last school year for which the charter school is authorized.

(G) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in subsection (C) of this section and the local school district board of trustees refuses to renew the charter. In such cases, the charter school shall continue to receive local funding pursuant to Section 59‑40‑140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

(H) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59‑40‑90.”

SECTION 10. Section 59‑40‑140 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑140. (A) A local school board of trustees sponsor shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year’s audited total general fund revenues, divided by the previous year’s weighted students, then increased by the Education Finance Act inflation factor, pursuant to Section 59‑20‑40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district. These amounts must be verified by the ~~State~~ Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals. After verification of student attendance on the fifth day of school at the beginning of each school year, the State Department of Education shall distribute funds to school districts with charter schools (i) having approved incremental growth and expansion as provided in their charter application, or (ii) for opening of new charter schools in the current fiscal year. These funds must be released to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts shall provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Necessary adjustments due to enrollment changes must be made pursuant to the Education Finance Act.

(B)(1) The South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the following formula: the current year’s base student cost, as funded by the General Assembly, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and state budget allocations. These state funds are in addition to other funds to be received and distributed by the South Carolina Public Charter School District pursuant to subsections (C) and (D) of this section and Section 59‑40‑220(A). ~~However, the South Carolina Public Charter School District may not retain more than two percent of its gross revenue for its internal administrative and operating expenses.~~

(C) During the year of the charter school’s operation, as received, and to the extent allowed by federal law, a sponsor shall distribute to the charter school federal funds which are allocated to the school district on the basis of the number of special characteristics of the students attending the charter school. These amounts must be verified by the State Department of Education before the first disbursement of funds.

(D) Notwithstanding subsection (C), the proportionate share of state and federal resources generated by students ~~with disabilities~~ or staff serving them must be directed to the school district board of trustees. ~~The proportionate share of funds generated under other federal or state categorical aid programs must be directed to the school district board of trustees serving students eligible for the aid pursuant to state and federal law.~~ After receipt of federal or state categorical aid funds, sponsors shall, within ten business days, supply to the charter school the proportional share of each categorical fund for which the charter school qualifies. If the sponsor fails to do so, the Department of Education may fine the sponsor an amount equivalent to the withheld amounts. Fines imposed must be remitted to the charter school from which the amounts were withheld.

(E) All services centrally or otherwise provided by the sponsor ~~or local school district, if any,~~ including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing are subject to negotiation between a charter school and the sponsor ~~or local school district~~ and must be outlined in the contract required pursuant to Section 59‑40‑70(F).

(F) All awards, grants, or gifts collected by a charter school must be retained by the charter school.

(G) The governing body of a charter school is authorized to accept gifts, donations, or grants of any kind made to the charter school and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted by the governing board if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts, donations, or grants must be reported to the sponsor in their annual audit report as required in Section 59‑40‑50(B)(3).

(H) A charter school shall report to its sponsor and the Department of Education any change to information provided under its application. In addition, a charter school shall report at least annually to its sponsor and the sponsor shall compile those reports into a single document which must be submitted to the department. The Department of Education shall develop a template to be used by charter schools for this annual report. The report shall provide all information required by the sponsor or the department and shall include ~~including~~, at a minimum~~,~~:

(1) the number of students enrolled in the charter school from year to year;

(2) the success of students in achieving the specific educational goals for which the charter school was established;

(3) an analysis of achievement gaps among major groupings of students in both proficiency and growth; ~~and~~

(4) the identity and certification status of the teaching staff;

(5) the financial performance and sustainability of the sponsor’s charter schools; and

(6) board performance and stewardship including compliance with applicable laws.

(I) The sponsor shall provide technical assistance to persons and groups preparing or revising charter applications at no expense.

(J) Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by any other means, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes.

(K) Charter schools are exempt from all state and local taxation, except the sales tax, on their earnings and property. Instruments of conveyance to or from a charter school are exempt from all types of taxation of local or state taxes and transfer fees.”

SECTION 11. Section 59‑40‑190(C), as added by Act 447 of 1996, is amended to read:

“(C) A local school district, sponsor, members of the board of a sponsor, and employees of a sponsor acting in their official capacity are immune from civil or criminal liability with respect to all activities related to a charter school they sponsor. The governing body of a charter school shall obtain at least the amount of and types of insurance required for this purpose.”

SECTION 12. Section 59‑40‑210 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑210. A school established as a private school, on the effective date of this section, which desires to convert to a charter school shall dissolve and ~~must not be allowed to open as a charter school for a period of twelve months~~ may then seek to form a charter school as provided in this chapter.”

SECTION 13. Section 59‑40‑230(A) of the 1976 Code, as added by Act 274 of 2006, is amended to read:

“(A) The South Carolina Public Charter School District must be governed by a board of trustees consisting of not more than ~~eleven~~ ten members:

(1) two appointed by the Governor;

(2) one appointed by the Speaker of the House of Representatives;

(3) one appointed by the President *Pro Tempore* of the Senate; and

(4) ~~seven~~ six to be appointed by the Governor upon the recommendation of the:

(a) ~~South Carolina Association of Public Charter Schools and one additional representative from the association;~~

~~(b)~~ South Carolina Association of School Administrators;

(~~c~~b) South Carolina Chamber of Commerce;

(~~d~~c) South Carolina Education Oversight Committee;

(~~e~~d) South Carolina School Boards Association;

(~~f~~e) South Carolina Alliance of Black Educators~~.~~; and

(f) South Carolina High School League.

The ~~nine~~ eight members appointed by the Governor pursuant to this subsection are subject to advice and consent of the Senate. Membership of the committee must reflect representatives from each of the entities in item (A)(4) or their designee as reflected in their recommendation.

Each member of the board of trustees shall serve terms of three years, except that, for the initial members, two appointed by the Governor, one by the Speaker of the House, and one by the President *Pro Tempore* of the Senate, shall serve terms of one year and three appointed by the Governor shall serve terms of two years. A member of the board may be removed after appointment pursuant to Section 1‑3‑240. In making appointments, every effort must be made to ensure that all geographic areas of the State are represented and that the membership reflects urban and rural areas of the State as well as the ethnic diversity of the State.”

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

Renumber sections to conform.

Amend title to conform.

