~~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 27:14: “Wait for the Lord; be strong, and let your heart take courage; wait for the Lord.”

Let us pray. O Lord, our stronghold, help us to be patient and live according to Your time, not ours. Let these Representatives take Your thoughts and actions to heart as they make decisions for the people. May all be done according to the plan You have set out for us. Bless our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. MCLEOD moved that when the House adjourns, it adjourn in memory of C. C. Harness III of Mt. Pleasant, which was agreed to.

**REPORT RECEIVED**

The following was received:

# State Regulation of Public Utilities Review Committee

May 4, 2010

Members of the South Carolina General Assembly

Columbia, South Carolina

Dear Fellow Members:

Enclosed is the State Regulation of Public Utilities Review Committee’s Report as to Qualifications of Candidates for Seats 2, 4, and 6 of the Public Service Commission (commission). The report is designed to provide you information on the candidates nominated and qualified by the Review Committee. The Review Committee is charged with nominating up to three candidates for each seat on the commission. In accordance with this mandate, the Review Committee thoroughly investigated each candidate with respect to his or her suitability for service on the commission.

The PSC Screening Subcommittee of the Review Committee held a public hearing on March 29, 2010, to question the candidates. A transcript of the oral examination of the candidates is appended to this report by reference. You can access the transcript on the General Assembly’s website: <http://www.scstatehouse.gov/citizensinterestpage/PublicUtilitiesReviewComm/OtherInfoPagenew.html>. The Review Committee met April 20, 2010, to consider the qualifications of the candidates.

The Review Committee’s finding that a candidate is qualified and nominated means that the candidate satisfies the constitutional and statutory criteria for service on the commission and the Review Committee’s evaluative criteria. The enclosed report explains the Review Committee’s evaluative criteria and details each candidate’s qualifications as they relate to the evaluative criteria.

Candidates are prohibited from asking for your commitment until 12:00 noon, Thursday, May 6, 2010. **Members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, or statements detailing a candidate’s qualifications on behalf of a candidate, and are not permitted to offer a pledge to vote for a candidate until 12:00 noon on May 6, 2010.** If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Nancy Coombs, Chief Counsel to the Review Committee at (803) 212-6308. **Pursuant to Canon 5 of the Judicial Code of Conduct, candidates must not attend political gatherings, including legislative caucus meetings.**

Sincerely,

Thomas C. Alexander

**Report as to the Qualifications of Candidates for Seats 2, 4, and 6**

**Introduction**

Act No. 175 of 2004 created the State Regulation of Public Utilities Review Committee (Review Committee) and charged the Review Committee with, among other duties, the duty to nominate candidates for the members of the South Carolina Public Service Commission (commission). The terms for Seats 2, 4, and 6 will expire June 30, 2010. The Review Committee began advertising the vacancies on December 27, 2009. The Review Committee received applications from 18 persons. Five of the applicants withdrew their names from consideration prior to the public hearing.

The PSC Screening Subcommittee conducted background investigations of each candidate, including credit, driver’s license, and law enforcement checks. It gave a written examination to determine the level of knowledge that each candidate has with respect to substantive public utility issues, ethical constraints applicable to the commission, and the operations of the commission. The subcommittee also obtained attendance records at commission meetings and hearings for the incumbent commissioners seeking re-election. The subcommittee held a public hearing at which all candidates were questioned and given an opportunity to make statements as to their qualifications and desire to serve as a commissioner.

On April 20, 2010, the Review Committee found the following candidates qualified and nominated them for election to the Public Service Commission: (1) Seat 2: David A. Wright; (2) Seat 4: Philip Tibbs Bradley and Elizabeth B. “Lib” Fleming; and (3) Seat 6: Nikiya “Nikki” Hall and Martin Huggins. Mr. Bradley withdrew his candidacy on April 29, 2010.

**Background**

In the spring of 2002, after reviewing all candidates for the Public Service Commission, the Joint Legislative Screening Committee (2002 Screening Committee) issued a report to the General Assembly finding: (1) the commission suffered from a lack of strong leadership; (2) the complexity of many of the issues overwhelmed some of the commissioners; and (3) the commission failed to articulate and adhere to clear standards of due process and ethical behavior and lacked any enforceable prohibition against inappropriate ex parte communications. The 2002 Screening Committee recommended that the General Assembly consider making long-term structural changes to the commission and in the screening process for commissioners.

Soon after the 2002 Screening Committee issued its report, members of the General Assembly requested the Legislative Audit Council (LAC) to conduct an audit of the commission. The LAC issued a report and made recommendations to the General Assembly to address the following concerns: (1) maintaining due process and ethics; (2) strengthening qualifications of commissioners; (3) staggering terms so that all commissioners would not be elected at the same time; (4) prohibiting not only legislators, but also their immediate family members, from being elected as commissioners for four years after the legislator left the General Assembly; and (5) either splitting the commission into two separate agencies, one comprised of commissioners and an advisory staff, and the other to be comprised of legal and technical persons to represent the public interest, or have the commission itself create a permanent staff to advise the commission, in addition to its technical and legal staff, to prevent ex parte communications from occurring between parties and commissioners and their advisors. Act 175 of 2004 accomplished all of the changes suggested by the 2002 Screening Committee and the LAC.

In its report to the General Assembly, the 2002 Screening Committee stated that at the next screening it would: (1) insist on candidates having clear financial and credit reports prior to the screening process; (2) place substantial emphasis on a candidate’s knowledge of commission operations and hold incumbents to a higher standard; (3) survey commission staff and parties appearing before the commission to determine the strengths and weaknesses of individual commissioners; and (4) consider commissioners’ attendance records. The Review Committee considered all of the above items in screening the current applicants.

Pursuant to S.C. Code Ann. §58-3-530, the annual performance review of commissioners seeking reelection must be made a part of the commissioner’s record for consideration if the commissioner seeks reelection. The incumbent commissioners’ evaluations are included after the commissioner’s summary of qualifications.

Legal Qualifications

Act 175 requires that for terms beginning after June 30, 2006, members of the commission must have the following qualifications:

(1) a baccalaureate or more advanced degree; and

(2) a background of substantial duration and an expertise in at least one of the following areas:

(a) energy;

(b) telecommunications;

(c) consumer protection and advocacy;

(d) water and wastewater;

(e) finance, economics, and statistics;

(f) accounting;

(g) engineering; or

(h) law.

S.C. Code Ann. §58-3-530. Incumbent commissioners are not required to meet the above qualifications. The Review Committee may find a candidate qualified even though he does not have a background of substantial duration and an expertise in at least one of the above areas if three-fourths of the Review Committee vote to qualify the candidate.

The Review Committee is also required to consider: “(1) the ability, dedication, compassion, common sense, and integrity of the candidates; and (2) the race and gender of the candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the State.” S.C. Code Ann. §58-3-560. The determination of legal qualifications includes a determination of the candidate’s residence in the appropriate Public Service Commission district as established by §58-3-20, the candidate’s eligibility for election as determined by §58‑3‑24, and the candidate’s compliance with constitutional provisions limiting election to those persons eligible to be electors of this State.

Pursuant to S.C. Code Ann. §58-3-530, the annual performance review of commissioners seeking reelection must be made a part of the commissioner’s record for consideration if the commissioner seeks reelection. The incumbent commissioners’ performance evaluations are included after each incumbent commissioner’s summary of qualifications.

General Qualifications

To determine fitness beyond mere legal qualifications, the Review Committee considered each candidate’s experience, temperament, compliance with and knowledge of legal and ethical constraints on public service, knowledge of commission operations, demonstrated or potential aptitude for meaningful leadership and/or service at the commission, and demonstrated integrity, including the handling of personal financial affairs. The Review Committee then considered each candidate as a whole and formulated an overall recommendation.

Experience

Act 175 requires that commissioners have a background of substantial duration and an expertise in energy; telecommunications; consumer protection and advocacy; water and wastewater; finance, economics, and statistics; accounting; engineering; or law. The Review Committee considered not only whether a candidate has succeeded in one of these fields, but also whether the candidate has the capability of transferring this success and knowledge to the operations of the commission. Although incumbent commissioners are exempted from this requirement, the Review Committee focused on each incumbent commissioner’s success as a commissioner and his or her initiative in gaining experience in a variety of ways, including attendance at public utility seminars and workshops, judicial training, and committee work with national and regional organizations. The transcript appended to this report contains each applicant’s background and employment history.

Temperament

The Review Committee sought to determine if a candidate’s sense of the role he is to fill on the commission is such that his work will be productive, proactive, and protective of the interests of all South Carolinians.

Compliance with and Knowledge of Legal and Ethical Constraints

Act 175 requires that commissioners adhere not only to the State Ethics Act, but also to the Judicial Code of Conduct. The Review Committee believes that not only must the candidates be aware of the legal and ethical constraints, they must have conducted and comported themselves with the highest regard for ethics in their actions.

Potential Aptitude for Meaningful Leadership and/or

Service at the Public Service Commission

Given the history that led to the enactment of Act 175, the Review Committee considered whether a candidate shows an aptitude for service as a commissioner, whether as a leader or a follower, or both. In its May 2002 report on the candidates, the 2002 Screening Committee found that an absence of leadership at the commission led to problems such as prohibited ex parte communications, tension between commissioners and staff, and the lack of a coherent agency vision. The Review Committee believes that the commission should have strong leadership, be working toward common goals, be a positive influence on employees, and ensure that parties and persons appearing before the commission are treated fairly and impartially. The Review Committee therefore sought to gauge each candidate’s potential aptitude to serve as a leader and/or as a commissioner supporting the goals and mission of the agency.

Integrity

Candidates must assure the Review Committee that their word is their bond. Particular attention is given to the way candidates have managed their financial affairs.

Substantive Knowledge of Commission Operations

The Review Committee believes that every candidate, whether incumbent or non-incumbent, must be required to demonstrate some basic understanding of the role of the commission and its operations. It would be unfair, however, to require non-incumbents to have accumulated a wealth of knowledge about commission operations specifically, or regulated utilities generally. Unlike incumbent commissioners, challengers have not had the benefit of a compensated opportunity to educate themselves in hearings or through conversations with commission staff. The Review Committee expects that incumbents and others who have substantial experience appearing before the commission should be able to discuss these matters with a greater fluency than those persons who have to date committed themselves to other employment. The Review Committee emphasizes that the substantive knowledge findings contained in this report are a measure of a candidate’s knowledge at the time of his candidacy and are not necessarily indicative of a candidate’s ability to subsequently master commission operations and the multitude of issues relating thereto.

