~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Proverbs 16:18: “Pride goes before destruction, and a haughty spirit before a fall.”

Let us pray. Almighty God, the world is Your creation and the object of Your love. Make us all sensitive to Your way of truth. Quench us with Your water of life and guide these Representatives to provide for the welfare of the people of this State. Grant them the very best. Bless our Nation, President, State, Governor, Speaker, staff, and all who support these leaders. Protect our defenders of freedom, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

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

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

**MOTION ADOPTED**

Rep. KING moved that when the House adjourns, it adjourn in memory of Elliott James "Boston" Sanders of Chester, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 28, 2012

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. 321:

S. 321 -- Senators O'Dell and Nicholson: A BILL TO AMEND ACT 595 OF 1994, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF GREENWOOD SCHOOL DISTRICT 50 IN GREENWOOD COUNTY, SO AS TO FURTHER PROVIDE FOR THE MANNER OF AND DATES FOR FILING NOTICES OF CANDIDACY FOR ELECTION TO THESE OFFICES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**REPORT OF STANDING COMMITTEE**

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 5051 -- Reps. Limehouse, Barfield, Tribble, Sabb, Hosey, Southard, J. H. Neal, Crawford, Parker, Brantley, Neilson, Erickson, Clemmons, Hearn, Hardwick, Loftis, Murphy, Ryan, McCoy, Anderson, Butler Garrick, Whitmire, Williams, Sottile, Alexander, Allen, Bowen, Pinson, Brannon, Johnson, Huggins, Spires, Sellers, Agnew, Anthony, Atwater, Bales, Bannister, Battle, Bedingfield, Bingham, Bowers, Branham, G. A. Brown, H. B. Brown, R. L. Brown, Chumley, Clyburn, Cobb-Hunter, Cole, Corbin, Crosby, Daning, Delleney, Dillard, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Howard, Jefferson, King, Long, Lowe, Lucas, Mack, McEachern, McLeod, D. C. Moss, V. S. Moss, Munnerlyn, J. M. Neal, Norman, Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Stavrinakis, Stringer, Tallon, Taylor, Toole, Vick, Weeks, Whipper, White and Willis: A BILL TO AMEND SECTION 59-103-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HIGHER EDUCATION MISSION AND GOALS FOR ALL PUBLIC HIGHER EDUCATION INSTITUTIONS IN THIS STATE, SO AS TO INCLUDE IN THE MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES UNIQUE DOCTORAL DEGREE PROGRAMS THAT ARE NOT DUPLICATIVE OF ANY RESEARCH UNIVERSITY DOCTORAL PROGRAMS IN THAT REGION, AND TO DEFINE "THAT REGION".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5102 -- Reps. Funderburk, Knight, Horne, Butler Garrick, Erickson, Allison, Cobb-Hunter, Munnerlyn, Brady, Henderson, Nanney, Dillard, Long, Neilson, Parks, Thayer, Parker, Agnew, Alexander, Allen, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Chumley, Clemmons, Clyburn, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Edge, Forrester, Frye, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Johnson, King, Limehouse, Loftis, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Murphy, J. H. Neal, J. M. Neal, Norman, Ott, Owens, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE THE WEEK OF MAY 13-19, 2012, AS "NATIONAL WOMEN'S HEALTH WEEK" IN THE STATE OF SOUTH CAROLINA.

Whereas, National Women’s Health Week was initiated in the new millennium by a group of public and private organizations dedicated to raising awareness of women’s health issues; and

Whereas, since that time, the National Women’s Health Week has occurred in the spring with an annual celebration held the week following Mother’s Day; and

Whereas, National Women’s Health Week is a nationwide initiative that calls attention to the importance of women’s health; and

Whereas, this year the theme for National Women’s Health Week is “It’s Your Time”; and

Whereas, National Women’s Health Week celebrates women taking responsibility for their own health through greater knowledge and understanding; and

Whereas, National Women’s Health Week honors the efforts of national and community organizations working with partners and volunteers to improve awareness of key women’s health issues; and

Whereas, during the week, families, health organizations, businesses, communities, and individuals come together to raise awareness of women’s health issues and educate women about simple steps they can take for longer, healthier, and happier lives; and

Whereas, National Women’s Health Week is important because it encourages women to take time for their health; and

Whereas, since women are often the caregivers for their families, they sometimes forget to make their own health a priority; and

Whereas, throughout National Women’s Health Week, women are reminded that they, too, need to visit the doctor, make sure their screenings are up to date, and take time to think about their health; and

Whereas, the members of the South Carolina House of Representatives urge all residents to participate in activities that support women’s health awareness; and

Whereas, the South Carolina House of Representatives supports all local efforts and initiatives to improve awareness of key women’s issues including the participation of women on May 9, 2012, in National Women’s Checkup Day, a day on which women across the country are urged to visit their health care professional. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize the week of May 13‑19, 2012, as “National Women’s Health Week” in the State of South Carolina.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 5103 -- Reps. Sandifer and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE THE RIGHTS OF A PHARMACY WHEN UNDERGOING AN AUDIT CONDUCTED BY A MANAGED CARE COMPANY, INSURANCE COMPANY, THIRD-PARTY PAYER, OR AN ENTITY RESPONSIBLE FOR PAYMENT OF CLAIMS FOR HEALTH CARE SERVICES; TO REQUIRE THE AUDITING ENTITY TO ESTABLISH AN APPEALS PROCESS; AND TO PROVIDE FOR THE RECOUPMENT OF FUNDS UNDER CERTAIN CIRCUMSTANCES.

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

H. 5104 -- Reps. McLeod and Harrison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO REQUIRE ALL TESTIMONY GIVEN TO A COMMITTEE OR SUBCOMMITTEE OF THE GENERAL ASSEMBLY MUST BE UNDER OATH AND TO CREATE THE OFFENSES OF CONTEMPT OF THE GENERAL ASSEMBLY AND CRIMINAL CONTEMPT AND PROVIDE A PENALTY FOR A VIOLATION.

Rep. MCLEOD asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. HAMILTON objected.

Referred to Committee on Judiciary

H. 5105 -- Reps. Gilliard, King, Jefferson, Anderson, Hosey, Mack and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-1-187 SO AS TO PROVIDE AN EMPLOYER MAY NOT ASK AN EMPLOYEE OR PROSPECTIVE EMPLOYEE TO PROVIDE A PASSWORD OR OTHER RELATED INFORMATION TO ACCESS THE SOCIAL NETWORKING WEBSITE PROFILE OR ACCOUNT OF THE EMPLOYEE, TO PROVIDE THE REFUSAL OF AN EMPLOYEE OR PROSPECTIVE EMPLOYEE, TO PROVIDE THIS INFORMATION MUST NOT BE THE BASIS OF CERTAIN PERSONNEL ACTIONS CONCERNING THE EMPLOYEE, TO DEFINE THE TERM "SOCIAL NETWORKING WEBSITE", AND TO PROVIDE EXCLUSIONS FROM THE APPLICABILITY OF THE SECTION.

Referred to Committee on Judiciary

S. 1367 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4271, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1368 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ADULT EDUCATION PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4199, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Education and Public Works

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Putnam | Quinn | Ryan |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, March 29.

|  |  |
| --- | --- |
| Walton McLeod | Wendell Gilliard |
| Ronnie A. Sabb | Denny Neilson |
| Mike Gambrell | Paul Agnew |
| David Tribble, Jr. | Joseph Neal |
| Todd Rutherford | Chris Hart |
| Carl Anderson | Ted Vick |

**Total Present--116**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. DILLARD a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. TOOLE a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MURPHY a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

Former Rep. VIERS signed a statement with the Clerk that he came in after the roll call of the House and was present for the Sessions on Tuesday, March 20 and Wednesday, March 21.

**DOCTOR OF THE DAY**

Announcement was made that Dr. David Mitchell of Spartanburg was the Doctor of the Day for the General Assembly.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Rep. ATWATER presented to the House the Gilbert High School Marching Band, the 2011 Class AA Champions, their directors and other school officials.

**SPECIAL PRESENTATION**

Rep. GAMBRELL presented to the House the Belton Honea Path High School "Bears" Varsity Wrestling Team, the 2012 AAA Champions, their coaches and other school officials.

