~~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 Numbers 6:24: “Moses told Aaron, this is how you are to bless the people. The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious to you; the Lord look upon you with favor and give you peace.”

Let us pray. Almighty God, as we come to the end of this session, we give thanks for these women and men who have served faithfully in this House. Thank You for the leadership of those retiring. Bless them in their new endeavors. For anything that we have done wrong or have been hurtful to others in word or action, forgive us. Bless each Representative as they return home. Continue to bless the staff, the aides, pages, those who keep us secure, the maintenance crews, and others who provide service and labor here. Look in favor upon our Nation, President, State, Governor, Speaker, and staff, and provide for all every needful thing. Protect our defenders of freedom at home and abroad as they protect us and heal with Your loving touch our wounded warriors. 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 Thursday, June 3, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. LITTLEJOHN moved that when the House adjourns, it adjourn in memory of William Mitchell of York, which was agreed to.

**S. 912--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 3, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 912:

S. 912 -- Senator Land: A BILL TO AMEND SECTION 17-22-950 OF THE 1976 CODE, AS ADDED BY ACT 36 OF 2009, RELATING TO PROCEDURES FOR EXPUNGEMENT OF CRIMINAL CHARGES WHICH HAVE BEEN BROUGHT IN SUMMARY COURT, TO REMOVE THE REQUIREMENT THAT THE COMPLETED EXPUNGEMENT ORDER BE FILED WITH THE CLERK OF COURT.

and asks for a Committee of Conference and has appointed Senators Hutto, Shoopman and Massey to the Committee of Conference on the part of the Senate.

Very respectfully,

President

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

**RATIFICATION OF ACTS**

**FOR JUNE 07, 2010**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 7, 2010, at 5:30 P.M. and the following Acts and Joint Resolutions were ratified:

(R. 294, S. 104) -- Senators Verdin and Campsen: AN ACT TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 53, SO AS TO PROVIDE THAT AN AGRITOURISM PROFESSIONAL IS NOT LIABLE FOR AN INJURY TO OR DEATH OF A PARTICIPANT RESULTING FROM AN INHERENT RISK OF AN AGRITOURISM ACTIVITY OR LOSS OR DAMAGES TO THE PARTICIPANT RESULTING THEREFROM, UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE EXTENT OF THE LIABILITY PROVIDED AND THE DEFENSES WHICH MAY BE PLED, TO PROVIDE THAT AN AGRITOURISM PROFESSIONAL MUST POST A WARNING NOTICE WHERE THE AGRITOURISM ACTIVITIES ARE CONDUCTED, TO PROVIDE THAT WARNING NOTICES MUST BE INCLUDED IN CONTRACTS THE AGRITOURISM PROFESSIONAL ENTERS INTO WITH PARTICIPANTS, AND TO PROVIDE THAT THE AGRITOURISM PROFESSIONAL’S LIABILITY IS NOT LIMITED IF THE PROPER WARNING NOTICES ARE NOT PROVIDED TO PARTICIPANTS OR WARNING SIGNS POSTED.

(R. 295, S. 217) -- Senator Fair: AN ACT TO AMEND SECTION 24‑3‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PLACES OF CONFINEMENT FOR INMATES, BY THE DEPARTMENT OF CORRECTIONS, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DESIGNATE CERTAIN REGIONAL AND MUNICIPAL FACILITIES AS PLACES OF CONFINEMENT AND TO INCLUDE MUNICIPAL CHIEF ADMINISTRATOR, OR THE 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 24‑3‑40, RELATING TO THE DISPOSITION OF THE WAGES OF A PRISONER ALLOWED TO WORK AT PAID EMPLOYMENT, SO AS TO PROVIDE A PROCEDURE FOR PAYMENT OF A PRISONER WHO IS CONFINED TO A LOCAL CORRECTIONAL FACILITY OR PROGRAM, TO REVISE HOW A PRISONER’S WAGES MUST BE DISTRIBUTED WHEN RESTITUTION HAS NOT BEEN ORDERED OR HAD BEEN SATISFIED; 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 TERM “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 THE TERM “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 THE TERM “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑710, RELATING TO THE INVESTIGATION OF THE MISCONDUCT THAT OCCURS IN THE STATE PRISON SYSTEM, 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 TO MAKE TECHNICAL CHANGES; 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 ALSO APPLIES TO REGIONAL DETENTION FACILITIES AND PRISON CAMPS, AND TO DEFINE THE TERM “CONTRABAND”; 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 THAT THIS PROVISION ALSO APPLIES TO GOVERNING BODIES THAT HAVE CUSTODY OF A JAIL, AND TO MAKE A 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 GOVERNING BODY 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, SHELTER, AND ACCESS TO MEDICAL CARE; TO AMEND SECTION 24‑5‑90, RELATING TO THE UNLAWFUL DISCRIMINATION IN THE TREATMENT OF PRISONERS, SO AS TO DELETE THE TERM “JAILER”, MAKE TECHNICAL CHANGES, AND 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 MAY BE 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, APPOINTMENT, TRAINING, PHYSICAL COMPETENCE, DUTIES, IDENTIFICATION CARDS, UNIFORMS, AND WORKERS’ COMPENSATION BENEFITS FOR RESERVE DETENTION OFFICERS, SO AS TO DELETE THE TERM “JAILER”, AND TO SUBSTITUTE THE TERM “SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY” FOR THE TERM “DEPARTMENT OF PUBLIC SAFETY”; 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 TERMS “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 MULTIJURISDICTIONAL FACILITIES, TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “PRISONER” AND THE TERM “PRISON CAMP” FOR THE TERM “PRISON”, 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, TO PROVIDE THAT THIS PROVISION APPLIES TO MULTIJURISDICTIONAL 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 THE STATE FIRE MARSHALL ALSO SHALL BE PROVIDED A COPY OF ARCHITECTURAL PLANS BEFORE A FACILITY MAY BE CONSTRUCTED OR RENOVATED AND TO PROVIDE THAT THIS SECTION ALSO 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 MAY BE 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”, AND TO PROVIDE THAT PERSONS CONVICTED OF CERTAIN OFFENSES ARE ELIGIBLE FOR WORK RELEASE; 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”, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 63‑3‑620, RELATING TO PENALTIES FOR A PERSON’S FAILURE TO OBEY CERTAIN ORDERS OF A COURT AND STATUTES RELATING TO THE CHILDREN’S CODE, 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, 24‑7‑150, AND 24‑3‑45 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, THE COLLECTION AND DISPOSITION OF MONEY BY A COUNTY FOR THE HIRING OF CONVICTS AND THE DEDUCTIONS FROM WAGES OF INMATES ENGAGED IN PAID EMPLOYMENT IN A COMMUNITY; 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.

(R. 296, S. 288) -- Senator L. Martin: AN ACT TO AMEND ARTICLE 1, CHAPTER 1, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑146 SO AS TO REQUIRE A CLERK OF COURT TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES OF A PERSON WHO IS CONVICTED OF A VIOLENT CRIME; TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO NOTIFY THE CONVICTED PERSON THAT HE SHALL SURRENDER HIS DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD TO THE DEPARTMENT; BY ADDING SECTION 56‑1‑148 SO AS TO PROVIDE THAT A PERSON CONVICTED OF A VIOLENT CRIME SHALL HAVE A SPECIAL CODE AFFIXED TO THE REVERSE SIDE OF HIS DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD THAT IDENTIFIES THE PERSON AS HAVING BEEN CONVICTED OF A VIOLENT CRIME, TO PROVIDE A FEE TO BE CHARGED FOR AFFIXING THE CODE AND FOR ITS DISTRIBUTION, AND TO PROVIDE A PROCESS FOR REMOVING THE CODE; TO AMEND SECTION 56‑1‑80, AS AMENDED, RELATING TO THE CONTENTS OF A DRIVER’S LICENSE APPLICATION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF A SPECIAL IDENTIFICATION CARD BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO MAKE TECHNICAL CHANGES; AND TO PROVIDE THAT THE PROVISIONS OF SECTION 56‑1‑80 MUST BE MET UPON THE RENEWAL OF AN EXISTING DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD.

(R. 297, S. 319) -- Senators Leventis, Rose, Malloy, Davis, Lourie and Hayes: AN ACT TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 46 SO AS TO ENACT THE “INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN”, TO PROVIDE THAT THE GOVERNOR MAY EXECUTE THE COMPACT WITH OTHER COMPACT STATES, TO PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION IS THE COMPACT COMMISSIONER OF THIS STATE, TO ESTABLISH A COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FOR THE COUNCIL’S MEMBERSHIP, APPOINTMENTS, TERMS, QUORUM, LEADERSHIP, FILLING OF VACANCIES, AND POWERS AND DUTIES, AND TO PROVIDE THE TERMS OF THE COMPACT; BY ADDING SECTION 59‑5‑160 SO AS TO PROVIDE WAYS IN WHICH THE STATE BOARD OF EDUCATION MAY FACILITATE THE GRADUATION OF CERTAIN STUDENTS; TO PROVIDE THAT RULES ADOPTED PURSUANT TO THE COMPACT ARE ONLY BINDING UPON CERTAIN CONDITIONS; AND TO AMEND SECTION 59‑112‑50, AS AMENDED, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO ALLOW THE RATES TO CONTINUE UPON TRANSFER TO ANOTHER INSTITUTION WITHIN A SPECIFIED TIME PERIOD.

(R. 298, S. 337) -- Senators Cleary, Peeler and Elliott: AN ACT TO AMEND SECTION 44‑1‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO REVISE AND CLARIFY PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS, INCLUDING NOTICE REQUIREMENTS, FILING FEES FOR REQUESTING A FINAL REVIEW, AND TIMES WITHIN WHICH A CONTESTED CASE HEARING MUST BE REQUESTED; TO AMEND SECTION 44‑7‑130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE THE DEFINITIONS OF “HEALTH CARE FACILITY”, “PERSON”, “RESIDENTIAL TREATMENT FACILITY FOR CHILDREN AND ADOLESCENTS”, AND “LIKE EQUIPMENT WITH SIMILAR CAPABILITIES”, TO DELETE THE DEFINITION OF “CHIROPRACTIC INPATIENT FACILITY”, AND TO DEFINE “BIRTHING CENTER” AND “FREESTANDING EMERGENCY SERVICE”; TO AMEND SECTION 44‑7‑150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM IN REGULATION, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATIVE COSTS OF THIS PROGRAM; TO AMEND SECTION 44‑7‑160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO DELETE OBSOLETE PROVISIONS AND TO DELETE PROVISIONS RELATING TO ACQUISITION OR CHANGE IN OWNERSHIP OF A HEALTH CARE FACILITY, ACQUISITION OF A HEALTH CARE FACILITY BEFORE AN AGREEMENT TO ACQUIRE THE FACILITY IS REACHED, AND EXPENDITURES FOR PREPARING TO DEVELOP A PROJECT REQUIRING A CERTIFICATE OF NEED; TO AMEND SECTION 44‑7‑170, AS AMENDED, RELATING TO EXEMPTIONS FROM CERTIFICATE OF NEED, SO AS TO FURTHER SPECIFY EXEMPTION REQUIREMENTS FOR RESEARCH PURPOSES, TO PROVIDE THAT REPLACEMENT OF LIKE EQUIPMENT IS EXEMPT IF CERTAIN CONDITIONS ARE MET AND TO DELETE FROM EXEMPTION PURCHASES OF REAL ESTATE FOR DEVELOPMENT REQUIRING A CERTIFICATE OF NEED; TO AMEND SECTION 44‑7‑180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO INCLUDE AN ADMINISTRATOR OF A FOR‑PROFIT NURSING HOME AMONG GROUPS THAT MUST BE REPRESENTED ON THE COMMITTEE AND TO PROVIDE FOR A CHAIRMAN AND VICE CHAIRMAN OF THE COMMITTEE; TO AMEND SECTION 44‑7‑190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44‑7‑200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO DELETE FEE PROVISIONS THAT ARE OTHERWISE PROVIDED FOR IN THIS ACT, TO CLARIFY CERTIFICATE OF NEED APPLICATION PROCEDURES AND COMMUNICATIONS, TO PROHIBIT STATE AND FEDERAL OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED AND TO PROVIDE AN EXCEPTION; TO AMEND SECTION 44‑7‑210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO FURTHER SPECIFY THESE PROCEDURES, INCLUDING INITIATION OF THE REVIEW PERIOD, DURATION OF THE REVIEW PROCESS, AND TIME FRAMES FOR ISSUING DECISIONS AND RENDERING FINAL AGENCY DECISIONS, AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES, INCLUDING LIMITATIONS ON THE NUMBER OF WITNESSES THAT MAY BE CALLED AND THE NUMBER OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS THAT MAY BE SERVED AND WHO MAY BE DEPOSED; TO AMEND SECTION 44‑7‑220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT THAT CERTIFICATE OF NEED APPEALS ARE HEARD BY THE ADMINISTRATIVE LAW COURT RATHER THAN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44‑7‑230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS, AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44‑7‑260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44‑7‑270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE PROCEDURES, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING A FEE FOR INSPECTIONS; TO AMEND SECTION 44‑7‑280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44‑7‑315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO INCLUDE LICENSING OF ACTIVITIES AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 44‑7‑320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44‑7‑225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING A DECISION ON THE CERTIFICATE OF NEED; BY ADDING SECTION 44‑7‑285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF A CHANGE IN FACILITY OWNERSHIP OR CONTROLLING INTEREST; BY ADDING SECTION 44‑7‑295 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH HEALTH LICENSURE AND CERTIFICATE OF NEED REQUIREMENTS; TO AMEND SECTION 1‑23‑600, AS AMENDED, RELATING TO ADMINISTRATIVE LAW COURT HEARINGS AND PROCEEDINGS, SO AS TO PROVIDE THAT IF AN ATTORNEY IS CALLED TO APPEAR IN ANOTHER COURT IN THIS STATE, THE ACTION IN THE ADMINISTRATIVE LAW COURT HAS PRIORITY AS APPROPRIATE; AND TO REPEAL SECTION 44‑7‑185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

(R. 299, S. 405) -- Senator Cleary: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO CLARIFY THAT A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY‑TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED FOR PROPERTY TAX PURPOSES AS A PRIMARY OR SECONDARY RESIDENCE; TO AMEND SECTION 12‑37‑714, AS AMENDED, RELATING TO BOATS WITH A SITUS IN THIS STATE FOR PURPOSES OF PROPERTY TAX, SO AS TO ALLOW A COUNTY, BY ORDINANCE TO REVISE WITHIN SPECIFIED LIMITS SITUS REQUIREMENTS BASED ON PRESENCE; TO AMEND SECTION 12‑37‑224, AS AMENDED, RELATING TO WATERCRAFT, CAMPER TRAILERS, AND RECREATIONAL VEHICLES ELIGIBLE TO BE A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF PROPERTY TAX, SO AS TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, IS CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF PROPERTY TAX, TO PROVIDE THOSE ELIGIBLE TO APPLY FOR THIS CLASSIFICATION AND THE NUMBER OF SUCH APPLICATIONS ALLOWED; AND TO AMEND SECTION 50‑23‑295, AS AMENDED, RELATING TO RESTRICTIONS ON THE TRANSFER OF A CERTIFICATE OF TITLE TO A WATERCRAFT OR OUTBOARD MOTOR SUBJECT TO DELINQUENT PROPERTY TAXES AND ENFORCEMENT OF THESE RESTRICTIONS, SO AS TO MAKE IT UNLAWFUL KNOWINGLY TO SELL A WATERCRAFT SUBJECT TO DELINQUENT PROPERTY TAXES, PROVIDE A PENALTY FOR VIOLATIONS, AND PROVIDE A CIVIL REMEDY WITH TREBLE DAMAGES TO A WATERCRAFT BUYER AGAINST A SELLER WHO FALSELY SIGNED THE REQUIRED CERTIFICATE THAT PROPERTY TAXES ON THE WATERCRAFT ARE CURRENT.

(R. 300, S. 452) -- Senators Campbell, Leatherman, Reese, Shoopman, Williams, Mulvaney, Pinckney, O’Dell, Ford, Knotts, Bryant, Land, Grooms, Hutto, Fair, Peeler, Sheheen, Ryberg, Massey, Elliott, Alexander, McGill, Bright, L. Martin, Matthews, Setzler, Rose, Hayes and Campsen: AN ACT TO AMEND CHAPTER 4, TITLE 49, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE “SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT”, SO AS TO CHANGE THE NAME TO THE “SOUTH CAROLINA SURFACE WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT”; TO REVISE AND ADD DEFINITIONS OF TERMS USED IN THIS ACT; TO PROVIDE THAT, SUBJECT TO CERTAIN EXCEPTIONS, SURFACE WATER WITHDRAWALS MUST BE MADE PURSUANT TO A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO PROVIDE EXEMPTIONS FROM PERMITTING, REGISTERING, AND REPORTING FOR SPECIFIED USES OF SUCH WITHDRAWALS; TO REQUIRE AGRICULTURAL SURFACE WATER WITHDRAWERS TO REGISTER THEIR SURFACE WATER USE WITH THE DEPARTMENT AND TO GRANDFATHER CURRENTLY REGISTERED WITHDRAWERS AT THEIR AUTHORIZED QUANTITY; TO PROVIDE FOR NONCONSUMPTIVE SURFACE WATER WITHDRAWAL PERMITS; TO PROVIDE FOR SURFACE WATER WITHDRAWAL PERMITS FOR WITHDRAWERS THAT OWN AND OPERATE A LICENSED IMPOUNDMENT; TO REQUIRE PERMITTED AND REGISTERED SURFACE WATER WITHDRAWERS TO REPORT ANNUALLY TO THE DEPARTMENT THE QUANTITY OF WATER WITHDRAWN; TO PROVIDE THAT REGISTERED AND EXEMPT SURFACE WATER WITHDRAWERS MAY APPLY FOR A SURFACE WATER WITHDRAWAL PERMIT; TO PROVIDE THAT THE AUTHORIZED USE OF SURFACE WATER ON NONRIPARIAN LAND MUST BE GIVEN EQUAL CONSIDERATION WITH USES ON RIPARIAN LAND IN PROCEEDINGS RELATING TO WATER USES OR WATER RIGHTS; TO FURTHER SPECIFY SURFACE WATER WITHDRAWAL PERMIT PROCEDURES AND REQUIREMENTS FOR NEW AND EXISTING SURFACE WATER WITHDRAWERS AND TO PROVIDE THAT EXISTING INTERBASIN TRANSFER PERMITS OR REGISTRATION HOLDERS ARE DEEMED TO BE SURFACE WATER WITHDRAWERS AND TO PROVIDE RENEWAL PROCEDURES FOR THESE PERMIT AND REGISTRATION HOLDERS; TO PROVIDE CRITERIA FOR DETERMINING IF A PROPOSED WATER USE IS REASONABLE; TO PROVIDE PUBLIC HEARING PROCEDURES FOR NEW SURFACE WATER WITHDRAWAL PERMIT APPLICATIONS, INCLUDING APPLICATIONS FOR INTERBASIN TRANSFERS, AND APPLICATIONS FOR SIGNIFICANT WATER QUANTITY INCREASES TO EXISTING PERMITS; TO SPECIFY THE CONTENTS AND DURATION OF AND THE RIGHTS CONFERRED BY A SURFACE WATER WITHDRAWAL PERMIT; TO PROVIDE THE CIRCUMSTANCES UNDER WHICH A PERMIT MAY BE MODIFIED, SUSPENDED, OR REVOKED; TO PROVIDE PROCEDURES AND CRITERIA FOR ISSUING RENEWAL PERMITS AND SIGNIFICANT INCREASES IN WATER WITHDRAWAL QUANTITIES; TO REQUIRE A SURFACE WATER WITHDRAWER TO NOTIFY THE DEPARTMENT OF CERTAIN SURFACE WATER INTAKE CHANGES; TO AUTHORIZE TEMPORARY SURFACE WATER WITHDRAWAL PERMITS; TO PROVIDE PROCEDURES TO MAINTAIN MINIMUM INSTREAM FLOW REQUIREMENTS; TO REQUIRE PERMITTEES TO PREPARE AND MAINTAIN OPERATIONAL AND CONTINGENCY PLANS TO PROMOTE AN ADEQUATE WATER SUPPLY WHEN THE FLOW OF THE SURFACE WATER IS LESS THAN THE MINIMUM INSTREAM FLOW FOR THAT SURFACE WATER SEGMENT; TO PROVIDE THE POWERS AND DUTIES OF THE DEPARTMENT IN ADMINISTERING THIS ACT; TO PROVIDE CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 48‑2‑30, RELATING TO THE ENVIRONMENTAL PROTECTION FUND, SO AS TO REQUIRE FEES COLLECTED BY THE DEPARTMENT IN THE ADMINISTRATION OF THE SURFACE WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT TO BE DEPOSITED INTO THIS FUND; TO AMEND SECTION 48‑2‑50, RELATING TO FEES CHARGED BY THE DEPARTMENT IN ADMINISTERING PROGRAMS FROM WHICH FEES ARE DEPOSITED IN THE ENVIRONMENTAL PROTECTION FUND, SO AS TO ESTABLISH THE MAXIMUM AMOUNT FOR FEES CHARGED FOR SERVICES AND FUNCTIONS PROVIDED PURSUANT TO SURFACE WATER WITHDRAWALS, TO REQUIRE THE DEPARTMENT TO REPORT ANNUALLY TO THE GENERAL ASSEMBLY SURFACE WATER WITHDRAWAL FEES COLLECTED, TO PROVIDE THAT THESE SURFACE WATER WITHDRAWAL FEES ARE REPEALED JANUARY 1, 2013, AND TO PROVIDE THAT NO FEES MAY BY CHARGED FOR SURFACE WATER WITHDRAWAL APPLICATIONS UNTIL A FEE SCHEDULE IS ESTABLISHED BY THE GENERAL ASSEMBLY; TO REPEAL CHAPTER 21, TITLE 49 RELATING TO THE INTERBASIN TRANSFER OF WATER; TO PROVIDE THAT CHAPTER 1, TITLE 49, GENERAL PROVISIONS RELATING TO WATER, WATER RESOURCES, AND DRAINAGE, IS NOT AFFECTED BY AND SUPERSEDES CHAPTER 4, TITLE 49, THE “SOUTH CAROLINA SURFACE WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT”, TO STATE THAT THE INTENTION OF THE GENERAL ASSEMBLY IS NOT TO AFFECT ONGOING LITIGATION BETWEEN SOUTH CAROLINA AND NORTH CAROLINA OR TO PREJUDICE ANY ARGUMENT THAT THIS STATE MAY MAKE IN SUCH LITIGATION.

(R. 301, S. 692) -- Senators Sheheen, McConnell, Hutto, Knotts, Scott and Coleman: A JOINT RESOLUTION TO EXTEND THE DEADLINE REQUIRING ALL CIRCUIT SOLICITORS TO HAVE A TRAFFIC EDUCATION PROGRAM IN EFFECT FROM JULY 1, 2009, AS PROVIDED IN ACT 176 OF 2008, TO JULY 1, 2011.