Rep. OWENS explained the amendment.

Rep. KENNEDY moved to recommit the Bill to the Committee on Education and Public Works.

Rep. OWENS moved to table the motion.

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

Yeas 76; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Forrester | Frye | Funderburk |
| Gambrell | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| Neilson | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--76**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Battle | Brantley |
| G. A. Brown | R. L. Brown | Dillard |
| Gilliard | Govan | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Mack |
| McEachern | Parks | Sellers |
| Weeks | Williams |  |

**Total--26**

So, the motion to recommit the Bill was tabled.

Rep. OWENS spoke in favor of the amendment.

The amendment was then adopted.

Rep. SELLERS proposed the following Amendment No. 3 (COUNCIL\DKA\3968BH10), which was ruled out of order:

Amend the bill, as and if amended, by deleting in its entirety, Section 59‑40‑50(C)(3), as contained in SECTION 5, beginning on line 18 and page [4243‑7], and inserting:

/ (3) ~~The sponsor has no obligation to provide extracurricular activities or access to facilities of the school district for students enrolled in the charter school; however, the charter contract may include participation in agreed upon interscholastic activities at a designated school within the sponsor district. Notwithstanding another provision of law, the local school district has no obligation to provide charter schools, sponsored by the South Carolina Public Charter School District, extracurricular activities or access to facilities of the school district for students enrolled in charter schools unless the school district, by contract, has agreed to provide activities or access. Students participating under this agreement must be considered eligible to participate in league events if other eligibility requirements are met.~~ (a) A charter school is eligible for federally sponsored, state‑sponsored or district‑sponsored interscholastic leagues, competitions, awards, scholarships, grants, and recognition programs for students, educators, administrators, staff, and schools to the same extent as all other public schools.

(b) A charter school student or home school student is eligible to compete for, and if selected, participate in extracurricular activities not offered by the student’s school at the resident public school.

(c) A charter school student or home school student is eligible for extracurricular activities at the student’s resident public school consistent with eligibility standards as applied to full‑time students of the resident public school.

(d) A school district or resident public school may not impose additional requirements on a charter school student or home school student to participate in extracurricular activities that are not imposed on full‑time students of the resident public school.

(e) Charter school students or home school students shall pay the same fees as other students to participate in extracurricular activities.

(f) Charter school students and home school students are eligible for the same fee waivers for which other students are eligible. /

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS explained the amendment.

**POINT OF ORDER**

Rep. OWENS raised the Point of Order that Amendment No. 3 was out of order in that it was not germane to the Bill.

Rep. SELLERS argued contra.

SPEAKER HARRELL stated that while the Bill dealt with charter schools, the amendment attempted to allow home schooled students to be eligible for charter school activities. He stated further that the eligibility inclusion of home schools by state-supported charter schools was beyond the scope of the Bill. Therefore, he sustained the Point of Order and ruled the amendment out of order.

Rep. COOPER proposed the following Amendment No. 4 (COUNCIL\BBM\9725HTC10), which was adopted:

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

/ SECTION \_\_. Section 59‑40‑130(A) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“(A)(1) If an employee of a local school district makes a written request for leave to be employed at a charter school before July 1, 2006, the school district shall grant the leave for up to five years as requested by the employee. The school district may require that the request for leave or extension of leave be made by the date provided for by state law for the return of teachers’ contracts. Employees may return to employment with the local school district at its option with the same teaching or administrative contract status as when they left but without assurance as to the school or supplemental position to which they may be assigned.

(2) Notwithstanding the provisions of item (1) of this subsection and subject to the provisions of subsection (B) of this section, a charter school employing after June 30, 2006, an individual on leave from a local school district shall participate in the South Carolina Retirement Systems as a covered employer with respect to that employee on leave through the earlier of the date the employee on leave returns to employment by the district or June 30, 2011, and only if the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee’s date of employment with the charter school.” /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Reps. R. L. BROWN and OWENS proposed the following Amendment No. 5 (COUNCIL\18000BH10KRL), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety, SECTION 12, as contained on page 4243‑20.

Renumber sections to conform.

Amend title to conform.

Rep. R. L. BROWN explained the amendment.

The amendment was then adopted.

Reps. CLEMMONS and OWENS proposed the following Amendment No. 6 (COUNCIL\MS\7811CM10), which was adopted:

Amend the bill, as and if amended, Section 59‑40‑55(A)(1), as contained in SECTION 1, page 4243‑2, line 26, by inserting immediately after / district. / / A charter school shall notify its sponsor of its enrollment procedures and dates of its enrollment period no less than sixty days prior to the first day of its enrollment period. /

Amend the bill further, by deleting in its entirety, Section 59‑40‑60(B), as contained in SECTION 6, page 4243‑8, lines 22‑31, and inserting:

/ (B) ~~The~~ A contract between the charter school and the sponsor ~~shall~~ must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract. A contract must include the proposed enrollment procedures and dates of the enrollment period of the charter school. All agreements regarding the release of the charter school from school district policies must be contained in the contract. The Department of Education shall develop a contract template to be used by charter schools and the sponsor. The template must serve as a foundation for the development of a contract between the charter school and the sponsor. /

Amend the bill further, by deleting in its entirety, Section 59-40-50(B)(10), as contained in SECTION 5, page 4243-7, lines 9 through 10, and inserting:

/ (10) be subject to the Freedom of Information Act, including the charter school and its governing body. A board of directors of a charter school shall notify its sponsor of any regular meeting of the board at least forty-eight hours prior to the date on which it is to occur./

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

**LEAVE OF ABSENCE**

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

Reps. ANTHONY and HAYES proposed the following Amendment No. 7 (COUNCIL\7809BHKRL), which was tabled:

Amend the bill, as and if amended, by deleting in its entirety, Section 59‑40‑50(C)(1)(b), as contained in SECTION 5, page 4243‑7, lines 36 through 38, and inserting:

/ (b) A charter school student may participate in extracurricular activities, excluding athletics, not offered by the student’s school at the resident public school. A charter school student is eligible to compete for, and if selected, participate in an athletic program at the resident public school if the charter school does not offer any athletic programs./

Renumber sections to conform.

Amend title to conform.

Rep. ANTHONY explained the amendment.