**CO-SPONSOR ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5029 |
| Date: | ADD: |
| 03/29/12 | ANDERSON |

STATEMENT FOR THE JOURNAL

Due to a death in my family, I was absent on March 28, 2012. Had I been present, I would have voted ‘no’ on H. 4894 and would like the record to reflect this.

Rep. John R. King

STATEMENT FOR THE JOURNAL

I did not vote on H. 4894, because I was absent from the Chamber with leave granted by the Speaker. The meetings I was involved in were critical regarding economic development and fiscal policies. Had I been present at the time of the vote on the Bill, I would have voted against H. 4894, because of my steadfast belief that public education should be protected and strengthened.

Rep. Bill Sandifer

**LEAVE OF ABSENCE**

The SPEAKER PRO TEMPORE granted Rep. BATTLE a leave of absence for the remainder of the day.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 1337 -- Senator Leatherman: A BILL TO AMEND ACT 239 OF 1981, AS AMENDED, RELATING TO FLORENCE COUNTY SCHOOL DISTRICT NO. 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE FLORENCE COUNTY SCHOOL DISTRICT NO. 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

S. 833 -- Senators Jackson, Courson, Lourie, Knotts, Anderson, Sheheen, Scott, Hayes, Ford, Nicholson, Leventis, Rose, Malloy and Setzler: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO PROVIDE THAT ACTIVE DUTY MILITARY PERSONNEL MAY BE CHARGED LESS THAN THE UNDERGRADUATE TUITION RATE FOR SOUTH CAROLINA RESIDENTS FOR CERTAIN COURSES.

S. 1227 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10-1-35 SO AS TO PROHIBIT CAMPING, SLEEPING, OR USE OF THE STATE HOUSE GROUNDS AND ALL BUILDINGS LOCATED ON THE GROUNDS FOR LIVING ACCOMMODATIONS PURPOSES.

**H. 3665--SENT TO THE SENATE**

The following Bill was taken up:

H. 3665 -- Reps. Cooper, Pitts, Taylor, G. R. Smith, Bedingfield, White and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 23-31-130, 23-31-150, AND 23-31-180 RELATING TO REQUIRING A RETAIL DEALER TO POSSESS A LICENSE TO SELL OR TRANSFER A PISTOL AND THE ISSUANCE OF THE LICENSE, AND RELATING TO CERTAIN WEAPONS DECLARED TO BE CONTRABAND.

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

Yeas 90; Nays 5

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Govan | Hamilton | Hardwick |
| Harrell | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Johnson |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | Weeks | White |
| Williams | Willis | Young |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gilliard | Jefferson | King |
| J. H. Neal | Sabb |  |

**Total--5**

So, the Bill, as amended, was read the third time and ordered sent to the Senate.

**SPEAKER IN CHAIR**

**SENT TO THE SENATE**

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

H. 4888 -- Reps. Thayer, Owens, Daning, Brannon, Erickson, Whitmire, Atwater, R. L. Brown, Gambrell, J. M. Neal, Putnam and Willis: A BILL TO AMEND SECTION 38-73-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITION OF THE UNINSURED MOTORIST FUND, SO AS TO PROVIDE THAT THE PORTION THAT WAS FORMERLY PAID TO THE DEPARTMENT OF PUBLIC SAFETY MUST BE PAID TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-1-286, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE OR PERMIT TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE PORTION OF THE FEE TO OBTAIN A TEMPORARY ALCOHOL LICENSE THAT WAS FORMERLY RETAINED BY THE DEPARTMENT OF PUBLIC SAFETY MUST BE DISTRIBUTED TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-3-3910, RELATING TO THE ISSUANCE OF "SHAG" SPECIAL LICENSE PLATES, SO AS TO REVISE THE BIENNIAL PERIOD IN WHICH THE LICENSE PLATE MUST BE ISSUED OR REVALIDATED; TO AMEND SECTION 56-3-5200, RELATING TO "SOUTH CAROLINA: FIRST IN GOLF" SPECIAL LICENSE PLATES, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE WHEN A DRIVER REFUSES TO SUBMIT TO TESTS TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-10-552, RELATING TO THE UNINSURED ENFORCEMENT FUND, SO AS TO PROVIDE THAT THIS FUND WHICH WAS FORMERLY DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MUST NOW BE DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES AND USED BY THE DEPARTMENT OF MOTOR VEHICLES AND THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 56-15-420, RELATING TO THE PROMULGATION OF CERTAIN REGULATIONS BY THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO PROVIDE THAT THESE REGULATIONS NOW WILL BE PROMULGATED BY THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-19-420, AS AMENDED, RELATING TO CERTAIN FEES FOR SERVICES OFFERED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REVISE THE DISTRIBUTION OF THESE FEES; AND TO REPEAL ARTICLE 60, CHAPTER 3, TITLE 56 RELATING TO THE ISSUANCE OF "SHRINERS" SPECIAL LICENSE PLATES.

H. 4761 -- Reps. Hiott, D. C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J. R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V. S. Moss, Pitts, Putnam, Taylor, White and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-225 SO AS TO DEFINE THE TERM "FARM TRUCK"; BY ADDING SECTION 56-5-363 SO AS TO PROVIDE THAT CERTAIN COMMERCIAL MOTOR VEHICLES AND FARM TRUCKS ARE EXEMPT FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY LAWS AND REGULATIONS; TO AMEND SECTION 56-3-670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO REVISE THE WEIGHT REQUIREMENTS FOR FARM TRUCKS THAT MAY BE USED FOR DOMESTIC PURPOSES AND GENERAL TRANSPORTATION BUT MAY NOT BE USED TO TRANSPORT PERSONS OR PROPERTY FOR HIRE; TO AMEND SECTION 56-5-4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS; AND TO AMEND SECTION 56-5-4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN "FARM TRUCKS" ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

H. 4641 -- Reps. Daning, Knight, Crosby, Ott, King, Brannon, Southard, Erickson, McEachern, J. E. Smith, Atwater, Spires, Gilliard, Battle, Bowers, R. L. Brown, Chumley, Cobb-Hunter, Harrison, Herbkersman, Hosey, Howard, Long, Lowe, Lucas, Murphy, Pitts, Tallon, Toole and Whipper: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS UNDER CERTAIN CONDITIONS, SO AS TO REVISE THE CRITERIA UNDER WHICH VETERANS WHO ARE HONORABLY DISCHARGED AND THEIR DEPENDENTS MAY RECEIVE IN-STATE TUITION RATES.

H. 4904 -- Reps. Bingham, Allison, Anthony and G. R. Smith: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2012 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2012 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS USING SPECIFIED FUNDS APPROPRIATED FOR FISCAL YEAR 2012-2013, OR FOR THESE PURPOSES IN PRIOR YEARS; TO PROVIDE FOR FISCAL YEAR 2012-2013 A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; AND TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT.

H. 4905 -- Reps. Bingham, Allison and Anthony: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2012-2013 SCHOOL YEAR BY MAY 15, 2012; TO PROVIDE THAT A CONTINUING-CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

**H. 4092--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4092 -- Reps. Limehouse, Sottile, Gilliard, Stavrinakis, McCoy, Whipper and R. L. Brown: A BILL TO AMEND SECTION 44-95-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE SMOKING IS PROHIBITED, SO AS TO PROVIDE THAT SMOKING IS NOT ALLOWED IN BUILDINGS ON CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING WHEN IT IS PROHIBITED BY THE GOVERNING BODY OF THE INSTITUTION AND TO PROVIDE THAT A GOVERNING BODY IS NOT PRECLUDED FROM ESTABLISHING A SMOKE-FREE CAMPUS.

The Education and Public Works Committee proposed the following Amendment No. 1 to H. 4092 (COUNCIL\NBD\12257AC12), which was adopted:

Amend the bill, as and if amended, by deleting Section 44‑95‑20(8) on page 2 and inserting:

/ “(8) buildings, or portions of buildings, and the outside areas immediately contiguous to these buildings owned, leased, operated, or maintained by a public institution of higher learning, as defined in Section 59‑103‑5, that the governing board of the institution has designated as nonsmoking.”/

Renumber sections to conform.

Amend title to conform.