(R. 302, S. 717) -- Senators Coleman, Setzler, Land, Campbell and Hayes: AN ACT TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT MACHINERY, EQUIPMENT, BUILDING AND OTHER RAW MATERIALS, AND ELECTRICITY USED BY A FACILITY OWNED BY A TAX EXEMPT ORGANIZATION INVESTING AT LEAST TWENTY MILLION DOLLARS OVER THREE YEARS IN THE FACILITY WHEN THAT FACILITY IS USED PRINCIPALLY FOR RESEARCHING AND TESTING THE IMPACT OF NATURAL HAZARDS SUCH AS WIND, FIRE, EARTHQUAKE, AND HAIL ON BUILDING MATERIALS USED IN RESIDENTIAL, COMMERCIAL, AND AGRICULTURAL BUILDINGS.

(R. 303, S. 783) -- Senator McConnell: AN ACT TO AMEND SECTION 51‑13‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

(R. 304, S. 915) -- Senators Land, Anderson, Nicholson, Leventis, Elliott, Williams, Sheheen and Setzler: AN ACT TO AMEND ACT 314 OF 2000, RELATING TO THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT AND COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT AND TAX CREDITS ON JUNE 30, 2015.

(R. 305, S. 950) -- Senator Elliott: AN ACT TO AMEND SECTIONS 5‑37‑20, 5‑37‑35, 5‑37‑40, AS AMENDED, 5‑37‑50, AS AMENDED, AND 5‑37‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT DISTRICT ACT, SO AS TO CLARIFY THAT AN EASEMENT FOR MAINTENANCE IN CHANNELS, CANALS, OR WATERWAYS IS SUFFICIENT PROPERTY INTEREST TO PROCEED WITH AN ASSESSED DISTRICT; TO AUTHORIZE SOME PORTION OF THE BONDS ISSUED TO FUND ASSESSMENTS MAY BE BACKED BY THE TAXING POWER OF A MUNICIPALITY; AND TO PROVIDE AN EXCEPTION OF AN OWNER OF RESIDENTIAL PROPERTY TO BE REQUIRED TO CONSENT TO INCLUSION IN AN IMPROVEMENT DISTRICT WHEN THE SOLE IMPROVEMENTS ARE THE WIDENING AND DREDGING OF CANALS.

(R. 306, S. 1027) -- Senator McGill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑770 SO AS TO ENACT THE “RENEGADE HUNTER ACT”, TO PROVIDE IT IS UNLAWFUL FOR A PERSON TO HUNT FROM A ROAD, RIGHT OF WAY, PROPERTY LINE, BOUNDARY, OR PROPERTY UPON WHICH HE DOES NOT HAVE HUNTING RIGHTS WITH THE AID OR USE OF A DOG WHEN THE DOG HAS ENTERED UPON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION OR OVER WHICH THE PERSON DOES NOT HAVE HUNTING RIGHTS, TO PROVIDE THE PROVISIONS OF THIS SECTION APPLY WHETHER THE PERSON IN CONTROL OF THE DOG INTENTIONALLY OR UNINTENTIONALLY RELEASES, ALLOWS, OR OTHERWISE CAUSES THE DOG TO ENTER UPON THE LAND OF ANOTHER WITHOUT PERMISSION OF THE LANDOWNER, TO PROVIDE CERTAIN DEFINITIONS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

(R. 307, S. 1030) -- Senators Hayes, Mulvaney, Coleman, Verdin, S. Martin, Bryant, O’Dell, Davis, Campsen and Pinckney: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑714 SO AS TO DESIGNATE THE MARSH TACKY AS THE OFFICIAL STATE HERITAGE HORSE OF SOUTH CAROLINA, AND BY ADDING SECTION 1-1-714A SO AS TO DESIGNATE THE MULE AS THE OFFICIAL STATE HERITAGE WORK ANIMAL OF SOUTH CAROLINA.

(R. 308, S. 1120) -- Senators Lourie, Pinckney, Williams, Leventis, Anderson, Land and Sheheen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑1360 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM ENGAGING IN DEBT COLLECTION ACTIVITIES RELATING TO MEDICAL AND PSYCHOLOGICAL TREATMENT RECEIVED IN CONNECTION WITH A CLAIM FOR COMPENSATION OF A VICTIM OF CRIME UNTIL AN AWARD IS MADE OR A CLAIM IS DENIED OR NINETY DAYS HAVE PASSED SINCE THE HEALTH CARE PROVIDER RECEIVED NOTICE OF THE CLAIM AND TO STAY THE STATUTE OF LIMITATIONS FOR THE COLLECTION OF THIS DEBT UNDER CERTAIN CIRCUMSTANCES.

(R. 309, S. 1137) -- Senators Fair and L. Martin: AN ACT TO AMEND SECTION 44‑53‑398, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MONITORING THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE, SO AS TO ALSO MONITOR PHENYLPROPANOLAMINE AND THE SALE AND PURCHASE OF THESE PRODUCTS, TO ALSO MAKE IT ILLEGAL TO PURCHASE CERTAIN AMOUNTS OF THESE PRODUCTS IN CERTAIN TIME PERIODS, TO PROVIDE THAT INFORMATION GATHERED FROM THE PURCHASER AT THE TIME OF THE SALE OF THESE PRODUCTS MUST BE ENTERED IN AN ELECTRONIC LOG, RATHER THAN A WRITTEN LOG, TO PROVIDE THAT THE INFORMATION MUST BE TRANSMITTED TO A DATA COLLECTION SYSTEM THAT MUST COLLECT THIS DATA IN REAL TIME AND THAT MUST GENERATE A STOP SALE ALERT IF THE SALE WOULD RESULT IN A VIOLATION, TO PROVIDE THAT A RETAILER WHO RECEIVES A STOP SALE ALERT MUST NOT COMPLETE THE SALE UNLESS BODILY HARM IS FEARED, TO REQUIRE ALL SALES TO BE REPORTED TO THE COLLECTION SYSTEM UNLESS THE SYSTEM IS NOT OPERATIONAL AND TO PROVIDE IMMUNITY AND PROCEDURES FOR DELAYED SUBMISSION OF THIS DATA, TO PROVIDE AN EXEMPTION FROM THE ELECTRONIC LOG REQUIREMENT FOR CERTAIN RETAILERS, TO PROVIDE PROCEDURES AND PENALTIES FOR NONCOMPLIANCE FOR THOSE KEEPING WRITTEN LOGS, AND TO REQUIRE THE SHERIFF OR CHIEF OF POLICE TO MONITOR RETAILERS FOR COMPLIANCE WITH SALE AND PURCHASE REPORTING REQUIREMENTS; AND BY ADDING ARTICLE 14 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION (SLED) SHALL HAVE AN ELECTRONIC MONITORING SYSTEM WHICH WILL SERVE AS THE REPOSITORY FOR INFORMATION THE DATA COLLECTION SYSTEM GATHERS AND TRANSFERS TO SLED PERTAINING TO THE SALE AND PURCHASE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE, TO PROVIDE THAT SLED’S SYSTEM MUST HAVE CERTAIN CAPABILITIES, TO PROHIBIT IMPOSING FEES ON RETAILERS AND LAW ENFORCEMENT FOR ACCESS TO THE DATA REPORTING AND COLLECTION SYSTEM, TO PROVIDE THAT THE INFORMATION IN SLED’S SYSTEM IS CONFIDENTIAL, TO AUTHORIZE SLED AND RETAILERS TO PARTICIPATE IN OTHER DATA COLLECTION SYSTEMS, AND TO REQUIRE SLED TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE NATIONAL ASSOCIATION OF DRUG DIVERSION INVESTIGATORS, AS THE DATA COLLECTION SYSTEM, AND TO PROVIDE PROCEDURES, CERTAIN CONTENTS OF THE MEMORANDUM, AND ROLES AND RESPONSIBILITIES OF THE PARTIES.

(R. 310, S. 1148) -- Senator Cleary: AN ACT TO AMEND CHAPTER 28, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF LANDSCAPE ARCHITECTS, SO AS TO CONFORM THE CHAPTER TO THE STATUTORY ORGANIZATIONAL FRAMEWORK OF CHAPTER 1, TITLE 40 FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; AND, AMONG OTHER THINGS, TO TRANSFER THE OVERSIGHT AND REGULATION OF LANDSCAPE ARCHITECTS FROM THE DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO CREATE THE BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES, AND TO TRANSFER THE POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES TO THE BOARD; TO PROVIDE THAT LANDSCAPE ARCHITECTS MUST BE LICENSED RATHER THAN REGISTERED, TO PROVIDE FOR AN EMERITUS LANDSCAPE ARCHITECT, AND TO FURTHER PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL ADMINISTER THE PROGRAM FOR LICENSURE OF LANDSCAPE ARCHITECTS; TO REVISE CERTAIN LICENSURE REQUIREMENTS; TO FURTHER PROVIDE FOR A FIRM TO OBTAIN A CERTIFICATE OF AUTHORIZATION TO ALLOW AN INDIVIDUAL LANDSCAPE ARCHITECT TO PRACTICE THROUGH A FIRM OFFERING LANDSCAPE ARCHITECT SERVICES; AND TO AMEND CHAPTER 65, TITLE 40, RELATING TO THE REGULATION OF PROFESSIONAL SOIL CLASSIFIERS, SO AS TO CONFORM THIS CHAPTER TO THE STATUTORY ORGANIZATIONAL FRAMEWORK OF CHAPTER 1, TITLE 40 FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; AND, AMONG OTHER THINGS, 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 THEIR REGISTRATION; AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS; AND TO REQUIRE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO PROVIDE THE GENERAL ASSEMBLY WITH CERTAIN FINANCIAL INFORMATION AND ADMINISTRATIVE COSTS ON EACH PROFESSION AND OCCUPATION UNDER THE DEPARTMENT.

(R. 311, S. 1296) -- Senator S. Martin: AN ACT TO AMEND SECTION 50‑11‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NIGHT HUNTING, SO AS TO PROVIDE THAT COYOTES AND ARMADILLOS MAY BE HUNTED AT NIGHT UNDER SPECIFIED CONDITIONS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES FOR VIOLATION.

(R. 312, S. 1298) -- Senator McGill: AN ACT TO AMEND SECTION 56‑5‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF COMMERCIAL AND UTILITY VEHICLES ON THE HIGHWAYS DURING A STATE OF EMERGENCY DECLARED BY THE GOVERNOR, SO AS TO PROVIDE THAT WHEN CERTAIN FEDERAL REGULATIONS TRIGGER RELIEF FROM FEDERAL MOTOR CARRIER REGULATIONS IN NORTH CAROLINA OR GEORGIA, THE GOVERNOR MUST DECLARE THAT EMERGENCY IN THIS STATE FOR THE SAME PURPOSES, TO FURTHER PROVIDE FOR THE ENFORCEMENT AND TERMINATION OF THE STATE EMERGENCY, TO PROVIDE THAT CITATIONS FOR SPEEDING AND DISREGARDING TRAFFIC CONTROL DEVICES, EXCEPT TOLL COLLECTION ENFORCEMENT, BASED SOLELY ON PHOTOGRAPHIC EVIDENCE ONLY MAY BE ISSUED FOR VIOLATIONS THAT OCCUR WHILE RELIEF FROM THESE FEDERAL REGULATIONS ARE IN FORCE DUE TO AN EMERGENCY, AND TO REQUIRE SERVICE OF THE CITATION WITHIN ONE HOUR OF THE VIOLATION.

(R. 313, S. 1338) -- Senator Fair: AN ACT TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE GREENVILLE HOSPITAL SYSTEM, ITS CREATION, BOARD, POWERS, AND DUTIES, SO AS TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES MAY ESTABLISH A POLICE DEPARTMENT, EMPLOY POLICE AND SECURITY OFFICERS, AND TO PROVIDE FOR THE POLICE DEPARTMENT’S DUTIES, RESPONSIBILITIES, POWERS, FUNCTIONS, AND JURISDICTION.

(R. 314, S. 1348) -- Senator Campsen: AN ACT TO PROVIDE THAT THE PERSONAL REPRESENTATIVE, TRUSTEE, OR ANY AFFECTED BENEFICIARY OF A DECEDENT DYING IN CALENDAR YEAR 2010 MAY BRING A PROCEEDING IN PROBATE COURT TO DETERMINE THE DECEDENT’S INTENT WHEN THE WILL, TRUST, OR OTHER INSTRUMENT CONTAINS A FORMULA BASED ON FEDERAL ESTATE TAX OR GENERATION‑SKIPPING TAX AND TO PROVIDE THE TIME IN WHICH THE PROCEEDING MUST BE COMMENCED.

(R. 315, H. 3746) -- Reps. Clemmons and Viers: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑11‑75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST NOTIFY THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY NOON ON THE DAY OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION, AND TO PROVIDE REQUIREMENTS FOR PETITION CANDIDATES IN SPECIAL ELECTIONS; TO AMEND SECTION 7‑11‑80, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE NOMINATING PETITION AND WHEN THE PETITION MAY BE CIRCULATED AND SIGNED; TO AMEND SECTION 7‑11‑85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO PROVIDE FURTHER CRITERIA FOR A REGISTRATION BOARD TO FOLLOW WHEN VERIFYING SIGNATURES ON A PETITION; BY ADDING SECTION 7‑11‑95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION UNDER CERTAIN CONDITIONS, AND TO REQUIRE THE STATE ELECTION COMMISSION TO ESTABLISH A PROCESS TO VALIDATE SIGNATURES ON A PETITION; BY ADDING SECTION 7‑11‑100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY CONCERNING A NOMINATING PETITION MAY BE APPEALED TO THE STATE ELECTION COMMISSION UNDER THE PROCEDURES SET OUT IN THIS SECTION; TO AMEND SECTION 7‑11‑15, AS AMENDED, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN THE GENERAL ELECTION, SO AS TO REVISE THE TIME WHEN STATEMENTS OF INTENTION OF CANDIDACY MUST BE FILED AND WHEN REPORTS OF THESE STATEMENTS MUST BE MADE OR WHEN THESE STATEMENTS MUST BE FILED WITH ADDITIONAL ENTITIES; AND TO AMEND SECTION 7‑13‑45, AS AMENDED, RELATING TO DUTIES OF A COUNTY CHAIRMAN IN GENERAL ELECTION YEARS, SO AS TO FURTHER PROVIDE FOR THESE DUTIES INCLUDING REQUIREMENTS FOR PLACING LEGAL ADVERTISEMENTS AND WEBSITE NOTICES CONTAINING SPECIFIED INFORMATION REGARDING THE ELECTION.

(R. 316, H. 3779) -- Reps. Hearn, Weeks, Bannister, Erickson, Clemmons and Viers: AN ACT TO AMEND SECTION 63‑7‑1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM IN ABUSE AND NEGLECT PROCEEDINGS, SO AS TO PROVIDE THAT CHILDREN MUST BE APPOINTED A GUARDIAN AD LITEM AND MAY BE APPOINTED LEGAL COUNSEL, THAT ATTORNEYS MUST BE APPOINTED FOR GUARDIANS AD LITEM IN THE SOUTH CAROLINA GUARDIANS AD LITEM PROGRAM AND IN RICHLAND COUNTY CASA, AND THAT LEGAL COUNSEL APPOINTED FOR A CHILD MUST NOT BE THE SAME COUNSEL AS COUNSEL FOR THE CHILD’S GUARDIAN AD LITEM.

(R. 317, H. 3814) -- Reps. Allison, Cole, Forrester, Kelly and Parker: AN ACT TO AMEND SECTION 57‑1‑740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VACANCIES ON THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE JOINT TRANSPORTATION REVIEW COMMITTEE SHALL SUBMIT TO THE CONGRESSIONAL DISTRICT DELEGATION FOR ELECTION ONLY THE NAMES AND QUALIFICATIONS OF PERSONS WHO IT CONSIDERS TO BE QUALIFIED, TO PROVIDE THAT THE DELEGATION SHALL NOT ELECT A PERSON WHO IS NOT NOMINATED BY THE REVIEW COMMITTEE, TO PROVIDE THAT THE DELEGATION MAY REJECT ALL PERSONS NOMINATED BY THE REVIEW COMMITTEE, TO PROVIDE THAT FURTHER NOMINATIONS MUST BE MADE UNTIL THE OFFICE IS FILLED IF THE DELEGATION REJECTS THE REVIEW COMMITTEE’S NOMINEES, TO PROVIDE THAT NO CANDIDATE MAY DIRECTLY OR INDIRECTLY SEEK THE PLEDGE OF A VOTE FROM A MEMBER OF THE CANDIDATE’S CONGRESSIONAL DELEGATION OR, DIRECTLY OR INDIRECTLY, CONTACT A STATEWIDE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, OR THE JOINT TRANSPORTATION REVIEW COMMITTEE REGARDING SCREENING FOR THE COMMISSION UNTIL THE REVIEW COMMITTEE HAS FORMALLY RELEASED ITS REPORT AS TO THE QUALIFICATIONS OF ALL CANDIDATES IN A PARTICULAR CONGRESSIONAL DISTRICT, AND MAKE TECHNICAL CHANGES.

(R. 318, H. 3835) -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Brady, Branham, Brantley, H.B. Brown, R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb‑Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D.C. Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 9, TITLE 23 TO ENACT THE “SOUTH CAROLINA HYDROGEN PERMITTING ACT” SO AS TO CREATE THE STATE HYDROGEN PERMITTING PROGRAM AND TO STATE THE PURPOSE OF THE PROGRAM; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT ONLY THE STATE FIRE MARSHAL MAY PERMIT A HYDROGEN FACILITY IN THIS STATE, BUT MAY DELEGATE THIS AUTHORITY TO A COUNTY OR MUNICIPAL OFFICIAL IN SPECIFIC CIRCUMSTANCES; TO PROVIDE THE DUTIES AND OBLIGATIONS OF THE STATE FIRE MARSHAL UNDER THE ACT; TO PROVIDE REQUIREMENTS FOR A PARTY SEEKING TO RENOVATE OR CONSTRUCT A HYDROGEN FACILITY; TO PROVIDE THE STATE FIRE MARSHAL MAY IMPOSE CERTAIN FEES RELATED TO PERMITTING, LICENSING, AND INSPECTING UNDER THE ACT; TO PROVIDE PENALTIES FOR A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY HYDROGEN IN VIOLATION OF THE ACT; AND TO AMEND SECTION 23‑9‑20, RELATING TO DUTIES OF THE STATE FIRE MARSHAL, SO AS TO PROVIDE THE STATE FIRE MARSHAL SHALL SUPERVISE ENFORCEMENT OF THE SOUTH CAROLINA HYDROGEN PERMITTING PROGRAM.

(R. 319, H. 4051) -- Reps. Pinson, M.A. Pitts and Parks: AN ACT TO AUTHORIZE THE TRANSFER FROM THE SINKING FUND OF GREENWOOD SCHOOL DISTRICT 52 TO ITS GENERAL FUND A SPECIFIED SUM OF MONEY TO REIMBURSE THE DISTRICT FOR AMOUNTS PAID BY IT FROM ITS GENERAL FUND FOR DEBT SERVICE ON A GENERAL OBLIGATION BOND OF THE DISTRICT.

(R. 320, H. 4107) -- Reps. White and Bowen: A JOINT RESOLUTION TO REQUIRE ALL ROAD, SEWER, AND WATER IMPROVEMENTS NECESSITATED BY SCHOOL CONSTRUCTION PROJECTS IN ANDERSON COUNTY SCHOOL DISTRICT FIVE FUNDED BY THE DISTRICT’S APRIL 2007 ONE HUNDRED FORTY MILLION DOLLAR BOND ISSUE REFERENDUM TO BE PAID FOR SOLELY FROM PROCEEDS OF THAT BOND ISSUE.

(R. 321, H. 4129) -- Reps. Funderburk, Umphlett, Hodges, Clemmons, Whipper, R.L. Brown and Weeks: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑11‑780 SO AS TO PROVIDE IT IS UNLAWFUL FOR A PERSON TO WILFULLY, KNOWINGLY, OR MALICIOUSLY ENTER UPON THE LANDS OF ANOTHER OR THE POSTED LANDS OF THE STATE AND DISTURB OR EXCAVATE A PREHISTORIC OR HISTORIC SITE FOR THE PURPOSE OF DISCOVERING, UNCOVERING, MOVING, REMOVING, OR ATTEMPTING TO REMOVE AN ARCHEOLOGICAL RESOURCE, AND TO PROVIDE EACH SUCH ENTRY AND ACT OF DISTURBANCE OR EXCAVATION CONSTITUTES A SEPARATE AND DISTINCT VIOLATION, TO PROVIDE CERTAIN RELATED DEFINITIONS, TO PROVIDE A COURT MAY CALL UPON THE STATE ARCHEOLOGIST TO PROVIDE CERTAIN EVIDENCE RELATED TO THE VALUE OF AN ARCHAEOLOGICAL RESOURCE, TO PROVIDE MISDEMEANOR PENALTIES AND A FELONY PENALTY FOR VIOLATIONS, TO PROVIDE CERTAIN EQUIPMENT AND CONVEYANCES USED IN CONNECTION WITH A FELONY VIOLATION OF THIS SECTION ARE SUBJECT TO FORFEITURE, AND TO PROVIDE EQUIPMENT AND CONVEYANCES SUBJECT TO THIS FORFEITURE MAY BE FORFEITED BY ANY LAW ENFORCEMENT OFFICER AS PROVIDED IN THIS SECTION, SUBJECT TO CERTAIN REQUIREMENTS, TO PROVIDE A CIVIL CAUSE OF ACTION TO AN AFFECTED LANDOWNER FOR A VIOLATION, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 16‑17‑600, AS AMENDED, RELATING TO THE DESTRUCTION OR DESECRATION OF HUMAN REMAINS OR REPOSITORIES OF HUMAN REMAINS, SO AS TO APPLY THE SECTION TO NATIVE AMERICAN BURIAL GROUNDS OR BURIAL MOUNDS, AND TO PROVIDE A PERSON WHO OWNS OR HAS AN INTEREST IN CARING FOR THE PROPERTY, IN THE CASE OF PRIVATE LANDS, OR THE STATE, IN THE CASE OF STATE LANDS, MAY BRING A CIVIL CAUSE OF ACTION FOR A VIOLATION OF THIS SECTION TO RECOVERY DAMAGES, THE COST OF RESTORATION AND REPAIR OF THE PROPERTY, ATTORNEY’S FEES, AND COURT COSTS.

(R. 322, H. 4172) -- Reps. Forrester and Wylie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4‑1‑180 SO AS TO PROVIDE FOR THE MANNER IN WHICH A COUNTY GOVERNING BODY MAY INSTITUTE AN EMPLOYEE FURLOUGH PROGRAM, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT PRECLUDE A COUNTY FROM IMPLEMENTING OTHER FURLOUGH PROGRAMS NOT IN CONFORMITY WITH THE REQUIREMENTS OF THIS SECTION.