Rep. HAYES spoke in favor of the amendment.

Rep. HAYES spoke in favor of the amendment.

Rep. OWENS spoke against the amendment.

Rep. OWENS moved to table the amendment.

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

Yeas 55; Nays 51

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Brady | Cato | Chalk |
| Clemmons | Cole | Crawford |
| Daning | Delleney | Edge |
| Forrester | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Horne | Hutto | Kirsh |
| Limehouse | Loftis | Long |
| Lowe | McEachern | Merrill |
| Millwood | D. C. Moss | Nanney |
| Norman | Owens | Parker |
| Sandifer | Scott | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stewart |
| Stringer | Umphlett | Viers |
| White | Whitmire | Wylie |
| T. R. Young |  |  |

**Total--55**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | Clyburn |
| Cobb-Hunter | Dillard | Frye |
| Funderburk | Gilliard | Govan |
| Gunn | Hayes | Hiott |
| Hodges | Hosey | Huggins |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Littlejohn |
| Lucas | McLeod | Miller |
| Mitchell | V. S. Moss | J. M. Neal |
| Neilson | Ott | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sellers | Skelton | Spires |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams | Willis |

**Total--51**

So, the amendment was tabled.

STATEMENT FOR THE JOURNAL

I voted to table Amendment No. 7, because the Amendment is drafted incorrectly. The first sentence contradicts the second sentence.

Rep. Tom Young

Rep. ANTHONY spoke in favor of the Bill.

Rep. R. L. BROWN spoke in favor of the Bill.

Rep. GOVAN spoke against the Bill.

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

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 7

Those who voted in the affirmative are:

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

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Gilliard |
| Govan | Kennedy | Mack |
| Sellers |  |  |

**Total--7**

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

STATEMENT FOR THE JOURNAL

I would have voted in favor of H. 4243 and I supported the Charter School legislation.

Rep. Nikki Haley

**H. 4663--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4663 -- Reps. Sandifer, Bales, Cato, McEachern, Hamilton, Loftis, G. R. Smith, Wylie, Stringer, Willis, Clemmons, Barfield, Ballentine, Whitmire, White, Toole, Huggins, Pinson, Gunn, Norman, Millwood, Simrill, Delleney, Owens, Bannister, Rice, Erickson, D. C. Moss, Stewart, Mitchell, Bowen, J. E. Smith, Dillard, Herbkersman, Chalk, Haley, Viers, Anderson, T. R. Young, Nanney and Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-9-55 SO AS TO PROVIDE THAT A BUILDING CODE PROVISION THAT REQUIRES AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM BE INSTALLED IN A NEW ONE-FAMILY OR TWO-FAMILY DWELLING MAY NOT BE ENFORCED, TO PROVIDE CERTAIN PROSPECTIVE HOMEOWNERS MAY CHOOSE WHETHER TO HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED, TO MAKE THE INSTALLATION OF AN AUTOMATIC SPRINKLER SYSTEM APPROVED BY THE INTERNATIONAL RESIDENTIAL CODE AVAILABLE WHERE REQUIRED BY THAT CODE, AND TO PROVIDE WHERE THE PROVISIONS OF THIS SECTION CONTROL EVEN WHEN THEY CONFLICT WITH ANOTHER LAW OR LOCAL ORDINANCE.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19961AB10), which was adopted:

Amend the bill, as and if amended, by striking Section 6‑9‑55(C) and (D) in their entirety, as contained in SECTION 1, page 2, lines 1‑6, and inserting:

/ (C) A residential builder or general contractor of a one‑family or two‑family dwelling in a jurisdiction in which an automatic fire sprinkler system is required by the International Residential Code must inform the prospective homeowner that automatic fire sprinkler systems are available, offer the prospective homeowner the option of installing an approved automatic fire sprinkler system in accordance with the International Residential Code, and provide the prospective homeowner with an estimate of the total cost of installing a system.

(D) If a builder constructs a home in anticipation of selling it to an unknown homebuyer, the builder shall notify a prospective homebuyer if an approved automatic fire sprinkler in accordance with the International Residential Code is not installed in the home. /

Renumber sections to conform.

Amend title to conform.

Rep. BALES explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 89; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Brady | Branham |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Edge | Forrester | Frye |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Huggins | Kelly | Kennedy |
| Kirsh | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rutherford | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Vick | Viers |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--89**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Battle | Bowers |
| Brantley | Cobb-Hunter | Funderburk |
| Gambrell | Harvin | Hayes |
| Hodges | Hutto | Jefferson |
| Jennings | King | J. M. Neal |
| Ott | Sellers | Stavrinakis |
| Weeks |  |  |

**Total--19**

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

STATEMENT FOR THE JOURNAL

I support the need to have fire sprinklers in newly constructed homes in South Carolina. I believe that we should do all we can to save lives. However, I believe that we should implement fire sprinklers at a pace that works for our State. We are on the tail end of the worst economic recession our State has seen in nearly a century. We don’t need a government mandate during this fragile time in our economic recovery.

Rep. Anton J. Gunn

STATEMENT FOR THE JOURNAL

As a co-sponsor of H. 4663, I would have voted in favor of the Bill.

Rep. Nikki Haley

**H. 4505--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4505 -- Rep. Nanney: A BILL TO AMEND SECTION 14-1-214, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF FINES, FEES, AND COURT COSTS BY CREDIT OR DEBIT CARD, SO AS TO INCLUDE REGISTERS OF DEEDS IN THE LIST OF PERSONS ASSOCIATED WITH THE COURTS WHO MAY ACCEPT PAYMENT BY CREDIT OR DEBIT CARD.

Rep. HARRISON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 89; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Brady | Branham |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Edge | Forrester | Frye |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Huggins | Kelly | Kennedy |
| Kirsh | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rutherford | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Vick | Viers |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--89**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Battle | Bowers |
| Brantley | Cobb-Hunter | Funderburk |
| Gambrell | Harvin | Hayes |
| Hodges | Hutto | Jefferson |
| Jennings | King | J. M. Neal |
| Ott | Sellers | Stavrinakis |
| Weeks |  |  |

**Total--19**

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

**S. 144--DEBATE ADJOURNED**

Rep. LITTLEJOHN moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 144 -- Senators Campsen and Ford: A BILL TO RATIFY AN AMENDMENT TO SECTION 33, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROVISION PROVIDING THAT NO UNMARRIED WOMAN UNDER THE AGE OF FOURTEEN YEARS OLD MAY LEGALLY CONSENT TO SEXUAL INTERCOURSE, SO AS TO DELETE THAT PROVISION.