Rep. BRANHAM explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 63; Nays 39

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Anthony |
| Bales | Bannister | Bingham |
| Brady | Branham | Brannon |
| Brantley | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cole |
| Crawford | Crosby | Daning |
| Edge | Erickson | Frye |
| Funderburk | Gilliard | Govan |
| Harrell | Hayes | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Johnson |
| Knight | Limehouse | Long |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parks |
| Patrick | Pinson | Quinn |
| Rutherford | Sabb | Skelton |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Tribble |
| Weeks | Whipper | Williams |

**Total--63**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Barfield |
| Bedingfield | Bowen | Chumley |
| Corbin | Delleney | Forrester |
| Hamilton | Hardwick | Henderson |
| Hiott | Hixon | Huggins |
| King | Loftis | Lowe |
| Lucas | D. C. Moss | V. S. Moss |
| Nanney | Norman | Parker |
| Putnam | Ryan | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. R. Smith | Southard | Stringer |
| Taylor | Thayer | White |
| Whitmire | Willis | Young |

**Total--39**

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

**OBJECTION TO MOTION**

Rep. STAVRINAKIS asked unanimous consent that H. 4092 be read a third time tomorrow.

Rep. BARFIELD objected.

**H. 3241--CONFERENCE REPORT ADOPTED**

**CONFERENCE REPORT**

H. 3241

The General Assembly, Columbia, S.C., March 28, 2012

The COMMITTEE OF CONFERENCE, to whom was referred (House Doc. No. COUNCIL\DKA\4057SD12.DOCX):

H. 3241 -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59‑40‑175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59‑40‑20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59‑40‑40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59‑40‑190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59‑40‑230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59‑40‑130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

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 3/21/12--S.)

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

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

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

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

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

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

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

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

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

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

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

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

(10) provide to parents and the general public information about charter schools authorized by the sponsor as an enrollment option within the district in which the charter school is located to the same extent and through the same means as the district in which the charter school is located provides and publicizes information about all public schools in the district. A charter school shall notify its sponsor of its enrollment procedures and dates of its enrollment period no less than sixty days prior to the first day of its enrollment period.

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

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

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

SECTION 3. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59‑40‑235. The geographical boundaries from which a charter school sponsored by a public or independent institution of higher learning may accept students are the same as the boundaries of the State of South Carolina.”

SECTION 4. Section 59‑40‑20 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

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

(1) improve student learning;

(2) increase learning opportunities for students;

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

(4) establish new forms of accountability for schools;

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

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

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

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

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

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

(2) A charter school:

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

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

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

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

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

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

(4) ‘Sponsor’ means the South Carolina Public Charter School District Board of Trustees or, the local school board of trustees in which the charter school is to be located, as provided by law, a public institution of higher learning as defined in Section 59‑103‑5, or an independent institution of higher learning as defined in Section 59‑113‑50, from which the charter school applicant requested its charter and which granted approval for the charter school’s existence. Only those public or independent institutions of higher learning, as defined in this subsection, who register with the South Carolina Department of Education may serve as charter school sponsors, and the department shall maintain a directory of those institutions. The sponsor of a charter school is the charter school’s Local Education Agency (LEA) and a charter school is a school within that LEA. The sponsor retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

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

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

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

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

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

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

SECTION 6. Section 59‑40‑50 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

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

(B) A charter school must:

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

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

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

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

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

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

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

(8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single gender charter school, in which case gender may be the only reason to show preference or deny admission to the school; however, a charter school may give enrollment priority to a sibling of a pupil already currently enrolled or previously enrolled, and attending, or who, within the last six years, attended the school for at least one complete academic year. A charter school also may give priority to children of a charter school employee, and children of the charter committee, if such priority enrollment for children of employees and of the charter committee does not constitute more than twenty percent of the enrollment of the charter school;

(9) elect its consist of a board of directors annually of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. A choice of the membership of the board must take place every two years. Fifty percent of the members of the board as specified by the bylaws must be individuals who have a background in K‑12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, at least fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the charter school. Parents or guardians shall have one vote for each student enrolled in the charter school. All members must be residents of the State of South Carolina. All employees of the charter school and all parents or guardians of students enrolled in the charter school are eligible to participate in the election. Parents or guardians of a student shall have one vote for each student enrolled in the charter school. A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K‑12 education or in business;

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

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

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

(3) The sponsor has no obligation to provide extracurricular activities or access to facilities of the school district for students enrolled in the charter school; however, the charter contract may include participation in agreed upon interscholastic activities at a designated school within the sponsor district. Notwithstanding another provision of law, the local school district has no obligation to provide charter schools, sponsored by the South Carolina Public Charter School District, extracurricular activities or access to facilities of the school district for students enrolled in charter schools unless the school district, by contract, has agreed to provide activities or access. Students participating under this agreement must be considered eligible to participate in league events if other eligibility requirements are met.

(a) A charter school is eligible for federally sponsored, state‑sponsored or district‑sponsored interscholastic leagues, competitions, awards, scholarships, grants, and recognition programs for students, educators, administrators, staff, and schools to the same extent as all other public schools.

(b) A charter school student is eligible to compete for, and if selected, participate in extracurricular activities not offered by the student’s school at the resident public school, except activities governed by the South Carolina High School League, wherein a charter school student is eligible to compete to participate in these activities at his resident public school if the charter school he attends is not a member of the South Carolina High School League.

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

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

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

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

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

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

SECTION 7. Section 59‑40‑60 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Section 59‑40‑70 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The advisory committee shall notify the local delegation of a county in which a proposed charter school is to be located upon receipt of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation.

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

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

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

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

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

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

SECTION 9. Section 59‑40‑100 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59-40-100. (A)(1) Subject to item (2), an An existing public school may be converted into a charter school if two‑thirds of the faculty and instructional staff employed at the school and two‑thirds of all voting parents or legal guardians of students enrolled in the school agree to the filing of an application with the local school board of trustees for the conversion and formation of that school into a charter school. Parents or legal guardians of students enrolled in the school must be given the opportunity to vote on the conversion. Parents or guardians of a student shall have one vote for each student enrolled in the school seeking conversion. The application must be submitted pursuant to Section 59‑40‑70(A)(5) by the principal of that school or his designee who must be considered the applicant. The application must include all information required of other applications pursuant to this chapter. The local school board of trustees shall approve or disapprove this application in the same manner it approves or disapproves other applications. The existence of another charter granting authority must not be grounds for disapproving a school desiring to convert to a charter school.

(2)(a) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from an ordinance originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a majority vote of the local school board of trustees.

(b) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from a referendum originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a two‑thirds vote of the local school board of trustees.

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

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

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

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

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

(G) A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school.

As used in this subsection, ‘unlawful reprisal’ means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or education program and:

(1) with respect to a school district employee, results in:

(a) disciplinary or corrective action;

(b) detail, transfer, or reassignment;

(c) suspension, demotion, or dismissal;

(d) an unfavorable performance evaluation;

(e) a reduction in pay, benefits, or awards;

(f) elimination of the employee’s position without a reduction in force by reason of lack of monies or work; or

(g) other significant changes in duties or responsibilities that are inconsistent with the employee’s salary or employment classification.

(2) \_with respect to an educational program, results in:

(a) suspension or termination of the program;

(b) transfer or reassignment of the program to a less favorable department;

(c) relocation of the program to a less favorable site within the school district; or

(d) significant reduction or termination of funding for the program.”

SECTION 10. Section 59‑40‑110 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 11. Section 59‑40‑140 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(L) Notwithstanding the above provisions of this section, this subsection applies to converted charter schools that converted into a charter school after the effective date of this act. For purposes of computing the funding for any year to be provided a converted charter school under the provisions of this section, the computations required shall be made as provided in this section based on the previous year’s revenues, expenditures, and other applicable factors pertaining to that particular converted charter school, and also then shall be made as provided in this section for the year immediately preceding the previous year based on the revenues, expenditures, and other applicable factors for that year pertaining to that particular converted charter school. The funding of the converted charter school for the initial year shall be the average of the weighted per pupil unit funding computed for these two prior years, and funding for the converted charter school after the initial year shall be provided by the school district in the same manner as regular public schools in the district.”

SECTION 12. Section 59‑40‑190(C) of the 1976 Code is amended to read:

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

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

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

(1) two appointed by the Governor;

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

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

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

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

(b) South Carolina Association of School Administrators;

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

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

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

(f)(e) South Carolina Alliance of Black Educators.