(R. 323, H. 4187) -- Reps. White and Kirsh: AN ACT TO AMEND SECTION 55‑9‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS THAT AN ENTITY HAS TO ESTABLISH AN AIRPORT OR LANDING FIELD OR TO ACQUIRE, LEASE, OR SET APART PROPERTY FOR THAT PURPOSE, SO AS TO DELETE A PROVISION THAT LIMITS THE TERM OF A LEASE OF AIRPORTS OR LANDING FIELDS TO PRIVATE PARTIES FOR OPERATION AND A PROVISION THAT LIMITS THE TERM THAT AN ENTITY MAY ASSIGN TO PRIVATE PARTIES THE OPERATION SPACE, AREA, IMPROVEMENTS AND EQUIPMENT ON AN AIRPORT OR LANDING FIELD.

(R. 324, H. 4202) -- Reps. Mitchell, Long, Dillard, Cobb‑Hunter and Sellers: AN ACT TO AMEND SECTION 16‑1‑60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VIOLENT CRIMES, SO AS TO ADD CERTAIN OFFENSES TO THE LIST OF VIOLENT CRIMES INCLUDING TRAFFICKING IN PERSONS; TO AMEND SECTION 16‑1‑90, RELATING TO CRIME CLASSIFICATION, SO AS TO ADD TRAFFICKING IN PERSONS TO THE LIST OF CLASS A FELONIES AND TO DELETE SECTION 16‑3‑930 FROM THE LIST OF CLASS D FELONIES; TO AMEND SECTION 16‑3‑20, AS AMENDED, RELATING TO MURDER, SO AS TO ADD TRAFFICKING IN PERSONS TO LIST OF STATUTORY AGGRAVATING CIRCUMSTANCES FOR WHICH A PERSON MAY RECEIVE THE DEATH PENALTY; TO AMEND SECTION 16‑3‑652 AND SECTION 16‑3‑655, AS AMENDED, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE AND CRIMINAL SEXUAL CONDUCT WITH A MINOR, RESPECTIVELY, BOTH SO AS TO ADD TRAFFICKING IN PERSONS TO THE PURVIEW OF THE STATUTE; TO AMEND SECTION 17‑25‑45, AS AMENDED, RELATING TO TWO STRIKES/THREE STRIKES FOR REPEAT OFFENDERS OF MOST SERIOUS AND SERIOUS OFFENSES, SO AS TO ADD CERTAIN CRIMES TO THE DELINEATED LIST OF MOST SERIOUS OFFENSES INCLUDING TRAFFICKING IN PERSONS; TO AMEND SECTION 23‑3‑430, AS AMENDED, AND SECTION 23‑3‑490, RELATING TO THE SEX OFFENDER REGISTRY AND PUBLIC INSPECTION OF THE SEX OFFENDER REGISTRY, RESPECTIVELY, BOTH SO AS TO ADD TRAFFICKING IN PERSONS TO THE DELINEATED LIST OF OFFENSES UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 23‑3‑535 AND SECTION 23‑3‑540, BOTH AS AMENDED, RELATING TO LIMITATIONS ON SEX OFFENDERS AND ELECTRONIC MONITORING OF SEX OFFENDERS, RESPECTIVELY, BOTH SO AS TO ADD TRAFFICKING IN PERSONS TO THE DELINEATED LIST OF OFFENSES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 44‑53‑370, AS AMENDED, RELATING TO DISTRIBUTION AND TRAFFICKING IN CERTAIN DRUGS, SO AS TO ADD TRAFFICKING IN PERSONS TO THE DELINEATED LIST OF OFFENSES.

(R. 325, H. 4239) -- Reps. Miller, Wylie, J.E. Smith and Anderson: AN ACT TO AMEND SECTION 8‑21‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS, SO AS TO WAIVE THE RECORDING FEE OTHERWISE REQUIRED FOR A POWER OF ATTORNEY FILED BY A MEMBER OF THE ARMED FORCES OF THE UNITED STATES PREPARATORY TO DEPLOYMENT TO A COMBAT ZONE UPON PRESENTATION OF COPIES OF THE DEPLOYMENT ORDER, TO WAIVE THE RECORDING FEE FOR A REVOCATION OF A POWER OF ATTORNEY FILED BY OR ON BEHALF OF A MEMBER OF THE ARMED FORCES AND TO PROVIDE THE CIRCUMSTANCES UNDER WHICH THE REVOCATION FEE IS WAIVED, AND TO DEFINE “COMBAT ZONE”.

(R. 326, H. 4244) -- Rep. Limehouse: AN ACT TO AMEND SECTION 59‑130‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

(R. 327, H. 4448) -- Reps. Sandifer, Agnew, Duncan, M.A. Pitts, Neilson, Brady, Gunn, Lowe, Funderburk, Hardwick, Mitchell, Hearn, Pinson, Bales, Clemmons, Toole, D.C. Moss, Ballentine, Willis, Huggins, Long, Simrill, H.B. Brown, Kirsh, Forrester, Rice, Anderson, D.C. Smith, Nanney, Vick, Stewart, T.R. Young, Bowers, Allen, V.S. Moss, Whitmire, Littlejohn, G.R. Smith, Hayes, Cobb‑Hunter, J.R. Smith, Brantley, Gambrell, King, Viers, Bannister, Dillard, Ott, Jefferson, Herbkersman, Allison, Wylie, R.L. Brown, Whipper, Weeks and Hodges: AN ACT TO AMEND SECTION 58‑5‑380, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON INTERRUPTION OF ELECTRIC AND GAS SERVICES TO RESIDENTIAL CUSTOMER FOR NONPAYMENT OF BILL, SO AS TO AUTHORIZE GAS UTILITIES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE GAS UTILITIES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO IF CERTAIN CONDITIONS ARE MET, AND ALLOW ALTERNATIVE COMPLIANCE; BY ADDING SECTION 58‑27‑250 SO AS TO AUTHORIZE ELECTRIC UTILITIES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE UTILITIES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO IF CERTAIN CONDITIONS ARE MET, AND ALLOW ALTERNATIVE COMPLIANCE; BY ADDING SECTION 58‑31‑460 SO AS TO AUTHORIZE THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE PUBLIC SERVICE AUTHORITY TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; BY ADDING SECTION 33‑49‑255 SO AS TO AUTHORIZE ELECTRIC COOPERATIVES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE ELECTRIC COOPERATIVES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; AND BY ADDING SECTION 5‑31‑690 SO AS TO AUTHORIZE MUNICIPAL ELECTRIC AND GAS SYSTEMS TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE SYSTEMS TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO.

(R. 328, H. 4516) -- Rep. M.A. Pitts: AN ACT TO AMEND SECTION 61-4-550, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE, SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; TO AMEND SECTION 61-4-240, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, CONSUMPTION, OR SALE OF BEER OR WINE, SO AS TO REMOVE A REFERENCE TO SECTION 61-6-510; TO AMEND SECTION 61-6-2000, RELATING TO SPECIAL PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS, SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.

(R. 329, H. 4542) -- Reps. Harrison, Weeks and McLeod: AN ACT TO AMEND SECTION 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE; AND TO AMEND SECTION 8‑13‑1372, AS AMENDED, RELATING TO THE AUTHORITY OF STATE ETHICS COMMISSION TO DETERMINE THAT ERRORS OR OMISSIONS ON CAMPAIGN REPORTS ARE INADVERTENT AND MAY BE HANDLED AS TECHNICAL VIOLATIONS, SO AS TO CHANGE REFERENCES OF THE STATE ETHICS COMMISSION TO THE APPROPRIATE SUPERVISORY OFFICE.

(R. 330, H. 4562) -- Rep. Vick: AN ACT TO AMEND SECTION 39‑11‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGISTRATION FEES OF WEIGHMASTERS AND DEPUTY WEIGHMASTERS, SO AS TO DELETE THE ADDITIONAL FEE FOR DEPUTY PUBLIC WEIGHMASTERS AND TO PROVIDE THAT THE CHAPTER APPLIES TO EMPLOYEES DESIGNATED BY A PUBLIC WEIGHMASTER; TO AMEND SECTION 39‑11‑60, RELATING TO LENGTH OF REGISTRATION AND RENEWAL, SO AS TO DELETE DEPUTY WEIGHMASTERS FROM THE PROVISION REGARDING LENGTH OF REGISTRATIONS AND RENEWALS; TO AMEND SECTION 39‑11‑80, RELATING TO REFUSAL OR REVOCATION OF A LICENSE, SO AS TO DELETE THE REFUSAL OR REVOCATION OF A DEPUTY PUBLIC WEIGHMASTER LICENSE BY THE COMMISSIONER OF AGRICULTURE; AND TO REPEAL SECTIONS 39‑11‑40 AND 39‑11‑50 RELATING TO EMPLOYMENT OR DESIGNATION OF DEPUTY WEIGHMASTERS AND RENEWAL OF REGISTRATION, RESPECTIVELY.

(R. 331, H. 4563) -- Rep. Vick: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑25‑115 SO AS TO REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE TO PROMULGATE REGULATIONS RELATING TO PRESCRIBED CONDITIONS FOR THE ISSUANCE OF PERMITS FOR THE MANUFACTURING, PROCESSING, OR PACKAGING OF FOODS UNDER CERTAIN CONDITIONS, AND TO ALLOW AN OFFICER OR EMPLOYEE OF THE COMMISSIONER TO HAVE ACCESS TO A FACTORY OR ESTABLISHMENT OWNED BY A PERMIT HOLDER TO ASCERTAIN COMPLIANCE WITH THE PERMIT CONDITIONS; BY ADDING SECTION 39‑25‑210 SO AS TO REQUIRE A PERSON ENGAGED IN MANUFACTURING, PROCESSING, OR PACKAGING FOODS TO FIRST REGISTER WITH THE DEPARTMENT OF AGRICULTURE AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR THE RENEWAL OF PERMITS, AND TO PROVIDE PENALTIES FOR FAILURE TO OBTAIN A PERMIT; TO AMEND SECTION 39‑25‑30, RELATING TO PROHIBITED ACTS, SO AS TO INCLUDE OPERATING WITHOUT REGISTERING; TO AMEND SECTION 39‑25‑180, RELATING TO PROMULGATION OF REGULATIONS BY THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, SO AS TO INCLUDE REGULATIONS RELATING TO GOOD MANUFACTURING PRACTICES, THERMALLY PROCESSED LOW‑ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS, ACIDIFIED FOODS, FISH AND FISHERY PRODUCTS, HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEMS, AND FOOD ALLERGEN AND LABELING; AND TO AMEND SECTION 39‑25‑190, RELATING TO AUTHORITY TO ENTER AND INSPECT A PREMISES, SO AS TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE MAY PERFORM ANALYTICAL WORK AND LABORATORY SERVICES.

(R. 332, H. 4589) -- Reps. Gambrell, D.C. Moss, Frye, V.S. Moss and White: AN ACT TO AMEND SECTION 46‑7‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ANIMAL FACILITY WASTE MANAGEMENT TRAINING AND CERTIFICATION PROGRAMS, SO AS TO EXEMPT CATTLE STOCKYARD OWNERS AND OPERATORS FROM THESE TRAINING AND CERTIFICATION REQUIREMENTS.

(R. 333, H. 4837) -- Reps. J.E. Smith, Miller and McLeod: AN ACT TO AMEND SECTION 12‑21‑3940, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BINGO LICENSE REQUIRED FOR NONPROFIT ORGANIZATIONS, SO AS TO ELIMINATE THE PROHIBITION ON ISSUING SUCH A LICENSE TO A NONPROFIT ORGANIZATION WHICH HOLDS A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK; AND TO AMEND SECTION 12‑21‑3920, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE BINGO TAX ACT, SO AS TO REVISE THE DEFINITION FOR “NONPROFIT ORGANIZATION”.

(R. 334, H. 4839) -- Rep. J.E. Smith: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO CLARIFY THAT THE PROPERTY TAX EXEMPTION FOR RECIPIENTS OF THE MEDAL OF HONOR AND PRISONERS OF WAR IN CERTAIN CONFLICTS APPLIES TO MEDAL OF HONOR RECIPIENTS REGARDLESS OF WHEN THE MEDAL OF HONOR WAS AWARDED OR THE CONFLICT INVOLVED.

(R. 335, H. 4888) -- Reps. Duncan, Ott, Forrester and Mitchell: A JOINT RESOLUTION TO ADOPT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY GREENHOUSE GAS REGULATIONS FOR STATIONARY SOURCES IN ORDER TO GIVE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SUFFICIENT TIME TO PROMULGATE APPROPRIATE REGULATIONS, IF REQUIRED.

(R. 336, H. 4966) -- Rep. Funderburk: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF KERSHAW COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL 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.

**RATIFICATION OF ACT**

**FOR JUNE 15, 2010**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 15, 2010, at 1:00 P.M. and the following Act was ratified:

(R337, H. 3975) -- Rep. G.M. Smith: AN ACT TO AMEND SECTION 50‑9‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS SUCCESSFULLY MUST COMPLETE A HUNTER’S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO NONRESIDENT ACTIVE DUTY, HONORABLY DISCHARGED OR RETIRED MEMBERS OF THE UNITED STATES ARMED SERVICES WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY SUCCESSFULLY COMPLETED RIFLE MARKSMANSHIP DURING THEIR MILITARY CAREER; AND TO PROVIDE THAT A NONRESIDENT DURING A SPECIFIED PERIOD MAY OBTAIN A LIFETIME COMBINATION LICENSE UNDER CERTAIN CONDITIONS WHICH GRANTS THE SAME PRIVILEGES AS A STATEWIDE COMBINATION LICENSE.

**HOUSE RESOLUTION**

The following was introduced:

H. 5079 -- Reps. G. R. Smith, Allen, Bannister, Bedingfield, Dillard, Hamilton, Loftis, Nanney, Rice, Stringer, Willis, Wylie, Agnew, Alexander, Allison, Anderson, Anthony, Bales, Ballentine, Barfield, Battle, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO COMMEND THE HONORABLE HARRY F. CATO OF GREENVILLE COUNTY FOR HIS TWENTY YEARS OF COMMITTED SERVICE AS A MEMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

Whereas, the Honorable Harry F. Cato of Greenville County for twenty years has loyally represented the citizens of House District 17 in the House of Representatives of this great State; and

Whereas, a 1980 graduate of Clemson University, Harry Cato is manager of Cato Transportation Supply, Incorporated; and

Whereas, not one to neglect his civic duty, Representative Cato, a resident of Travelers Rest, has served his community and State in numerous capacities, among them as a Travelers Rest City Council member (1986‑1990), Mayor *Pro Tempore* (1988‑1990), and Bank of Travelers Rest board member; and

Whereas, married to the former Kris Thompson, he is the proud father of four children, James Franklin Cato, Christopher Michael Cato, Erin Elizabeth Thompson, and Robin Michelle Thompson; and

Whereas, Harry Cato, a man of faith, finds spiritual strength through worship at Travelers Rest United Methodist Church and further serves his God as a volunteer at his local YMCA. For his dedicated service there, he was named YMCA of Greenville Outstanding Volunteer in 2006; and

Whereas, during his legislative service, he has lent his expertise to the Rules Committee (1993‑1994) and Labor, Commerce & Industry Committee (chairman, 1994‑2008). On December 2, 2008, he was elected Speaker *Pro Tempore* of the House; and

Whereas, during Representative Cato’s tenure in the House, he was successful in championing and passing historic tort reform legislation and will always be remembered for leading the State into a more pro‑business atmosphere; and

Whereas, his leadership in the House will be greatly missed, but it is his wonderful sense of humor that perhaps will be the bigger loss to the body; and

Whereas, on the occasion of his departure from the House of Representatives, his House colleagues, grateful for Harry Cato’s efforts, particularly to improve the business environment in our State, extend their best wishes for much success and fulfillment in the new challenges he looks forward to in the days ahead. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable Harry F. Cato of Greenville County for his twenty years of committed service as a member of the South Carolina House of Representatives, and wish him all the best in the years to come.

Be it further resolved that a copy of this resolution be presented to our distinguished colleague, the Honorable Harry F. Cato.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5080 -- Reps. Allison, Anthony, Cole, Forrester, Littlejohn, Millwood, Mitchell, Parker, Agnew, Alexander, Allen, Anderson, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, 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, Kennedy, King, Kirsh, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE KEITH KELLY OF SPARTANBURG COUNTY FOR HIS DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF THE CITIZENS OF SOUTH CAROLINA, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, the members of the South Carolina House of Representatives learned with sincere regret that Keith Kelly will depart from the House of Representatives at the conclusion of his current term; and

Whereas, born in Spartanburg to Louise C. Kelly and Ralph D. Kelly, Jr., he earned a Bachelor of Arts from the University of South Carolina‑Spartanburg in 1981 and a Juris Doctorate from the Walter F. George School of Law at Mercer University in 1987; and

Whereas, in the patriotic tradition of a Palmetto son, he served in the United States Army from 1981 to 1984 and holds the rank of Captain in the United States Army Reserves; and

Whereas, he married his beloved wife, Cindy Jackson Kelly, in 1985, and together they raised three fine children, and he practices law as a partner in the firm of Lister, Flynn & Kelly, P. A.; and

Whereas, an active member of Emma Gray Memorial United Methodist Church, he served as the past Chairman of the Church Trustees and as Chairman of Finance; and

Whereas, deeply involved in his community, he served as the President of the Woodruff Rotary Club from 1990 to 1991, and he is a member of the Spartanburg County Bar Association, the South Carolina Bar Association, and the South Carolina Association of Criminal Defense Lawyers; and

Whereas, he has faithfully served the citizens of District 35 in the House of Representatives since 2007, during which time he has served on the Judiciary Committee, and since 2009, he has served as the Chairman of the Criminal Laws Subcommittee; and

Whereas, in all of his service, he has provided exceptional legal and professional acumen to the great benefit of the people of this State; and

Whereas, the members of the House of Representatives will miss the keen and impassioned service that Keith Kelly, their friend and colleague, has given to the House of Representatives, and hope that he will enjoy deep fulfillment in the years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the Honorable Keith Kelly of Spartanburg County for his dedicated service in the House of Representatives on behalf of the citizens of South Carolina, and wish him much success and happiness in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable Keith Kelly.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5081 -- Reps. T. R. Young, Clyburn, D. C. Smith, J. R. Smith, Spires, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Stavrinakis, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie and A. D. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE JAMES E. "JIM" STEWART, JR., OF AIKEN COUNTY FOR EIGHT YEARS OF DEDICATED SERVICE IN THE GENERAL ASSEMBLY ON BEHALF OF THE CITIZENS OF SOUTH CAROLINA, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL OF HIS FUTURE ENDEAVORS.

Whereas, the Honorable James E. “Jim” Stewart, Jr., of Aiken County has served the people of his House District and the citizens of South Carolina well during the past eight years and the members of the House of Representatives are grateful for his dedicated service and leadership; and

Whereas, born in Greenville in 1951, Jim Stewart is the son of Ruth and James Stewart, and he graduated from Aiken High School and attended Clemson University. In 2010, he was honored with “Super Tiger Award for Aiken County” for his commitment to Clemson University and the Aiken County Chapter of IPTAY; and

Whereas, in 1975, he married his beloved wife, Sharon Leigh Dunn Stewart, and together they raised three wonderful children, Joshua, Whitten, and Nathan; and

Whereas, actively involved in his community, he served as the President of the Aiken Jaycees from 1985 to 1986 and as Vice President of the Small Business Developers of the Aiken Chamber of Commerce in 1995; and

Whereas, he serves on the Board of Directors of the Aiken Electric Cooperative and the Advisory Board of Wachovia, and he is a member of Aiken American Business Club “Ambucs”; and

Whereas, he is a devout member of St. John’s United Methodist Church where he served as Chairman of the Board of Trustees from 2001 to 2003; and

Whereas, a commercial general contractor, he was presented with the Small Business Person of the Year Award in 1998 by the Aiken Chamber of Commerce, and he has provided the same award‑winning business acumen to the great benefit of the people of this State since 2003 in his service in the General Assembly; and

Whereas, the members of the South Carolina House of Representatives will miss their faithful friend and colleague, Jim Stewart, and thank him for his leadership in the House of Representatives. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the Honorable James E. “Jim” Stewart, Jr., of Aiken County for eight years of dedicated service in the General Assembly on behalf of the citizens of South Carolina, and wish him much success and happiness in all of his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable James E. “Jim” Stewart, Jr.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5082 -- Reps. Barfield, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, 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 COMMEND THE COASTAL CAROLINA UNIVERSITY BASEBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2010 BIG SOUTH TOURNAMENT CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5083 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, 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 CONGRATULATE TED AND HARRIET SIMPSON OF IRMO ON THE OCCASION OF THEIR FIFTIETH WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILLMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5084 -- Reps. Kelly, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, 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 CONGRATULATE JOSEPH MCABEE OF WOODRUFF ON WINNING THE 2010 PAULETTA AND DENZEL WASHINGTON FAMILY SCHOLAR IN NEUROSCIENCE AWARD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5085 -- Reps. Mitchell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, 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, 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 CONGRATULATE MICHAEL N. GARRETT, PE, PUBLIC WORKS DIRECTOR FOR SPARTANBURG COUNTY, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5086 -- Reps. Mitchell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, 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, 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 CONGRATULATE THE MEMBERS OF THE 1965 GRADUATING CLASS OF CARVER HIGH SCHOOL ON THE OCCASION OF THEIR FORTY-FIFTH ANNIVERSARY, AND TO COMMEND THE CLASS MEMBERS FOR THEIR MANY CONTRIBUTIONS TO THEIR COMMUNITIES, STATES, AND NATION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5087 -- Reps. Knight, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, 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 CONGRATULATE MRS. THELMA CELESTIA GROOMS SHULER OF HOLLY HILL ON THE OCCASION OF HER ONE HUNDRED THIRD BIRTHDAY AND TO WISH HER A JOYOUS YEAR AHEAD AND CONTINUED HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5088 -- Reps. Knight, Cobb-Hunter, Govan, 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, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, 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 CONGRATULATE MR. WILLIE R. DAVIS OF DORCHESTER COUNTY ON THE OCCASION OF HIS SIXTIETH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF HEALTH AND HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5089 -- Rep. Anderson: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE GREATER ST. MARK AME CHURCH OF HEMINGWAY ON THE OCCASION OF ITS HISTORIC ONE HUNDRED TWENTY-FIFTH ANNIVERSARY, AND TO COMMEND THE CHURCH FOR A CENTURY AND A QUARTER OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5090 -- Rep. McLeod: A CONCURRENT RESOLUTION TO CONGRATULATE, HONOR, AND RECOGNIZE DR. MITCHELL M. ZAIS, THE TWENTIETH PRESIDENT OF NEWBERRY COLLEGE, UPON HIS RETIREMENT AFTER TEN YEARS OF DEDICATED AND DISTINGUISHED LEADERSHIP SERVICE TO NEWBERRY COLLEGE AND THE STATE OF SOUTH CAROLINA.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5091 -- Reps. Govan, Ott, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, 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, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO CELEBRATE THE JOYOUS OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF THE OLIVE GROVE MISSIONARY BAPTIST CHURCH, AND TO CONGRATULATE AND COMMEND PASTOR JAMES A. CROMARTIE AND THE CONGREGATION FOR THEIR YEARS OF SERVICE TO THE ORANGEBURG COMMUNITY.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5092 -- Reps. Govan, Ott, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, 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, 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 CONGRATULATE VICTORY TABERNACLE DELIVERANCE TEMPLE OF ORANGEBURG COUNTY ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY, AND TO COMMEND THE CHURCH FOR A QUARTER CENTURY OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5093 -- Reps. Parks, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, 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, 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 ANITA WOOLDRIDGE SMITH OF GREENWOOD COUNTY, UPON THE OCCASION OF HER SEVENTIETH BIRTHDAY, AND TO COMMEND HER FOR A LIFETIME OF SERVICE TO HER COMMUNITY AND TO HER GOD.