**Findings As To Qualifications and Nominations**

The Review Committee finds the following candidates qualified and nominates them for election to the South Carolina Public Service Commission:

**Seat 2: David A. Wright**

**Seat 4[[1]](#footnote-1): Elizabeth B. “Lib” Fleming**

**Seat 6: Nikiya “Nikki” Hall**

**Martin Huggins**

**PUBLIC SERVICE COMMISSION CANDIDATES FOR SEAT 2**

**DAVID AUSTIN WRIGHT**

**Address:** 341 N. Stonehedge Drive

Columbia, SC 29210

**Overall Recommendation:**

Mr. Wright was evaluated as possessing **OUTSTANDING** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Mr. Wright was born Charlotte, NC in 1955. He obtained a Bachelor of Arts degree in Political Science from Clemson University in 1977. After working three years in advertising and political communications, he spent 1981-92 as owner of Wright Enterprises, a retail franchise. Mr. Wright was the Mayor of Irmo from 1985-88, and served as a member of the House of Representatives for District 85 from 1988-96. He was part owner of the Dutch Fork Publishing Company from 1993-95 and ran his own political and communications consulting firm from 1995-2003. He worked as a contract lobbyist for three different organizations in 1998 and 1999. Mr. Wright was first elected as a Public Service Commissioner in 2004. He has chaired several subcommittees of the National Association of Regulatory Commissioners since 2004, and served as the Chairman of the Southeastern Association of Regulatory Commissioners from 2008-09. He has been chairman of the Nuclear Waste Strategy Coalition since 2006, and is currently National Chairman of the Yucca Mountain Task Force.

**Test Score:**

Mr. Wright received a score of 84.

**General Qualifications:**

* Mr. Wright was evaluated to be of **OUTSTANDING** experience to serve on the commission.
* Mr. Wright was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Wright was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Wright was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Wright was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Wright was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**David A. Wright**

**South Carolina Public Service Commission**

Seat: Second Congressional District

Review Period: January 1 - June 30, 2006

Commissioner Wright was initially elected on March 3, 2004, and was re-elected on May 21, 2006. During his short tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Wright exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the winter meeting of NARUC, a “Commissioners Only” conference sponsored by NARUC, the summer conference of SEARUC, and a one-day national conference “National Electricity Delivery Forum.” He attended and participated in seminars on Act 175, ethics, the Energy Policy Act of 2005, telecommunications, emergency services, and mergers. He is an active member of NARUC and SEARUC. He is an active member of the following NARUC committees: (1) Nuclear Issues Committee, (2) Energy, Resources, and the Environment Committee, and (3) Washington Action Committee. He is national Co-Chairman of the Yucca Mountain Task Force. He was called on to testify on behalf of NARUC before the Environmental Protection Agency regarding the 10,000-year radiation standard as it relates to Yucca Mountain. He is Second Vice-Chairman of SEARUC. Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Wright is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, and has a positive influence on employee morale. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Wright.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**David A. Wright**

**South Carolina Public Service Commission**

Seat: Second Congressional District

Review Period: July 1, 2006 - June 30, 2007

Commissioner Wright was initially elected on March 3, 2004, and was re-elected on May 21, 2006. Since his election, Commissioner Wright has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Wright shows a desire to increase his knowledge and skills by attending educational programs. He attended the following programs, among others: (1) “Power System Basics for the Non-Engineering Professionals,” a course presented by Clemson University on electric industry issues, (2) NARUC summer and winter meetings, (3) the annual SEARUC conference, (4) a telecommunications workshop, (5) a judicial ethics seminar, (6) various briefings by advisory staff, and (7) briefings by utilities that are allowed by law. He is an active member of NARUC and SEARUC. He is a first vice-chairman for SEARUC and chairman of NARUC’s Subcommittee on Nuclear Issues and Waste Disposal. He also is an active member of NARUC Energy, Resources, and the Environment Committee and the NARUC Washington Action Committee. Commissioner Wright serves as the National Chairman of the Nuclear Waste Strategy Coalition (NWSC) and serves on the NWSC Board of Directors. He is the National Co-Chairman of Yucca Mountain Task Force. He is a member of the Program Advisory Committee for the Institute of Public Utilities at Michigan State University. He participated in a Joint Capitol Hill briefing for Congressional staff on the history of Yucca Mountain and related issues. He testified before the U.S. Senate Energy Committee on behalf of NARUC on legislation concerning Yucca Mountain. Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Wright is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, and has a positive influence on employee morale.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**David A. Wright**

**South Carolina Public Service Commission**

Seat: Second Congressional District

Review Period: July 1, 2007 - June 30, 2008

Commissioner Wright was initially elected on March 3, 2004, and was re-elected on May 21, 2006. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Wright exhibits a desire to increase his knowledge and skills by attending educational programs.

Commissioner Wright attended NARUC summer and winter meetings, National Judicial College, SEARUC conference, Nuclear Waste Strategy Coalition meetings, and various briefings held by advisory staff. He was a moderator at the Institute of Public Utilities –Michigan State University Regulatory Policy Conference. He is an active member of NARUC and SEARUC and participates in all national “commissioner-only summits” sponsored by NARUC, National Regulatory Research Institute and/or Michigan State University. He is the chairman of SEARUC and chairman of NARUC’s Subcommittee on Nuclear Issues and Waste Disposal. He is the national chairman of the Nuclear Waste Strategy Coalition (NWSC) and also serves on its Board of Directors. As a NARUC committee chairman, he is a member of the Program Advisory Committee for the Institute of Public Utilities at Michigan State University. He is also national co-chairman of the Yucca Mountain Task Force. He is an active member of the NARUC Energy, Resources and the Environment Committee and the NARUC Washington Action Committee. He attended and participated in several Capitol Hill visits, through NARUC and the NWSC, with congressional members and staff concerning the history of Yucca Mountain and various nuclear issues. He has been elected chairman of SEARUC for 2009. He has represented NARUC and the commission as a witness before the Environmental Protection Agency and the U.S. Senate Energy Committee. He also keeps abreast of current issues by reading professional and trade publications and books related to the utilities industry.

Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Wright is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Wright.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**David A. Wright**

**South Carolina Public Service Commission**

Seat: Second Congressional District

Review Period: July 1, 2008 - September 30, 2009

Commissioner Wright was initially elected on March 3, 2004, and was re-elected on May 21, 2006. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

Commissioner Wright is a member of NARUC’s Energy, Resources and the Environment Committee and its Washington Action Committee. He is chairman of SEARUC and NARUC’s Subcommittee on Nuclear Issues and Waste Disposal. He serves as national chairman for the Nuclear Waste Strategy Coalition (NWSC) and its board of directors. He is also the national chairman for the Yucca Mountain Task Force. He is a member of the Program Advisory Committee at Michigan State’s Institute of Public Utilities.

Commissioner Wright attended the following educational programs and events:

* NARUC meetings (summer, annual and winter);
* SEARUC Commissioners-Only meeting;
* Platts Conference on the Future of Nuclear in the U.S., where he gave a presentation concerning S.C.’s Base Load Review Act;
* NWSC meetings;
* Ethics Seminar;
* Testified before the U.S. Senate Energy Committee as SEARUC President on Senator Bingaman’s proposal to establish a national renewable portfolio standard;
* Participated in a roundtable discussion before the U.S. Senate Energy and Natural Resources Committee on the future of recycling and reprocessing;
* Attended and participated in several Capitol Hill visits through NARCU and NWSC concerning the history of Yucca Mountain and nuclear issues, such as nuclear waste disposal, reprocessing and recycling.

In addition to the above, Commissioner Wright was responsible for the planning, programming, and coordination for SEARUC’s annual Charleston. The conference was not only an opportunity for commissioners, their staffs, and others to share experiences and become knowledgeable about current regulatory issues but also an opportunity to showcase Charleston. The conference was well attended and a great success.

Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Wright is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Wright.

**PUBLIC SERVICE COMMISSION CANDIDATES FOR SEAT 4**

**ELIZABETH “LIB” BURNETT FLEMING**

**Address:** 314 Glendalyn Place

Spartanburg, SC 29302

**Overall Recommendation:**

Mrs. Fleming was evaluated as possessing **OUTSTANDING** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Mrs. Fleming was born in Spartanburg County, South Carolina in 1942. She obtained a Bachelor of Arts degree from Converse College in 1965. She was the Head Start Director on Walker River Indian Reservation in Schurz, Nevada, during the summer of 1967. She was a member of the Spartanburg City Council from 1994-2004. Mrs. Fleming states that she was involved with infrastructure issues that impacted the city, the county, and the upstate region while serving on Spartanburg City Council. Mrs. Fleming was elected to the Public Service Commission in March 2004 and has served continuously since then. In 2008, she was elected by the members of the commission as chairman for a two-year term. She is a member of the National Association of Regulatory Utility Commissioners (NARUC) and serves on its Board of Directors, is chair of NARUC’s Committee on Critical Infrastructure, and is a member of the NARUC’s Committee on Electricity and the Eastern Interconnection Planning Council. She also is on the Center for Public Utility Advisory Committee of New Mexico State University.

**Test Score:**

Mrs. Fleming received a score of 94, the highest score of any candidate.