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

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

SECTION 14. Section 59‑40‑130(A) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

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

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

SECTION 15. Section 59‑40‑220(A) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“(A) The South Carolina Public Charter School District may not have a local tax base and may not receive local property taxes. This prohibition does not extend to local funds received by the district on behalf of sponsored charter schools pursuant to Section 59‑40‑140(B).”

SECTION 16. Section 59‑18‑920 of the 1976 Code is amended to read:

“Section 59‑18‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card. The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District must be included in the overall performance ratings of the South Carolina Public Charter School District. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card and must not be included in the overall performance ratings of the local school district, unless there is a mutual agreement to include the scores in the local school district ratings. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.”

SECTION 17. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑350. (A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district may create a school of choice within the district that is exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two‑thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education.

(B) In seeking exemptions, the local board of trustees may not exempt:

(1) federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services;

(2) health, safety, civil rights, and disability rights requirements as are applied to other public schools operating in the district;

(3) minimum student attendance requirements;

(4) state assessment requirements; and

(5) certification requirements for teachers in the core academic areas as defined by the federal No Child Left Behind Act, Public Law 107‑110; however, up to twenty‑five percent of the teaching staff of the school may be employed if the individual possesses a baccalaureate or graduate degree in the subject he is hired to teach.

(C) Any school created pursuant to this section shall admit all children eligible to attend the school subject to space limitations and may not limit or deny admission or show preference in admission decisions to any individual or group of individuals.

(D) A local school district that provides exemptions pursuant to subsection (A) shall provide the State Department of Education with documentation of the approved exemptions and shall submit evaluation documentation to be reviewed by the State Board of Education after three years of the exemption to ensure that the district continues to meet the needs of its students. Upon review, if the State Board of Education determines the continuation of the exemption does not meet the needs of the students attending the district school of choice, the board may suspend exemptions granted by the local board of trustees with a two‑thirds vote. Before suspending the exemptions, the State Board of Education shall notify the district and provide the district with any opportunity to defend the continuation of approved exemptions.”

SECTION 18. 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 19. This act takes effect upon approval by the Governor. /

Amend title to conform.

Senator Robert W. Hayes, Jr. Representative Phillip D. Owens

Senator John W. Matthews, Jr. Representative James M. Neal

Senator Michael L. Fair Representative Andrew S. Patrick

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

Rep. OWENS explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pitts | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Tribble | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 4739--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4739 -- Reps. Henderson, Stavrinakis, Gilliard, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-157 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE AND NUMBER OF PATRONS, A PUBLIC SWIMMING POOL OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT; AND TO EXCLUDE TYPE E FACILITIES FROM THESE REQUIREMENTS.

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 to H. 4739 (COUNCIL\NBD\12252AC12), which was tabled:

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

/ SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑157. (A) All Type A public swimming pools, as a condition of obtaining and maintaining an operating permit shall provide lifeguards, as defined in Regulation 61‑51, in accordance with the following:

(1) A public swimming pool of three thousand square feet or fewer must have:

(a) one lifeguard for one to twenty-five patrons;

(b) two lifeguards for twenty‑six through fifty patrons;

(c) three lifeguards for fifty‑one through one hundred fifty patrons;

(d) four lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(2) A public swimming pool of three thousand one square feet through six thousand square feet must have:

(a) two lifeguards for one to twenty-five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) four lifeguards for fifty‑one through one hundred fifty patrons;

(d) five lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(3) A public swimming pool of six thousand one square feet through nine thousand square feet must have:

(a) two lifeguards for one to twenty-five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) five lifeguards for fifty‑one through one hundred fifty patrons;

(d) six lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(4) A public swimming pool of greater than nine thousand square feet must have:

(a) three lifeguards for one to twenty-five patrons;

(b) four lifeguards for twenty‑six through fifty patrons;

(c) six lifeguards for fifty‑one through one hundred fifty patrons;

(d) seven lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(B) A public swimming pool required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.”

(C) All Type E public swimming pools, as defined in Regulation R.61‑51, shall submit to the Department of Health and Environmental Control a lifeguard coverage plan. Upon approval by the Department of Health and Environmental Control, Type E public swimming pools must provide lifeguards in accordance with their approved plan.”

(D) Any request for a variance from these provisions must be made in writing and must include a site‑specific evaluation that demonstrates proof of equivalency with these provisions. The Department of Health and Environmental Control will consider the variance request and will provide written notice of its decision.”

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

Renumber sections to conform.

Amend title to conform.

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

Rep. HENDERSON proposed the following Amendment No. 2 to H. 4739 (COUNCIL\NBD\12275AC12), which was adopted:

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

/ SECTION 1. Chapter 55, Title 44 of the 1976 Code is amended by adding:

“Section 44‑55-2390. (A) All Type A public swimming pools, as a condition of obtaining and maintaining an operating permit shall provide lifeguards, as defined in Regulation 61‑51, in accordance with the following:

(1) A public swimming pool of three thousand square feet or fewer must have:

(a) one lifeguard for one to twenty-five patrons;

(b) two lifeguards for twenty‑six through fifty patrons;

(c) three lifeguards for fifty‑one through one hundred fifty patrons;

(d) four lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(2) A public swimming pool of three thousand one square feet through six thousand square feet must have:

(a) two lifeguards for one to twenty-five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) four lifeguards for fifty‑one through one hundred fifty patrons;

(d) five lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(3) A public swimming pool of six thousand one square feet through nine thousand square feet must have:

(a) two lifeguards for one to twenty five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) five lifeguards for fifty‑one through one hundred fifty patrons;

(d) six lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(4) A public swimming pool of greater than nine thousand square feet must have:

(a) three lifeguards for one to twenty-five patrons;

(b) four lifeguards for twenty‑six through fifty patrons;

(c) six lifeguards for fifty‑one through one hundred fifty patrons;

(d) seven lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(B) A public swimming pool required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.

(C) All Type E public swimming pools, as defined in Regulation R.61‑51, shall submit to the Department of Health and Environmental Control a lifeguard coverage plan. Upon approval by the Department of Health and Environmental Control, Type E public swimming pools must provide lifeguards in accordance with their approved plan.

(D) Any request for a variance from these provisions must be made in writing and must include a site‑specific evaluation that demonstrates proof of equivalency with these provisions. The Department of Health and Environmental Control will consider the variance request and will provide written notice of its decision.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HENDERSON explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 88; Nays 12

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Anthony | Atwater | Ballentine |
| Bannister | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Clemmons | Clyburn |
| Cole | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Frye | Funderburk |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Johnson | King | Knight |
| Limehouse | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | J. H. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pitts | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Stavrinakis |
| Stringer | Taylor | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Brannon |
| Chumley | Corbin | Forrester |
| J. M. Neal | Putnam | Simrill |
| J. R. Smith | Southard | Tallon |

**Total--12**

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

RECORD FOR VOTING

I inadvertently pressed the wrong button on my vote system. I intended to vote in favor of H. 4739.

Rep. Karl Allen

**H. 4739--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HENDERSON, with unanimous consent, it was ordered that H. 4739 be read the third time tomorrow.

**H. 5056--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5056 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4254, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. SPIRES explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pitts |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--98**

Those who voted in the negative are:

**Total--0**

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

**H. 5056--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SPIRES, with unanimous consent, it was ordered that H. 5056 be read the third time tomorrow.

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

**H. 5103--RECALLED AND REFERRED TO COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

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

H. 5103 -- Reps. Sandifer and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE THE RIGHTS OF A PHARMACY WHEN UNDERGOING AN AUDIT CONDUCTED BY A MANAGED CARE COMPANY, INSURANCE COMPANY, THIRD-PARTY PAYER, OR AN ENTITY RESPONSIBLE FOR PAYMENT OF CLAIMS FOR HEALTH CARE SERVICES; TO REQUIRE THE AUDITING ENTITY TO ESTABLISH AN APPEALS PROCESS; AND TO PROVIDE FOR THE RECOUPMENT OF FUNDS UNDER CERTAIN CIRCUMSTANCES.

**H. 3066--DEBATE ADJOURNED**

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

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435; 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED; 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING

TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Rep. G. R. SMITH moved to adjourn debate upon the Senate Amendments until Tuesday, April 17, which was agreed to.