**S. 337--DEBATE ADJOURNED**

Rep. LITTLEJOHN moved to adjourn debate upon the following Bill until Tuesday, May 4, which was adopted:

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44-7-160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44-7-180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44-7-200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44-7-210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44-7-220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44-7-230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44-7-270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44-7-280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44-7-225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44-7-285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44-7-296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

**H. 3246--RECOMMITTED**

The following Bill was taken up:

H. 3246 -- Reps. Pinson and Hayes: A BILL TO AMEND SECTION 1-11-720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO THE SOUTH CAROLINA ATHLETIC COACHES ASSOCIATION.

Rep. CLEMMONS proposed the following Amendment No. 1 (COUNCIL\GGS\22603SD10), which was ruled out of order:

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

/ SECTION \_\_\_\_. The 1976 Code is amended by adding Section 1-11-715 to read:

“Section 1-11-715. All entities who administer specific coverage under the State Health and Dental Insurance plans by contract with the State of South Carolina must provide an annual accounting to the Office of Insurance Services and to the General Assembly of the initial denial rate of claims filed by covered employees or participants during the calendar year preceding the date of the accounting. The annual accounting shall be filed on the first day of July each year beginning with July 1, 2011, for claims initially denied during the previous calendar year.” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

**POINT OF ORDER**

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

Rep. CLEMMONS argued contra.

SPEAKER HARRELL stated that the Bill dealt with the addition of another category of employees who could become eligible to participate in the State Health and Dental Insurance plans. He stated further that the amendment dealt with the requirement of entities administering coverage to submit information for the purpose of denying medical claims. Therefore, he sustained the Point of Order and ruled the amendment out of order.

Rep. PINSON spoke in favor of the Bill.

Rep. NORMAN moved to recommit the Bill to the Committee on Ways and Means.

Rep. VICK moved to table the motion.

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

Yeas 13; Nays 91

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anthony | Gambrell |
| Hayes | McLeod | V. S. Moss |
| J. M. Neal | Parks | Pinson |
| M. A. Pitts | D. C. Smith | Vick |
| White |  |  |

**Total--13**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Daning |
| Delleney | Dillard | Edge |
| Forrester | Frye | Funderburk |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | Merrill | Miller |
| Millwood | D. C. Moss | Nanney |
| Neilson | Norman | Ott |
| Owens | Parker | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Umphlett | Viers |
| Weeks | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--91**

So, the House refused to table the motion.

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

**H. 3122--DEBATE ADJOURNED**

Rep. LITTLEJOHN moved to adjourn debate upon the following Bill until Wednesday, April 28, which was adopted:

H. 3122 -- Rep. Huggins: A BILL TO AMEND SECTION 12-60-430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FAILURE OF A TAXPAYER TO MAKE A REPORT OR FILE A RETURN REQUIRED BY LAW OR A TAXPAYER WHO FILES A FRIVOLOUS RETURN, SO AS TO FURTHER PROVIDE FOR THE INFORMATION THE DEPARTMENT MUST CONSIDER WHEN MAKING AN ESTIMATE OF THE TAX LIABILITY OF THE TAXPAYER UNDER THESE CIRCUMSTANCES.