**General Qualifications:**

* Mrs. Fleming was evaluated to be of **OUTSTANDING** experience to serve on the commission.
* Mrs. Fleming was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mrs. Fleming was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mrs. Fleming was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mrs. Fleming was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mrs. Fleming was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Elizabeth “Lib” Fleming**

**South Carolina Public Service Commission**

Seat: Fourth Congressional District

Review Period: January 1 - June 30, 2006

Commissioner Fleming was initially elected March 3, 2004, and was reelected May 21, 2006. During her short tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. Commissioner Fleming exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the winter meeting of NARUC, a “Commissioners Only” conference sponsored by NARUC, and a one-day national conference “National Electricity Delivery Forum.” She was one of only 24 persons invited to attend the NAWC Water Policy Forum in May 2006. She is an active member of NARUC and SEARUC. She serves on the following NARUC committees: (1) the Committee on Electricity, (2) PUHCA Repeal and Merger Review Working Group (Co-leader), and (3) the Ad Hoc Committee on Critical Infrastructure. She served as moderator for an Electricity Committee panel discussion at the NARUC 2006 Winter Meeting. Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, and has a positive influence on employee morale. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Fleming.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Elizabeth “Lib” Fleming**

**South Carolina Public Service Commission**

Seat: Fourth Congressional District

Review Period: July 1, 2006 - June 30, 2007

Commissioner Fleming was initially elected March 3, 2004, and was reelected May 21, 2006. Since her election, Commissioner Fleming has taken advantage of many opportunities to expand her understanding of public utilities issues. Commissioner Fleming shows a desire to increase her knowledge and skills by attending educational programs. She attended the following programs, among others: (1) a course sponsored by Clemson Power Research Association and the Power Engineering Society of the Institute of Electrical and Electronics Engineers on electric industry issues; (2) SEARUC’s Wall Street Dialogue, where she served as moderator for the final session; (3) an electric and natural gas conference sponsored by the University of Georgia’s Bonbright Center, where she was one of four speakers during the “State Regulatory Viewpoints” session; (4) an emerging issues policy forum; (5) NARUC meetings; (6) the 2nd National Electricity Delivery Forum; (7) teleseminars concerning transmission siting and tools for comparing generation technologies sponsored by the National Regulatory Research Institute, the research resource created by NARUC; (8) various briefings by advisory staff; and (9) briefings by utility companies that are allowed by law. She attended critical infrastructure protection training courses at NARUC meetings. She is an active member of NARUC and SEARUC. She serves as Vice-Chairman on NARUC’s Committee on Critical Infrastructure, which deals with issues related to the security of the nation’s utility infrastructure. She also serves on the NARUC Committee on Electricity. Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, and has a positive influence on employee morale.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Elizabeth “Lib” Fleming**

**South Carolina Public Service Commission**

Seat: Fourth Congressional District

Review Period: July 1, 2007 - June 30, 2008

Commissioner Fleming was initially elected March 3, 2004, and was reelected May 21, 2006. During her tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. Commissioner Fleming exhibits a desire to increase her knowledge and skills by attending educational programs.

Commissioner Fleming attended the Emerging Issues Policy Forum’s (EFIP) conferences on the state of energy policy, regulation, and markets and the power of communications technology; National Drinking Water Symposium; Southeast Solar Summit; South Carolina Utility Law and Regulation Conference; and various briefings presented by advisory staff. She also attended SEARUC’s fall and annual meeting, including the Southeast Energy Efficiency Meeting and NARUC’s annual and winter meetings, including the National Electricity Delivery Forum. She attended workshops concerning: (1) water and sewer maintenance practices, (2) electric and gas conservation and efficiency, and (3) federally mandated renewable portfolio standard and/or carbon allowance trading system or carbon tax. She participated in the following meetings/seminars: (1) panel participant, EFIP’s energy conference, (2) moderator, NARUC annual meeting Concurrent Critical Infrastructure Educational Session, (3) panel participant, Lehman Brothers Commissioner Chat Day, and (4) co-moderator, NARUC winter meeting (joint meeting with Critical Infrastructure and Gas Committees). Commissioner Fleming is a member of the NARUC Electricity Committee and is vice-chair for the Critical Infrastructure Committee. She has participated in discussions with Assistant Secretaries for Homeland Security and Department of Energy. As a result of her involvement as vice-chairman of the NARUC Critical Infrastructure Committee, she became interested in cyber security in relation to industries. As a result of meetings with Homeland Security, she has been asked to join the Cross-Sector Cyber Security Working Group. She also keeps abreast of current issues by reading professional and trade publications and books related to utility industries.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Fleming.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Elizabeth “Lib” Fleming**

**South Carolina Public Service Commission**

Seat: Fourth Congressional District

Review Period: July 1, 2008 - September 20, 2009

Chairman Fleming was initially elected March 3, 2004, and was reelected May 21, 2006. She was elected PSC Chairman in July 2008. During her tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. She is the chairman for NARUC’s Committee on Critical Infrastructure and a member of NARUC’s Board of Directors and its Committee on Electricity. She is also NARUC’s state designee for the Eastern Interconnection Planning Initiative and serves as an advisory council member for the Center for Public Utilities at New Mexico State University. Chairman Fleming seeks to increase her knowledge and skills by attending educational programs.

Chairman Fleming attended the following educational programs and events:

* NARUC Summer and Annual meetings;
* SEARUC Commissioners Only and Annual meetings;
* Bonbright Center Electric and Natural Gas Conference;
* Institute for Regulatory Law Economics;
* Gee Strategies Group - Utility Commissioner and Wall Street Journal Dialogue;
* Transmission Business School;
* Ethics seminar;
* Gave an update for the PSC at the S.C. Telephone Association Spring Convention and at SC Energy Users Committee meetings;
* Participated in the Converse College Women in Energy Luncheon and Panel Discussion;
* Served as Moderator for NARUC Electricity and Critical Infrastructure Panel.

Based on surveys of persons appearing before the commission and commission employees, Chairman Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Chairman Fleming.

**PUBLIC SERVICE COMMISSION CANDIDATES FOR SEAT 6**

**NIKIYA “NIKKI” HALL**

**Address:** 5003 Holmes Avenue

Columbia, SC 29212

**Overall Recommendation:**

Judge Hall was evaluated as possessing **ABOVE AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Judge Hall was born in Augusta, Georgia, in 1979. She obtained a Bachelor of Arts degree in English from Spelman College in 2002 and a Juris Doctor degree from Georgetown University Law Center in 2004. Judge Hall is a magistrate in Richland County. Prior to that position, she was assistant solicitor in Richland County and law clerk to the Honorable L. Casey Manning, circuit court judge.

Judge Hall owns one share of SCANA stock. She states that she will dispose of the stock if she is elected to the commission.

**Test Score:**

Judge Hall received a score of 89, the highest score of any non-incumbent.

**General Qualifications:**

* Judge Hall was evaluated to be of **ABOVE AVERAGE** experience to serve on the commission.
* Judge Hall was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Judge Hall was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Judge Hall was evaluated as having **ABOVE AVERAGE** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Judge Hall was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Judge Hall was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

**MARTIN WITT HUGGINS**

**Address:** 118 W. County Line

Hemingway, SC 29554

**Overall Recommendation:**

Mr. Huggins was evaluated as possessing **ABOVE AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Mr. Huggins was born in Hemingway, South Carolina in 1957. He obtained a Bachelor of Science degree in Biology from the University of South Carolina in 1979. He served in the South Carolina State Guard as a sergeant and was honorably discharged. Mr. Huggins was employed by Wellman, Inc. from 1979-2006, when he lost his job during cutbacks after the company filed for bankruptcy. He spent his first year at Wellman as a Quality Control Supervisor, the next thirteen as a Site Environmental Manager and the final thirteen as Corporate Director of Environmental Affairs. His responsibilities included assuring compliance with government regulations, evaluation of fuel choice, coordinating community and industrial fresh and wastewater planning, and managing responses to industrial and natural disasters. He has been a part of and primary owner/operator of his family’s farming and rental property businesses since 1979, and engaged in two other smaller business ventures from 1997-2003. He was appointed as the Williamsburg County Election Commissioner in 2006, and plans to step down if elected to a seat on the commission.

**Test Score:**

Mr. Huggins received a score of 74.

**General Qualifications:**

* Mr. Huggins was evaluated to be of **ABOVE AVERAGE** experience to serve on the commission.
* Mr. Huggins was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Huggins was evaluated to have **AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Huggins was evaluated as having **ABOVE AVERAGE** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Huggins was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Huggins was evaluated to have **ABOVE AVERAGE** substantive knowledge of the operations of the commission.

Sen. Thomas C. Alexander Rep. Harry F. Cato

Chairman Vice Chairman

Elizabeth H. Atwater, Esq. Erik Ebersole

Sen. C. Bradley Hutto Rep. Harry L. Ott, Jr.

Sen. Luke A. Rankin, Sr. Rep. William E. Sandifer III

John Steven Simmons, Esq. Helen T. Zeigler, Esq.

Received as information.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4925 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ATLAS ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH BLUFF ROAD TO ITS INTERSECTION WITH GARNERS FERRY ROAD "BISHOP A.C. JACKSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "BISHOP A.C. JACKSON MEMORIAL HIGHWAY".

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4926 -- Reps. Cobb-Hunter, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, 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, 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 ST. PAUL BAPTIST CHURCH OF ORANGEBURG COUNTY, AND TO CONGRATULATE THE PASTOR AND THE CONGREGATION FOR THE COMPLETION OF THEIR NEW CHURCH BUILDING.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4927 -- Reps. Pinson, Parker and M. A. Pitts: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE MAMIE NICHOLSON OF GREENWOOD COUNTY, AND TO COMMEND HER FOR BEING SELECTED FOR THE 2010 SMALL BUSINESS ADMINISTRATION'S WOMEN IN BUSINESS CHAMPIONS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4928 -- Reps. Pinson, Parks and M. A. Pitts: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE CLAIRE KUHL, AND TO COMMEND HER FOR BEING SELECTED FOR THE 2010 SMALL BUSINESS ADMINISTRATION'S WOMEN IN BUSINESS CHAMPIONS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4929 -- Reps. Norman, King, Simrill, Delleney and D. C. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 49 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAYS 274 AND 557 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 55 "CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY".