**H. 4894--SENT TO THE SENATE**

The following Bill was taken up:

H. 4894 -- Reps. White, Bedingfield, McCoy, Loftis, Bingham, Herbkersman, Parker, Bowen, Erickson, Taylor, G. M. Smith, Forrester, Frye, G. R. Smith, Merrill, Stringer, Lowe, Nanney, Tribble, Crawford, Ryan, Corbin, Southard, J. R. Smith, Allison, Barfield, Chumley, Clemmons, Cole, Crosby, Delleney, Edge, Hamilton, Hardwick, Harrell, Harrison, Hearn, Henderson, Hixon, Limehouse, Long, Lucas, D. C. Moss, Murphy, Norman, Owens, Pinson, Pitts, Putnam, Quinn, Simrill, Skelton, Sottile, Spires, Tallon, Thayer, Toole, Viers, Young, Atwater, Huggins and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO AUTHORIZE A DEDUCTION FROM STATE OF SOUTH CAROLINA TAXABLE INCOME UP TO SPECIFIED AMOUNTS FOR TUITION PAID BY A PARENT OR LEGAL GUARDIAN FOR THEIR CHILD OR WARD TO ATTEND AN INDEPENDENT SCHOOL OR A PUBLIC SCHOOL OUTSIDE THE CHILD'S OR WARD'S SCHOOL DISTRICT OF RESIDENCE, AND TO ALSO AUTHORIZE A SIMILAR INCOME TAX DEDUCTION UP TO A SPECIFIED AMOUNT TO A PARENT OR LEGAL GUARDIAN FOR HOME SCHOOL EXPENDITURES; AND BY ADDING SECTION 12-6-1146 SO AS TO AUTHORIZE A CREDIT AGAINST A TAXPAYER'S SOUTH CAROLINA INCOME TAX LIABILITY OR CERTAIN OTHER TAX LIABILITY FOR CONTRIBUTIONS MADE TO NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS THAT PROVIDE GRANTS FOR CHILDREN WHO ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED SCHOOL LUNCH PROGRAM, WHO ARE "EXCEPTIONAL NEEDS" CHILDREN, OR WHOSE FAMILIES MEET THE REQUIREMENTS FOR FEDERAL MEDICAID BENEFITS TO ATTEND INDEPENDENT SCHOOLS OF THEIR CHOICE, AND TO PROVIDE THE PROCEDURES FOR, AND CONDITIONS AND LIMITATIONS OF THESE TAX CREDITS.

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

Yeas 62; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hixon |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Parker | Patrick |
| Pitts | Putnam | Ryan |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | White | Whitmire |
| Willis | Young |  |

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | Clyburn |
| Funderburk | Gilliard | Govan |
| Hiott | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Johnson | King | Knight |
| Mack | McEachern | McLeod |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Ott | Pinson | Sabb |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--38**

So, the Bill, as amended, was read the third time, and ordered sent to the Senate.

RECORD FOR VOTING

I was absent from the Chamber when we voted on third reading of H. 4894. Had I been present, I would have voted in favor of the Bill.

Rep. Phil Owens

**H. 4894--MOTION TO RECONSIDER TABLED**

Rep. BEDINGFIELD moved to reconsider the vote whereby the following Bill was given third reading and ordered sent to the Senate:

H. 4894 -- Reps. White, Bedingfield, McCoy, Loftis, Bingham, Herbkersman, Parker, Bowen, Erickson, Taylor, G. M. Smith, Forrester, Frye, G. R. Smith, Merrill, Stringer, Lowe, Nanney, Tribble, Crawford, Ryan, Corbin, Southard, J. R. Smith, Allison, Barfield, Chumley, Clemmons, Cole, Crosby, Delleney, Edge, Hamilton, Hardwick, Harrell, Harrison, Hearn, Henderson, Hixon, Limehouse, Long, Lucas, D. C. Moss, Murphy, Norman, Owens, Pinson, Pitts, Putnam, Quinn, Simrill, Skelton, Sottile, Spires, Tallon, Thayer, Toole, Viers, Young, Atwater, Huggins and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO AUTHORIZE A DEDUCTION FROM STATE OF SOUTH CAROLINA TAXABLE INCOME UP TO SPECIFIED AMOUNTS FOR TUITION PAID BY A PARENT OR LEGAL GUARDIAN FOR THEIR CHILD OR WARD TO ATTEND AN INDEPENDENT SCHOOL OR A PUBLIC SCHOOL OUTSIDE THE CHILD'S OR WARD'S SCHOOL DISTRICT OF RESIDENCE, AND TO ALSO AUTHORIZE A SIMILAR INCOME TAX DEDUCTION UP TO A SPECIFIED AMOUNT TO A PARENT OR LEGAL GUARDIAN FOR HOME SCHOOL EXPENDITURES; AND BY ADDING SECTION 12-6-1146 SO AS TO AUTHORIZE A CREDIT AGAINST A TAXPAYER'S SOUTH CAROLINA INCOME TAX LIABILITY OR CERTAIN OTHER TAX LIABILITY FOR CONTRIBUTIONS MADE TO NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS THAT PROVIDE GRANTS FOR CHILDREN WHO ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED SCHOOL LUNCH PROGRAM, WHO ARE "EXCEPTIONAL NEEDS" CHILDREN, OR WHOSE FAMILIES MEET THE REQUIREMENTS FOR FEDERAL MEDICAID BENEFITS TO ATTEND INDEPENDENT SCHOOLS OF THEIR CHOICE, AND TO PROVIDE THE PROCEDURES FOR, AND CONDITIONS AND LIMITATIONS OF THESE TAX CREDITS.

Rep. BEDINGFIELD moved to table the motion to reconsider, which was agreed to.

**H. 4703--AMENDED, ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4703 -- Reps. Pitts, Herbkersman, Parker, Hardwick, White, Erickson, Henderson, Limehouse, Sandifer, G. R. Smith, Spires and Tribble: A CONCURRENT RESOLUTION TO AFFIRM THE AUTHORITY OF THE STATE OF SOUTH CAROLINA IN DETERMINING APPROPRIATE ACTIVITIES AND USES OF RESOURCES IN WATERS CONTROLLED BY THE STATE AND TO RECOGNIZE THE CRITICAL ROLE OF STATES IN FEDERAL OCEAN PLANNING, INCLUDING THE GATHERING OF COASTAL AND MARINE SPATIAL DATA.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 to H. 4703 (COUNCIL\AGM\19518AB12), which was adopted:

Amend the concurrent resolution, as and if amended, by deleting all after the title and inserting:

/ Whereas, by the authority of the federal Submerged Lands Act of 1953, the State of South Carolina owns and manages waters within three nautical miles of the coastline; and

Whereas, there are ongoing and new uses of the ocean that could benefit from taking a coastal and marine spatial planning approach that incorporates the best available data and actively engages key user groups in the management decisions; and

Whereas, the State must have a leadership role in the development of any coastal and marine spatial planning efforts that occur in or adjacent to state waters; and

Whereas, it is critical that recreational fisheries and other user groups have the opportunity to be represented and engaged in ocean management decisions; and

Whereas, the National Ocean policy calls for a Coastal and Marine Spatial Planning process that could impact activities in waters owned and managed by this State; and

Whereas, the South Carolina General Assembly recognizes that without adequate scientific evidence to support coastal and marine spatial planning, this planning could have a detrimental effect on the coastal economies of our State; and

Whereas, the South Carolina General Assembly is uncertain that the Regional Planning Bodies designated to formulate regional Coastal and Marine Spatial Plans will provide equal participation across “federal, state and tribal authorities”; and

Whereas, the official engagement of all stakeholders during the Regional Planning Body plan development process must be clearly defined and implemented; and

Whereas, coastal and marine spatial planning has in some cases failed to ensure the right of the public to access aquatic resources for legitimate conservation activities and recreational uses; and

Whereas, nevertheless, the South Carolina General Assembly recognizes the authority of the United States government to manage recreational fishing as a sustainable activity in federally controlled waters as stated in Presidential Executive Order 12962 as amended by Presidential Executive Order 13474, and, subsequently, the State of South Carolina will continue to manage and protect recreational fishing as a sustainable activity in any relevant conservation or management areas that fall under the authority of this State. Now, therefore,

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

That the members of the General Assembly of the State of South Carolina, by this resolution, affirm the authority of the State of South Carolina in determining appropriate activities and uses of resources in state controlled waters, regardless of any Coastal and Marine Spatial Plans created pursuant to the National Oceans Policy, and recognize the critical role states and all ocean user groups must play in the creation of any Coastal and Marine Spatial Plans pursuant to the National Oceans Policy in federally controlled waters. /

Renumber sections to conform.