**H. 4608--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4608 -- Reps. Sandifer and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-90-85 SO AS TO ESTABLISH CERTAIN CONDITIONS UNDER WHICH A PROTECTED CELL MAY BE CREATED AND MAINTAINED; BY ADDING SECTION 38-90-213 SO AS TO AUTHORIZE A CAPTIVE INSURANCE COMPANY TO MAINTAIN ITS RECORDS IN A CERTAIN MANNER; BY ADDING SECTION 38-90-215 SO AS TO AUTHORIZE A PROTECTED CELL TO BE FORMED AS A SEPARATE CORPORATION OR LIMITED LIABILITY COMPANY AND TO PROVIDE CONDITIONS FOR THIS ACTION; BY ADDING SECTION 38-90-455 SO AS TO AUTHORIZE A SPECIAL PURPOSE FINANCIAL CAPTIVE TO MAINTAIN ITS RECORDS IN A CERTAIN MANNER; BY ADDING SECTION 38-90-457 SO AS TO AUTHORIZE A PROTECTED CELL OF A SPECIAL PURPOSE FINANCIAL CAPTIVE TO BE FORMED AS A SEPARATE CORPORATION OR LIMITED LIABILITY COMPANY; TO AMEND SECTION 33-9-100, RELATING TO ARTICLES OF DOMESTICATION, SO AS TO CHANGE REFERENCES OF "STATE" TO "JURISDICTION"; TO AMEND SECTION 38-90-10, AS AMENDED, RELATING TO DEFINITIONS USED IN CHAPTER 90, TITLE 38 PERTAINING TO CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE THE DEFINITION OF "SPECIAL PURPOSE CAPTIVE INSURANCE COMPANY"; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS, SO AS TO CHANGE THE MANNER IN WHICH VARIOUS TYPES OF CAPTIVE INSURANCE COMPANIES MAY BE INCORPORATED OR ORGANIZED; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO APPLICATION OF PROVISIONS, DIRECTOR DISCRETION, AND EXEMPTION OF SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT EXEMPTIONS MAY BE EXTENDED ON A CASE BY CASE BASIS AND MAKE A SPECIAL PURPOSE CAPTIVE INSURANCE COMPANY SUBJECT TO PROVISIONS OF CHAPTER 90, TITLE 38 NOT OTHERWISE APPLICABLE TO IT; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO APPLICABILITY OF PROVISIONS RELATING TO INSURANCE REORGANIZATIONS, RECEIVERSHIPS, AND INJUNCTIONS, AND SPONSORED CAPTIVE INSURANCE COMPANY ASSETS AND CAPITAL PROVISIONS, SO AS TO PROVIDE THAT THE TERMS AND CONDITIONS OF CHAPTERS 26 AND 27, TITLE 38 APPLY TO EACH OF THE SPONSORED CAPTIVE INSURANCE COMPANY'S PROTECTED CELL, INDEPENDENTLY, OR BOTH, WITHOUT CAUSING OR EFFECTING CERTAIN ACTIONS; TO AMEND SECTION 38-90-210, RELATING TO FORMATION OF A SPONSORED CAPTIVE INSURANCE COMPANY AND ESTABLISHING PROTECTED CELLS, SO AS TO ADD CONDITIONS UNDER WHICH A SPONSORED CAPTIVE INSURANCE COMPANY FORMED OR LICENSED PROVIDED BY CHAPTER 90, TITLE 38 MAY ESTABLISH AND MAINTAIN ONE OR MORE PROTECTED CELLS TO INSURE RISKS OF ONE OR MORE OF ITS PARTICIPANTS; TO AMEND SECTION 38-90-220, AS AMENDED, RELATING TO REQUIREMENTS APPLICABLE TO SPONSORS, SO AS TO PROVIDE THAT THE DIRECTOR MAY APPROVE AN ADDITIONAL ENTITY UNDER CERTAIN CONDITIONS; TO AMEND SECTION 38-90-230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE CONDITIONS UNDER WHICH A PARTICIPANT WHOSE RISKS ARE INSURED THROUGH A PROTECTED CELL ENTITY FORMED PURSUANT TO THE PROVISIONS OF SECTION 38-90-215; TO AMEND SECTION 38-90-235, RELATING TO TERMS, CONDITIONS, AND EXCEPTIONS FOR PROTECTED CELL INSURANCE COMPANIES APPLY TO SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE FOR THE APPLICABILITY OF LAW WHEN A CONFLICT OCCURS; TO AMEND SECTION 38-90-485, RELATING TO THE EFFECT OF CREATION, NAMING, AND MANAGEMENT OF ASSETS OF A PROTECTED CELL, SO AS TO PROVIDE FOR AN EXCEPTION TO PROTECT CELLS FORMED PURSUANT TO THE PROVISIONS OF SECTION 38-90-457; AND TO AMEND SECTION 38-90-830, RELATING TO EXEMPTIONS, POWERS, AND DUTIES OF A SOUTH CAROLINA COASTAL CAPTIVE INSURANCE COMPANY, SO AS TO DELETE THE AUTHORITY OF A SOUTH CAROLINA COASTAL CAPTIVE INSURANCE COMPANY FORMED AS A SPONSORED CAPTIVE INSURANCE COMPANY TO CREATE A PROTECTED CELL AS A LEGAL PERSON SEPARATE FROM THE PROTECTED CELL COMPANY AND DELETE THE AUTHORITY TO ORGANIZE A PROTECTED CELL UNDER AVAILABLE INCORPORATION OR ORGANIZATION OPTIONS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3973DW10), which was adopted:

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

/ SECTION 1. Article 1, Chapter 90, Title 38 of the 1976 Code is amended by adding:

“Section 38‑90‑213. (A)(1) Except with respect to protected cells formed pursuant to Section 38‑90‑215, the creation of a protected cell does not create, with respect to that protected cell, a legal person separate from the sponsored captive insurance company.

(2) Notwithstanding the provision of item (1), a protected cell must have its own distinct name or designation that includes the words ‘protected cell’. The sponsored captive insurance company shall transfer all assets attributable to the protected cell to one or more separately established and identified protected cell accounts bearing the name or designation of that protected cell.

(3) Subject to the provisions of Section 38‑90‑215, although it is not a separate legal person, the property of a sponsored captive insurance company in a protected cell is subject to orders of a court by name as it would have been if the protected cell were a separate legal person.

(4) The property of a sponsored captive insurance company in a protected cell must be served in its own name with process in all civil actions or proceedings involving or relating to the activities of that protected cell or a breach by the sponsored captive insurance company of a duty to the protected cell or to a participant in the manner described in Section 15‑9‑270.

(5) A protected cell exists only at the pleasure of the sponsored captive insurance company. At the cessation of business of a protected cell in accordance with the plan approved by the director, the sponsored captive insurance company voluntarily shall close out the protected cell account.

(B) Nothing in this section may be construed to prohibit a sponsored captive insurance company from contracting with, or arranging for, an investment advisor, commodity trading advisor, or other third party to manage the assets of a protected cell, if all remuneration, expenses, and other compensation of the third party advisor or manager are payable from the assets of that protected cell and not from the assets of other protected cells or the assets of the sponsored captive insurance company’s general account, unless approved by the director.

(C) Creditors with respect to a protected cell are not entitled to have recourse against the protected cell assets of other protected cells or the assets of the sponsored captive insurance company’s general account. If an obligation of a sponsored captive insurance company relates only to the general account, the obligation of the sponsored captive insurance company extends only to that creditor, with respect to that obligation, and is entitled to have recourse only to the assets of the sponsored captive insurance company’s general account.

(D) The assets of the protected cell may not be used to pay expenses or claims other than those attributable to the protected cell. Protected cell assets are available only to creditors of the sponsored captive insurance company that are creditors only with respect to that protected cell and, accordingly, are entitled, in conformity with this article, to have recourse to the protected cell assets attributable to that protected cell and absolutely are protected from the creditors of the sponsored captive insurance company that are not creditors with respect to that protected cell and who, accordingly, are not entitled to have recourse to the protected cell assets attributable to that protected cell. If an obligation of a sponsored captive insurance company to a person or participant arises from a participant contract or is otherwise incurred with respect to a protected cell:

(1) that obligation of the sponsored captive insurance company extends only to the protected cell assets attributable to that protected cell, and the person or participant, with respect to that obligation, is entitled to have recourse only to the protected cell assets attributable to that protected cell; and

(2) that obligation of the sponsored captive insurance company does not extend to the protected cell assets of another protected cell or the assets of the sponsored captive insurance company’s general account, and that person or participant, with respect to that obligation, is not entitled to have recourse to the protected cell assets of another protected cell or the assets of the sponsored captive insurance company’s general account. The sponsored captive insurance company’s capital as required by Sections 38‑90‑40 and 38‑90‑50 must be available at all times to pay expenses of or claims against the sponsored captive insurance company and may not be used to pay expenses or claims attributable to any protected cell.