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

**CONCURRENT RESOLUTION**

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

H. 4930 -- Rep. H. B. Brown: A CONCURRENT RESOLUTION TO DESIGNATE JUNE 5, 2010, AS MAMIE "PEANUT" JOHNSON DAY IN SOUTH CAROLINA, IN ORDER TO HONOR THE CONTRIBUTIONS OF THE WOMAN WHO HELPED TO BREAK DOWN THE RACIAL AND GENDER BARRIERS IN THE GAME OF BASEBALL.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4931 -- Rep. Brantley: A HOUSE RESOLUTION TO REMEMBER THE LIFE OF THE RIGHT REVEREND FREDERICK JOSEPH "REV. IKE" EIKERENKOETTER II, AND THE MESSAGE HE SO BOLDLY PROCLAIMED THROUGHOUT THE WORLD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4932 -- Rep. Miller: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR WACCAMAW HIGH SCHOOL STUDENT BLAKE GRAHAM OF GEORGETOWN COUNTY, AND TO CONGRATULATE HIM FOR HIS EXCEPTIONAL PERFORMANCE AT THE STATE THESPIAN CONFERENCE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4933 -- Reps. Hiott and Skelton: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE KINGS GROVE BAPTIST CHURCH OF CENTRAL ON THE OCCASION OF ITS HISTORIC ONE HUNDREDTH ANNIVERSARY, AND TO COMMEND THE CHURCH FOR A CENTURY OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

S. 1321 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF SEPTEMBER 2010 YOUTH AWARENESS MONTH IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO PROMOTE STRONG FAMILIES AND PARENTING, ALONG WITH YOUTH PROGRAMS AND JOBS.

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

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

S. 1324 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF OCTOBER 2010 AS GANG AWARENESS MONTH IN SOUTH CAROLINA IN ORDER TO RAISE PUBLIC AWARENESS OF THE INCREASING PROBLEM OF CRIMINAL GANG ACTIVITY IN OUR STATE.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1403 -- Senators Rose, Grooms and Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF ORANGEBURG ROAD AND CENTRAL AVENUE IN DORCHESTER COUNTY AS "KNIGHT CROSSROADS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "KNIGHT CROSSROADS."

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

**INTRODUCTION OF BILLS**

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

H. 4934 -- Rep. Hart: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 6, ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO PROPERTY TAX AND THE METHOD OF VALUATION OF REAL PROPERTY AND THE LIMITS ON INCREASES IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE BY LAW A DEFINITION OF "FAIR MARKET VALUE" FOR REAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX, TO ELIMINATE THE FIFTEEN PERCENT LIMIT ON INCREASES IN THE VALUE OF REAL PROPERTY OVER FIVE YEARS AND TO ELIMINATE AN ASSESSABLE TRANSFER OF INTEREST AS AN EVENT WHICH MAY CHANGE THE VALUE OF THE REAL PROPERTY.

Referred to Committee on Ways and Means

H. 4935 -- Rep. Hart: A BILL TO AMEND SECTION 6-1-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMIT ON ANNUAL PROPERTY TAX MILLAGE INCREASES IMPOSED BY POLITICAL SUBDIVISIONS, SO AS TO RESTORE THE FORMER METHOD OF OVERRIDING THE ANNUAL CAP BY A POSITIVE MAJORITY OF THE APPROPRIATE GOVERNING BODY AND DELETING THE SUPER MAJORITY REQUIREMENT FOR OVERRIDING THE CAP FOR SPECIFIC CIRCUMSTANCES; TO AMEND SECTION 11-11-150, AS AMENDED, RELATING TO THE TRUST FUND FOR TAX RELIEF, SO AS TO RESTORE TO IT FUNDING FOR THE RESIDENTIAL PROPERTY TAX EXEMPTION AND FULL FUNDING FOR THE SCHOOL OPERATING MILLAGE PORTION OF THE REIMBURSEMENT PAID LOCAL GOVERNMENTS FOR THE HOMESTEAD PROPERTY TAX EXEMPTION FOR THE ELDERLY OR DISABLED; TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO DELETE THE EXEMPTION REIMBURSED FROM THE HOMESTEAD EXEMPTION FUND FROM ALL SCHOOL OPERATING MILLAGE ALLOWED ALL OWNER-OCCUPIED RESIDENTIAL PROPERTY; TO AMEND SECTION 12-37-251, AS AMENDED, RELATING TO THE CALCULATION OF "ROLLBACK TAX MILLAGE" APPLICABLE FOR REASSESSMENT YEARS, SO AS TO RESTORE THE FORMER EXEMPTION ALLOWED FROM A PORTION OF SCHOOL OPERATING MILLAGE FOR ALL OWNER-OCCUPIED RESIDENTIAL PROPERTY; TO AMEND SECTION 12-37-270, AS AMENDED, AND ACT 388 OF 2006, RELATING TO THE REIMBURSEMENTS PAID LOCAL GOVERNMENTS FOR PROPERTY TAX NOT COLLECTED AS A RESULT OF THE HOMESTEAD EXEMPTION FOR THE ELDERLY OR DISABLED AND, AMONG OTHER THINGS, THE APPLICATION OF PROPERTY TAX CREDITS IN COUNTIES WHERE THE USE OF LOCAL OPTION SALES TAX REVENUES GIVE RISE TO A CREDIT AGAINST SCHOOL OPERATING PROPERTY TAX MILLAGE, SO AS TO MAKE CONFORMING AMENDMENTS; TO REPEAL ARTICLE 7 OF CHAPTER 10, TITLE 4 RELATING TO THE LOCAL OPTION SALES AND USE TAX FOR LOCAL PROPERTY TAX CREDITS; TO REPEAL SECTIONS 11-11-155 AND 11-11-156 RELATING TO THE HOMESTEAD EXEMPTION TRUST FUND; TO REPEAL ARTICLE 11 OF CHAPTER 36, TITLE 12 RELATING TO THE STATEWIDE ADDITIONAL ONE PERCENT SALES AND USE TAX THE REVENUES OF WHICH REIMBURSE SCHOOL DISTRICTS FOR THE HOMESTEAD EXEMPTION FROM ALL PROPERTY TAX MILLAGE IMPOSED FOR SCHOOL OPERATIONS; TO AMEND SECTIONS 12-37-3130, 12-37-3140, AND 12-37-3150, ALL AS AMENDED, RELATING TO DEFINITIONS, VALUATION, AND ASSESSABLE TRANSFERS OF INTEREST, FOR PURPOSES OF THE "SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT", SO AS TO ELIMINATE THE "POINT OF SALE" VALUATION OF REAL PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX AND RETURN TO THE FORMER VALUATION SYSTEM IN WHICH REAL PROPERTY AND IMPROVEMENTS TO REAL PROPERTY ARE APPRAISED BY THE ASSESSOR AND PERIODICALLY ADJUSTED IN COUNTYWIDE REAPPRAISALS, TO PROVIDE THAT WHEN THE FIFTEEN PERCENT CAP OVER FIVE YEARS ON INCREASES IN FAIR MARKET VALUE OF REAL PROPERTY RESULTS IN A VALUE THAT IS LOWER THAN THE FAIR MARKET VALUE OF THE PROPERTY AS DETERMINED BY THE ASSESSOR THAT THE LOWER VALUE BECOMES THE PROPERTY TAX VALUE OF THE REAL PROPERTY AND IS DEEMED ITS FAIR MARKET VALUE FOR PURPOSES OF IMPOSITION OF PROPERTY TAX, TO PROVIDE THAT AN ASSESSABLE TRANSFER OF INTEREST IS A TRANSFER OF OWNERSHIP OR OTHER INSTANCE CAUSING A "STEPUP" IN THE PROPERTY TAX VALUE OF REAL PROPERTY TO ITS FAIR MARKET VALUE AS DETERMINED BY THE ASSESSOR, TO REQUIRE THE CAP ON INCREASES IN VALUE TO BE APPLIED SEPARATELY TO REAL PROPERTY AND THE IMPROVEMENTS THEREON, AND TO PROVIDE WHEN THE STEPPEDUP VALUE FIRST APPLIES; TO AMEND SECTION 12-60-30, AS AMENDED, RELATING TO THE DEFINITION OF "PROPERTY TAX ASSESSMENT" FOR PURPOSES OF THE SOUTH CAROLINA REVENUE PROCEDURES ACT, SO AS TO REQUIRE THE NOTICES TO INCLUDE PROPERTY TAX VALUE AND PROVIDE THAT THE APPLICABLE ASSESSMENT RATIO APPLIES TO THE LOWER OF FAIR MARKET VALUE, PROPERTY TAX VALUE, OR SPECIAL USE VALUE; TO AMEND SECTION 12-60-2510, AS AMENDED, RELATING TO THE FORM OF ASSESSMENT NOTICES ISSUED BY THE COUNTY ASSESSOR, SO AS TO PROVIDE THAT THESE NOTICES MUST CONTAIN THE PROPERTY TAX VALUE OF REAL PROPERTY AND IMPROVEMENTS IN ADDITION TO FAIR MARKET VALUE AND SPECIAL USE VALUE; TO PROVIDE FOR THE REPEAL OF ARTICLE 25 OF CHAPTER 37, TITLE 12, THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS AND SECTIONS 12-60-30 AND 12-60-2510, BOTH AS AMENDED, RELATING TO TAX PROCEDURES, SO AS TO MAKE CONFORMING AMENDMENTS, AND MAKE THESE REPEALS AND AMENDMENTS CONTINGENT UPON RATIFICATION OF AN AMENDMENT TO ARTICLE X, SECTION 6 OF THE CONSTITUTION OF THIS STATE ELIMINATING THE FIFTEEN PERCENT CAP OVER FIVE YEARS IN INCREASES IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX AND ELIMINATING AN ASSESSABLE TRANSFER OF INTEREST AS AN EVENT THAT MAY RESULT

IN A CHANGE IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF THE IMPOSITION OF THE PROPERTY TAX.

Referred to Committee on Ways and Means

H. 4936 -- Rep. Brantley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 12 TO CHAPTER 10, TITLE 4 ENACTING THE "MUNICIPAL ECONOMIC DEVELOPMENT SALES AND USE TAX ACT" SO AS TO ALLOW A MUNICIPALITY LOCATED IN A COUNTY CLASSIFIED FOR PURPOSES OF THE TARGETED JOBS TAX CREDIT AS DISTRESSED, LEAST DEVELOPED, OR UNDERDEVELOPED TO IMPOSE A SALES AND USE TAX NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT A MUNICIPALITY MAY IMPOSE THE TAX BY ORDINANCE, TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, AND TO PROVIDE THAT THE TAX REVENUE MUST BE USED EXCLUSIVELY FOR PROMOTING ECONOMIC DEVELOPMENT IN THE MUNICIPALITY.