Amend title to read:

/TO AFFIRM THE AUTHORITY OF THE STATE OF SOUTH CAROLINA IN DETERMINING APPROPRIATE ACTIVITIES AND USES OF RESOURCES IN WATERS CONTROLLED BY THE STATE AND TO RECOGNIZE THE CRITICAL ROLE OF STATES IN FEDERAL OCEAN PLANNING, INCLUDING THE GATHERING OF COASTAL AND MARINE SPATIAL DATA./

Rep. PITTS explained the amendment.

The amendment was then adopted.

The Concurrent Resolution, as amended, was adopted and ordered sent to the Senate.

**MOTION PERIOD**

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

**H. 4043--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D. C. Moss and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A "DRUG TEST".

Rep. HARRISON proposed the following Amendment No. 2 to H. 4043 (COUNCIL\AGM\19486AB12), which was adopted:

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

/ SECTION 1. Section 41‑35‑120 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑35‑120. An insured worker is ineligible for benefits for:

(1) Leaving work voluntarily. If the department finds he left voluntarily, without good cause, his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim.

(2) Discharge for cause connected with the employment. If the department finds that he has been discharged for cause connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing not less than five nor more than the next ~~twenty‑six~~ twenty weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. A charge of discharge for cause connected with the employment may not be made for failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty. "Cause connected with the employment" as used in this item requires more than a failure in good performance of the employee as the result of inability or incapacity.

(3)(a) Discharge for illegal drug use, and is ineligible ~~for~~ from benefits ~~beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for twenty weeks with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification if the:

(i) company has communicated a policy prohibiting the illegal use of drugs, the violation of which may result in termination; and

(ii) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

(iii) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

(B) the test was performed by a laboratory certified by the ~~National Institute on Drug Abuse~~ United States Department of Health and Human Services (USDHHS)/Substance Abuse Mental Health Services Administration (SAMSHA), the College of American Pathologists or the State Law Enforcement Division; and

(C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the ~~National Institute on Drug Abuse~~ USDHHA/SAMSHA;

(iv) for purposes of this item, ‘unlawfully’ means without a prescription.

(b) If an insured worker makes an admission pursuant to the employer’s policy, which provides that voluntary admissions made before the employer’s request to the employee to submit to testing may protect an employee from immediate termination, then the admission is inadmissible for purposes of this section as long as the:

(i) employer has communicated a written policy, which provides protection from immediate termination for employees who voluntarily admit prohibited drug use before the employer’s request to submit to a test; and

(ii) employee makes the admission specifically pursuant to the employer’s policy.

(c) Information, interviews, reports, and drug‑test results, written or otherwise, received by an employer through a drug‑testing program may be used or received in evidence in proceedings conducted pursuant to the provisions of this title for the purposes of determining eligibility for unemployment compensation, including administrative or judicial appeal.

(4) Discharge for gross misconduct, and is ~~ineligible for~~ disqualified from benefits ~~beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for twenty weeks with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification if he is discharged due to:

(~~i~~a) wilful or reckless employee damage to employer property that results in damage of more than fifty dollars;

(~~ii~~b) employee consumption of alcohol or being under the influence of alcohol on employer property in violation of a written company policy restricting or prohibiting consumption of alcohol;

(~~iii~~c) employee theft of items valued at more than fifty dollars;

(~~iv~~d) failure to comply with applicable state or federal drug and alcohol testing and use regulations including, but not limited to, 49 C.F.R. part 40 and part 382 of the federal motor carrier safety regulations, while on the job or on duty, and regulations applicable for employees performing transportation and other safety sensitive job functions as defined by the federal government;

(~~v~~e) employee committing ~~criminal~~ assault or battery of another employee or a customer;

(~~vi~~f) employee committing ~~criminal~~ abuse of patient or child in his professional care;

(~~vii~~g) employee insubordination, which is defined as wilful failure to comply with a lawful, reasonable order of a supervisor directly related to the employee’s employment ~~as described in an applicable written job description~~; or

(~~viii~~h) employee wilful neglect of duty directly related to the employee’s employment ~~as described in an applicable written job description~~.

(5) Failure to accept work.

(a) If the department finds ~~he has failed, without good cause~~:

(i)(A) he has failed, without good cause, either to apply for available suitable work, when so directed by the employment office or the department;

(B) he has failed, without good cause, to accept available suitable work when offered to him by the employment office or an employer; ~~or~~

(C) he has failed, without good cause, to return to his customary self‑employment, if any, when so directed by the department, the ineligibility begins with the week the failure occurred and continues until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined in Chapters 27 through 41 of this title and earned wages for services equal to at least eight times the weekly benefit amount of his claim; or

(D) he has tested positive for drugs after being given a drug test on behalf of the prospective employer as a condition of an offer of employment, or if:

(1) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

(2) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(a) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel;

(b) the test was performed by a laboratory certified by the USDHHS/SAMSHA, the College of American Pathologists or the State Law Enforcement Division; and

(c) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the USDHHS/SAMSHA.

(ii) For purposes of this item, ‘unlawfully’ means without a prescription.

(b) In determining whether work is suitable for an individual, the department must consider, based on a standard of reasonableness as it relates to the particular individual concerned, the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(c) Notwithstanding another provision of Chapters 27 through 41 of this title, work is not considered suitable and benefits may not be denied under these chapters to an otherwise eligible individual for refusing to accept new work under any of the following conditions:

(i) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(ii) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

(iii) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) Notwithstanding another provision of Chapters 27 through 41 of this title, an otherwise eligible individual may not be denied a benefit for a week for failure to apply for, or refusal to accept, suitable work because he is in training with the approval of the department.

(e) Notwithstanding another provision of this chapter, an otherwise eligible individual may not be denied a benefit for a week because he is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor may the individual be denied benefits by reason of leaving work to enter training, if the work left is not suitable employment, or because of the application to a week in training of provisions in this law or an applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subitem, ‘suitable employment’ means, with respect to an individual, work of a substantially equal or higher skill level than the individual’s past adversely affected employment, as defined for purposes of the Trade Act of 1974, and wages for the work at not less than eighty percent of the individual’s average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) Labor dispute. For a week in which the department finds that his total or partial unemployment is directly due to a labor dispute in active progress in the factory, establishment, or other premises at which he was last employed. This paragraph does not apply if it is shown to the satisfaction of the department that he:

(a) is not participating in, financing, or directly interested in the labor dispute;

(b) does not belong to a grade or class of workers of which, immediately before he became unemployed by reason of the dispute, there were members employed at the premises at which the dispute exists, any of whom are participating in or directly interested in the dispute. If separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each department for the purpose of this item is considered to be a separate factory, establishment, or other premises.

(7) Receiving benefits elsewhere. For a week in which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States. If the appropriate agency of the other state or of the United States finally determines that he is not entitled to unemployment benefits, this disqualification does not apply.

(8) Voluntary retirement. If the department finds that he voluntarily retired from his most recent work with the ineligibility beginning with the effective date of his claim and continuing for the duration of his unemployment and until the individual submits satisfactory evidence of having had new employment and of having earned wages of not less than eight times his weekly benefit amount as defined in Section 41‑35‑40. For the purpose of this section, ‘most recent work’ means the work from which the individual retired regardless of any work subsequent to his retirement in which he earned less than eight times his weekly benefit amount.

(9) Compliance with drug testing procedure. An employer is not liable for any acts or omissions arising out of disclosure of the test results to the Department, provided the employer complies with the requirements of this section and any applicable law. In order to comply an employer must disclose to the Department when a pre‑employment drug test is offered and refused or failed by a potential employee.”

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

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

Rep. HOWARD proposed the following Amendment No. 3 to H. 4043 (COUNCIL\NBD\12271DG12), which was ruled out of order:

Amend the bill, as and if amended, Section 1‑35‑120, as contained in SECTION 1, so as to add appropriately numbered items at the end to read:

/ ( ) The provisions of this section apply to all members of the General Assembly.