The Resolution was adopted.

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Vick | Viers |
| Weeks | Whipper | 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, June 15.

|  |  |
| --- | --- |
| Tracy Edge | Leon Howard |
| Timothy E. Scott | Michael Thompson |

**Total Present--121**

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Andrew J. Pate of Mt. Pleasant was the Doctor of the Day for the General Assembly.

**STATEMENTS BY REPS. BINGHAM AND BALLENTINE**

Reps. BINGHAM and BALLENTINE made a statement relative to Rep. HALEY'S service in the House.

**STATEMENT BY REP. HALEY**

Rep. HALEY made a statement relative to her service in the House.

**STATEMENTS BY REP. T. R. YOUNG AND J. R. SMITH**

Reps. T. R. YOUNG and J. R. SMITH made a statement relative to Rep. STEWART'S service in the House.

**STATEMENT BY REP. STEWART**

Rep. STEWART made a statement relative to his service in the House.

**STATEMENT BY REP. ALLISON**

Rep. ALLISON made a statement relative to Rep. KELLY'S service in the House.

**STATEMENT BY REP. KELLY**

Rep. KELLY made a statement relative to his service in the House.

**ACTING SPEAKER COOPER IN CHAIR**

**STATEMENT BY REP. HARRELL**

Rep. HARRELL made a statement relative to Rep. SCOTT'S service in the House.

**STATEMENT BY REP. SCOTT**

Rep. SCOTT made a statement relative to his service in the House.

**STATEMENT BY REP. HARRELL**

Rep. HARRELL made a statement relative to Rep. CATO'S service in the House.

**STATEMENT BY REP. CATO**

Rep. CATO made a statement relative to his service in the House.

**SPEAKER IN CHAIR**

**H. 3418--DEBATE ADJOURNED**

Debate was resumed on the following Conference Report, cloture having been ordered:

**H. 3418--Conference Report**

The General Assembly, Columbia, S.C., June 3, 2010

The COMMITTEE OF CONFERENCE, to whom was referred:

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

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer’s Version 02/03/10.)

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

/ SECTION 1. Section 7‑13‑710 of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

“Section 7‑13‑710. (A) When ~~any~~ a person presents himself to vote, he shall produce ~~his~~ a valid and current:

(1) South Carolina driver’s license; ~~or~~

(2) other form of identification containing a photograph issued by the Department of Motor Vehicles; ~~,if he is not licensed to drive, or the written notification of registration provided for by Sections 7‑5‑125 and 7‑5‑180 if the notification has been signed by the elector~~

(3) passport;

(4) military identification containing a photograph issued by the federal government;

(5) employee identification card containing a photograph of the voter, which is issued by the federal government; or

(6) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7-5-675.

~~If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail.~~

(B) After presentation of the required identification described in subsection (A), ~~his~~ the elector’s name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed ‘Names of Voters’. Before ~~any~~ a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter’s oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter’s driver’s license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

(C)(1) If the elector cannot produce the identification as required in subsection (A), he may cast a provisional ballot that is counted only if the elector brings a valid and current photo identification to the county board of registration and elections prior to certification of the election by the county board of canvassers.

(2) If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the elector may cast a provisional ballot. A determination of that provisional ballot must be made in accordance with Section 7‑13‑830.

(D)(1)(a) If an elector does not produce a valid and current photograph identification due to a religious objection to being photographed, he may complete an affidavit under penalty of perjury at the polling place and affirm that the elector:

(i) is the same individual who personally appeared at the polling place;

(ii) cast the provisional ballot on election day; and

(iii) has a religious objection to being photographed.

Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections prior to certification of the election by the county board of canvassers.

(b) If an elector does not produce a valid and current photograph identification because the elector suffers from a reasonable impediment that prevents the elector from obtaining photograph identification, he may complete an affidavit under the penalty of perjury at the pollingplace and affirm that the elector:

(i) is the same individual who personally appeared at the polling place;

(ii) cast the provisional ballot on election day; and

(iii) the elector suffers from a reasonable impediment that prevents him from obtaining photograph identification.

The elector must also list the impediment, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections prior to certification of the election by the county board of canvassers.

(2) If the county board of registration and elections determines that the voter was challenged solely for the inability to provide proof of identification, and the required affidavit is submitted, the county board of registration and elections shall find that the provisional ballot is valid, unless the board has grounds to believe the affidavit is false.

(3) If the county board of registration and elections determines that the voter has been challenged for a cause other than the inability to provide proof of identification, as required by subsection (A), the county board of registration and elections shall:

(a) note on the envelope containing the provisional ballot that the voter complied with the proof of identification requirement; and

(b) proceed to determine the validity of the remaining challenges before ruling on the validity of the provisional ballot.”

SECTION 2. Section 7‑5‑125 of the 1976 Code, as added by Act 507 of 1988, is amended to read:

“Section 7‑5‑125. (A) ~~Any~~ A person who applies for registration to vote and is found to be qualified by the county board of registration to whom application is made must be issued a written notification of registration. This notification must be on a form prescribed and provided by the State Election Commission.

(B) If an elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail.”

SECTION 3. Section 56‑1‑3350 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

“Section 56‑1‑3350. (A) Upon application by ~~any~~ a person five years of age or older who is a resident of South Carolina, the Department of Motor Vehicles shall issue a special identification card, as long as:

(1) the application is made on a form approved and furnished by the department; and

(2) the applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth.

(B)(1) The fee for the issuance and renewal of the special identification card is five dollars ~~and~~ for a person between the ages of five and sixteen years.

(2) An identification card must be free to a person aged seventeen years or older.

(C) The identification card expires five years from the date of issuance. ~~The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section “indigent” means a person who is qualified for legal assistance which is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence or an individual who has a primary nighttime residence that is:~~

~~(a)~~ ~~a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;~~

~~(b)~~ ~~an institution that provides a temporary residence for individuals intended to be institutionalized; or~~

~~(c)~~ ~~a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.~~

~~The term does not include any individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility which provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities which are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.~~

(D) Special identification cards issued to persons under the age of twenty‑one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty‑one.

(E) The fees collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~Fees and Penalties~~ ~~General Fund~~ ~~Department of~~

~~Collected After~~ ~~of the State~~ ~~Transportation~~

~~State~~ ~~Non-Federal Aid~~

~~Highway Fund~~

~~June 30, 2005~~ ~~60 percent~~ ~~40 percent~~

~~June 30, 2006~~ ~~20 percent~~ ~~80 percent~~

~~June 30, 2007~~ ~~0 percent~~ ~~100 percent~~.”

SECTION 4. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Notwithstanding the provision of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) An early voting center must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at the early voting center in the county in which he resides.

(D) Each county board of registration and elections must establish one early voting center. The early voting center must be supervised by election commission employees who shall serve as poll managers.

(E) The early voting period begins ten days before an election and ends three days prior to the election.

(F) The county board of registration and elections must determine the hours of operation and location for an early voting center. However, the early voting center must be open at least one Saturday within the early voting period for statewide primaries and general elections.

(G) A sign must be posted prominently in an early voting center and must have printed on it ‘VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSONMUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS’.”

SECTION 5. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 253 of 2006, is further amended to read:

“(C) The executive director shall:

(1) maintain a complete master file of all qualified electors by county and by precincts;

(2) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

(3) enter names on the master file as they are reported by the county registration boards;

(4) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(5) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

(6) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(7) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

(8) obtain information from any other source which may assist him in carrying out the purposes of this section;

(9) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(10) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(11) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993; ~~and~~

(12) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the United States Code, Title 42, Section 1973ff, et seq; and

(13) enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.”

SECTION 6. Section 7‑15‑320 of the 1976 Code, as last amended by Act 25 of 1997, is further amended to read:

“Section 7‑15‑320 .(A) A qualified elector may vote during the early voting period, pursuant to Section 7‑13‑25.

(B) A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections when he is absent from his county of residence on election day during the hours the polls are open, to an extent that it prevents him from voting in person except that physically disabled persons, certified poll watchers, poll managers, county voter registration board members and staff, and county election commission members and staff working on election day, a person admitted to a hospital as an emergency patient on the day of an election or within a four day period before an election, and persons whose employment obligations required that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board, and persons confined to a jail or pre‑trial facility pending disposition of arrest or trial may vote by absentee ballot whether or not absent from their county of residence:

(1) students, their spouses, and dependents residing with them;

(2) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;

(3) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

(4) persons in employment;

(5) physically disabled persons;

(6) governmental employees, their spouses, and dependents residing with them;

(7) electors with a death or funeral in the family within a three day period before the election;

(8) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day);

(9) certified poll watchers, poll managers, county voter registration board members and staff, countyand state election commission members and staff working on election day;

(10) overseas citizens;

(11) persons attending sick or physically disabled persons;

(12) persons admitted to hospitals as emergency patients on the day of an election or within a four day period before the election;

(13) persons who will be serving as jurors in a state or federal court on election day;

(14) persons sixty‑five years of age or older;

(15) persons confined to a jail or pre‑trial facility pending disposition of arrest or trial.”

SECTION 7. Section 7‑15‑330 of the 1976 Code, as last amended by Act 193 of 1989, is further amended to read:

“Section 7-15-330. (A) To vote by absentee ballot, a qualified elector or a member of his immediate family, as defined by Section 7‑15‑310(8), must request an application to vote by absentee ballot in person, by telephone, or by mail from the county registration board~~, or at an extension office of the board of registration as established by the county governing body,~~ for the county of the voter’s residence. ~~A person requesting an application for a qualified elector as the qualified elector’s authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of registration until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later.~~  ~~A candidate or a member of a candidate’s paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family.~~

(B) A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county registration board in person or by mail before ~~five P.M.~~ 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of registration until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four day period before the election may obtain an application from the registration board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of registration. (C) The board of registration shall serially number each absentee ballot application form and keep a record ~~book~~ ~~in which must be recorded~~ of the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; and the date upon which the form is issued. This information becomes ~~a~~ public record at ~~nine A.M.~~ 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election.

(D) A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.”

SECTION 8. Section 7‑15‑385 of the 1976 Code, as last amended by Act 416 of 1996, is further amended to read:

“Section 7‑15‑385.(A) Upon receipt of the ballot or ballots, the absentee ballot applicant ~~must~~ shall mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’, which in turn must be placed in the return‑addressed envelope. The applicant ~~must~~ shall then return the return‑addressed envelope to the board of registration by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of registration at the time the envelope is returned. The voter ~~must~~ shall sign the form, or ~~in the event~~ if the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~ shall make his mark and have the mark witnessed by someone designated by the voter. The authorization must be preserved as part of the record of the election, and the board of registration ~~must note~~ shall record the authorization and the name of the authorized returnee ~~in the record book~~ as required by Section 7‑15‑330.

(B) A candidate or a member of a candidate’s paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not permitted to serve as an authorized returnee for ~~any~~ a person unless the person is a member of the voter’s immediate family as defined in Section 7‑15‑310.

(C) The oath ~~set forth~~ provided for in Section 7‑15‑380 must be signed and witnessed on each returned envelope. The board of registration ~~must~~ shall record, ~~in the record book~~ as required by Section 7‑15‑330, the date the return‑addressed envelope with witnessed oath and enclosed ballot or ballots is received by the board.

(D) The board ~~must~~ securely shall store the envelopes in a locked box within the office of the registration board.”

SECTION 9. Section 7‑1‑25 of the 1976 Code, as added by Act 103 of 1999, is amended to read:

“Section 7‑1‑25. (A) A person’s residence is his domicile. ‘Domicile’ means a person’s fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes*,* factors to consider in determining a person’s intention regarding his domicile include, but are not limited to:

(1) a voter’s address reported on income tax returns;

(2) a voter’s real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12‑43‑220(C);

(3) a voter’s physical mailing address;

(4) a voter’s address on driver’s license or other identification issued by the Department of Motor Vehicles;

(5) a voter’s address on legal and financial documents;

(6) a voter’s address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;

(7) a voter’s address on an automobile registration;

(8) a voter’s address utilized for membership in clubs and organizations;

(9) the location of a voter’s personal property;

(10) residence of a voter’s parents, spouse, and children; and

(11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter’s immediate family.”

SECTION 10. Section 7‑5‑230 of the 1976 Code, as last amended by Act 103 of 1999, is further amended to read:

“Section 7‑5‑230. (A) The boards of registration to be appointed under Section 7‑5‑10 ~~shall~~ must be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

(B) Once a person is registered, challenges of the qualifications of ~~any~~ an elector, except for challenges issued at the polls pursuant to Sections 7‑13‑810, 7‑13‑820, and 7‑15‑420 must be made in writing to the board of registration in the county of registration. The board ~~must~~, within ten days following the challenge and after first giving notice to the elector and the challenger, shall hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications ~~set forth~~ provided for in Section 7‑5‑120.

(C) ~~When~~ If a challenge is made regarding the residence or domicile of an elector, the board ~~may~~ shall consider the provisions of Section 7‑1‑25(D) ~~following proof to establish residence including, but not limited to, income tax returns; real estate interests; mailing address; address on driver’s license; official papers and documents requiring the statement of residence address; automobile registration; checking and savings accounts; past voting record; membership in clubs and organizations; location of personal property; and the elector’s statements as to his intent~~.

(D) ~~Any~~ A person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the board of registration denying him registration or such restoration to the court of common pleas of the county or any judge ~~thereof~~ of these and subsequently to the Supreme Court.”

SECTION 11. Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑675. The State Elections Commission shall implement a system in order to issue voter registration cards with a photograph of the elector.”

SECTION 12. The State Elections Commission shall establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission shall educate the public as follows:

(1) post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites;

(2) train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation;

(3) require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at each election held after September 30, 2010;

(4) coordinate with each county board of registration and elections so that at least two seminars are conducted in each county before October 15, 2011;

(5) coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level;

(6) place an advertisement describing the changes in this legislation in South Carolina newspapers of general circulation by no later than October 15, 2011;

(7) coordinate with local media outlets to disseminate information concerning the changes in this legislation;

(8) notify each registered elector who does not have a South Carolina issued driver’s license or identification card a notice of the provisions of this act by no later than October 15, 2011. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It also must state the availability of a free South Carolina identification card pursuant to Section 56‑1‑3350.

(9) In addition to the items contained in this section, the State Elections Commission may implement additional educational programs in its discretion.

SECTION 13.The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of January 1, 2012. The list must be made available to a registered voter upon request. The Department of Motor Vehicles shall provide the list of persons with a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list.

SECTION 14. The General Assembly finds that all the provisions contained in this act related to one subject as required by Article III, Section 17 of the Constitution of this State in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 15. The provisions of this act are not severable. If any section, subsection, item, subitem, paragraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, it is to be conclusively presumed that the General Assembly would not have enacted any section, subsection, item, subitem, paragraph, sentence, clause, phrase or word of this act without the other provisions in this act and therefore this act in its entirety will be deemed invalid.

SECTION 16. Section 7-15-470 of the 1976 Code is repealed.

SECTION 17. SECTIONS 2, 9, 10, 12, and 13 are effective upon approval by the Governor.

SECTION 18. SECTION 3 is effective on January 2, 2011.

SECTION 19. SECTIONS 1, 4, 5, 6, 7, 8 and 16 are effective on January 2, 2012.

SECTION 20. SECTION 11 takes effect on July 1, 2011. However, the implementation of the procedures provided for in this SECTION is contingent upon the State Election Commission’s receipt of funds necessary to implement these provisions. Until the provisions of this SECTION are fully funded and executed, implementation of the provisions of this SECTION shall not prohibit the State Election Commission from issuing voter registration cards by the methods allowed prior to the implementation of this SECTION. /

Amend title to conform.

Senator George E. Campsen III Representative Harry Franklin Cato

Senator Gerald Malloy Representative Alan Clemmons

Senator Phillip W. Shoopman Representative Harold Mitchell, Jr.

On Part of the Senate. On Part of the House.

Rep. CLEMMONS spoke in favor of the Conference Report.

Rep. CLEMMONS moved to adjourn debate on the Conference Report.

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

Yeas 55; Nays 50

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Bedingfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Daning | Delleney | Erickson |
| Frye | Gambrell | Haley |
| Hamilton | Hardwick | Harrell |
| Hearn | Hiott | Horne |
| Huggins | Kirsh | Limehouse |
| Loftis | Long | Lucas |
| Merrill | D. C. Moss | V. S. Moss |
| Parker | Pinson | M. A. Pitts |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--55**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bowers | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Forrester |
| Funderburk | Gilliard | Govan |
| Gunn | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Kelly | King | Knight |
| Littlejohn | Mack | McEachern |
| McLeod | Millwood | Mitchell |
| J. H. Neal | Norman | Ott |
| Parks | Rice | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Stewart | Vick | Weeks |
| Whipper | Williams |  |

**Total--50**

So, debate was adjourned on the Conference Report.

RECORD FOR VOTING

I was temporarily out of the Chamber when the motion to adjourn debate was made on the Voter I.D. Bill (H. 3418). If I had been present, I would have voted to table the motion to adjourn debate on H. 3418.

Rep. Eric Bedingfield

**R. 227, S. 1190--GOVERNOR'S VETO SUSTAINED**

The Veto on the following Act was taken up:

(R. 227) S. 1190 -- Senator Leatherman: 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.

Rep. BALES spoke in favor of the Veto.

Rep. HARRISON spoke against the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 50; Nays 51

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Bingham | Bowen | Brady |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Daning |
| Delleney | Erickson | Forrester |
| Gambrell | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Kirsh | Limehouse |
| Loftis | Lucas | Merrill |
| V. S. Moss | Nanney | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Skelton | G. R. Smith | Sottile |
| Spires | Toole | Umphlett |
| White | A. D. Young |  |

**Total--50**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bedingfield | Bowers |
| Brantley | G. A. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Gilliard | Govan | Harvin |
| Hayes | Hodges | Howard |
| Jefferson | Jennings | King |
| Knight | Littlejohn | Long |
| McEachern | McLeod | Miller |
| Mitchell | D. C. Moss | J. H. Neal |
| J. M. Neal | Norman | Parks |
| Rutherford | Sellers | Simrill |
| D. C. Smith | J. R. Smith | Stewart |
| Stringer | Viers | Weeks |
| Whipper | Whitmire | Williams |
| Willis | Wylie | T. R. Young |

**Total--51**

So, the Veto of the Governor was sustained and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber at the time the vote on the Governor’s Veto of S. 1190 was taken. I am in favor of overriding the Governor’s Veto of S. 1190 and had I been in the Chamber at the time the vote was taken, I would have voted “Yes” to override the Governor’s Veto of S. 1190.

Rep. James E. Smith, Jr.

**S. 879--NONCONCURRENCE IN SENATE AMENDMENTS**

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

S. 879 -- Senator Campsen: A BILL TO AMEND SECTION 12-37-3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSABLE TRANSFERS OF INTEREST FOR PURPOSES OF DETERMINING THE VALUE OF REAL PROPERTY FOR PROPERTY TAXATION, SO AS TO PROVIDE ADDITIONAL INSTANCES OF PROPERTY TRANSFERS NOT CONSIDERED ASSESSABLE TRANSFERS OF INTEREST, INCLUDING TRANSFERS OF FRACTIONAL INTERESTS CONSTITUTING NOT MORE THAN FIFTY PERCENT OF FEE SIMPLE TITLE, TRANSFERS INTO AND OUT OF A SINGLE MEMBER LIMITED LIABILITY COMPANY NOT TAXED AS A CORPORATION WHEN THE SINGLE MEMBER IS THE TRANSFEREE AND TRANSFEROR, TRANSFERS RELATING TO EASEMENTS, TRANSFERS TO QUIET TITLE OR ESTABLISH A BOUNDARY LINE, AND TRANSFERS CREATING OR TERMINATING A JOINT TENANCY WITH RIGHTS OF SURVIVORSHIP IF THE GRANTORS AND GRANTEES ARE THE SAME.

Rep. CLEMMONS explained the Senate Amendments.

Rep. LIMEHOUSE spoke in favor of the Senate Amendments.

Rep. CLEMMONS spoke against the Senate Amendments.

Rep. SKELTON spoke against the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 3; Nays 109

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Kennedy | Limehouse | Norman |

**Total--3**

Those who voted in the negative are:

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

**Total--109**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 4341--RECOMMITTED**

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

H. 4341 -- Reps. Hutto, Stavrinakis, J. E. Smith, Harvin, Miller, Govan, Allen, Battle, Anderson, Simrill, Norman, T. R. Young and Wylie: A JOINT RESOLUTION TO CREATE THE AUTISM SPECTRUM DISORDER STUDY COMMITTEE ON EARLY INTERVENTION AND TO PROVIDE FOR ITS PURPOSE, MEMBERS, AND DUTIES AND TO PROVIDE THAT THE STUDY COMMITTEE MUST SUBMIT ITS FINDINGS AND RECOMMENDATIONS NO LATER THAN DECEMBER 1, 2011 AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Rep. HUTTO moved to recommit the Joint Resolution to the Committee on Medical, Military, Public and Municipal Affairs, which was agreed to.

**H. 4350--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 2

Those who voted in the affirmative are:

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

**Total--110**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy | Kirsh |  |

**Total--2**

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

**H. 4225--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 4225 -- Reps. Rutherford, McLeod and Weeks: A BILL TO AMEND SECTION 16-3-1400, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARTICLE ON THE VICTIM ASSISTANCE PROGRAM, SO AS TO PROVIDE THAT THE TERM "VICTIM SERVICE PROVIDER" DOES NOT INCLUDE MAGISTRATE OR MUNICIPAL JUDGES AND THEIR STAFF.