Referred to Committee on Ways and Means

S. 958 -- Senators Knotts, Davis and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-1-45 SO AS TO MAKE IT UNLAWFUL TO KNOWINGLY OR INTENTIONALLY CONFINE OR RESTRAIN AN ANIMAL IN A CRUEL MANNER OR KNOWINGLY OR INTENTIONALLY CAUSE SUCH CRUEL CONFINEMENT OR RESTRAINING OF AN ANIMAL, TO DEFINE CERTAIN TERMS IN REGARD TO THE ABOVE, TO PROVIDE PENALTIES FOR VIOLATION, AND TO PROVIDE THAT LOCAL GOVERNMENTS MAY ADOPT MORE STRINGENT LOCAL ORDINANCES GOVERNING THE CONFINEMENT OR RESTRAINING OF AN ANIMAL WITH CIVIL PENALTIES FOR VIOLATIONS.

Referred to Committee on Judiciary

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38-73-737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY-FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

Referred to Committee on Labor, Commerce and Industry

S. 1051 -- Senator Davis: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS, EXCEPTIONS, AND SPECIAL PERMITS CONCERNING CONSTRUCTION AND RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SET BACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND THE FORTY-YEAR RETREAT POLICY.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1088 -- Senators Matthews, O'Dell, Jackson and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.

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

S. 1148 -- Senator Cleary: A BILL TO AMEND CHAPTER 65, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS, SO AS TO CONFORM THIS CHAPTER TO THE ORGANIZATIONAL STATUTORY FRAMEWORK ESTABLISHED FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE THAT PERSONS ENGAGING IN PROFESSIONAL SOIL CLASSIFICATION MUST BE LICENSED, RATHER THAN REGISTERED; TO REVISE QUALIFICATIONS FOR LICENSURE; TO PROVIDE GRANDFATHERING PROVISIONS FOR REGISTERED PROFESSIONAL SOIL CLASSIFIERS TO BECOME LICENSED PROFESSIONAL SOIL CLASSIFIERS UPON THE NEXT RENEWAL OF THE PERSON'S REGISTRATION; AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1296 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1323 -- Senators Matthews, Elliott, Malloy, Leventis, Leatherman, Land, McGill and Williams: A BILL TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 54 TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

Referred to Committee on Ways and Means

S. 1367 -- Senator Cromer: A BILL TO AMEND SECTION 50-23-295, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRANSFER OF TITLE TO WATERCRAFT OR OUTBOARD MOTOR ON WHICH PROPERTY TAXES ARE OWED, SO AS TO REMOVE THE PENALTY IMPOSED FOR SELLING A WATERCRAFT WITH PERSONAL PROPERTY TAXES OWED AND TO ADD PROVISIONS REGARDING CIVIL ACTIONS AGAINST SELLERS FOR SELLING A WATERCRAFT OR OUTBOARD MOTOR WITH TAXES OWED.

Referred to Committee on Judiciary

S. 1390 -- Senator Peeler: A BILL TO AMEND SECTION 8-13-1308, RELATING TO INFORMATION REGARDING EXPENDITURES THAT MUST BE CONTAINED IN A CERTIFIED CAMPAIGN REPORT, TO DELETE A REFERENCE TO CAMPAIGN FUNDS AND REQUIRE THAT ALL EXPENDITURES BE LISTED IN THE REPORT.

Referred to Committee on Judiciary

S. 1392 -- Transportation Committee: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, TO PROVIDE FOR CERTAIN SPECIALTY LICENSE PLATES; TO AMEND SECTION 56-3-10810, RELATING TO 'BOY SCOUTS OF AMERICA' SPECIAL LICENSE PLATES, TO PROVIDE FOR 'EAGLE SCOUT' SPECIAL LICENSE PLATES; TO AMEND SECTION 56-3-2150, RELATING TO SPECIAL LICENSE PLATES FOR CERTAIN ELECTED OFFICIALS, TO PROVIDE THAT CORONERS MAY BE PROVIDED WITH TWO LICENSE PLATES; TO AMEND SECTION 56-3-1240, RELATING TO THE LOCATION ON VEHICLES WHERE LICENSE PLATES MUST BE ATTACHED, TO PROVIDE THAT A FRAME MAY BE PLACED AROUND A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56-3-10410, RELATING TO A SPECIAL MOTOR VEHICLE LICENSE PLATE FOR VETERANS, TO PROVIDE FOR A DISABLED VETERAN SPECIAL LICENSE PLATE.

Referred to Committee on Education and Public Works

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Duncan | Erickson | Frye |
| Funderburk | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Littlejohn |
| Loftis | Long | Lowe |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Pinson | Rice | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, May 4.

|  |  |
| --- | --- |
| William Bowers | Kris Crawford |
| H.B. "Chip" Limehouse | James Lucas |
| Anne Parks | Michael A. Pitts |
| Todd Rutherford | Leon Stavrinakis |
| Tracy Edge  David Mack III | Jackson "Seth" Whipper  Patsy Knight |

**Total Present--116**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. J. E. Smith a leave of absence for the week due to military training.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. OWENS a leave of absence for the day to attend a funeral.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Marc New of North Charleston was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be 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. 4909 |
| Date: | ADD: |
| 05/04/10 | HART |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4919 |
| Date: | ADD: |
| 05/04/10 | CATO, V. S. MOSS, UMPHLETT and HAMILTON |

**SENT TO THE SENATE**

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

H. 4906 -- Reps. Bannister, Hamilton, Wylie, Nanney, Bedingfield, Loftis, Allen, Cato and Stringer: A BILL TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

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.

**ORDERED TO THIRD READING**

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

H. 4916 -- Reps. Lucas, Neilson and Williams: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON APRIL 26, 2010, BY THE STUDENTS OF DARLINGTON COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO A TORNADO IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 4923 -- Reps. Govan, Cobb-Hunter, Ott and Sellers: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT NO. 4 OF ORANGEBURG COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

S. 1145 -- Senator Leatherman: A BILL TO AMEND SECTIONS 9-1-1540, 9-9-65, AND 9-11-80 OF THE 1976 CODE, RELATING TO THE DATE UPON WHICH AN APPLICATION FOR DISABILITY RETIREMENT MUST BE FILED WITH THE SOUTH CAROLINA RETIREMENT SYSTEM, TO PROVIDE THAT A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION IS FILED IF THE MEMBER IS NOT RETIRED AND THE LAST DAY THE MEMBER WAS EMPLOYED BY A COVERED EMPLOYER IN THE SYSTEM OCCURRED NOT MORE THAN NINETY DAYS PRIOR TO THE DATE OF FILING.

Rep. NEILSON explained the Bill.

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.

Rep. HERBKERSMAN explained the Bill.

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.

Rep. BANNISTER explained the Bill.

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.

Rep. HUGGINS explained the Bill.

**S. 168--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 168 -- Senators Cleary, Campsen, Rose, Bryant, Elliott and Hutto: A BILL TO AMEND SECTION 38-79-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL MALPRACTICE INSURANCE SO AS TO PROVIDE THAT A LICENSED HEALTH CARE PROVIDER WHO RENDERS MEDICAL SERVICES VOLUNTARILY AND WITHOUT COMPENSATION, AND SEEKS NO REIMBURSEMENT FROM CHARITABLE AND GOVERNMENTAL SOURCES, AND PROVIDES NOTICE TO THE PATIENT OR PATIENT'S PROVIDER IN A NON-EMERGENCY, IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION UNLESS THE ACT OR OMISSION WAS THE RESULT OF THE HEALTH CARE PROVIDER'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3933DW10), which was tabled:

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

/ SECTION \_\_. Article 3, Chapter 77, Title 38 of the 1976 Code is amended by adding:

Section 38‑77‑146. (A) As used in this section:

(1) ‘Charitable organization’ means any organization, institution, association, society, or corporation which:

(a)(i) is exempt from taxation pursuant to Section 501(c)(3) or 501(d) of Title 26 of the United States Code, as amended;

(ii) is a charitable unit of a religious or civic group, including those supported wholly or partially by private donations; or

(iii) is a human service unit, clinic, senior citizens program, congregate meal center, or day‑care center for the elderly, whether supported wholly or partially from public funds; and

(b) sponsors a volunteer transportation service.

(2) ‘Handicapped person’ means as defined in Section 2‑7‑35.

(3) ‘Volunteer provider’ or ‘volunteer’ means:

(a) an individual who operates the motor vehicle in which a volunteer transportation service is provided;

(b) an owner of the motor vehicle in which a volunteer transportation service is provided;

(c) a named insured in a policy of automobile insurance providing coverage on the motor vehicle in which a volunteer transportation service is provided; and

(d) the owner of an uninsured motor vehicle registered with the Department of Motor Vehicles pursuant to Section 56‑10‑510 in which a volunteer transportation service is provided.

(4) ‘Volunteer transportation service’ or ‘transportation service’ means motor vehicle transportation provided without compensation or the expectation or promise of compensation by an individual under the direction, sponsorship, or supervision of a charitable organization.

(B)(1) If a volunteer provider renders a transportation service to a handicapped person or a person who is fifty‑five years of age or older, the liability of the volunteer and the charitable organization to the person for injury, death, or loss arising out of or resulting from the volunteer transportation service is limited to the minimum automobile insurance policy limits provided by Section 38‑77‑140.

(2) The liability of two or more volunteers, charitable organizations, or a combination of these whose liability is limited pursuant to the provisions of this section, on claims arising out of a single accident, shall not exceed in the aggregate the amounts provided in item (1).