( )(a) Notwithstanding another provision of law, the Clerk of the House of Representatives and the Clerk of the Senate must annually ask each member of the House of Representatives and Senate, respectively, to submit to a random drug and alcohol test and to respond within seven days afterward by indicating their willingness to submit to the test.

(b) Each clerk must maintain a list concerning the members of the chamber for which he serves as clerk indicating:

(i) the date on which each member was asked to submit to a random drug and alcohol test;

(ii) whether the member responded to the request in a timely manner, and, if so, whether the member declined or agreed to submit to the random drug and alcohol test; and

(iii) the results of the random drug and alcohol test, if the member agreed to submit to the test.

(c) These lists must be updated on a weekly basis and made available to the public.

(d) A member who fails to respond to a request to submit to the drug and alcohol test in a timely or declines to submit to the drug and alcohol test shall forfeit ten percent of compensation he receives pursuant to Section 2‑3‑20 in the calendar year in which the failure to respond or refusal to submit occurred, and these forfeited funds must be allocated to the General Fund. /

Renumber sections to conform.

Amend title to conform.

Rep. HOWARD explained the amendment.

**POINT OF ORDER**

Rep. YOUNG raised the Point of Order that under Rule 9.3 Amendment No. 3 on H. 4043 was out of order in that it was not germane to the Bill.

Rep. HOWARD spoke against the Point stating that it dealt with employment and unemployment which seeks state funds and Amendment No 3 covers drug testing Members of the General Assembly. He stated further that Amendment No. 3 covered drug and alcohol testing before Members file and a random drug test once their seat has been filled.

Rep. YOUNG responded stating that there is nothing in the actual Bill concerning random drug testing. He further stated that Amendment No. 3 concerned Members of the General Assembly and the Bill had nothing to do with Members of the General Assembly.

SPEAKER HARRELL sustained the Point of Order and ruled Amendment No. 3 to be non-germane.

Rep. HOWARD proposed the following Amendment No. 4 to H. 4043 (COUNCIL\AGM\19523AB12), which was ruled out of order:

Amend the bill, as and if amended, Section 1‑35‑120, as contained in SECTION 1, so as to add appropriately numbered items at the end to read:

/ ( ) The provisions of this section apply to all statewide constitutional officers.

( )(a) Notwithstanding another provision of law, The Budget and Control Board or its successor must annually ask each statewide constitutional officer to submit to a random drug test and to respond within seven days afterward by indicating his willingness to submit to the test.

(b) The Budget and Control Board must maintain a list indicating:

(i) the date on which each statewide constitutional officer was asked to submit to a random drug test;

(ii) whether he responded to the request in a timely manner, and, if so, whether he declined or agreed to submit to the random drug test; and

(iii) the results of the random drug test, if the statewide constitutional officer agreed to submit to the test.

(c) These lists must be updated within seventy‑two hours of a change of any information and made available to the public.

(d) A statewide constitutional officer who fails to respond to a request to submit to the drug test in a timely or declines to submit to the drug test shall forfeit ten percent of his salary in the calendar year in which the failure to respond or refusal to submit occurred, and these forfeited funds must be allocated to the General Fund. /

Renumber sections to conform.

Amend title to conform.

Rep. HOWARD explained the amendment.

**POINT OF ORDER**

Rep. YOUNG raised the Point of Order that under Rule 9.3 Amendment No. 4 on H. 4043 was out of order in that it was not germane to the Bill.

SPEAKER HARRELL sustained the Point of Order and ruled Amendment No. 4 to be non-germane.

Rep. SELLERS proposed the following Amendment No. 5 to H. 4043 (COUNCIL\GGS\22346ZW12), which was tabled:

Amend the bill, as and if amended, Section 1-35-120(3)(a)(ii), as contained in SECTION 1, on page 4043-2, lines 33-35, by striking / or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen /

Amend the bill further, as and if amended, Section 1-35-120(D)(1), as contained in SECTION 1, on page 4043-5, lines 4-6, by striking / or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

Rep. TALLON moved to table the amendment.

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

Yeas 74; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Patrick | Pinson |
| Pitts | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | White | Whitmire |
| Willis | Young |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Branham | Brantley |
| R. L. Brown | Clyburn | Gilliard |
| Govan | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sabb |
| J. E. Smith | Weeks | Whipper |
| Williams |  |  |

**Total--31**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

Rep. RUTHERFORD spoke against the Bill.

Rep. HOWARD spoke against the Bill.

Rep. WEEKS spoke against the Bill.

Rep. HART moved to recommit the Bill to the Committee on Judiciary.

Rep. TALLON moved to table the motion.

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

Yeas 72; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | Chumley | Clemmons |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Parker | Patrick |
| Pinson | Pitts | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | Vick | White |
| Whitmire | Willis | Young |

**Total--72**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Gilliard | Govan | Hart |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | King |
| Knight | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sabb |
| J. E. Smith | Weeks | Whipper |
| Williams |  |  |

**Total--37**

So, the motion to recommit the Bill was tabled.

**LEAVE OF ABSENCE**

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. HART spoke against the Bill.

Reps. CRAWFORD, LOWE and ERICKSON proposed the following Amendment No. 6 to H. 4043 (COUNCIL\ BBM\10614HTC12), which was adopted:

Amend the bill, as and if amended, in Section 1‑35‑120, as contained in SECTION 1, page 4043‑7, by inserting a new item after line 20 to read:

/ (10) It is unlawful for any biologic material obtained in the course of conducting testing required pursuant to this section to be used for testing for any other purpose than the specific testing required by this section. A violation of this item is a misdemeanor and, upon conviction, must be punished by a fine of ten thousand dollars for a first offense and fifty thousand dollars for a second or subsequent offense. /

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

Rep. J. H. NEAL spoke against the Bill.

Rep. SABB spoke against the Bill.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. CHUMLEY a leave of absence for the remainder of the day.

Rep. WEEKS moved to adjourn debate on the Bill until Tuesday, April 17.

Rep. TALLON moved to table the motion.

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

Yeas 72; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Clemmons |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | Neilson | Norman |
| Owens | Parker | Patrick |
| Pinson | Pitts | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Whitmire | Willis | Young |

**Total--72**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Brantley | R. L. Brown |
| Butler Garrick | Clyburn | Gilliard |
| Hart | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| Parks | Rutherford | Sabb |
| Weeks | Whipper | Williams |

**Total--27**

So, the motion to adjourn debate was tabled.

Rep. WEEKS moved that the House recede until 2:00 p.m.

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

Yeas 23; Nays 77

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Brantley | R. L. Brown | Butler Garrick |
| Clyburn | Gilliard | Govan |
| Hart | Hodges | Hosey |
| Jefferson | Johnson | King |
| Mack | McEachern | J. H. Neal |
| Ott | Sabb | Weeks |
| Whipper | Williams |  |

**Total--23**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Brannon |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Putnam | Quinn |
| Rutherford | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Whitmire |
| Willis | Young |  |

**Total--77**

So, the House refused to recede.

Rep. WEEKS moved to continue the Bill.

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

Yeas 30; Nays 68

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Brantley | R. L. Brown |
| Butler Garrick | Clyburn | Gilliard |
| Govan | Hart | Hodges |
| Hosey | Howard | Jefferson |
| Johnson | King | Mack |
| McEachern | McLeod | Munnerlyn |
| J. H. Neal | J. M. Neal | Ott |
| Parks | Rutherford | Sabb |
| Weeks | Whipper | Williams |

**Total--30**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Brannon |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | V. S. Moss | Nanney |
| Neilson | Norman | Owens |
| Parker | Patrick | Pitts |
| Putnam | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Tallon | Taylor | Whitmire |
| Willis | Young |  |

**Total--68**

So, the House refused to continue the Bill.

**LEAVE OF ABSENCE**

The SPEAKER PRO TEMPORE granted Rep. PITTS a leave of absence for the remainder of the day.

Rep. WEEKS moved that the House do now adjourn.

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

Yeas 29; Nays 66

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Brantley |
| R. L. Brown | Butler Garrick | Clyburn |
| Gilliard | Govan | Hart |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | King |
| Knight | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| Parks | Sabb | Weeks |
| Whipper | Williams |  |

**Total--29**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Atwater |
| Ballentine | Bannister | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | Neilson | Norman |
| Owens | Parker | Patrick |
| Pinson | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Stringer | Tallon | Taylor |
| Whitmire | Willis | Young |

**Total--66**

So, the House refused to adjourn.