Rep. KELLY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 0; Nays 111

Those who voted in the affirmative are:

**Total--0**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | 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 | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | 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 | Neilson |
| Norman | Ott | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | T. R. Young |

**Total--111**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 4478--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 4478 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D. C. Moss, Horne, Skelton, V. S. Moss, Bannister, Whitmire, Toole, J. R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Huggins, Kelly, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J. M. Neal, Norman, Ott, Parker, Parks, Pinson, M. A. Pitts, Rice, Scott, Simrill, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A. D. Young, T. R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE "SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010" INCLUDING PROVISIONS TO AMEND SECTION 2-75-30, AS AMENDED, RELATING TO RESEARCH CENTERS OF EXCELLENCE MATCHING ENDOWMENTS, SO AS TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 2-75-50, AS AMENDED, RELATING TO APPLICATION REQUIREMENTS FOR AN AWARD FROM THE CENTERS OF EXCELLENCE MATCHING ENDOWMENT, SO AS TO CLARIFY WHAT THE CONTENTS OF AN APPLICATION TO THE REVIEW BOARD MUST CONTAIN; TO AMEND SECTION 4-12-30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-67, AS AMENDED, 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, AND TO DELETE A PROVISION REQUIRING THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-68, AS AMENDED, RELATING TO SPECIAL SOURCE REVENUE BONDS WHICH MAY BE ISSUED BASED ON THE RECEIPT OF CERTAIN REVENUES, SO AS TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR THE ALLOCATION, REALLOCATION, AND ISSUANCE OF FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 4-29-10, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF "PROJECT" TO INCLUDE RECOVERY ZONE PROPERTY AS DEFINED BY FEDERAL LAW; TO AMEND SECTION 12-6-530, RELATING TO THE CORPORATE INCOME TAX, SO AS TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN-YEAR PERIOD IN INTERVALS OF ONE-HALF PERCENT PER YEAR; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO JOB TAX CREDITS, SO AS TO REVISE THE DESIGNATION TERMINOLOGY FOR COUNTIES COMING WITHIN SPECIFIC CLASSIFICATIONS, TO FURTHER PROVIDE FOR THE CRITERIA FOR DETERMINING HOW COUNTIES FALL WITHIN CERTAIN TIERS, AND TO REVISE SPECIFIC TERMS OR DEFINITIONS USED FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 12-6-3375, AS AMENDED, RELATING TO TAX CREDITS FOR PORT CARGO VOLUME INCREASES, SO AS TO REVISE THE MANNER IN WHICH TAX CREDIT ALLOCATIONS ARE DETERMINED AND THE AMOUNT OF THE CREDITS WHICH MAY BE ALLOCATED TO A QUALIFYING TAXPAYER; TO AMEND SECTION 12-10-30, AS AMENDED, RELATING TO DEFINITIONS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THE DEFINITIONS OF "EMPLOYEE" AND "PROJECT"; TO AMEND SECTION 12-10-50, AS AMENDED, RELATING TO QUALIFICATIONS FOR BENEFITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THESE QUALIFICATIONS AND TO FURTHER PROVIDE FOR WHAT A BUSINESS MUST DO TO MEET THESE QUALIFICATIONS; TO AMEND SECTION 12-10-60, AS AMENDED, RELATING TO REVITALIZATION AGREEMENTS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO FURTHER PROVIDE FOR THE TERMS, CONDITIONS, AND APPLICATION OF THESE REVITALIZATION AGREEMENTS, PROVIDE FOR WHEN SUCH AN AGREEMENT MUST BE EXECUTED, AND PERMIT THE ASSIGNMENT OF ENTERPRISE PROGRAM BENEFITS UNDER CERTAIN CONDITIONS; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXPAND ELIGIBLE EXPENDITURES WHICH QUALIFY FOR THE CREDIT, TO CAP THE AMOUNT OF THE CREDITS PER JOB PER YEAR, TO REVISE CERTAIN TERMINOLOGY TO CONFORM TO EARLIER CHANGES HEREIN, TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THESE CREDITS MAY BE CLAIMED AND THE MANNER OF THE DETERMINATION OF CERTAIN FACTORS NECESSARY TO QUALIFY FOR THE CREDITS, AND TO PROVIDE FOR THE SUSPENSION OF THE CREDITS UNDER CERTAIN CONDITIONS AND FOR WHEN THE CREDITS MAY BE CLAIMED; TO AMEND SECTION 12-10-85, AS AMENDED, RELATING TO THE PURPOSE AND USE OF STATE RURAL INFRASTRUCTURE FUNDS, SO AS TO REVISE THE PURPOSES FOR WHICH THESE FUNDS MAY BE USED AND THEIR AVAILABILITY; TO AMEND SECTION 12-14-20, RELATING TO THE PURPOSES OF THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THESE PURPOSES; TO AMEND SECTION 12-14-60, AS AMENDED, RELATING TO INVESTMENT TAX CREDITS UNDER THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THE AMOUNT OF THE CREDITS, THE QUALIFYING CRITERIA FOR THE CREDITS, AND FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO THESE CREDITS; TO AMEND SECTION 12-15-10, RELATING TO THE CITATION OF THE SOUTH CAROLINA LIFE SCIENCES ACT, SO AS TO CHANGE THE CITATION; TO AMEND SECTION 12-15-20, RELATING TO DEFINITIONS UNDER THE RENAMED LIFE SCIENCES AND RENEWABLE ENERGY MANUFACTURING ACT, SO AS TO DEFINE THE TERM "RENEWABLE ENERGY MANUFACTURING FACILITY"; TO AMEND SECTION 12-15-30, RELATING TO QUALIFICATIONS OF CERTAIN EXPENSES UNDER THE ENTERPRISE ZONE ACT, PROCEDURES FOR WAIVERS, AND THE DURATION OF THESE PROVISIONS, SO AS TO EXPAND THE TYPES OF FACILITIES THAT QUALIFY AND THE DURATION OF THESE PROVISIONS; TO AMEND SECTION 12-15-40, RELATING TO INCOME TAX ALLOCATION AND APPORTIONMENT AGREEMENTS BETWEEN THE DEPARTMENT OF REVENUE AND TAXPAYERS ESTABLISHING A LIFE SCIENCES FACILITY, SO AS TO EXPAND THE TYPES OF FACILITIES TO WHICH THIS PROVISION APPLIES; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO CREDITS AGAINST ITS CORPORATE LICENSE TAX LIABILITY FOR A COMPANY WHO PAYS CASH FOR INFRASTRUCTURE FOR AN ELIGIBLE PROJECT, SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY FOR THE CREDIT UNDER CERTAIN CIRCUMSTANCES OR THE CONTINUATION OF THE CREDIT; TO AMEND SECTION 12-28-2910, AS AMENDED, RELATING TO THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO AUTHORIZE THE COUNCIL TO EXPEND CERTAIN FUNDS FOR SPECIFIED PURPOSES UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 12-37-930, RELATING TO VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES AND DEPRECIATION ALLOWANCES FOR MANUFACTURERS, MACHINERY, AND EQUIPMENT, SO AS TO INCLUDE MACHINERY AND EQUIPMENT OF A RENEWABLE ENERGY MANUFACTURING FACILITY WITHIN THE DEPRECIATION ALLOWANCES ALLOWED FOR MACHINERY AND EQUIPMENT OF A LIFE SCIENCES FACILITY, AND TO DEFINE WHAT IS A QUALIFYING FACILITY; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSIFICATION OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, SO AS TO PROVIDE THAT REAL PROPERTY OWNED BY OR LEASED TO A MANUFACTURER AND USED PRIMARILY RATHER THAN EXCLUSIVELY FOR WAREHOUSING AND WHOLESALE DISTRIBUTION IS NOT CONSIDERED USED BY THE MANUFACTURER IN THE CONDUCT OF ITS BUSINESS FOR PROPERTY TAX CLASSIFICATION PURPOSES; 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; 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; TO AMEND SECTION 12-44-50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FEE AGREEMENT UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 12-44-130, AS AMENDED, RELATING TO MINIMUM INVESTMENTS TO QUALIFY FOR A FEE AND OTHER REQUIREMENTS, SO AS TO CORRECT A REFERENCE; AND TO REPEAL SECTION 12-6-3450 RELATING TO AN INCOME TAX CREDIT FOR PERSONS TERMINATED FROM EMPLOYMENT AS A RESULT OF THE CLOSING OR REALIGNMENT OF A FEDERAL MILITARY INSTALLATION, SECTION 12-10-88 RELATING TO REDEVELOPMENT FEES IN REGARD TO CLOSED OR REALIGNED MILITARY INSTALLATIONS, SECTIONS 12-14-30, 12-14-40, 12-14-50, AND 12-14-70 RELATING TO ECONOMIC IMPACT ZONES AND ALLOWABLE DEDUCTIONS AGAINST SOUTH CAROLINA TAXABLE INCOME IN REGARD TO THESE ECONOMIC IMPACT ZONES.

Rep. COOPER explained the Senate Amendments.

Rep. HART spoke in favor of the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 33; Nays 82

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bowers | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Gunn | Hart |
| Harvin | Hodges | Hosey |
| Howard | Jennings | King |
| Knight | Mack | McEachern |
| McLeod | Mitchell | J. H. Neal |
| Parks | Rutherford | J. E. Smith |
| Weeks | Whipper | Williams |

**Total--33**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Daning | Delleney | Erickson |
| Forrester | Frye | Gambrell |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Kelly | Kirsh | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--82**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 4478--MOTION TO RECONSIDER TABLED**

Rep. SELLERS moved to reconsider the vote whereby the House nonconcurred in the Senate amendments to the following Bill:

H. 4478 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D. C. Moss, Horne, Skelton, V. S. Moss, Bannister, Whitmire, Toole, J. R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Huggins, Kelly, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J. M. Neal, Norman, Ott, Parker, Parks, Pinson, M. A. Pitts, Rice, Scott, Simrill, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A. D. Young, T. R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE "SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010" INCLUDING PROVISIONS TO AMEND SECTION 2-75-30, AS AMENDED, RELATING TO RESEARCH CENTERS OF EXCELLENCE MATCHING ENDOWMENTS, SO AS TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 2-75-50, AS AMENDED, RELATING TO APPLICATION REQUIREMENTS FOR AN AWARD FROM THE CENTERS OF EXCELLENCE MATCHING ENDOWMENT, SO AS TO CLARIFY WHAT THE CONTENTS OF AN APPLICATION TO THE REVIEW BOARD MUST CONTAIN; TO AMEND SECTION 4-12-30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-67, AS AMENDED, 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, AND TO DELETE A PROVISION REQUIRING THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-68, AS AMENDED, RELATING TO SPECIAL SOURCE REVENUE BONDS WHICH MAY BE ISSUED BASED ON THE RECEIPT OF CERTAIN REVENUES, SO AS TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR THE ALLOCATION, REALLOCATION, AND ISSUANCE OF FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 4-29-10, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF "PROJECT" TO INCLUDE RECOVERY ZONE PROPERTY AS DEFINED BY FEDERAL LAW; TO AMEND SECTION 12-6-530, RELATING TO THE CORPORATE INCOME TAX, SO AS TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN-YEAR PERIOD IN INTERVALS OF ONE-HALF PERCENT PER YEAR; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO JOB TAX CREDITS, SO AS TO REVISE THE DESIGNATION TERMINOLOGY FOR COUNTIES COMING WITHIN SPECIFIC CLASSIFICATIONS, TO FURTHER PROVIDE FOR THE CRITERIA FOR DETERMINING HOW COUNTIES FALL WITHIN CERTAIN TIERS, AND TO REVISE SPECIFIC TERMS OR DEFINITIONS USED FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 12-6-3375, AS AMENDED, RELATING TO TAX CREDITS FOR PORT CARGO VOLUME INCREASES, SO AS TO REVISE THE MANNER IN WHICH TAX CREDIT ALLOCATIONS ARE DETERMINED AND THE AMOUNT OF THE CREDITS WHICH MAY BE ALLOCATED TO A QUALIFYING TAXPAYER; TO AMEND SECTION 12-10-30, AS AMENDED, RELATING TO DEFINITIONS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THE DEFINITIONS OF "EMPLOYEE" AND "PROJECT"; TO AMEND SECTION 12-10-50, AS AMENDED, RELATING TO QUALIFICATIONS FOR BENEFITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THESE QUALIFICATIONS AND TO FURTHER PROVIDE FOR WHAT A BUSINESS MUST DO TO MEET THESE QUALIFICATIONS; TO AMEND SECTION 12-10-60, AS AMENDED, RELATING TO REVITALIZATION AGREEMENTS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO FURTHER PROVIDE FOR THE TERMS, CONDITIONS, AND APPLICATION OF THESE REVITALIZATION AGREEMENTS, PROVIDE FOR WHEN SUCH AN AGREEMENT MUST BE EXECUTED, AND PERMIT THE ASSIGNMENT OF ENTERPRISE PROGRAM BENEFITS UNDER CERTAIN CONDITIONS; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXPAND ELIGIBLE EXPENDITURES WHICH QUALIFY FOR THE CREDIT, TO CAP THE AMOUNT OF THE CREDITS PER JOB PER YEAR, TO REVISE CERTAIN TERMINOLOGY TO CONFORM TO EARLIER CHANGES HEREIN, TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THESE CREDITS MAY BE CLAIMED AND THE MANNER OF THE DETERMINATION OF CERTAIN FACTORS NECESSARY TO QUALIFY FOR THE CREDITS, AND TO PROVIDE FOR THE SUSPENSION OF THE CREDITS UNDER CERTAIN CONDITIONS AND FOR WHEN THE CREDITS MAY BE CLAIMED; TO AMEND SECTION 12-10-85, AS AMENDED, RELATING TO THE PURPOSE AND USE OF STATE RURAL INFRASTRUCTURE FUNDS, SO AS TO REVISE THE PURPOSES FOR WHICH THESE FUNDS MAY BE USED AND THEIR AVAILABILITY; TO AMEND SECTION 12-14-20, RELATING TO THE PURPOSES OF THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THESE PURPOSES; TO AMEND SECTION 12-14-60, AS AMENDED, RELATING TO INVESTMENT TAX CREDITS UNDER THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THE AMOUNT OF THE CREDITS, THE QUALIFYING CRITERIA FOR THE CREDITS, AND FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO THESE CREDITS; TO AMEND SECTION 12-15-10, RELATING TO THE CITATION OF THE SOUTH CAROLINA LIFE SCIENCES ACT, SO AS TO CHANGE THE CITATION; TO AMEND SECTION 12-15-20, RELATING TO DEFINITIONS UNDER THE RENAMED LIFE SCIENCES AND RENEWABLE ENERGY MANUFACTURING ACT, SO AS TO DEFINE THE TERM "RENEWABLE ENERGY MANUFACTURING FACILITY"; TO AMEND SECTION 12-15-30, RELATING TO QUALIFICATIONS OF CERTAIN EXPENSES UNDER THE ENTERPRISE ZONE ACT, PROCEDURES FOR WAIVERS, AND THE DURATION OF THESE PROVISIONS, SO AS TO EXPAND THE TYPES OF FACILITIES THAT QUALIFY AND THE DURATION OF THESE PROVISIONS; TO AMEND SECTION 12-15-40, RELATING TO INCOME TAX ALLOCATION AND APPORTIONMENT AGREEMENTS BETWEEN THE DEPARTMENT OF REVENUE AND TAXPAYERS ESTABLISHING A LIFE SCIENCES FACILITY, SO AS TO EXPAND THE TYPES OF FACILITIES TO WHICH THIS PROVISION APPLIES; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO CREDITS AGAINST ITS CORPORATE LICENSE TAX LIABILITY FOR A COMPANY WHO PAYS CASH FOR INFRASTRUCTURE FOR AN ELIGIBLE PROJECT, SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY FOR THE CREDIT UNDER CERTAIN CIRCUMSTANCES OR THE CONTINUATION OF THE CREDIT; TO AMEND SECTION 12-28-2910, AS AMENDED, RELATING TO THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO AUTHORIZE THE COUNCIL TO EXPEND CERTAIN FUNDS FOR SPECIFIED PURPOSES UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 12-37-930, RELATING TO VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES AND DEPRECIATION ALLOWANCES FOR MANUFACTURERS, MACHINERY, AND EQUIPMENT, SO AS TO INCLUDE MACHINERY AND EQUIPMENT OF A RENEWABLE ENERGY MANUFACTURING FACILITY WITHIN THE DEPRECIATION ALLOWANCES ALLOWED FOR MACHINERY AND EQUIPMENT OF A LIFE SCIENCES FACILITY, AND TO DEFINE WHAT IS A QUALIFYING FACILITY; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSIFICATION OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, SO AS TO PROVIDE THAT REAL PROPERTY OWNED BY OR LEASED TO A MANUFACTURER AND USED PRIMARILY RATHER THAN EXCLUSIVELY FOR WAREHOUSING AND WHOLESALE DISTRIBUTION IS NOT CONSIDERED USED BY THE MANUFACTURER IN THE CONDUCT OF ITS BUSINESS FOR PROPERTY TAX CLASSIFICATION PURPOSES; 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; 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; TO AMEND SECTION 12-44-50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FEE AGREEMENT UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 12-44-130, AS AMENDED, RELATING TO MINIMUM INVESTMENTS TO QUALIFY FOR A FEE AND OTHER REQUIREMENTS, SO AS TO CORRECT A REFERENCE; AND TO REPEAL SECTION 12-6-3450 RELATING TO AN INCOME TAX CREDIT FOR PERSONS TERMINATED FROM EMPLOYMENT AS A RESULT OF THE CLOSING OR REALIGNMENT OF A FEDERAL MILITARY INSTALLATION, SECTION 12-10-88 RELATING TO REDEVELOPMENT FEES IN REGARD TO CLOSED OR REALIGNED MILITARY INSTALLATIONS, SECTIONS 12-14-30, 12-14-40, 12-14-50, AND 12-14-70 RELATING TO ECONOMIC IMPACT ZONES AND ALLOWABLE DEDUCTIONS AGAINST SOUTH CAROLINA TAXABLE INCOME IN REGARD TO THESE ECONOMIC IMPACT ZONES.

Rep. SELLERS spoke in favor of the motion to reconsider.

Rep. COOPER moved to table the motion to reconsider.

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

Yeas 70; Nays 41

Those who voted in the affirmative are:

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

**Total--70**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Gunn | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| Jennings | Kennedy | King |
| Knight | McEachern | McLeod |
| J. H. Neal | J. M. Neal | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Vick | Weeks |
| Whipper | Williams |  |

**Total--41**

So, the motion to reconsider was tabled.

**H. 4261--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4261 -- Reps. Harrison and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-75 SO AS TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, OR HIS DESIGNEE, MAY ISSUE AN ADMINISTRATIVE SUBPOENA FOR THE PRODUCTION OF RECORDS DURING THE INVESTIGATION OF CERTAIN CRIMINAL CASES THAT INVOLVE FINANCIAL CRIMES.

Rep. KELLY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 115; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | 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 |
| 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 |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--115**

Those who voted in the negative are:

**Total--0**

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

**H. 4256--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4256 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 17-30-125, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCIDENCES WHEN THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ORDER CERTAIN PERSONS TO CUT, REROUTE, OR DIVERT TELEPHONE LINES FOR CERTAIN PURPOSES, SO AS TO PROVIDE THAT THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ISSUE ADMINISTRATIVE SUBPOENA TO A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY WHEN IT RECEIVES INFORMATION THAT INDICATES THAT A PERSON'S LIFE IS THREATENED, A PRISONER MAY ESCAPE, A PERSON IS BEING HELD AS A HOSTAGE, A PERSON MAY RESIST ARREST WHILE USING A WEAPON, OR AN ARMED PERSON MAY COMMIT SUICIDE, AND TO PROVIDE THAT THE GOOD FAITH RELIANCE BY A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY TO PROVIDE INFORMATION SPECIFIED IN AN ADMINISTRATIVE SUBPOENA IS A COMPLETE DEFENSE TO A CIVIL, CRIMINAL, OR ADMINISTRATIVE ACTION ARISING OUT OF THE ORDER OR ADMINISTRATIVE SUBPOENA.

Rep. KELLY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | 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 | King | Kirsh |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Millwood |
| D. C. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Sellers | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--107**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy |  |  |

**Total--1**

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

**RECURRENCE TO THE MORNING HOUR**

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

**S. 1392--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 1392:

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.

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

Very respectfully,

President

Whereupon, the Chair appointed Reps. BRANHAM, DANING and BARFIELD to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**S. 107--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 107:

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

PRIVATE SECONDARY SCHOOL, UNDER CERTAIN CIRCUMSTANCES.

and asks for a Committee of Conference and has appointed Senators Hutto, Rose and Shoopman to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. T. R. YOUNG, COLE and JENNINGS to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**S. 1051--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 1051:

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.

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

Very respectfully,

President

Whereupon, the Chair appointed Reps. HIOTT, NORMAN and VICK to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**S. 348--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 348:

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: A BILL TO AMEND SECTION 16-3-95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63-13-825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

and asks for a Committee of Conference and has appointed Senators Hutto, Rose and Shoopman to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. KELLY, RUTHERFORD and SOTTILE to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on S. 304:

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MUNICIPAL OR COUNTY ORDINANCES IMPOSING AN ACCOMMODATIONS FEE AND THE USE OF THE REVENUE FROM THE FEES INCLUDING THE ISSUANCE OFCERTAIN BONDS SO AS TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY FOR THE PAYMENT OF BONDS FOR CAPITAL PROJECTS USED TO ATTRACT AND SUPPORT TOURISTS; AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS TAXES, SO AS TO PROVIDE THAT REVENUES ALLOCATED FOR TOURISM ADVERTISING AND PROMOTION MAY NOT BE PLEDGED AS SECURITY FOR CERTAIN BONDS OR TO RETIRE SUCH BONDS.

The Report of the Committee of Free Conference having been adopted by both Houses ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

Very respectfully,

President

Received as information.