(C) The limitation on liability provided by subsection (B) applies to a volunteer provider only if:

(1) the volunteer, as defined in Section 38‑77‑146(A)(3)(a), properly is licensed to operate a motor vehicle;

(2) the volunteer provides the transportation service on a nonprofit and voluntary basis. However, this subitem does not prohibit a volunteer provider from accepting reimbursement for actual expenses incurred;

(3) the volunteer providing the transportation service does not receive from the person using the service any substantial benefit in a material or business sense that is a substantial motivating factor for the transportation. Any mere gratuity, social amenity, or item of a nominal value is not a substantial benefit under this subitem;

(4) except as provided in item (2), the transportation service is provided without charge to the person using the service;

(5) the volunteer acts in good faith within the scope of his responsibilities to the charitable organization in the rendering of the transportation service;

(6) the accident or injury is not intentional on the part of the volunteer provider:

(7) the accident or injury is not caused by the volunteer’s gross negligence or wilful or wanton misconduct; and

(8) the volunteer is not driving while:

(a) under the influence of alcohol to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired;

(b) under the influence of another drug or a combination of drugs or substances which cause impairment to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired; or

(iii) under the combined influence of alcohol and another drug or drugs or substances which cause impairment to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired.

(D) The limitation on liability provided by subsection (B) applies to a charitable organization only if:

(1) the transportation service is provided on a nonprofit and voluntary basis. However, this subitem does not prohibit a charitable organization from reimbursing a volunteer for actual expenses incurred;

(2) the transportation service is provided without charge to the person or expectation of compensation from the person using the service;

(3) notwithstanding item (2), a charitable organization accepts from a person using the service a contribution or donation or any mere gratuity, social amenity, or item of a nominal value so long as the provision of a volunteer transportation service is not contingent upon the offer or payment of the consideration;

(4) the accident or injury is not intentional on the part of the charitable organization; and

(5) the accident or injury is not caused by the charitable organization’s gross negligence or wilful or wanton misconduct.

(E) In the case of the liability of two or more volunteers, charitable organizations, or a combination of these on claims arising out of a single accident, nothing in this section may be construed so as to extend or preclude this section’s limitation of liability of one volunteer or charitable organization based only on the application of this section’s limitation of liability to another volunteer or charitable organization.”

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

SECTION \_\_. 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 \_\_. The provisions of this act do not affect any right, privilege, or provision of Chapter 78, Title 15 of the 1976 Code, the South Carolina Tort Claims Act. /

Renumber sections to conform.

Amend title to conform.

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

Rep. G. M. SMITH proposed the following Amendment No. 2 (COUNCIL\GGS\22544SD10), which was tabled:

Amend the bill, as and if amended, by striking the unnumbered Sections added by the Committee Report of the House Labor, Commerce and Industry Committee and inserting:

/ SECTION \_\_. Article 3, Chapter 77, Title 38 of the 1976 Code is amended by adding:

Section 38‑77‑146. (A) As used in this section:

(1) ‘Charitable organization’ means any organization, institution, association, society, or corporation which:

(a)(i) is exempt from taxation pursuant to Section 501(c)(3) or 501(d) of Title 26 of the United States Code, as amended;

(ii) is a charitable unit of a religious or civic group, including those supported wholly or partially by private donations; or

(iii) is a human service unit, clinic, senior citizens program, congregate meal center, or day‑care center for the elderly, whether supported wholly or partially from public funds; and

(b) sponsors a volunteer transportation service.

(2) ‘Handicapped person’ means as defined in Section 2‑7‑35.

(3) ‘Volunteer provider’ or ‘volunteer’ means:

(a) an individual who operates the motor vehicle in which a volunteer transportation service is provided;

(b) an owner of the motor vehicle in which a volunteer transportation service is provided;

(c) a named insured in a policy of automobile insurance providing coverage on the motor vehicle in which a volunteer transportation service is provided; and

(d) the owner of an uninsured motor vehicle registered with the Department of Motor Vehicles pursuant to Section 56‑10‑510 in which a volunteer transportation service is provided.

(4) ‘Volunteer transportation service’ or ‘transportation service’ means motor vehicle transportation provided without compensation or the expectation or promise of compensation by an individual under the direction, sponsorship, or supervision of a charitable organization.

(B)(1) If a volunteer provider renders a transportation service to a handicapped person or a person who is fifty‑five years of age or older, the liability of the volunteer to the person for injury, death, or loss arising out of or resulting from the volunteer transportation service is limited to the minimum automobile insurance policy limits provided by Section 38‑77‑140 or the policy limits of the automobile liability insurance coverage carried by the volunteer, whichever is greater.

(2) The liability of two or more volunteers, whose liability is limited pursuant to the provisions of this section, on claims arising out of a single accident, shall not exceed in the aggregate the amounts provided in item (1).

(C) The limitation on liability provided by subsection (B) applies to a volunteer provider only if:

(1) the volunteer, as defined in Section 38‑77‑146(A)(3)(a), properly is licensed to operate a motor vehicle;

(2) the volunteer provides the transportation service on a nonprofit and voluntary basis. However, this subitem does not prohibit a volunteer provider from accepting reimbursement for actual expenses incurred;

(3) the volunteer providing the transportation service does not receive from the person using the service any substantial benefit in a material or business sense that is a substantial motivating factor for the transportation. Any mere gratuity, social amenity, or item of a nominal value is not a substantial benefit under this subitem;

(4) except as provided in item (2), the transportation service is provided without charge to the person using the service;

(5) the volunteer acts in good faith within the scope of his responsibilities to the charitable organization in the rendering of the transportation service;

(6) the accident or injury is not intentional on the part of the volunteer provider:

(7) the accident or injury is not caused by the volunteer’s gross negligence or wilful or wanton misconduct; and

(8) the volunteer is not driving while:

(a) under the influence of alcohol to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired;

(b) under the influence of another drug or a combination of drugs or substances which cause impairment to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired; or

(c) under the combined influence of alcohol and another drug or drugs or substances which cause impairment to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired.

(D) The limitation on liability for the charitable organization is the same as for volunteers provided by subsection (B)(1). This limitation applies to a charitable organization only if:

(1) the transportation service is provided on a nonprofit and voluntary basis. However, this subitem does not prohibit a charitable organization from reimbursing a volunteer for actual expenses incurred;

(2) the transportation service is provided without charge to the person or expectation of compensation from the person using the service;

(3) notwithstanding item (2), a charitable organization accepts from a person using the service a contribution or donation or any mere gratuity, social amenity, or item of a nominal value so long as the provision of a volunteer transportation service is not contingent upon the offer or payment of the consideration;

(4) the accident or injury is not intentional on the part of the charitable organization; and

(5) the accident or injury is not caused by the charitable organization’s gross negligence or wilful or wanton misconduct.

(E) In the case of the liability of two or more volunteers, charitable organizations, or a combination of these on claims arising out of a single accident, nothing in this section may be construed so as to extend or preclude this section’s limitation of liability of one volunteer or charitable organization based only on the application of this section’s limitation of liability to another volunteer or charitable organization.”

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

SECTION \_\_. 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 \_\_. The provisions of this act do not affect any right, privilege, or provision of Chapter 78, Title 15 of the 1976 Code, the South Carolina Tort Claims Act. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH moved to table the amendment, which was agreed to.

Rep. HUGGINS explained the Bill.

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

**S. 382--DEBATE ADJOURNED**

Rep. KELLY moved to adjourn debate upon the following Bill until Wednesday, May 5, 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. HARRISON moved to adjourn debate upon the following Bill until Wednesday, May 5, 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.

**S. 217--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill until Wednesday, May 5, 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.

**S. 1146--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1146 -- Senator Alexander: A BILL TO AMEND SECTIONS 9-1-1770, AS AMENDED, 9-1-1775, 9-8-110, AS AMENDED, 9-9-100, AS AMENDED, 9-11-120, AS AMENDED, 9-11-125, AS AMENDED, AND 9-11-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING RESPECTIVELY TO, AMONG OTHER THINGS, LIFE INSURANCE BENEFITS PAID BENEFICIARIES OF DECEASED RETIREES OF THE SOUTH CAROLINA RETIREMENT SYSTEM, THE SOUTH CAROLINA RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, AND BENEFITS PAID PURSUANT TO THE ACCIDENTAL DEATH BENEFIT PROGRAM OF THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO MAINTAIN COMPLIANCE WITH THE INTERNAL REVENUE CODE OF 1986 BY PROVIDING FOR THESE BENEFITS TO BE PAID IN THE FORM OF DEATH BENEFITS RATHER THAN INSURANCE AND TO CORRECT A REFERENCE.

The Ways and Means Committee Proposed the following Amendment No. 1 (COUNCIL\BBM\9701HTC10), which was adopted:

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

/ SECTION 1. Subsections (D) and (E) of Section 9‑1‑1770 of the 1976 Code, as last amended by Act 153 of 2005, are further amended to read:

“(D) ~~The board may take the action necessary to provide the death benefit under this section in the form of group life insurance upon a determination that to do so would guarantee a more favorable tax treatment of the benefit to beneficiaries to whom the benefit is payable.~~ RESERVED

(E) Upon the death of a retired member who is not a retired contributing member after December 31, 2000, there must be paid to the designated beneficiary or beneficiaries, if living at the time of the retired member’s death, otherwise to the retired member’s estate, a ~~life insurance~~ benefit of two thousand dollars if the retired member had ten years of creditable service but less than twenty years, four thousand dollars if the retired member had twenty years of creditable service but less than twenty‑eight, and six thousand dollars if the retired member had at least twenty‑eight years of creditable service at the time of retirement, if the retired member’s most recent employer, before the member’s retirement, is covered by the ~~Group Life Insurance Program~~ preretirement death benefit program.”

SECTION 2. Section 9‑1‑1775 of the 1976 Code, as added by Act 311 of 2008, is amended to read:

“Section 9‑1‑1775. (A) The ~~Group Life Insurance~~ Death Benefit Plan for members of the South Carolina Retirement System, hereinafter referred to as the ‘plan’, is ~~hereby~~ established ~~and created,~~ for the purpose of providing ~~group life insurance~~ for the payment of the benefits provided by Section 9‑1‑1770 ~~of the laws governing said system~~.