(E) Notwithstanding another provision of law, a sponsored captive insurance company may allow for a security interest in accordance with applicable law to attach to protected cell assets or a protected cell account when in favor of a creditor of the protected cell to the extent those protected cell assets are not required at all times to support the risk, but without otherwise affecting the discharge of liabilities under any participant contract, or as otherwise approved by the director.

(F) A sponsored captive insurance company shall establish administrative and accounting procedures necessary to properly identify the one or more protected cells of the sponsored captive insurance company and the protected cell assets and protected cell liabilities to each protected cell. A sponsored captive insurance company shall keep protected cell assets and protected cell liabilities:

(1) separate and separately identifiable from the assets and liabilities of the sponsored captive insurance company’s general account; and

(2) attributable to one protected cell separate and separately identifiable from protected cell assets and protected cell liabilities attributable to other protected cells.

(G) All contracts or other documentation reflecting protected cell liabilities clearly must indicate that only the protected cell assets are available for the satisfaction of those protected cell liabilities. Each participant contract must contain provisions identifying the protected cell to which the transaction is attributed. In addition, each participant contract clearly must disclose that the assets of that protected cell, and only those assets, are available to pay the obligations of that protected cell.

(H) Notwithstanding the provisions of subsection (G) and subject to the provisions of this article and another applicable law or regulation, the failure to include this language in a participant contract may not be used as the sole basis by creditors, insureds or reinsureds, insurers or reinsurers, or other claimants to circumvent the provisions of this section.

Section 38‑90‑215. (A) Notwithstanding another provision of this title, the protected cell or protected cells of a sponsored captive insurance company may be formed as separate corporations or limited liability companies. The provisions of this article and Chapter 10 of this title applicable to protected cells of a sponsored captive insurance company apply to protected cells incorporated or organized as separate legal entities but only to the extent these provisions are not contrary to this section.

(B) To form a protected cell as a separate legal entity, the following applies:

(1) The name of the protected cell entity must include the words ‘protected cell company’ or ‘protected cell corporation’.

(2) The articles of incorporation or articles of organization must refer to the sponsored captive insurance company for which it is a protected cell entity and must state that the protected cell entity is incorporated or organized for the limited purposes authorized by the sponsored captive insurance company’s license. A copy of the prior written approval of the director to add the protected cell entity, required by Section 38‑90‑210(B)(8), must be attached to and filed with the articles of incorporation or articles of organization.

(3) A protected cell entity may be owned, in whole or in part, by the sponsored captive insurance company. Ownership and management rights in a protected cell entity may be divided between the sponsored captive insurance company and one or more participants upon the terms and conditions approved by the director. Neither the sponsored captive insurance company’s nor any participant’s ownership interest in a protected cell entity may be transferred, except as authorized by the director.

(4) Amounts attributed to a protected cell entity pursuant to this section, including assets transferred to the protected cell entity’s accounts and its capital and surplus, are owned by the protected cell entity.

(5) Upon cessation of business of the protected cell entity in accordance with the plan approved by the director, the protected cell entity shall dissolve and wind up its affairs.

(6) A protected cell entity formed pursuant to the provisions of this section has the privileges of and is subject to the provisions of law applicable to its formation, as well as the applicable provisions contained in this article. If a conflict occurs between a provision of the applicable law and a provision of this article, the latter controls.

(7) All remuneration, expenses, and other compensation of third parties are payable only from the assets of the protected cell entity affected by the contract and not from the assets of other protected cells, protected cell entities, or the assets of the sponsored captive insurance company’s general account, unless approved by the director.

(C) The director is vested with regulatory authority over a protected cell entity to the same extent as if the separately formed protected cell entity were incorporated or organized as a captive insurance company. The director, by rule, regulation, or order, may require conditions upon the sponsored captive insurance company and its separately formed protected cell entity or entities as the director considers advisable.”

SECTION 3. Article 3, Chapter 90, Title 38 of the 1976 Code is amended by adding:

“Section 38‑90‑457. (A) Notwithstanding another provision of this title, the protected cell or protected cells of the SPFC may be formed as separate corporations or limited liability companies. The provisions of this article and Chapter 10 of this title applicable to protected cells of the SPFC apply to protected cells incorporated or organized as separate legal entities but only to the extent these provisions are not contrary to this section.

(B) To form a protected cell as a separate legal entity, the following applies:

(1) The name of the protected cell entity must include the words ‘protected cell company’ or ‘protected cell corporation’.

(2) The articles of incorporation or articles of organization must refer to the SPFC for which it is a protected cell entity and must state that the protected cell entity is incorporated or organized for the limited purposes authorized by the SPFC’s license and as set forth in any order or orders of the director relative to the SPFC. A copy of the prior written approval of the director to add the protected cell entity, required by Section 38‑90‑480(C), must be attached to and filed with the articles of incorporation or articles of organization.

(3) A protected cell entity may be owned, in whole or in part, by the SPFC. Ownership and management rights in a protected cell entity may be divided between the SPFC and the protected cell entity’s counterparty upon the terms and conditions approved by the director. Neither the SPFC’s nor the counterparty’s ownership interest in a protected cell entity may be transferred, except as authorized by the director.

(4) Amounts attributed to a protected cell entity pursuant to this section, including assets transferred to the protected cell entity’s accounts and its capital and surplus, are owned by the protected cell entity.

(5) Upon cessation of business of the protected cell entity in accordance with the plan approved by the director, the protected cell entity shall dissolve and wind up its affairs.

(6) A protected cell entity formed pursuant to the provisions of this section has the privileges of and is subject to the provisions of law applicable to its formation, as well as the applicable provisions contained in this article. If a conflict occurs between a provision of the applicable law and a provision of this article, the latter controls. Nothing contained in this section with respect to a protected cell entity abrogates limits, or rescinds in any way the authority of the Securities Commissioner pursuant to the provisions of Title 35.

(7) All remuneration, expenses, and other compensation of third parties are payable only from the assets of the protected cell entity affected by the contract and not from the assets of other protected cells, protected cell entities, or the assets of the SPFC’s general account, unless approved by the director.