**S. 901--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 901:

S. 901 -- Senators McConnell, Elliott and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-500, SO AS TO PROVIDE THAT WHEN THE GOVERNOR LEAVES THE STATE, HE MUST NOTIFY THE LIEUTENANT GOVERNOR, WHETHER OR NOT THE POWER OF THE GOVERNOR’S OFFICE IS TRANSFERRED TO THE LIEUTENANT GOVERNOR; AND BY ADDING SECTION 1-3-630, SO AS TO DEFINE "EMERGENCY", "FULL AUTHORITY", AND "TEMPORARY ABSENCE" IN ORDER TO CLARIFY WHEN A LIEUTENANT GOVERNOR HAS THE FULL AUTHORITY TO ACT IN AN EMERGENCY IN THE EVENT OF THE TEMPORARY ABSENCE OF THE GOVERNOR FROM THE STATE.

and asks for a Committee of Conference and has appointed Senators L. Martin, Knotts and Coleman to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. HARRISON, MCLEOD and G. R. SMITH to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**HOUSE RESOLUTION**

The following was introduced:

H. 5094 -- Reps. Cole, Mitchell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, 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, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE STUDENTS, FACULTY, AND ADMINISTRATION OF SPARTANBURG HIGH SCHOOL FOR THEIR COMMITMENT TO EXCELLENCE AND ON BEING RANKED AMONG THE NATION'S BEST HIGH SCHOOLS IN NEWSWEEK MAGAZINE'S 2010 LIST OF AMERICA'S BEST HIGH SCHOOLS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5095 -- Reps. Kelly, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, 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 CONGRATULATE WOODRUFF HIGH SCHOOL OF SPARTANBURG SCHOOL DISTRICT FOUR ON BEING NAMED TO NEWSWEEK MAGAZINE'S 2010 LIST OF AMERICA'S BEST HIGH SCHOOLS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5096 -- Reps. Jefferson, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, 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 THE LONG HERITAGE OF THE BERKELEY TRAINING HIGH SCHOOL, UPON THE OCCASION OF ITS ONE HUNDRED THIRTIETH ANNIVERSARY, AND TO CONGRATULATE THE SCHOOL'S MANY NOTABLE ALUMNI.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5097 -- Reps. Cato, Duncan, M. A. Pitts, Willis, 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, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, 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, 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, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE ADAM TAYLOR, JR., OF THE NORTH GREENVILLE UNIVERSITY BASEBALL TEAM FOR BEING NAMED 2010 NATIONAL CHRISTIAN COLLEGE ATHLETIC ASSOCIATION (NCCAA) WORLD SERIES MOST VALUABLE PLAYER, AND FOR LEADING HIS TEAM IN CAPTURING THE 2010 NCCAA WORLD SERIES NATIONAL CHAMPIONSHIP.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1514 -- Senator Scott: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR KARA GORMLEY AS SHE LEAVES WIS TELEVISION, AND TO WISH HER SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1522 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE RICHLAND SERTOMA CLUB FOR ITS OUTSTANDING COMMUNITY SERVICE AND SUPPORT THE 50TH ANNUAL SPORTSARAMA TO BE HELD ON AUGUST 14, 2010.

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

**H. 3541--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

Rep. HIOTT requested immediate consideration on the Senate amendments to the following Bill, which was agreed to:

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

Rep. HIOTT explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | 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 | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | T. R. Young |

**Total--111**

Those who voted in the negative are:

**Total--0**

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

**H. 4413--NONCONCURRENCE IN SENATE AMENDMENTS**

Rep. CHALK requested immediate consideration on the Senate Amendments to the following Bill, which was agreed to:

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

Rep. CHALK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 1; Nays 106

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Kennedy |  |  |

**Total--1**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Govan | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| McLeod | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Owens |
| Pinson | M. A. Pitts | 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 | Toole |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Willis | Wylie |
| T. R. Young |  |  |

**Total--106**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**S. 981--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

Rep. DANING requested immediate consideration on the Senate Amendments to the following Bill, which was agreed to:

S. 981 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 63-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS, SO AS TO PROVIDE THAT THE COURT MAY ORDER GRANDPARENT VISITATION IF THE COURT FINDS THAT THE CHILD'S PARENTS ARE DEPRIVING THE GRANDPARENT VISITATION WITH THE CHILD AND THAT THE PARENTS ARE UNFIT OR THAT THERE ARE COMPELLING CIRCUMSTANCES TO OVERCOME THE PRESUMPTION THAT THE PARENTAL DECISION IS IN THE CHILD'S BEST INTEREST.

Rep. DANING explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowers | Brady |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Cato | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Edge | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Haley | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| 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 |
| Parker | Pinson | 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 |
| T. R. Young |  |  |

**Total--112**

Those who voted in the negative are:

**Total--0**

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

**H. 3845--OBJECTION**

Rep. T. R. YOUNG requested immediate consideration on the Senate amendments to the following Bill:

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

Rep. WHIPPER objected.

**R. 278, H. 4250--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 7, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4250, R. 278, a bill that creates the Technical College of the Lowcountry Enterprise Campus Authority and the Horry-Georgetown Technical College Enterprise Campus Authority.

As we have said in the past, we support the technical colleges and their mission to educate students and train them for the workforce, and the two schools this Bill applies to have done and continue to do a great job for the people of South Carolina. Nonetheless, we are compelled to veto this legislation because of its ultimate cost to the taxpayers and far-reaching consequences in other areas of the State.

The Technical College System’s core mission is education, and we believe one of the keys to making technical education widely available is tied to keeping its cost affordable for working South Carolinians. Recently some campuses within the Technical System’s have increased size and cost with no significant increase in the quality of education. Over the last few years we have seen five campuses started around the State which have increased the cost of education for both taxpayers and students.

Some advocates of the Technical College System have justified these projects with the promise that they would eventually be funded with private dollars. Unfortunately this promise has not always been realized and, if past is prologue, it is unlikely that it will be realized with this legislation. Earlier this session, we vetoed a similar piece of legislation, citing the lack of success – and a lack of private funding – of projects such as University of South Carolina’s Innovista and Clemson’s Restoration Institute. In the case of Innovista, the problem is the buildings that were constructed using public dollars remain largely vacant, and USC lacks the additional private funding needed to complete the project. Innovista has yet to attract enough private capital to make the project a worthwhile expenditure of public funds, despite the fact that the promise of private investment was the project’s original justification.

Clemson’s Restoration Institute has endured a similar experience – it has yet to realize the promised private investment necessary to make this project worthwhile. We are concerned that supporting H. 4250 would put our State in the position of putting more public funds toward research buildings without sufficient ready-to-go private tenants or accompanying private investments. We believe it is time to replace involuntary taxpayer capital with voluntary private capital.

In the past we have questioned whether similar legislation was the best use of resources for schools given the current fiscal climate. This year, with over a $450 million shortfall in the state’s budget, it is even tougher to justify schools spending money outside their core mission of educating the students they serve. Next year’s budget scenario will be even more alarming, as nearly $1 billion in stimulus funding which has been used to fill gaps in the general fund budget dries up – meaning more cuts to higher education could be on the horizon.

In previous veto messages, we have stated that we would support legislation similar to H. 4250 if it contained certain assurances – such as commitments from private investors before construction begins, a cost-benefit analysis before taxpayer dollars are spent, and a dedicated revenue source before a project is started. This Bill contains none of these assurances and cannot guarantee that taxpayers’ money will not be wasted on projects that the private sector does not support.

Although we applaud the bill’s goals, we cannot support this legislation. We would be willing to reconsider our position during better economic times if the assurances outlined above are included.

For the reasons above, I am vetoing and returning without my approval H. 4250, R. 278.

Sincerely,

Mark Sanford

Governor

**R. 278, H. 4250--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 278) H. 4250 -- Reps. Erickson, Hodges and Littlejohn: AN ACT TO AMEND SECTION 59-53-2410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY AND THE HORRY-GEORGETOWN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | 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 | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | Sottile | Spires |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. H. B. BROWN a leave of absence for the remainder of the day, and week, due to constituent work in Fairfield and Chester Counties.

**R. 315, H. 3746--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 11, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3746, R. 315, which shortens the filing deadline for independent petition candidates for public office.

We are vetoing this Bill not only because it is unconstitutional, but also because it makes the filing process more cumbersome for would-be candidates. Specifically, H. 3746 requires a petition candidate to file with the State Election Commission no later than the party primary date in June in order to enter an election. Currently, these candidates can wait until after the June primary to decide whether to file a petition for office.

Twenty years ago, the Fourth Circuit Court of Appeals invalidated a similar law passed by the South Carolina General Assembly that outlined candidate filing periods unique to independent petition candidates. The court based its decision on the fact that independent candidates generally do not decide to run for office until after the primaries – meaning that requiring the candidates to file prior to the primaries would effectively shut these candidates out of political races. Given that we believe this Bill is bad public policy, not to mention the fact that we believe it’s unconstitutional, we are compelled to veto H. 3746.

We appreciate that the state has the right to set a deadline to ensure that the Election Commission has adequate time to process candidate filings properly. However, there is no need for the filing plan outlined in H. 3746. We ultimately cannot support a bill that would make the filing process more difficult and, in turn, result in incumbency protection.

For these reasons, I am vetoing and returning without my approval H. 3746, R. 315.

Sincerely,

Mark Sanford

Governor

**R. 315, H. 3746--GOVERNOR'S VETO SUSTAINED**

The Veto on the following Act was taken up:

(R. 315) H. 3746 -- Reps. Clemmons and Viers: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-11-75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST NOTIFY THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY NOON ON THE DAY OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION, AND TO PROVIDE REQUIREMENTS FOR PETITION CANDIDATES IN SPECIAL ELECTIONS; TO AMEND SECTION 7-11-80, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE NOMINATING PETITION AND WHEN THE PETITION MAY BE CIRCULATED AND SIGNED; TO AMEND SECTION 7-11-85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO PROVIDE FURTHER CRITERIA FOR A REGISTRATION BOARD TO FOLLOW WHEN VERIFYING SIGNATURES ON A PETITION; BY ADDING SECTION 7-11-95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION UNDER CERTAIN CONDITIONS, AND TO REQUIRE THE STATE ELECTION COMMISSION TO ESTABLISH A PROCESS TO VALIDATE SIGNATURES ON A PETITION; BY ADDING SECTION 7-11-100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY CONCERNING A NOMINATING PETITION MAY BE APPEALED TO THE STATE ELECTION COMMISSION UNDER THE PROCEDURES SET OUT IN THIS SECTION; TO AMEND SECTION 7-11-15, AS AMENDED, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN THE GENERAL ELECTION, SO AS TO REVISE THE TIME WHEN STATEMENTS OF INTENTION OF CANDIDACY MUST BE FILED AND WHEN REPORTS OF THESE STATEMENTS MUST BE MADE OR WHEN THESE STATEMENTS MUST BE FILED WITH ADDITIONAL ENTITIES; AND TO AMEND SECTION 7-13-45, AS AMENDED, RELATING TO DUTIES OF A COUNTY CHAIRMAN IN GENERAL ELECTION YEARS, SO AS TO FURTHER PROVIDE FOR THESE DUTIES INCLUDING REQUIREMENTS FOR PLACING LEGAL ADVERTISEMENTS AND WEBSITE NOTICES CONTAINING SPECIFIED INFORMATION REGARDING THE ELECTION.

Rep. CLEMMONS explained the Veto.

Rep. MCLEOD spoke in favor of the Veto.

Rep. GUNN spoke in favor of the Veto.

Rep. HAYES spoke against the Veto.

Rep. CLEMMONS spoke against the Veto.

Rep. GUNN spoke in favor of the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 64; Nays 48

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bowen | Brady | G. A. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Daning | Delleney | Edge |
| Erickson | Gambrell | Hardwick |
| Harrell | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Hosey | Jennings | Kelly |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stringer |
| Thompson | Umphlett | Viers |
| White | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--64**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Ballentine | Bowers | Branham |
| Brantley | R. L. Brown | Cobb-Hunter |
| Dillard | Forrester | Frye |
| Funderburk | Gilliard | Govan |
| Gunn | Haley | Harrison |
| Hart | Hodges | Howard |
| Huggins | Hutto | Jefferson |
| Kennedy | King | Kirsh |
| McEachern | McLeod | Miller |
| Millwood | Mitchell | J. H. Neal |
| Norman | Parks | Rutherford |
| Sellers | Simrill | G. M. Smith |
| J. E. Smith | Spires | Stavrinakis |
| Stewart | Toole | Weeks |
| Whitmire | Williams | Wylie |

**Total--48**

So, the Veto of the Governor was sustained and a message was ordered sent to the Senate accordingly.

**R. 276, H. 4174--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 7, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4174, R. 276, which prevents certain property transfers from triggering the requirement for a new property assessment for tax purposes.

The underlying details and larger concept behind H. 4174 have real merit because we do not believe state law should interfere with inter-family or inter-business transfers. However, we believe that any amendments to Act 388 should be dealt with in a comprehensive manner rather than through the kinds of piecemeal efforts this Bill represents.

In short, we believe this Bill is premature given the work that the Tax Realignment Commission (TRAC) is doing to examine our tax code, and that we should wait until TRAC has completed its efforts before attempting to revise our tax laws. Ultimately, we think this Bill’s contents should be incorporated into a broader tax reform bill.

Just two years ago, we vetoed similar legislation that would have exempted Sumter Country from the millage cap originally imposed by Act 388. Our objection at the time was that, despite the merits of exempting Sumter in an effort to protect Shaw Air Force Base from unwanted encroachment, exemptions have a tendency of growing exponentially as each group points to an existing exemption and ask, “if they could be exempted, why can’t we?” In this way, we believe the General Assembly’s original intent to limit the local tax burden would be undermined and the underlying balance of trade-offs incorporated into Act 388 would be thrown off-kilter with passage of a bill like H. 4174.

It’s important to remember that Act 388 originally capped property tax millage, limited property assessment increases, and imposed a statewide $.01 sales tax increase so that homeowners would no longer have to pay school operating expenses. In exchange, the General Assembly agreed that property would be reassessed any time there were certain property transfers. What all this means is that if we’re going to look at changing portions of Act 388, then we should do so on a comprehensive basis rather than a piecemeal approach that may well further complicate policymakers’ broader tax reform efforts.

For these reasons, I am vetoing and returning without my approval H. 4174, R. 276.

Sincerely,

Mark Sanford

Governor

**R. 276, H. 4174--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 276) H. 4174 -- Reps. Harvin, Bales, Harrison, G. M. Smith and Wylie: AN ACT TO AMEND SECTION 12-37-3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE APPRAISED AS A RESULT OF AN ASSESSABLE TRANSFER OF INTEREST AND RELATING TO THOSE TRANSFERS THAT DO NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST, SO AS TO FURTHER PROVIDE FOR THOSE TRANSFERS, CONVEYANCES, AND DISTRIBUTIONS THAT DO NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN REAL PROPERTY, AND FOR THE TERMS, CONDITIONS, AND REQUIREMENTS OF SUCH TRANSACTIONS; AND TO AMEND SECTION 12-37-3140, AS AMENDED, RELATING TO THE DETERMINATION OF FAIR MARKET VALUE OF REAL PROPERTY FOR PROPERTY TAX PURPOSES, SO AS TO PROVIDE THAT THE FIFTEEN PERCENT LIMITATION ON THE INCREASE IN THE FAIR MARKET VALUE OF REAL PROPERTY AS A RESULT OF A COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAM MUST BE CALCULATED ON THE LAND AND IMPROVEMENTS AS A WHOLE.

Rep. COOPER explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Brady | Branham |
| Brantley | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Haley | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | 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 | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--108**

Those who voted in the negative are:

**Total--0**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**R. 272, H. 3790--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 7, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3790, R. 272, which changes the state’s mortgage lending licensure statute in a way that favors one particular mortgage lending company and amends the consumer protection code in response to activities by some payday lenders.

About this time last year, we allowed a bill to become law that created a licensure system for our state’s mortgage lending industry. Although we have typically opposed the practice of creating new licensing programs, we allowed the Bill to become law because of the threat of expanded federal regulation over our state’s mortgage lending industry. Although this type of regulation is intended to protect the public, these kinds of laws ultimately decrease the number and type of available financing options and make it harder for new lenders to enter the market. In other words, consumers have fewer choices and the available options become more expensive.

We object to H. 3790 for two reasons. First, this Bill changes the current mortgage lending system in a way that favors a single mortgage lender. The current mortgage lender licensure scheme requires mortgage loan originators to obtain a license from the South Carolina Department of Consumer Affairs after paying a $750 fee, and requires each of the mortgage company’s employees to obtain licenses for $50. However, if a mortgage company hires independent contractors instead of employees, each contractor must be individually licensed and must pay the normal licensing fee of $750.

H. 3790 changes the current regulatory scheme by allowing independent contracts to obtain licenses by paying a $50 fee, but the rules determining which contractors qualify for the reduced fee are drafted in such a way that only one of the nearly two hundred mortgage companies in South Carolina benefits from the change. If the General Assembly believes the mortgage loan industry would benefit from a decrease in filing fees, as we suspect they might, then the General Assembly should enact a law that applies equally to all independent contractors – not only to those working for one particular company.

Second, we object to H. 3790 because the provisions preventing payday-style lenders from being licensed as “supervised lenders” – and preventing supervised lenders from offering payday-style loans – will limit the financing options available to consumers. When we vetoed the payday lending legislation last year, we carefully explained why we thought restrictions on a particular financial industry would harm consumers. In short, some people will benefit from payday-style loans and some will not, and we continue to believe that individual consumers are better equipped than a government bureaucracy to know whether a short-term loan is a wise decision in any given circumstance.

For these reasons, I am vetoing and returning without my approval H. 3790, R. 272.

Sincerely,

Mark Sanford

Governor

**R. 272, H. 3790--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 272) H. 3790 -- Rep. Sandifer: AN ACT TO AMEND SECTION 40-58-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN DEFINITIONS PERTAINING TO THE LICENSURE OF MORTGAGE BROKERS, SO AS TO DEFINE A "QUALIFIED LOAN ORIGINATOR"; TO AMEND SECTION 40-58-50, AS AMENDED, RELATING TO QUALIFIED LOAN ORIGINATORS, SO AS TO REQUIRE LICENSURE FOR A QUALIFIED LOAN ORIGINATOR, TO PROVIDE APPLICATIONS PROCEDURES AND QUALIFICATION REQUIREMENTS; TO AMEND SECTION 37-3-501, AS AMENDED, RELATING TO THE DEFINITION OF A SUPERVISED LOAN, SO AS TO PROVIDE EXCEPTIONS TO THIS DEFINITION; AND TO AMEND SECTION 37-3-503, RELATING TO A LICENSE TO MAKE A SUPERVISED LOAN, SO AS TO PROHIBIT A PERSON LICENSED TO MAKE A SUPERVISED LOAN FROM ENGAGING IN CERTAIN CLOSED-END CREDIT TRANSACTIONS, AND TO PROVIDE GRADUATED PENALTIES FOR VIOLATIONS.

Rep. SANDIFER explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 103; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| R. L. Brown | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Herbkersman | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Pinson | 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 | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--103**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Haley | Kennedy | Millwood |
| Norman |  |  |

**Total--4**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**R. 329, H. 4542--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 11, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4542, R. 329, which seeks to clarify rules regarding when ethics investigations of all public officials, except legislators, may become public record and to clarify the authority of the legislative ethics committees regarding determinations of technical violations.

We’re vetoing this Bill on the grounds that what is good for the goose is good for the gander. We shouldn’t have two ethics processes, one for legislators and another for everyone else in the State. Allowing this Bill to become law would perpetuate this inequitable dual system.

Section 1 of this Bill requires ethics investigations, inquiries, hearings and accompanying documents of all public officials, ***except legislators***, to become public record after a finding of probable cause or dismissal rather than at the final disposition of the investigation. Section 8-13-540(1)(b) which relates only to ethics rules for legislative ethics committees states that “[a]ll ethics committee investigations and records relating to the preliminary investigation are confidential.” This law was not amended, and continues to allow the entire record of the investigation of a legislator subject to an ethics complaint to remain confidential. But for the unfair exclusion of members of the General Assembly, I would ***fully support*** this effort to clarify ethics confidentiality rules. However, there is absolutely no reasonable justification for allowing ethics investigations of legislators to remain confidential, while every other public official subject to an ethics investigation must rightly follow more open and transparent ethics rules.

Section 2 of this Bill clarifies and expands the authority of legislative ethics committees to determine whether errors on campaign reports are technical violations. I continue to believe that allowing legislators to police themselves, whether it is for technical errors or serious violations, presents obvious conflicts of interest. In 2008, I vetoed S. 1085 which sought to expand the enforcement powers of legislative ethics committees because I believe that the current system of legislative law enforcement is fundamentally flawed when it puts legislators in the awkward position of having to enforce ethics laws against fellow legislators and their own staff. I said then and I continue to believe now that even with the most objective and principled of ethics committee members, it is difficult to avoid the appearance of a biased and predisposed enforcement system in the eyes of the public, which I believe diminishes the integrity of the ethics process.

I would again urge the General Assembly to apply the same rules it has applied to the Executive Branch to itself and create a more fair, transparent and objective process for opening ethics investigations and enforcing ethics laws of its own members.

For these reasons, I am vetoing and returning without my approval H. 4542, R. 329.

Sincerely,

Mark Sanford

Governor

**R. 329, H. 4542--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 329) H. 4542 -- Reps. Harrison, Weeks and McLeod: AN ACT TO AMEND SECTION 8-13-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE; AND TO AMEND SECTION 8-13-1372, AS AMENDED, RELATING TO THE AUTHORITY OF STATE ETHICS COMMISSION TO DETERMINE THAT ERRORS OR OMISSIONS ON CAMPAIGN REPORTS ARE INADVERTENT AND MAY BE HANDLED AS TECHNICAL VIOLATIONS, SO AS TO CHANGE REFERENCES OF THE STATE ETHICS COMMISSION TO THE APPROPRIATE SUPERVISORY OFFICE.

Rep. HARRISON explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 102; Nays 2

Those who voted in the affirmative are:

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

**Total--102**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy | King |  |

**Total--2**

So, the Veto of the Governor was sustained and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I agree with the intent of H. 4542 but I also believe that it should apply to all elected officials.

Rep. Nikki Haley

**R. 283, H. 4715--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 7, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4715, R. 283, which directs the Budget and Control Board to transfer ownership of the National Guard Armory in Jefferson to the County of Chesterfield.

This administration has consistently opposed the practice of simply giving away surplus state property because doing so deprives state taxpayers of both the value of that property and a clear understanding of what government really costs. When property is given to another arm of government, the real cost to the entity receiving the gift is underrepresented and the real cost to the government giving the gift is overstated. To make prudent decisions in government, I believe it is important to operate with real numbers. It is especially troubling that the State is continuing this practice at a time when state revenues have decreased so dramatically.

As a member of Congress in 1999, I offered an amendment to the National Defense Authorization Act that would have stopped the Defense Department’s practice of giving away surplus equipment to local governments. Since I became governor, this administration has not supported bills similar to H. 4715, vetoing conveyances of National Guard armories to Inman, Jonesville, Lockhart, Bamberg and Lake City. Ultimately, the principles of prudent property management and government transparency require that the State receive fair compensation in return for the transfer of any surplus state property.

Although Chesterfield County might use the property for a beneficial purpose, as has been the argument for these kinds of transfers in the past, the practice of simply giving away state property does nothing to protect the taxpayers’ investment or provide greater clarity into the real cost of state, county or local budgeting practices. We’ve long held the position that state assets should not simply be given to local jurisdictions, even for the most well-intentioned uses – which is precisely what this Bill does. We maintain our position in this case, and we believe that the State should place the property for sale as required by general state law.

Therefore, I am vetoing and returning without my approval H.4715, R. 283.

Sincerely,

Mark Sanford

Governor

**R. 283, H. 4715--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 283) H. 4715 -- Rep. Vick: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF JEFFERSON NATIONAL GUARD ARMORY IN JEFFERSON, SOUTH CAROLINA, TO THE COUNTY OF CHESTERFIELD.