(B) A separate fund, to be known as the ~~Group Life Insurance~~ Death Benefit Plan Reserve Fund, is ~~hereby~~ established within the South Carolina Retirement System, hereinafter referred to as the ‘retirement system’, to be held in trust by the board. The fund shall consist of all ~~premiums~~ contributions paid by the employers and other monies received and paid into the fund for ~~group term life insurance~~ death benefit purposes, and of the investment earnings ~~upon such~~ on these monies, and ~~shall~~ must be used only to pay the ~~group term life insurance~~ death benefits prescribed by subsection (C). Concurrent with the determination of the initial liability of the plan for the balance of the fiscal year on and after the effective date of ~~insurance~~ the benefit, for the ~~group term life insurance~~ death benefit provided and to be paid for pursuant to this plan, there ~~shall~~ must be segregated and transferred from the Employer Annuity Accumulation Fund of the retirement system to the reserve fund created by this section ~~such~~ the amounts ~~as shall be~~ determined by the actuary to be necessary to pay anticipated ~~group term life insurance~~ death benefit claims. Subsequent segregations and transfers ~~shall~~ must be made as ~~shall be~~ required to pay the ~~insurance~~ death benefit prescribed by subsection (C) from the reserve fund provided by this section.

(C) ~~In the event of~~ At the death of a member who has met the eligibility requirements set forth in Section 9‑1‑1770, ~~on or after the effective date of insurance, an amount of insurance~~ a benefit equal to the death benefit provided by Section 9‑1‑1770 ~~shall~~ must be paid to the person nominated by the member in accordance with the provisions of Section 9‑1‑1770 or to the member’s estate.

(D) The actuary shall investigate the claim experience of the plan as provided by Section 9‑1‑250. On the basis of ~~such~~ these investigations and upon the recommendation of the actuary, as provided in Section 9‑1‑1210, the board shall certify the ~~premium~~ contribution rates ~~computed to be~~ necessary to fund the ~~group term life insurance~~ death benefit authorized to be paid by the plan. As soon as practicable after the close of each fiscal year, the board shall determine the ~~premium~~ contribution which the employers participating in the plan are required to pay into the reserve fund to discharge the obligations of the plan for the past fiscal year.

(E) Each qualified member of the retirement system is to be ~~insured~~ covered as provided ~~herein~~ in this section effective commencing as of June 19, 1973.”

SECTION 3. Section 9‑8‑110 of the 1976 Code, as last amended by Act 112 of 2007, is further amended to read:

“Section 9‑8‑110. (1) Except as provided in subsections (2) and (3) of this section, upon the death of any member of the system, a lump sum amount must be paid to the persons the member nominated by written designation, filed with the board, otherwise to his estate. This amount must be equal to the amount of the member’s accumulated contributions. An active contributing member making the nomination provided under this section also may name secondary beneficiaries in the same manner that beneficiaries are named. A secondary beneficiary has no rights under this chapter unless all beneficiaries nominated by the member predecease the member and the member’s death occurs while in service. In this instance, a secondary beneficiary is considered the member’s beneficiary for purposes of this section.

(2) Unless a married member has designated a beneficiary other than his spouse in accordance with subsection (1), upon his death in service before retirement an allowance equal to one‑third of the allowance which would have been payable to him, if he was eligible to retire on his date of death notwithstanding the vesting requirement of Section 9‑8‑50(E)(1) and as if he had retired on the date of his death, must be paid to his surviving spouse until her death. This allowance is payable in lieu of the lump sum amount payable in accordance with subsection (1). Upon the death of a retired member who has not designated a beneficiary other than a spouse an allowance equal to one‑third of the allowance which would have been payable to him, must be paid to the surviving spouse until death. For purposes of this subsection, ‘retired member’ includes those former judges and solicitors who are beneficiaries pursuant to subsection (4) of Section 9‑8‑60.

(3) If a member dies while in the service of the State, whether as a judge, solicitor, or circuit public defender or otherwise, and either is not married or has designated a beneficiary other than his surviving spouse, an allowance in lieu of the lump sum provided in subsection (1) is payable to the person he nominated by written designation in accordance with subsection (1) equal to the amount which would have been payable to the person as if the deceased member had retired at the time of his death and had made an effective election under Section 9‑8‑70 nominating the person as his contingent beneficiary.

(4) Upon the death of an unmarried beneficiary who has not elected the optional form of allowance under Section 9‑8‑70, a lump sum amount ~~shall~~ must be paid to ~~such~~ the person ~~as~~ he ~~shall have~~ nominated by written designation in accordance with subsection (1), otherwise to his estate. ~~Such~~ The amount ~~shall~~ must be equal to the excess, if any, of his accumulated contributions at the time his allowance commenced over the sum of the retirement allowance payments made to him.

(5) Upon receipt of proof, satisfactory to the board, of the death of a member in service as a judge, solicitor, or circuit public defender who had completed at least one full year of credited service in the system or of the death of a member in service as a result of an injury arising out of and in the course of the performance of his duties regardless of length of membership, there must be paid to his spouse unless he has nominated a beneficiary by written designation filed with the board, if the person is living at the time of the member’s death, otherwise to the member’s estate, a death benefit equal to the annual compensation of the member at the time his death occurs. The benefit must be payable apart and separate from the payment of the allowance, or the lump sum amount in lieu thereof, pursuant to the provisions of subsection (1), (2), or (3) of this section. A member may designate his estate to receive this death benefit in lieu of his spouse, or other beneficiary nominated in subsection (1). For purposes of this subsection, a member is considered to be in service at the date of his death if his last day of earned service credit as a judge, solicitor, or circuit public defender occurred not more than ninety days before his death and he has not retired or withdrawn contributions.

(6) ~~The Board may take such action as may be necessary to provide the death benefit under this section in the form of group life insurance upon a determination that to do so would guarantee a more favorable tax treatment of the benefit to beneficiaries to whom the benefit is payable.~~ RESERVED

(7) Upon the death of a retired member on or after July 1, 1985, there must be paid to the designated beneficiary or beneficiaries, if living at the time of the retired member’s death, otherwise to the retired member’s estate, a death benefit of one thousand dollars if the retired member had ten years of creditable service but less than twenty years, two thousand dollars if the retired member had twenty years of creditable service but less than thirty, and three thousand dollars if the retired member had at least thirty years of creditable service at the time of retirement.”

SECTION 4. Section 9‑9‑100 of the 1976 Code, as last amended by Act 139 of 1995, is further amended to read:

“Section 9‑9‑100. (1) Upon the death of a member of the system, a lump sum amount must be paid to the person the member nominated by written designation, filed with the board, otherwise to the member’s estate. This lump sum amount must be equal to the amount of the member’s accumulated contributions. An active contributing member making the nomination provided under this item also may name contingent beneficiaries in the same manner that beneficiaries are named. A contingent beneficiary has no rights under this chapter unless all beneficiaries nominated by the member have predeceased the member and the member’s death occurs while in service. In this instance, a contingent beneficiary is considered the member’s beneficiary for purposes of this item and item (3) of this section, if applicable.

(2) Upon the death of a retired member a lump sum amount must be paid to the person he has last nominated by written designation, duly acknowledged and filed with the ~~Board~~ board, otherwise to his estate. The lump sum must be equal to the excess, if any, of his total accumulated contributions at the time his allowance commenced over the sum of the retirement allowance payments made to him, and to his designated beneficiary under Options 1, 2, and 3 of Section 9‑9‑70, during their lifetimes.

(3) Notwithstanding anything ~~herein~~ in this section to the contrary, if a member dies after he has attained age sixty or has completed fifteen years of creditable service and death occurs in service, the person nominated by him to receive the lump sum amount in subsection (1) above may elect to receive, in lieu of ~~such~~ that lump sum payment, an allowance for life in the same amount as if the deceased member of the ~~System~~ system had retired at the time of his death and had named ~~such~~ the person as contingent beneficiary under Option 1 of Section 9‑9‑70. ~~Any~~ A person otherwise eligible under this subsection to elect to receive an allowance who had attained age sixty‑five or after the accumulation of thirty years of creditable service or after attainment of age sixty with twenty or more years of creditable service but who has received a refund of the member’s accumulated contribution under this section may, upon repayment of the refund to the ~~System~~ system in a single sum, make the election provided ~~for~~ in this section. The monthly payments under Option 1 to ~~such~~ the person ~~shall~~ must date from the time of the repayment of the accumulated contributions to the ~~System~~ system.

(4) Upon receipt of proof, satisfactory to the board, of the death, after June 30, 1969, of a member of the system then in service as a member of the General Assembly who had completed at least one full year of membership in the system or of the death of an in‑service member as a result of an injury arising out of and in the course of the performance of his duties regardless of length of membership, there must be paid to the person he nominated for the refund of his accumulated contributions, unless he has nominated a different beneficiary by written designation filed with the board, pursuant to Section 9‑9‑90, if the person is living at the time of the member’s death, otherwise to the member’s estate, a death benefit equal to the annual earnable compensation of the member at the time his death occurs. The death benefit is payable apart and separate from the payment of the lump sum amount, or the allowance in lieu of it, pursuant to subsections (1) and (3). For purposes of this subsection, a member is considered to be in service at the date of his death if his last day of earned service credit as a member of the General Assembly occurred not more than ninety days before the date of his death and he has not retired or withdrawn contributions.

~~The Board is authorized to take such action as may be necessary to provide the death benefit under this section in the form of group life insurance upon a determination that to do so would guarantee a more favorable tax treatment of the benefit to beneficiaries to whom such benefit is payable.~~

(5) Upon the death of a retired member on or after July 1, 1985, there must be paid to the designated beneficiary or beneficiaries, if living at the time of the retired member’s death, otherwise to the retired member’s estate, a death benefit of one thousand dollars if the retired member had ten years of creditable service but less than twenty years, two thousand dollars if the retired member had twenty years of creditable service but less than thirty, and three thousand dollars if the retired member had at least thirty years of creditable service at the time of retirement.”