(C) The director is vested with regulatory authority over a protected cell entity to the same extent as if the separately formed protected cell entity were incorporated or organized as a SPFC. The director, by rule, regulation, or order, may require conditions upon the SPFC and its separately formed protected cell entity or entities as the director considers advisable.”

SECTION 4. Section 33‑9‑100(b) and (c) of the 1976 Code are amended to read:

“(b) A foreign corporation that becomes a domestic corporation ~~must~~ shall file, within five business days with the ~~state~~ jurisdiction where previously incorporated, articles of dissolution or the equivalent or other appropriate filing authorized by the law of that ~~state~~ jurisdiction.

(c) The articles of domestication shall certify:

(1) the date and jurisdiction of each ~~state~~ jurisdiction where the corporation has been incorporated before the filing of the articles of domestication;

(2) the name of the corporation immediately before the filing of the articles of domestication, as well as the corporate name to be used pursuant to Section 33‑4‑101;

(3) that the corporation shall file, within five business days with the ~~state~~ jurisdiction where previously incorporated, articles of dissolution or the equivalent, or ~~such~~ other appropriate filing as authorized by the law of ~~such state~~ that jurisdiction;

(4) that articles of domestication do not contain a provision that would require action by one or more separate voting groups on a proposed amendment pursuant to Section 33‑10‑104;

(5) that the filing of the articles of domestication has been authorized by a majority of the votes cast by all shareholders entitled to vote on the proposal, unless a greater vote is required by the articles of incorporation or other charter documents existing immediately before the filing of the articles of incorporation; and

(6) that the articles of dissolution or their equivalent or other appropriate filing as authorized by the law of the ~~state~~ jurisdiction where the corporation was previously incorporated, must be filed within five business days after these articles of domestication are filed.”

SECTION 5. Section 38‑90‑180 of the 1976 Code, as last amended by Act 28 of 2009, is further amended to read:

“Section 38‑90‑180. (A) Except as otherwise provided in this section, the terms and conditions ~~set forth~~ provided for in Chapters 26 and 27 of this title pertaining to insurance reorganizations, receiverships, and injunctions apply in full to captive insurance companies formed or licensed ~~under~~ pursuant to the provisions of this chapter or each of a sponsored captive insurance company’s protected cells, independently, or both, without causing or otherwise effecting a conservation, rehabilitation, receivership, or liquidation of the sponsored captive insurance company or another protected cell.

(B) In the case of a sponsored captive insurance company:

(1) the assets of the protected cell may not be used to pay expenses or claims other than those attributable to the protected cell; ~~and~~

(2) its capital and surplus at all times must be available to pay expenses of or claims against the sponsored captive insurance company and may not be used to pay expenses or claims attributable to a protected cell~~.~~;

(3) notwithstanding the provisions of Chapters 26 and 27 of this title or other laws of this State:

(a) the director may apply by petition to the circuit court for an order authorizing the director to conserve, rehabilitate, or liquidate one or more protected cells, independently, without causing or otherwise effecting a conservation, rehabilitation, receivership, or liquidation of the sponsored captive insurance company generally or another of its protected cells;

(b) a court’s order for relief pursuant to Chapters 26 and 27 of this title may be made in respect of one or more protected cells by name, rather than the sponsored captive insurance company generally; and

(c) the director may not seek to have a sponsored captive insurance company declared insolvent as long as at least one of its protected cells remains solvent.

(C) The provisions of subsection (B) do not prohibit the director from taking action permitted pursuant to the provisions of Chapter 26 or 27 with respect only to the conservation or rehabilitation of a sponsored captive insurance company, provided the director would have had sufficient grounds to seek to declare the sponsored captive insurance company insolvent, subject to and without otherwise affecting the provisions of subsection (B)(3)(c).”

SECTION 6. Section 38‑90‑210(B) of the 1976 Code is amended to read:

“(B) A sponsored captive insurance company formed or licensed ~~under~~ provided by this chapter may establish and maintain one or more protected cells to insure risks of one or more participants, subject to the following conditions:

(1) the shareholders of a sponsored captive insurance company must be limited to its participants and sponsors;

(2) each protected cell must be accounted for separately on the books and records of the sponsored captive insurance company to reflect the financial condition and results of operations of the protected cell, net income or loss, dividends or other distributions to participants, and other factors may be provided in the participant contract or required by the director;

(3) amounts attributed to a protected cell pursuant to this chapter, including assets transferred to a protected cell account, are owned by the sponsored captive insurance company, and the sponsored captive insurance company may not be, or may not hold itself out to be, a trustee with respect to those protected cell assets of that protected cell account;

(4) all attributions of assets and liabilities between a protected cell and the general account of the sponsored captive insurance company must be in accordance with the plan of operation approved by the director. Other attributions of assets or liabilities may not be made by a sponsored captive insurance company between its general account and its protected cell or cells. The sponsored captive insurance company shall attribute all insurance obligations, assets, and liabilities relating to a participant contract to a particular protected cell;

(5) the assets of a protected cell must not be chargeable with liabilities arising out of any other protected cell or insurance business the sponsored captive insurance company may conduct;

~~(4)~~(6) ~~no~~ a sale, an exchange, or other transfer of assets may not be made by the sponsored captive insurance company between or among any of its protected cells without the consent of the director and each other protected ~~cells~~ cell which is a party to a sale, an exchange, or other transfer;

~~(5)~~(7) ~~no~~ a sale, an exchange, transfer of assets, dividend, or distribution may not be made from a protected cell to a sponsor or participant without the director’s approval and ~~in no event may~~ the approval may not be given if the sale, exchange, transfer, dividend, or distribution would result in insolvency or impairment with respect to a protected cell;

~~(6)~~(8) a sponsored captive insurance company annually shall file with the director financial reports the director requires, which shall include, but are not limited to, accounting statements detailing the financial experience of each protected cell;

~~(7)~~(9) a sponsored captive insurance company shall notify the director in writing within ten business days of a protected cell that is insolvent or otherwise unable to meet its claim or expense obligations;

~~(8)~~(10) ~~no~~ a participant contract shall not take effect without the director’s prior written approval, and the addition of each new protected cell and withdrawal of any participant of any existing protected cell constitutes a change in the business plan requiring the director’s prior written approval.”