Rep. JENNINGS explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 3; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Jennings | Lucas | Neilson |

**Total--3**

Those who voted in the negative are:

**Total--0**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**R. 323, H. 4187--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 11, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4187, R. 323, which deletes the 25-year maximum time period for leases between local airports and private parties.

It goes without saying and has been long demonstrated over the tenure of this administration that we are fans of private investment and private activity over the work of government. In this regard, we applaud the spirit of this Bill. We’re also fans of the marketplace and open competition, and for this reason I’m compelled to veto this Bill which would add five years on lease periods.

We do so because in many instances there is but one Fixed Based Operator (FBO) at many airports across our State. In that regard, they are sanctioned monopolies for the operations of many county airports. In other cases there have been attempts to roll up several FBO operations in a given city or county with multiple airports, some argue to impact fuel or other pricing. Given this hypothetical threat to the consumer, we believe leaving the maximum lease timing at 25 years is prudent collectively for airports across our State, as this allows for a greater possibility of new entrants and operators.

For this reason, I am vetoing and returning without my approval H. 4187, R. 323.

Sincerely,

Mark Sanford

Governor

**R. 323, H. 4187--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 323) H. 4187 -- Reps. White and Kirsh: AN ACT TO AMEND SECTION 55-9-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS THAT AN ENTITY HAS TO ESTABLISH AN AIRPORT OR LANDING FIELD OR TO ACQUIRE, LEASE, OR SET APART PROPERTY FOR THAT PURPOSE, SO AS TO DELETE A PROVISION THAT LIMITS THE TERM OF A LEASE OF AIRPORTS OR LANDING FIELDS TO PRIVATE PARTIES FOR OPERATION AND A PROVISION THAT LIMITS THE TERM THAT AN ENTITY MAY ASSIGN TO PRIVATE PARTIES THE OPERATION SPACE, AREA, IMPROVEMENTS AND EQUIPMENT ON AN AIRPORT OR LANDING FIELD.

Rep. WHITE explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 105; Nays 1

Those who voted in the affirmative are:

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

**Total--105**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Norman |  |  |

**Total--1**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**R. 322, H. 4172--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 11, 2010

The Honorable Robert W. Harrell, Jr., Speaker

South Carolina House of Representatives

508 Blatt Building

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4172, R. 322, which allows local government employees to buy back furlough days for the purposes of retirement. Unfortunately, we’re compelled to veto this Bill because its net effect would further compound our State’s precarious financial position with regard to the State Retirement System.

The interface between state and local workers with regard to retirement needs to be examined in its entirety before a bill like this is passed. Presently municipal and local government employees can purchase time for retirement at half the cost of a state employee. Given the actuarial imbalance that I’ll outline in the paragraphs below, any appendage to this system only worsens our State’s $12 billion unfunded liability. In short, I am vetoing this Bill because the State simply cannot afford to take on any more obligations to its underfunded retirement system – no matter how merited or small.

Approximately 80 percent of public employees nationally receive benefits from pension plans with guaranteed pension payments, while private sector employees receive benefits from their 401(k) accounts which grow or shrink according to market performance. Because political pressures and economic reality so often conflict, states all across the nation are coming to terms with the fact that they currently lack funds to fulfill political promises to state retirees. In fact, hedge fund manager and New Jersey Retirement System Director Orin Kramer estimates that the national pension fund deficit is at least $2 trillion. According to statements by professors from the University of Chicago and Northwestern University in a recent *Barron*’s article, state pension funds have a one-in-twenty chance of meeting their obligations over the next 15 years. Because of this massive deficit, state leaders must now come to terms with the fact that the current systems are unsustainable, and must choose between cutting retirement benefits, cutting government services, or dramatically increasing taxes in an effort to bring some sanity to states’ budgets.

South Carolina is no exception.

The Budget and Control Board contracted with an outside accounting firm to conduct an Actuarial Valuation of the liabilities associated with the state’s retirement system in 2009. According to the valuation, which we received just within the last few weeks, the state’s unfunded liability for future retirement benefits of state employees is over $12 billion. We believe that if state retirement accounts were subject to the same valuation and accounting standards that are applied to private retirement accounts, then the long-term deficit figure would be substantially higher. We simply cannot support an effort to increase the retirement system’s obligation – no matter how valid – until the General Assembly addresses the larger question of how we’re going to uphold our bargain with retirees while not dramatically increasing taxes or eliminating important government services.

It’s only natural that the General Assembly wants to help local employees in this instance, but South Carolina taxpayers and people currently in the system are depending on us to be prudent administrators of a sustainable plan. With the South Carolina Retirement System currently more than $12 billion in debt, we believe the State must address our existing challenges before even contemplating proposals that would make this task any more difficult. Otherwise, we are simply digging a deeper hole.

For this reason, I am vetoing and returning without my approval H. 4172, R. 322.

Sincerely,

Mark Sanford

Governor

**R. 322, H. 4172--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 322) H. 4172 -- Reps. Forrester and Wylie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-1-180 SO AS TO PROVIDE FOR THE MANNER IN WHICH A COUNTY GOVERNING BODY MAY INSTITUTE AN EMPLOYEE FURLOUGH PROGRAM, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT PRECLUDE A COUNTY FROM IMPLEMENTING OTHER FURLOUGH PROGRAMS NOT IN CONFORMITY WITH THE REQUIREMENTS OF THIS SECTION.

Rep. FORRESTER explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 97; Nays 9

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Erickson | Forrester |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | King | Kirsh |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Ballentine | Bedingfield |
| Millwood | Nanney | Norman |
| G. M. Smith | Stewart | Viers |

**Total--9**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**R. 336, H. 4966--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 11, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4966, R. 336, which allows the Kershaw County School District to issue general obligation bonds to cover operating expenses as a result of expected operating deficits in FY 2011 and FY 2012.

We are sympathetic to the difficulty in which this school district, and others like it, find themselves, but we are compelled to do as we have done in the past and veto this legislation. It breaks a cardinal rule of prudent finance. Bonded indebtedness should not be used by school districts to fund operating expenditures because an absolute rule of sustainable financial management is that you do not fund short-term operations with long-term debt. States like California have attempted to do so and it has come with disastrous consequences.

Doing so in this instance will invite the same consequences over time to our State.

For this reason, I am vetoing and returning without my approval H. 4966, R. 336.

Sincerely,

Mark Sanford

Governor

**R. 336, H. 4966--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R336) H. 4966 -- Rep. Funderburk: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF KERSHAW COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL 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.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 2; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Funderburk | Gunn |  |

**Total--2**

Those who voted in the negative are:

**Total--0**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1372:

(R. 338) S. 1372 -- Senator Leventis: AN ACT TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO PROVIDE THAT THE CHAIRMAN AND OTHER OFFICERS OF THE BOARD OF THE CONSOLIDATED DISTRICT SHALL SERVE TWO-YEAR TERMS; TO PROVIDE THAT THE SUPERINTENDENT OF THE CONSOLIDATED SCHOOL DISTRICT SHALL SELECT AND APPOINT AN ASSISTANT SUPERINTENDENT; TO AUTHORIZE THE BOARDS OF TRUSTEES OF SUMTER SCHOOL DISTRICTS 2 AND 17 TO ISSUE GENERAL OBLIGATION BONDS OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES UP TO THE CONSTITUTIONAL DEBT LIMIT OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES, TO PROVIDE 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 BONDS; AND TO PROVIDE THAT FUNDING FOR THE BOARD BEFORE THE INDIVIDUAL SCHOOL DISTRICTS ARE ABOLISHED MUST BE PROVIDED FROM OPERATING FUNDS AVAILABLE TO THE INDIVIDUAL SCHOOL DISTRICTS.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators Leventis and Bryant, in lieu of Senators Hutto and Campbell, to the Committee of Conference on the part of the Senate on S. 1051:

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 SETBACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE, WHICH IS EXEMPT FROM THE PROVISIONS THAT DO NOT ALLOW NEW EROSION CONTROL STRUCTURES SEAWARD OF THE SETBACK LINE AND TO PROVIDE THAT THE BASELINE OF THIS ISLAND IS AT THE LANDWARD EDGE OF THE EROSION CONTROL DEVICE AND THAT THE SETBACK LINE IS TWENTY FEET LANDWARD OF THE BASELINE; AND BY ADDING SECTION 48-39-45 SO AS TO CREATE THE COASTAL ZONE MANAGEMENT ADVISORY COUNCIL TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL’S OFFICE OF OCEAN AND COASTAL RESOURCES MANAGEMENT AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES IN IMPLEMENTING THE SOUTH CAROLINA COASTAL ZONE MANAGEMENT ACT.

Very respectfully,

President

Received as information.

**LEAVE OF ABSENCE**

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

**H. 4478--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 4478:

H. 4478 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D. C. Moss, Horne, Skelton, V. S. Moss, Bannister, Whitmire, Toole, J. R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Huggins, Kelly, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J. M. Neal, Norman, Ott, Parker, Parks, Pinson, M. A. Pitts, Rice, Scott, Simrill, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A. D. Young, T. R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE "SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010" INCLUDING PROVISIONS TO AMEND SECTION 2-75-30, AS AMENDED, RELATING TO RESEARCH CENTERS OF EXCELLENCE MATCHING ENDOWMENTS, SO AS TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 2-75-50, AS AMENDED, RELATING TO APPLICATION REQUIREMENTS FOR AN AWARD FROM THE CENTERS OF EXCELLENCE MATCHING ENDOWMENT, SO AS TO CLARIFY WHAT THE CONTENTS OF AN APPLICATION TO THE REVIEW BOARD MUST CONTAIN; TO AMEND SECTION 4-12-30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-67, AS AMENDED, 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, AND TO DELETE A PROVISION REQUIRING THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-68, AS AMENDED, RELATING TO SPECIAL SOURCE REVENUE BONDS WHICH MAY BE ISSUED BASED ON THE RECEIPT OF CERTAIN REVENUES, SO AS TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR THE ALLOCATION, REALLOCATION, AND ISSUANCE OF FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 4-29-10, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF "PROJECT" TO INCLUDE RECOVERY ZONE PROPERTY AS DEFINED BY FEDERAL LAW; TO AMEND SECTION 12-6-530, RELATING TO THE CORPORATE INCOME TAX, SO AS TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN-YEAR PERIOD IN INTERVALS OF ONE-HALF PERCENT PER YEAR; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO JOB TAX CREDITS, SO AS TO REVISE THE DESIGNATION TERMINOLOGY FOR COUNTIES COMING WITHIN SPECIFIC CLASSIFICATIONS, TO FURTHER PROVIDE FOR THE CRITERIA FOR DETERMINING HOW COUNTIES FALL WITHIN CERTAIN TIERS, AND TO REVISE SPECIFIC TERMS OR DEFINITIONS USED FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 12-6-3375, AS AMENDED, RELATING TO TAX CREDITS FOR PORT CARGO VOLUME INCREASES, SO AS TO REVISE THE MANNER IN WHICH TAX CREDIT ALLOCATIONS ARE DETERMINED AND THE AMOUNT OF THE CREDITS WHICH MAY BE ALLOCATED TO A QUALIFYING TAXPAYER; TO AMEND SECTION 12-10-30, AS AMENDED, RELATING TO DEFINITIONS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THE DEFINITIONS OF "EMPLOYEE" AND "PROJECT"; TO AMEND SECTION 12-10-50, AS AMENDED, RELATING TO QUALIFICATIONS FOR BENEFITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THESE QUALIFICATIONS AND TO FURTHER PROVIDE FOR WHAT A BUSINESS MUST DO TO MEET THESE QUALIFICATIONS; TO AMEND SECTION 12-10-60, AS AMENDED, RELATING TO REVITALIZATION AGREEMENTS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO FURTHER PROVIDE FOR THE TERMS, CONDITIONS, AND APPLICATION OF THESE REVITALIZATION AGREEMENTS, PROVIDE FOR WHEN SUCH AN AGREEMENT MUST BE EXECUTED, AND PERMIT THE ASSIGNMENT OF ENTERPRISE PROGRAM BENEFITS UNDER CERTAIN CONDITIONS; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXPAND ELIGIBLE EXPENDITURES WHICH QUALIFY FOR THE CREDIT, TO CAP THE AMOUNT OF THE CREDITS PER JOB PER YEAR, TO REVISE CERTAIN TERMINOLOGY TO CONFORM TO EARLIER CHANGES HEREIN, TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THESE CREDITS MAY BE CLAIMED AND THE MANNER OF THE DETERMINATION OF CERTAIN FACTORS NECESSARY TO QUALIFY FOR THE CREDITS, AND TO PROVIDE FOR THE SUSPENSION OF THE CREDITS UNDER CERTAIN CONDITIONS AND FOR WHEN THE CREDITS MAY BE CLAIMED; TO AMEND SECTION 12-10-85, AS AMENDED, RELATING TO THE PURPOSE AND USE OF STATE RURAL INFRASTRUCTURE FUNDS, SO AS TO REVISE THE PURPOSES FOR WHICH THESE FUNDS MAY BE USED AND THEIR AVAILABILITY; TO AMEND SECTION 12-14-20, RELATING TO THE PURPOSES OF THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THESE PURPOSES; TO AMEND SECTION 12-14-60, AS AMENDED, RELATING TO INVESTMENT TAX CREDITS UNDER THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THE AMOUNT OF THE CREDITS, THE QUALIFYING CRITERIA FOR THE CREDITS, AND FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO THESE CREDITS; TO AMEND SECTION 12-15-10, RELATING TO THE CITATION OF THE SOUTH CAROLINA LIFE SCIENCES ACT, SO AS TO CHANGE THE CITATION; TO AMEND SECTION 12-15-20, RELATING TO DEFINITIONS UNDER THE RENAMED LIFE SCIENCES AND RENEWABLE ENERGY MANUFACTURING ACT, SO AS TO DEFINE THE TERM "RENEWABLE ENERGY MANUFACTURING FACILITY"; TO AMEND SECTION 12-15-30, RELATING TO QUALIFICATIONS OF CERTAIN EXPENSES UNDER THE ENTERPRISE ZONE ACT, PROCEDURES FOR WAIVERS, AND THE DURATION OF THESE PROVISIONS, SO AS TO EXPAND THE TYPES OF FACILITIES THAT QUALIFY AND THE DURATION OF THESE PROVISIONS; TO AMEND SECTION 12-15-40, RELATING TO INCOME TAX ALLOCATION AND APPORTIONMENT AGREEMENTS BETWEEN THE DEPARTMENT OF REVENUE AND TAXPAYERS ESTABLISHING A LIFE SCIENCES FACILITY, SO AS TO EXPAND THE TYPES OF FACILITIES TO WHICH THIS PROVISION APPLIES; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO CREDITS AGAINST ITS CORPORATE LICENSE TAX LIABILITY FOR A COMPANY WHO PAYS CASH FOR INFRASTRUCTURE FOR AN ELIGIBLE PROJECT, SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY FOR THE CREDIT UNDER CERTAIN CIRCUMSTANCES OR THE CONTINUATION OF THE CREDIT; TO AMEND SECTION 12-28-2910, AS AMENDED, RELATING TO THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO AUTHORIZE THE COUNCIL TO EXPEND CERTAIN FUNDS FOR SPECIFIED PURPOSES UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 12-37-930, RELATING TO VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES AND DEPRECIATION ALLOWANCES FOR MANUFACTURERS, MACHINERY, AND EQUIPMENT, SO AS TO INCLUDE MACHINERY AND EQUIPMENT OF A RENEWABLE ENERGY MANUFACTURING FACILITY WITHIN THE DEPRECIATION ALLOWANCES ALLOWED FOR MACHINERY AND EQUIPMENT OF A LIFE SCIENCES FACILITY, AND TO DEFINE WHAT IS A QUALIFYING FACILITY; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSIFICATION OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, SO AS TO PROVIDE THAT REAL PROPERTY OWNED BY OR LEASED TO A MANUFACTURER AND USED PRIMARILY RATHER THAN EXCLUSIVELY FOR WAREHOUSING AND WHOLESALE DISTRIBUTION IS NOT CONSIDERED USED BY THE MANUFACTURER IN THE CONDUCT OF ITS BUSINESS FOR PROPERTY TAX CLASSIFICATION PURPOSES; 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; 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; TO AMEND SECTION 12-44-50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FEE AGREEMENT UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 12-44-130, AS AMENDED, RELATING TO MINIMUM INVESTMENTS TO QUALIFY FOR A FEE AND OTHER REQUIREMENTS, SO AS TO CORRECT A REFERENCE; AND TO REPEAL SECTION 12-6-3450 RELATING TO AN INCOME TAX CREDIT FOR PERSONS TERMINATED FROM EMPLOYMENT AS A RESULT OF THE CLOSING OR REALIGNMENT OF A FEDERAL MILITARY INSTALLATION, SECTION 12-10-88 RELATING TO REDEVELOPMENT FEES IN REGARD TO CLOSED OR REALIGNED MILITARY INSTALLATIONS, SECTIONS 12-14-30, 12-14-40, 12-14-50, AND 12-14-70 RELATING TO ECONOMIC IMPACT ZONES AND ALLOWABLE DEDUCTIONS AGAINST SOUTH CAROLINA TAXABLE INCOME IN REGARD TO THESE ECONOMIC IMPACT ZONES.

and asks for a Committee of Conference and has appointed Senators Leatherman, Land and O'Dell to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. BINGHAM, MERRILL and HAMILTON to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**H. 3418--CONFERENCE REPORT ADOPTED**

Debate was resumed on the following Conference Report, cloture having been ordered:

**H. 3418--Conference Report**

The General Assembly, Columbia, S.C., June 3, 2010

The COMMITTEE OF CONFERENCE, to whom was referred:

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

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer’s Version 02/03/10.)

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

/ SECTION 1. Section 7‑13‑710 of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

“Section 7‑13‑710. (A) When ~~any~~ a person presents himself to vote, he shall produce ~~his~~ a valid and current:

(1) South Carolina driver’s license; ~~or~~

(2) other form of identification containing a photograph issued by the Department of Motor Vehicles; ~~,if he is not licensed to drive, or the written notification of registration provided for by Sections 7‑5‑125 and 7‑5‑180 if the notification has been signed by the elector~~

(3) passport;

(4) military identification containing a photograph issued by the federal government;

(5) employee identification card containing a photograph of the voter, which is issued by the federal government; or

(6) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7-5-675.

~~If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail.~~

(B) After presentation of the required identification described in subsection (A), ~~his~~ the elector’s name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed ‘Names of Voters’. Before ~~any~~ a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter’s oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter’s driver’s license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

(C)(1) If the elector cannot produce the identification as required in subsection (A), he may cast a provisional ballot that is counted only if the elector brings a valid and current photo identification to the county board of registration and elections prior to certification of the election by the county board of canvassers.

(2) If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the elector may cast a provisional ballot. A determination of that provisional ballot must be made in accordance with Section 7‑13‑830.

(D)(1)(a) If an elector does not produce a valid and current photograph identification due to a religious objection to being photographed, he may complete an affidavit under penalty of perjury at the polling place and affirm that the elector:

(i) is the same individual who personally appeared at the polling place;

(ii) cast the provisional ballot on election day; and

(iii) has a religious objection to being photographed.

Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections prior to certification of the election by the county board of canvassers.

(b) If an elector does not produce a valid and current photograph identification because the elector suffers from a reasonable impediment that prevents the elector from obtaining photograph identification, he may complete an affidavit under the penalty of perjury at the pollingplace and affirm that the elector:

(i) is the same individual who personally appeared at the polling place;

(ii) cast the provisional ballot on election day; and

(iii) the elector suffers from a reasonable impediment that prevents him from obtaining photograph identification.

The elector must also list the impediment, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections prior to certification of the election by the county board of canvassers.

(2) If the county board of registration and elections determines that the voter was challenged solely for the inability to provide proof of identification, and the required affidavit is submitted, the county board of registration and elections shall find that the provisional ballot is valid, unless the board has grounds to believe the affidavit is false.

(3) If the county board of registration and elections determines that the voter has been challenged for a cause other than the inability to provide proof of identification, as required by subsection (A), the county board of registration and elections shall:

(a) note on the envelope containing the provisional ballot that the voter complied with the proof of identification requirement; and

(b) proceed to determine the validity of the remaining challenges before ruling on the validity of the provisional ballot.”

SECTION 2. Section 7‑5‑125 of the 1976 Code, as added by Act 507 of 1988, is amended to read:

“Section 7‑5‑125. (A) ~~Any~~ A person who applies for registration to vote and is found to be qualified by the county board of registration to whom application is made must be issued a written notification of registration. This notification must be on a form prescribed and provided by the State Election Commission.

(B) If an elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail.”

SECTION 3. Section 56‑1‑3350 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

“Section 56‑1‑3350. (A) Upon application by ~~any~~ a person five years of age or older who is a resident of South Carolina, the Department of Motor Vehicles shall issue a special identification card, as long as:

(1) the application is made on a form approved and furnished by the department; and

(2) the applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth.

(B)(1) The fee for the issuance and renewal of the special identification card is five dollars ~~and~~ for a person between the ages of five and sixteen years.

(2) An identification card must be free to a person aged seventeen years or older.

(C) The identification card expires five years from the date of issuance. ~~The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section “indigent” means a person who is qualified for legal assistance which is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence or an individual who has a primary nighttime residence that is:~~

~~(a)~~ ~~a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;~~

~~(b)~~ ~~an institution that provides a temporary residence for individuals intended to be institutionalized; or~~

~~(c)~~ ~~a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.~~

~~The term does not include any individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility which provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities which are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.~~

(D) Special identification cards issued to persons under the age of twenty‑one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty‑one.

(E) The fees collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~Fees and Penalties~~ ~~General Fund~~ ~~Department of~~

~~Collected After~~ ~~of the State~~ ~~Transportation~~

~~State~~ ~~Non-Federal Aid~~

~~Highway Fund~~

~~June 30, 2005~~ ~~60 percent~~ ~~40 percent~~

~~June 30, 2006~~ ~~20 percent~~ ~~80 percent~~

~~June 30, 2007~~ ~~0 percent~~ ~~100 percent~~.”

SECTION 4. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Notwithstanding the provision of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) An early voting center must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at the early voting center in the county in which he resides.

(D) Each county board of registration and elections must establish one early voting center. The early voting center must be supervised by election commission employees who shall serve as poll managers.

(E) The early voting period begins ten days before an election and ends three days prior to the election.

(F) The county board of registration and elections must determine the hours of operation and location for an early voting center. However, the early voting center must be open at least one Saturday within the early voting period for statewide primaries and general elections.

(G) A sign must be posted prominently in an early voting center and must have printed on it ‘VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSONMUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS’.”