SECTION 5. Subsections (E) and (F) of Section 9‑11‑120 of the 1976 Code, as last amended by Act 153 of 2005, are further amended to read:

“(E) ~~The board may take the action necessary to provide the death benefits under this section in the form of group life insurance upon a determination that to do so would guarantee a more favorable tax treatment of the benefit to beneficiaries to whom the benefit is payable.~~ RESERVED

(F) Upon the death of a retired member on or after July 1, 2000, there must be paid to the designated beneficiary or beneficiaries, if living at the time of the retired member’s death, otherwise to the retired member’s estate, a ~~life insurance~~ benefit of two thousand dollars if the retired member had ten years of creditable service but less than twenty years, four thousand dollars if the retired member had twenty years of creditable service but less than twenty‑five, and six thousand dollars if the retired member had at least twenty‑five years of creditable service at the time of retirement, if the retired member’s most recent employer prior to retirement is covered by the ~~Group Life Insurance Program~~ preretirement death benefit program.”

SECTION 6. Section 9‑11‑125 of the 1976 Code, as added by Act 311 of 2008, is further amended to read:

“Section 9‑11‑125. (A) The ~~Group Life Insurance~~ Death Benefit Plan for members of the South Carolina Police Officers Retirement System, hereinafter referred to as the ‘plan’, is ~~hereby~~ established ~~and created,~~ for the purpose of providing ~~group life insurance~~ for the payment of the benefits provided by Section 9‑11‑120 ~~of the laws governing said system~~.

(B) A separate fund, to be known as the ~~Group Life Insurance~~ Death Benefit Plan Reserve Fund, is ~~hereby~~ established within the South Carolina Police Officers Retirement System, hereinafter referred to as the ‘retirement system’, to be held in trust by the board. The fund shall consist of all ~~premiums~~ contributions paid by the employers and other monies received and paid into the fund for ~~group term life insurance~~ death benefit purposes, and of the investment earnings ~~upon such~~ on these monies, and ~~shall~~ must be used only to pay the ~~group term life insurance~~ death benefits prescribed by subsection (C). Concurrent with the determination of the initial liability of the plan for the balance of the fiscal year on and after the effective date of ~~insurance~~ the benefit, for the ~~group term life insurance~~ death benefit provided and to be paid for pursuant to this plan, there ~~shall~~ must be segregated and transferred from the Employer Annuity Accumulation Fund of the retirement system to the reserve fund created by this section ~~such~~ the amounts ~~as shall be~~ determined by the actuary to be necessary to pay anticipated ~~group term life insurance~~ death benefit claims. Subsequent segregations and transfers ~~shall~~ must be made as ~~shall be~~ required to pay the ~~insurance~~ benefit prescribed by subsection (C) from the reserve fund provided by this section.

(C) ~~In the event of~~ At the death of a member who has met the eligibility requirements set forth in Section 9‑11‑120 ~~on or after the effective date of insurance, an amount of insurance~~ a benefit equal to the death benefit provided by Section 9‑11‑120 ~~shall~~ must be paid to the person nominated by the member in accordance with the provisions of Section 9‑11‑120 or to the member’s estate.

(D) The actuary shall investigate the ~~claim~~ experience of the plan as provided by Section 9‑11‑30. On the basis of ~~such~~ the investigations and upon the recommendation of the actuary, as provided in Section 9‑11‑120, the board shall certify the ~~premium~~ contribution rates computed to be necessary to fund the ~~group term life insurance~~ death benefits authorized to be paid by the plan. As soon as practicable after the close of each fiscal year, the board shall determine the ~~premium~~ contribution rates which the employers participating in the plan are required to pay into the reserve fund to discharge the obligations of the plan for the past fiscal year.

(E) Each qualified member of the retirement system is to be ~~insured~~ covered as provided ~~herein~~ in this section effective commencing as of June 19, 1973.”

SECTION 7. The first and last undesignated paragraphs of Section 9‑11‑140 of the 1976 Code, as last amended by Act 337 of 1998, are further amended respectively to read:

“Effective July 1, 1962, there ~~shall be~~ is created the Accidental Death Benefit Program, ~~which shall be~~ effective as of that date to all employers under the ~~System~~ system except counties, municipalities, and other political subdivisions, as well as those ~~State~~ state departments, agencies, or institutions which pay directly to the ~~System~~ system the total employer contributions for the participating members in their employ. The benefit paid pursuant to this Accidental Death Benefit Program must not be treated as a life insurance benefit for the beneficiary or beneficiaries set out below.”

“Benefits payable under this section must be adjusted to reflect increases in the Consumer Price Index in the manner provided in Section ~~9‑1‑1810~~ 9‑11‑310.”

SECTION 8. This act takes effect upon approval by the Governor and applies for death benefits payable based on member deaths occurring after June 30, 2010. /

Amend title to read:

/ TO AMEND SECTIONS 9‑1‑1770, AS AMENDED, 9‑1‑1775, 9‑8‑110, AS AMENDED, 9‑9‑100, AS AMENDED, 9‑11‑120, AS AMENDED 9‑11‑125, AS AMENDED, AND 9‑11‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING RESPECTIVELY TO, AMONG OTHER THINGS, LIFE INSURANCE BENEFITS PAID BENEFICIARIES OF DECEASED RETIREES OF THE SOUTH CAROLINA RETIREMENT SYSTEM, THE SOUTH CAROLINA RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, AND BENEFITS PAID PURSUANT TO THE ACCIDENTAL DEATH BENEFIT PROGRAM OF THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO MAINTAIN COMPLIANCE WITH THE INTERNAL REVENUE CODE OF 1986 BY PROVIDING FOR THESE BENEFITS TO BE PAID IN THE FORM OF DEATH BENEFITS RATHER THAN INSURANCE AND TO CORRECT A REFERENCE. /

Renumber sections to conform.

Amend title to conform.

Rep. NEILSON explained the amendment.

The amendment was then adopted.

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

**S. 906--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, May 11, which was adopted:

S. 906 -- Senators Leatherman, Land, Coleman and Elliott: A BILL TO AMEND SECTION 9-8-50 OF THE 1976 CODE, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, TO PROVIDE THAT A MEMBER UPON TERMINATION WHO DOES NOT QUALIFY FOR A MONTHLY BENEFIT MAY TRANSFER HIS SERVICE CREDIT TO THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO CLARIFY PROVISIONS RELATED TO THE TRANSFER OF EARNED SERVICE CREDIT IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS.

**S. 728--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

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.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3977HTC10), which was adopted:

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

/ SECTION \_\_. Section 12‑65‑20(3) of the 1976 Code is amended to read:

“(3) ‘Textile mill’ means a facility or facilities that were ~~last~~ initially used for textile manufacturing, dying, or finishing operations and for ancillary uses to those operations.” /

Amend further, as and if amended, by striking Section 12‑65‑30(D) as contained in SECTION 1, page 5 and inserting:

/ (D) A taxpayer is not eligible for the credit if the facility has previously received textile mill credits, or if the taxpayer owned the otherwise eligible textile mill site when the site was operational and immediately prior to its abandonment. /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The amendment was then adopted.

Rep. HERBKERSMAN proposed the following Amendment No. 2 (COUNCIL\GGS\22594SD10), which was adopted:

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

/ SECTION \_\_\_\_. Section 4-9-195(E) of the 1976 Code, as amended by Act 292 of 2004, is further amended to read:

“(E) When property has received final certification and is assessed as rehabilitated historic property, or low or moderate income rental property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(1) written notice by the owner to the county to remove the preferential assessment;

(2) ~~sale or transfer of ownership during the special assessment period, other than in ordinary course within probate proceedings;~~

~~(3)~~ removal of the historic designation by the county governing body;

~~(4)~~(3) decertification of the property by the local governing body as low or moderate income rental property for persons and families of moderate to low income as defined by Section 31‑13‑170(p);

~~(5)~~(4) rescission of the approval of rehabilitation work by the reviewing authority because of alterations or renovations by the owner or his estate which cause the property to no longer possess the qualities and features which made it eligible for final certification.

Under no circumstances shall the sale or transfer of ownership of real property certified and assessed in accordance with this section and any ordinance in effect at the time disqualify the property from receiving the special property tax assessment under this section. This provision shall be applicable and given full force and effect to any special property tax assessment granted prior to the effective date of this paragraph notwithstanding any ordinance in effect from time to time to the contrary.

Notification of any change affecting eligibility must be given immediately to the appropriate county taxing and assessing authorities.” /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The amendment was then adopted.

Rep. HERBKERSMAN moved to adjourn debate on the Bill until Wednesday, May 5, which was agreed to.

**S. 1066--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Wednesday, May 5, 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. 495--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Reps. M. A. PITTS and UMPHLETT proposed the following Amendment No. 1 (COUNCIL\AGM\18047AB10), which was adopted:

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

/ SECTION \_\_\_. Section 50‑9‑1130 of the 1976 Code is amended to read:

“Section 50‑9‑1130. (A) Each time a person is convicted of a violation enumerated in Section 50‑9‑1120, the number of points assigned to the violation must be charged against the person. For each calendar year that passes after assignment in which the person received no points, the department shall deduct one‑half of the accumulated points if the total number of points is greater than three. If a person has three or less points at the end of a calendar year in which no points were received, the department shall reduce his point total to zero; however, a person’s record must not be less ~~then~~ than zero points.

(B) The department shall deduct three accumulated points from a person’s record upon a showing that the person successfully completed a department program of instruction established pursuant to Section 50‑9‑310.

(C) A person is not eligible for a reduction in points under the provisions of subsection (B) if at the time he received eighteen or more points and:

(1) he had any hunting, trapping, or fishing suspension within the previous five years; or

(2) he had a previous point reduction under the provisions of subsection (B) within the previous five years.

(D) The department is authorized to promulgate appropriate regulations to effectuate the provisions of this section.”/

Renumber sections to conform.

Amend title to conform.

Rep. M. A. PITTS explained the amendment.

The amendment was then adopted.

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

**S. 1024--DEBATE ADJOURNED**

Rep. SKELTON moved to adjourn debate upon the following Bill until Wednesday, May 5, 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.

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

**ADJOURNMENT**

At 1:08 p.m. the House, in accordance with the motion of Rep. MCLEOD, adjourned in memory of C. C. Harness III of Mt. Pleasant, to meet at 10:00 a.m. tomorrow.

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1. On April 20, 2010, Philip Tibbs Bradley was found qualified and was nominated for election to Seat 4; however, he withdrew his candidacy on April 29, 2010. [↑](#footnote-ref-1)