SECTION 7. Section 38‑90‑220 of the 1976 Code, as last amended by Act 58 of 2001, is further amended to read:

“Section 38‑90‑220. A sponsor of a sponsored captive insurance company must be an insurer licensed pursuant to the laws of a state, an insurance holding company that controls an insurer licensed pursuant to the laws of any state and subject to registration pursuant to the insurance holding company system laws of the state of domicile of the insurer, a reinsurer authorized or approved pursuant to the laws of a state, ~~or~~ a captive insurance company formed or licensed pursuant to this chapter, or another entity approved by the director in the exercise of his discretion after finding that approval of the entity as a sponsor is not inconsistent with the purposes of this chapter. A risk retention group may not be either a sponsor or a participant of a sponsored captive insurance company. The business written by a sponsored captive insurance company with respect to each protected cell must be:

(1) fronted by an insurance company licensed pursuant to the laws of:

(a) any state; or

(b) any jurisdiction if the insurance company is a wholly owned subsidiary of an insurance company licensed pursuant to the laws of any state;

(2) reinsured by a reinsurer authorized or approved by this State; or

(3) secured by a trust fund in the United States for the benefit of policyholders and claimants funded by an irrevocable letter of credit or other asset acceptable to the director. The amount of security provided by the trust fund may not be less than the reserves associated with those liabilities, including reserves for losses, allocated loss adjustment expenses, incurred but unreported losses, and unearned premiums for business written through the participant’s protected cell. The director may require the sponsored captive to increase the funding of a trust established pursuant to this item. If the form of security in the trust is a letter of credit, the letter of credit must be established, issued, or confirmed by a bank chartered in this State, a member of the federal reserve system, or a bank chartered by another state if that state‑chartered bank is acceptable to the director. A trust and trust instrument maintained pursuant to this item must be in a form and upon terms approved by the director.”

SECTION 8. Section 38‑90‑230(C) of the 1976 Code, as last amended by Act 58 of 2001, is further amended to read:

“(C) A participant need not be a shareholder of the sponsored captive insurance company or an affiliate of the company. Notwithstanding the provisions of this subsection, the participant whose risks are insured through a protected cell entity formed pursuant to Section 38‑90‑215, the sponsor, or the sponsored captive insurance company, must be the owner of that protected cell entity, unless otherwise approved by the director.”

SECTION 9. Section 38‑90‑235(A) of the 1976 Code, as added by Act 58 of 2001, is amended to read:

“(A) Except as otherwise provided in this chapter, the terms and conditions provided in Chapter 10 relating to a protected cell insurance company apply in full to a sponsored captive insurance company. If a conflict occurs between a provision of Chapter 10 and a provision of this article, the latter controls.”

SECTION 10. Section 38‑90‑485(A)(1), (2), and (3) of the 1976 Code, as added by Act 332 of 2006, is amended to read:

“(1) Except with respect to protected cells formed pursuant to Section 38‑90‑457, the creation of a protected cell does not create, with respect to that protected cell, a legal person separate from the SPFC.

(2) Notwithstanding the provision of item (1), a protected cell must have its own distinct name or designation that includes the words ‘protected cell’ The SPFC shall transfer all assets attributable to the protected cell to one or more separately established and identified protected cell accounts bearing the name or designation of that protected cell.

(3) Subject to the provisions of Section 38‑90‑457, although it is not a separate legal person, the property of the SPFC in a protected cell is subject to orders of a court by name as it would have been if the protected cell were a separate legal person.”

SECTION 11. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

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

**Total--104**

Those who voted in the negative are:

**Total--0**

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

STATEMENT FOR THE JOURNAL

I had to leave the Chambers at 5:45 p.m., as I was the special guest at an ovarian cancer event. Had I been present, I would have voted in the affirmative on H. 4608.

Rep. Joan Brady

**H. 4546--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Joint Resolution until Wednesday, April 28, which was adopted:

H. 4546 -- Reps. Sandifer, Harrell, Bingham, Cato, Cooper, Harrison, White, Branham, Hardwick, Crawford, Bowen, Skelton, Sottile, Hiott, Toole, Kelly, Forrester, Cole, Bannister, Bedingfield and Bowers: A JOINT RESOLUTION TO ESTABLISH THE SELF-DIRECTED SEMI-INDEPENDENT AGENCY PILOT PROJECT SO AS TO CREATE CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS AS SEPARATE AND DISTINCT INDIVIDUAL STATE AGENCIES TO THE EXTENT PROVIDED FOR IN THIS JOINT RESOLUTION AS OF JANUARY 1, 2011, TO PROVIDE FOR THEIR POWERS AND DUTIES WITH REGARD TO THEIR FISCAL, REGULATORY, AND OPERATIONAL RESPONSIBILITIES, AND TO PROVIDE THAT THIS JOINT RESOLUTION IS REPEALED JULY 1, 2015, UNLESS EXTENDED BY THE GENERAL ASSEMBLY.

**H. 4838--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4838 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE EDUCATION LEVEL AND YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009-2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009-2010 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009-2010; AND TO DEFINE CERTAIN TERMS.

Rep. COOPER explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Daning |
| Delleney | Dillard | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Jennings | Kelly | Kennedy |
| 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 |
| M. A. Pitts | Rutherford | Sandifer |
| Scott | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Umphlett | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Hutto | Norman | Simrill |
| Stavrinakis |  |  |

**Total--4**

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

STATEMENT FOR THE JOURNAL

I had to leave the Chambers prior to the vote on H. 4838, however, had I been present, I would have voted in the affirmative on the Bill.

Rep. Joan Brady

Rep. Don Bowen

Rep. LIMEHOUSE 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. 4891 -- Rep. Bingham: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, IMMEDIATELY FOLLOWING THE ELECTION OF TRUSTEES TO INSTITUTIONS OF HIGHER EDUCATION AND MEMBERS OF THE PUBLIC SERVICE COMMISSION, AS THE TIME TO ELECT MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL TO SUCCEED THE INTERIM MEMBERS OF THAT PANEL.

**ADJOURNMENT**

At 6:37 p.m. the House, in accordance with the motion of Rep. FORRESTER, adjourned in memory of Jesse M. Ray of Greenville, to meet at 10:00 a.m. tomorrow.

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