SECTION 5. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 253 of 2006, is further amended to read:

“(C) The executive director shall:

(1) maintain a complete master file of all qualified electors by county and by precincts;

(2) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

(3) enter names on the master file as they are reported by the county registration boards;

(4) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(5) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

(6) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(7) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

(8) obtain information from any other source which may assist him in carrying out the purposes of this section;

(9) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(10) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(11) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993; ~~and~~

(12) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the United States Code, Title 42, Section 1973ff, et seq; and

(13) enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.”

SECTION 6. Section 7‑15‑320 of the 1976 Code, as last amended by Act 25 of 1997, is further amended to read:

“Section 7‑15‑320 .(A) A qualified elector may vote during the early voting period, pursuant to Section 7‑13‑25.

(B) A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections when he is absent from his county of residence on election day during the hours the polls are open, to an extent that it prevents him from voting in person except that physically disabled persons, certified poll watchers, poll managers, county voter registration board members and staff, and county election commission members and staff working on election day, a person admitted to a hospital as an emergency patient on the day of an election or within a four day period before an election, and persons whose employment obligations required that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board, and persons confined to a jail or pre‑trial facility pending disposition of arrest or trial may vote by absentee ballot whether or not absent from their county of residence:

(1) students, their spouses, and dependents residing with them;

(2) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;

(3) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

(4) persons in employment;

(5) physically disabled persons;

(6) governmental employees, their spouses, and dependents residing with them;

(7) electors with a death or funeral in the family within a three day period before the election;

(8) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day);

(9) certified poll watchers, poll managers, county voter registration board members and staff, countyand state election commission members and staff working on election day;

(10) overseas citizens;

(11) persons attending sick or physically disabled persons;

(12) persons admitted to hospitals as emergency patients on the day of an election or within a four day period before the election;

(13) persons who will be serving as jurors in a state or federal court on election day;

(14) persons sixty‑five years of age or older;

(15) persons confined to a jail or pre‑trial facility pending disposition of arrest or trial.”

SECTION 7. Section 7‑15‑330 of the 1976 Code, as last amended by Act 193 of 1989, is further amended to read:

“Section 7-15-330. (A) To vote by absentee ballot, a qualified elector or a member of his immediate family, as defined by Section 7‑15‑310(8), must request an application to vote by absentee ballot in person, by telephone, or by mail from the county registration board~~, or at an extension office of the board of registration as established by the county governing body,~~ for the county of the voter’s residence. ~~A person requesting an application for a qualified elector as the qualified elector’s authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of registration until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later.~~  ~~A candidate or a member of a candidate’s paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family.~~

(B) A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county registration board in person or by mail before ~~five P.M.~~ 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of registration until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four day period before the election may obtain an application from the registration board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of registration. (C) The board of registration shall serially number each absentee ballot application form and keep a record ~~book~~ ~~in which must be recorded~~ of the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; and the date upon which the form is issued. This information becomes ~~a~~ public record at ~~nine A.M.~~ 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election.

(D) A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.”

SECTION 8. Section 7‑15‑385 of the 1976 Code, as last amended by Act 416 of 1996, is further amended to read:

“Section 7‑15‑385.(A) Upon receipt of the ballot or ballots, the absentee ballot applicant ~~must~~ shall mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’, which in turn must be placed in the return‑addressed envelope. The applicant ~~must~~ shall then return the return‑addressed envelope to the board of registration by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of registration at the time the envelope is returned. The voter ~~must~~ shall sign the form, or ~~in the event~~ if the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~ shall make his mark and have the mark witnessed by someone designated by the voter. The authorization must be preserved as part of the record of the election, and the board of registration ~~must note~~ shall record the authorization and the name of the authorized returnee ~~in the record book~~ as required by Section 7‑15‑330.

(B) A candidate or a member of a candidate’s paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not permitted to serve as an authorized returnee for ~~any~~ a person unless the person is a member of the voter’s immediate family as defined in Section 7‑15‑310.

(C) The oath ~~set forth~~ provided for in Section 7‑15‑380 must be signed and witnessed on each returned envelope. The board of registration ~~must~~ shall record, ~~in the record book~~ as required by Section 7‑15‑330, the date the return‑addressed envelope with witnessed oath and enclosed ballot or ballots is received by the board.

(D) The board ~~must~~ securely shall store the envelopes in a locked box within the office of the registration board.”

SECTION 9. Section 7‑1‑25 of the 1976 Code, as added by Act 103 of 1999, is amended to read:

“Section 7‑1‑25. (A) A person’s residence is his domicile. ‘Domicile’ means a person’s fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes*,* factors to consider in determining a person’s intention regarding his domicile include, but are not limited to:

(1) a voter’s address reported on income tax returns;

(2) a voter’s real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12‑43‑220(C);

(3) a voter’s physical mailing address;

(4) a voter’s address on driver’s license or other identification issued by the Department of Motor Vehicles;

(5) a voter’s address on legal and financial documents;

(6) a voter’s address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;

(7) a voter’s address on an automobile registration;

(8) a voter’s address utilized for membership in clubs and organizations;

(9) the location of a voter’s personal property;

(10) residence of a voter’s parents, spouse, and children; and

(11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter’s immediate family.”

SECTION 10. Section 7‑5‑230 of the 1976 Code, as last amended by Act 103 of 1999, is further amended to read:

“Section 7‑5‑230. (A) The boards of registration to be appointed under Section 7‑5‑10 ~~shall~~ must be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

(B) Once a person is registered, challenges of the qualifications of ~~any~~ an elector, except for challenges issued at the polls pursuant to Sections 7‑13‑810, 7‑13‑820, and 7‑15‑420 must be made in writing to the board of registration in the county of registration. The board ~~must~~, within ten days following the challenge and after first giving notice to the elector and the challenger, shall hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications ~~set forth~~ provided for in Section 7‑5‑120.

(C) ~~When~~ If a challenge is made regarding the residence or domicile of an elector, the board ~~may~~ shall consider the provisions of Section 7‑1‑25(D) ~~following proof to establish residence including, but not limited to, income tax returns; real estate interests; mailing address; address on driver’s license; official papers and documents requiring the statement of residence address; automobile registration; checking and savings accounts; past voting record; membership in clubs and organizations; location of personal property; and the elector’s statements as to his intent~~.

(D) ~~Any~~ A person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the board of registration denying him registration or such restoration to the court of common pleas of the county or any judge ~~thereof~~ of these and subsequently to the Supreme Court.”

SECTION 11. Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑675. The State Elections Commission shall implement a system in order to issue voter registration cards with a photograph of the elector.”

SECTION 12. The State Elections Commission shall establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission shall educate the public as follows:

(1) post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites;

(2) train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation;

(3) require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at each election held after September 30, 2010;

(4) coordinate with each county board of registration and elections so that at least two seminars are conducted in each county before October 15, 2011;

(5) coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level;

(6) place an advertisement describing the changes in this legislation in South Carolina newspapers of general circulation by no later than October 15, 2011;

(7) coordinate with local media outlets to disseminate information concerning the changes in this legislation;

(8) notify each registered elector who does not have a South Carolina issued driver’s license or identification card a notice of the provisions of this act by no later than October 15, 2011. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It also must state the availability of a free South Carolina identification card pursuant to Section 56‑1‑3350.

(9) In addition to the items contained in this section, the State Elections Commission may implement additional educational programs in its discretion.

SECTION 13.The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of January 1, 2012. The list must be made available to a registered voter upon request. The Department of Motor Vehicles shall provide the list of persons with a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list.

SECTION 14. The General Assembly finds that all the provisions contained in this act related to one subject as required by Article III, Section 17 of the Constitution of this State in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 15. The provisions of this act are not severable. If any section, subsection, item, subitem, paragraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, it is to be conclusively presumed that the General Assembly would not have enacted any section, subsection, item, subitem, paragraph, sentence, clause, phrase or word of this act without the other provisions in this act and therefore this act in its entirety will be deemed invalid.

SECTION 16. Section 7-15-470 of the 1976 Code is repealed.

SECTION 17. SECTIONS 2, 9, 10, 12, and 13 are effective upon approval by the Governor.

SECTION 18. SECTION 3 is effective on January 2, 2011.

SECTION 19. SECTIONS 1, 4, 5, 6, 7, 8 and 16 are effective on January 2, 2012.

SECTION 20. SECTION 11 takes effect on July 1, 2011. However, the implementation of the procedures provided for in this SECTION is contingent upon the State Election Commission’s receipt of funds necessary to implement these provisions. Until the provisions of this SECTION are fully funded and executed, implementation of the provisions of this SECTION shall not prohibit the State Election Commission from issuing voter registration cards by the methods allowed prior to the implementation of this SECTION. /

Amend title to conform.

Senator George E. Campsen III Representative Harry Franklin Cato

Senator Gerald Malloy Representative Alan Clemmons

Senator Phillip W. Shoopman Representative Harold Mitchell, Jr.

On Part of the Senate. On Part of the House.

Rep. HART moved to adjourn debate on the Conference Report.

Rep. CATO moved to table the motion.

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

Yeas 65; Nays 45

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Daning | Delleney | Erickson |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrison | Hearn |
| Herbkersman | Horne | Huggins |
| Jefferson | Kelly | Kirsh |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Thompson |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--65**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Gunn |
| Hart | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jennings | Kennedy | King |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Vick |
| Weeks | Whipper | Williams |

**Total--45**

So, the motion to adjourn debate was tabled.

The question then recurred to the adoption of the Conference Report.

Rep. HART spoke against the Conference Report.

Rep. SELLERS spoke against the Conference Report.

Rep. J. H. NEAL spoke against the Conference Report.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. WEEKS spoke against the Conference Report.

Rep. JEFFERSON spoke against the Conference Report.

Rep. GOVAN spoke against the Conference Report.

**SPEAKER IN CHAIR**

Rep. JENNINGS spoke against the Conference Report.

Rep. R. L. BROWN spoke against the Conference Report.

Rep. KENNEDY spoke against the Conference Report.

Rep. CATO spoke in favor of the Conference Report.

The question then recurred to the adoption of the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 69; Nays 47

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Daning | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hiott | Horne |
| Huggins | Kelly | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brantley | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Gunn |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Vick | Weeks |
| Whipper | Williams |  |

**Total--47**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber dealing with a health issue during the vote on H. 3418. I had concerns about the Bill’s potentially adverse impacts on the ability of senior citizens, the poor, and those with disabilities, to exercise their right to vote. For those and other reasons, I expressed a strong preference for the Senate version of this Bill, most of which is contained in the Conference Report.

In discussing the issue with constituents, an overwhelming majority support the Bill. They also indicated that the establishment of an extended early voting period together with the preservation of the current popular absentee voting system, largely outweighed concerns about the inconvenience or other challenges presented by the new photo I.D. requirements contained in the Bill. I am also comforted by the fact that the Bill must be reviewed and approved by the United States Justice Department before it can take effect. This will ensure that any concerns about inequities or disenfranchisements of citizen voting rights will be addressed.

For these reasons, and to express the wishes of the overwhelming majority of those in my district who contacted me on this issue, I would have voted in favor of H. 3418, the “early voting/voter ID” Bill.

Rep. Leon Stavrinakis

**H. 3418--MOTION TO RECONSIDER TABLED**

Rep. CATO moved to reconsider the vote whereby the following Conference Report was adopted:

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

Rep. CATO moved to table the motion to reconsider.

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

Yeas 68; Nays 45

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Daning | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Thompson | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| R. L. Brown | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Gunn | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kennedy | King |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Vick |
| Weeks | Whipper | Williams |

**Total--45**

So, the motion to reconsider was tabled.

**S. 382--CONFERENCE REPORT ADOPTED**

**S. 382--Conference Report**

The General Assembly, Columbia, S.C., June 2, 2010

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 62-2-804 of the 1976 Code is amended to read:

“Section 62-2-804. When any person is seized or possessed of any ~~estate of~~ real property held in joint tenancy at the time of his death, the joint tenancy is deemed to have been severed by the death of the joint tenant and the ~~estate~~ real property is distributable as a tenancy in common unless the instrument which creates the joint tenancy in real property, including any instrument in which one person conveys to himself and one or more other persons, or two or more persons convey to themselves, or to themselves and another or others, expressly provides for a right of survivorship, in which case the severance does not occur. While other methods for the creation of a joint tenancy in real property may be utilized, an express provision for a right of survivorship is conclusively ~~deemed~~ considered to have occurred if the will or instrument of conveyance contains the names of the devisees or grantees followed by the words ‘as joint tenants with right of survivorship and not as tenants in common’.”

SECTION 2. Part 8, Article 2, Title 62 of the 1976 Code is amended by adding:

“Section 62‑2‑805. (A) For purposes of this article, tangible personal property in the joint possession or control of the decedent and the surviving spouse at the time of the decedent’s death is presumed to be owned by the decedent and the decedent’s spouse in joint tenancy with right of survivorship if ownership is not evidenced otherwise by a certificate of title, bill of sale, or other writing. This presumption does not apply to property:

(1) acquired by either spouse before marriage;

(2) acquired by either spouse by gift or inheritance during the marriage;

(3) used by the decedent spouse in a trade or business in which the surviving spouse has no interest;

(4) held for another; or

(5) devised in a written statement or list disposing of tangible personal property pursuant to Section 62‑2‑512.

(B) The presumption created in this section may be overcome by a preponderance of the evidence demonstrating that ownership was held other than in joint tenancy with right of survivorship.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor./

Amend title to conform.

/s/Sen. Robert W. Hayes /s/Rep. Bruce W. Bannister

/s/Sen. Gerald Malloy /s/Rep. George M. Hearn

/s/Sen. A. Shane Massey /s/Rep. Leonidas E. “Leon” Stavrinakis

On Part of the Senate. On Part of the House.

Rep. BANNISTER explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 7

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Limehouse | Littlejohn |
| 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 | M. A. Pitts | Rice |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Whipper | White |
| Willis | Wylie | T. R. Young |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Harvin | Kennedy | King |
| Kirsh | Rutherford | Weeks |
| Williams |  |  |

**Total--7**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on S. 382:

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.

Very Respectfully,

President

Received as information.

**S. 382--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**H. 4215--FREE CONFERENCE POWERS GRANTED**

Rep. KELLY moved that the Committee of Conference on the following Bill be resolved into a Committee of Free Conference and briefly explained the Conference Committee's reasons for this request:

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

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 12

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Battle | Bingham |
| Bowen | Bowers | Brady |
| Brantley | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Delleney | Dillard | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Toole | Umphlett | Vick |
| Viers | Whipper | White |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Haley | Hamilton |
| Harvin | Kennedy | King |
| Millwood | Norman | Scott |
| J. R. Smith | Thompson | Weeks |

**Total--12**

The Committee of Conference was thereby resolved into a Committee of Free Conference. The SPEAKER appointed Reps. KELLY, MCLEOD and COLE to the Committee of Free Conference and a message was ordered sent to the Senate accordingly.

**H. 4215--FREE CONFERENCE REPORT ADOPTED**

**H. 4215--Free Conference Report**

The General Assembly, Columbia, S.C., June 2, 2010

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

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

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 18‑3‑30 of the 1976 Code is amended to read:

“Section 18‑3‑30. (A) The appellant ~~shall~~, within ten days after sentence, shall file notice of appeal with the clerk of circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded.

(B) ~~Any~~ A person convicted in ~~a magistrate’s~~ magistrates court who pays a fine assessed by the court does not ~~thereby~~ waive his right of appeal and, upon proper notice, may appeal his conviction within the time allotted in this section.”

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

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

Amend title to conform.

/s/Sen. C. Bradley Hutto /s/Rep. R. Keith Kelly

/s/Sen. A. Shane Massey /s/Rep. Walton J. McLeod

/s/Sen. Thomas C. Davis /s/Rep. J. Derham Cole, Jr.

On Part of the Senate. On Part of the House.

Rep. KELLY explained the Free Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brantley | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Hart | Harvin |
| Hayes | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Jennings | Kelly | Knight |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | McEachern |
| McLeod | Miller | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--91**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kirsh | Millwood | Norman |
| Thompson |  |  |

**Total--4**

The Free Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 3, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has requested and has granted free conference powers and appointed Senators Hutto, Massey and Davis of the Committee of Free Conference on the part of the Senate on H. 4215:

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

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 3, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on H. 4215:

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

Very respectfully,

President

Received as information.

**H. 4215--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Free Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**S. 1051--CONFERENCE REPORT ADOPTED**

**Conference Report**

S. 1051

The General Assembly, Columbia, S.C., June 15, 2010

The COMMITTEE OF CONFERENCE, to whom was referred (House Doc. No. COUNCIL\NBD\12437AC10.DOCX):

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer’s Version 6/1/10‑S.)

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

/ SECTION 1. Section 48‑39‑290(B)(2)(e) of the 1976 Code is amended to read:

“(e) Subitem (a) does not apply to a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet ~~of~~ which ~~twenty thousand, ninety feet of shoreline is revetted with existing erosion control devices and one hundred twenty feet of shoreline is not revetted with existing erosion control devices~~ is entirely revetted with existing erosion control devices. Nothing contained in this subitem makes this island eligible for beach renourishment funds. For a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet which is entirely revetted with existing erosion control devices, the baseline is established for this private island at the landward edge of the erosion control device and the setback line is established twenty feet landward of the baseline.”

SECTION 2. Chapter 39, Title 48 of the 1976 Code is amended by adding:

“Section 48‑39‑45. (A)(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of fourteen members, which shall act as an advisory council to the department’s Office of Ocean and Coastal Resources Management.

(2) The members of the council must be constituted as follows:

(a) eight members, one from each coastal zone county, to be elected by a majority vote of the members of the House of Representatives and a majority vote of the Senate members representing the county from three nominees submitted by the governing body of each coastal zone county, each House or Senate member to have one vote; and

(b) six members, one from each of the congressional districts of the State, to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in that district, each House or Senate member to have one vote.

(3) The council shall elect a chairman, vice chairman, and other officers it considers necessary.

(B) Terms of all members are for four years and until successors are appointed and qualified. A vacancy must be filled in the original manner of selection for the remainder of the unexpired term.

(C) Members of the council may not be compensated for their services and are not entitled to mileage, subsistence, or per diem as provided by law for members of state boards, committees, and commissions and are not entitled to reimbursement for actual and necessary expenses incurred in connection with and as a result of their service on the council.

(D)(1) The council shall provide advice and counsel to the staff of the Office of Ocean and Coastal Resources Management in implementing the provisions of the South Carolina Coastal Zone Management Act. The department and the public may bring a matter concerning implementation of the provisions of this act by operation of its permitting and certification process, including the promulgation of regulations, to the council’s attention.

(2) The council shall meet at the call of the chairman.

(3) Advice and counsel of the council is not binding on the department.”

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

Amend title to conform.

Senator Phil P. Leventis Representative Ted M. Vick

Senator Robert W. Hayes, Jr. Representative David R. Hiott

Senator Kevin L. Bryant Representative Ralph W. Norman

On Part of the Senate. On Part of the House.

Rep. HIOTT explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Brantley | R. L. Brown | Cato |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Hiott |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy |  |  |

**Total--1**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5098 -- 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 PASTOR D. E. GREENE, JR., OF ORANGEBURG COUNTY, AND TO COMMEND HIM FOR MANY YEARS OF DEVOTED SERVICE TO HIS CHURCH AND FOR HIS DISTINGUISHED LEADERSHIP IN THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5099 -- Reps. Anderson, Agnew, Alexander, Allen, Allison, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, 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 CONGRATULATE ST. PAUL AME CHURCH OF GEORGETOWN ON THE OCCASION OF ITS HISTORIC ONE HUNDRED THIRTY-FIRST ANNIVERSARY, AND TO COMMEND THE CHURCH FOR MORE THAN A CENTURY AND A QUARTER OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1524 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND BETTY HENDERSON FOR HER SINGULAR SERVICE TO ORANGEBURG COUNTY, AND TO CONGRATULATE HER FOR HER MANY ACCOMPLISHMENTS IN THE FURTHERANCE OF RACIAL EQUALITY IN SOUTH CAROLINA.

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

**HOUSE TO MEET AT 9 A.M. TOMORROW**

Rep. FORRESTER moved that when the House adjourns it adjourn to meet at 9 a.m. tomorrow, which was agreed to.

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

**MOTION NOTED**

Rep. HARRISON moved to reconsider the vote whereby the House sustained the veto on H. 3746, R. 315 and the motion was noted.

**MOTION NOTED**

Rep. JENNINGS moved to reconsider the vote whereby the House sustained the veto on S. 1190, R. 227 and the motion was noted.

**RATIFICATION OF ACT**

**FOR JUNE 15, 2010**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 15, 2010, at 4:54 P.M. and the following Act was ratified:

(R. 338, S. 1372) -- Senator Leventis: AN ACT TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO PROVIDE THAT THE CHAIRMAN AND OTHER OFFICERS OF THE BOARD OF THE CONSOLIDATED DISTRICT SHALL SERVE TWO‑YEAR TERMS; TO PROVIDE THAT THE SUPERINTENDENT OF THE CONSOLIDATED SCHOOL DISTRICT SHALL SELECT AND APPOINT AN ASSISTANT SUPERINTENDENT; TO AUTHORIZE THE BOARDS OF TRUSTEES OF SUMTER SCHOOL DISTRICTS 2 AND 17 TO ISSUE GENERAL OBLIGATION BONDS OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES UP TO THE CONSTITUTIONAL DEBT LIMIT OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES, TO PROVIDE 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 BONDS; AND TO PROVIDE THAT FUNDING FOR THE BOARD BEFORE THE INDIVIDUAL SCHOOL DISTRICTS ARE ABOLISHED MUST BE PROVIDED FROM OPERATING FUNDS AVAILABLE TO THE INDIVIDUAL SCHOOL DISTRICTS.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4855 -- Reps. Sandifer, Skelton, Hayes and Hiott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 93 AND PERIMETER ROAD IN THE CITY OF CLEMSON "BILL MCLELLAN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "BILL MCLELLAN INTERSECTION".

H. 5090 -- Rep. McLeod: A CONCURRENT RESOLUTION TO CONGRATULATE, HONOR, AND RECOGNIZE DR. MITCHELL M. ZAIS, THE TWENTIETH PRESIDENT OF NEWBERRY COLLEGE, UPON HIS RETIREMENT AFTER TEN YEARS OF DEDICATED AND DISTINGUISHED LEADERSHIP SERVICE TO NEWBERRY COLLEGE AND THE STATE OF SOUTH CAROLINA.

H. 5091 -- Reps. Govan, Ott, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, 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, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO CELEBRATE THE JOYOUS OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF THE OLIVE GROVE MISSIONARY BAPTIST CHURCH, AND TO CONGRATULATE AND COMMEND PASTOR JAMES A. CROMARTIE AND THE CONGREGATION FOR THEIR YEARS OF SERVICE TO THE ORANGEBURG COMMUNITY.

**ADJOURNMENT**

At 4:59 p.m. the House, in accordance with the motion of Rep. LITTLEJOHN, adjourned in memory of William Mitchell of York, to meet at 9:00 a.m. tomorrow.

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