Rep. MACK spoke against the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 70; Nays 24

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Brannon |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Harrell | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Owens | Parker |
| Patrick | Pinson | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Vick | Whitmire | Willis |
| Young |  |  |

**Total--70**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Brantley | R. L. Brown | Butler Garrick |
| Clyburn | Gilliard | Govan |
| Hart | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| J. H. Neal | Parks | Sabb |
| Weeks | Whipper | Williams |

**Total--24**

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

RECORD FOR VOTING

I had to leave for a previously scheduled appointment and missed the vote on passage of H. 4043. If I had been present, I would have voted in favor of the Bill.

Rep. Bill Chumley

RECORD FOR VOTING

I was temporarily out of the Chamber attending a meeting and missed the vote on H. 4043. Had I been present for the vote on H. 4043, I would have voted in the affirmative.

Rep. Brian White

RECORD FOR VOTING

I was outside the Chamber during the vote H. 4043, which I co-sponsored. If I had been present, I would have voted in favor of second reading of the Bill.

Rep. Alan Clemmons

**SPEAKER IN CHAIR**

**H. 4043--MOTION TO RECONSIDER TABLED**

Rep. TALLON moved to reconsider the vote whereby the following Bill was given second reading:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D. C. Moss and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A "DRUG TEST".

Rep. TALLON moved to table the motion to reconsider, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

Rep. MERRILL moved that the House recur to the morning hour, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 29, 2012

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time between April 1, 2012, and April 15, 2012, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. SKELTON the invitation was accepted.

**REPORT OF STANDING COMMITTEE**

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

S. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56-5-5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56-5-5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56-5-5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56-5-5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56-5-5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56-5-5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5106 -- Reps. G. M. Smith, Herbkersman, Edge, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO JOIN THE SOUTH CAROLINA SOCIETY OF OTOLARYNGOLOGY/HEAD & NECK SURGERY IN OBSERVING APRIL 16, 2012, AS WORLD VOICE DAY IN THE PALMETTO STATE, AND TO ENCOURAGE ITS CITIZENS TO PRACTICE TECHNIQUES THAT MAY HELP PREVENT THE ONSET OF A VOICE DISORDER OR TO VISIT AN OTOLARYNGOLOGIST/HEAD AND NECK SURGEON IF THEY ARE SUFFERING FROM A VOICE DISORDER.

Whereas, it is estimated that nearly seven million Americans suffer from some form of voice disorder; and

Whereas, voice disorders can impact the everyday lives of those affected by inhibiting their ability to express themselves effectively; and

Whereas, there are many ways in which people can conserve their voices and prevent the development of voice disorders. These methods include keeping hydrated; minimizing activities that cause vocal strain, such as yelling; warming up before heavy vocal use; using appropriate breath support; taking advantage of amplification; and paying attention to voice cues; and

Whereas, it is important to draw state, national, and international attention to the existence of voice disorders and the availability of services provided by otolaryngologists/head and neck surgeons‑‑the only kind of medical doctors specifically trained to treat the ear, nose, throat, head, and neck‑‑as well as other specialized providers for the amelioration of these disorders; and

Whereas, every year on April 16, otolaryngologists/head and neck surgeons and other voice‑health professionals worldwide join together to recognize World Voice Day, an international celebration of the human voice established to help raise public and professional awareness about voice disorders; and

Whereas, World Voice Day, sponsored in the United States by the American Academy of Otolaryngology‑Head and Neck Surgery, encourages men and women, young and old, to assess their vocal health and take action to improve or maintain good voice habits; and

Whereas, in light of the prime importance of the human voice to all people, it is entirely appropriate for the members of the House of Representatives to join in recognizing World Voice Day and in encouraging good voice habits for the citizens of this great State. Now, therefore,

Be it resolved by the House of Representatives:

That the South Carolina House of Representatives, by this resolution, join the South Carolina Society of Otolaryngology/Head & Neck Surgery in observing April 16, 2012, as World Voice Day in the Palmetto State, and encourage its citizens to practice techniques that may help prevent the onset of a voice disorder or to visit an otolaryngologist/head and neck surgeon if they are suffering from a voice disorder.

Be it further resolved that a copy of this resolution be forwarded to the South Carolina Society of Otolaryngology/Head & Neck Surgery.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5107 -- Reps. McLeod, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE C. EARL HUNTER, FORMER COMMISSIONER OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR THIRTY-TWO YEARS OF DEDICATED SERVICE TO THE CITIZENS OF THIS GREAT STATE, AND TO WISH HIM CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5108 -- Reps. J. H. Neal, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE CHOCQUIBTOWN OF COLOMBIA, SOUTH AMERICA, CONGRATULATE THE GROUP ON ITS SUCCESSFUL PERFORMING CAREER, AND WISH THESE MUSICIANS WELL AS THEY COMPLETE THEIR STAY IN COLUMBIA UNDER THE AUSPICES OF THE BENEDICT COLLEGE OFFICE OF INTERNATIONAL PROGRAMS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5109 -- Reps. Pitts, Merrill, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CHRISTINA MARIE MCGREGOR FOR HER DEDICATION TO PROTECTING AND PRESERVING THE NATURAL RESOURCES OF THE PALMETTO STATE THROUGH HER ADVOCACY BEFORE THE GENERAL ASSEMBLY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5110 -- Rep. Butler Garrick: A HOUSE RESOLUTION TO RECOGNIZE THE MEMBERS OF JACK AND JILL OF AMERICA, INC., AS THEY HOST THEIR THIRD LEGISLATIVE ON THE HILL SUMMIT ON APRIL 5, 2012, AND TO WELCOME THEM TO THE SOUTH CAROLINA STATE HOUSE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1396 -- Senator McGill: A CONCURRENT RESOLUTION TO COMMEND THE MEMBERS OF THE AMERICAN LEGION RIDERS OF SOUTH CAROLINA FOR THEIR CONDUCT AND SPONSORSHIP OF THE 2012 MOTORCYCLE BENEFIT RIDE TO BE HELD ON APRIL 14 AND 15, 2012, WHICH EACH YEAR RAISES SUBSTANTIAL FUNDS FOR SCHOLARSHIPS FOR CHILDREN WHO HAVE HAD A PARENT KILLED ON ACTIVE MILITARY SERVICE SINCE SEPTEMBER 11, 2001.

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

**INTRODUCTION OF BILLS**

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

H. 5111 -- Rep. Edge: A BILL TO AMEND CHAPTER 57, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REAL ESTATE BROKERS, SALESMEN, AND PROPERTY MANAGERS, SO AS TO REVISE THE CHAPTER.

Referred to Committee on Labor, Commerce and Industry

H. 5112 -- Rep. Hiott: A BILL TO AMEND CHAPTER 41, TITLE 39, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENGINE FUELS, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE COMMISSIONER OF AGRICULTURE SHALL ADMINISTER THIS CHAPTER AND TO DELINEATE HIS AUTHORITY, TO PROVIDE THAT A DEALER OF CERTAIN FUELS MUST REGISTER WITH THE COMMISSIONER, TO PROVIDE PENALTIES, AND TO SET FORTH AN APPEALS PROCESS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5113 -- Rep. Rutherford: A BILL TO AMEND SECTIONS 44-53-370 AND 44-53-375, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO POSSESSION, MANUFACTURE, AND TRAFFICKING IN CERTAIN CONTROLLED SUBSTANCES, SO AS TO REMOVE MANDATORY MINIMUM PENALTIES AND ALLOW PERSONS WHO COMMIT CERTAIN CONTROLLED SUBSTANCE OFFENSES TO BE PAROLED AND PARTICIPATE IN SUPERVISED FURLOUGH, COMMUNITY SERVICE, WORK RELEASE, WORK CREDITS, EDUCATION CREDITS, AND GOOD CONDUCT CREDITS PROGRAMS; AND TO CREATE A STUDY COMMITTEE TO REVIEW THE STATE'S DRUG LAWS, TO PROVIDE FOR THE MEMBERSHIP AND STAFFING OF THE STUDY COMMITTEE, AND TO PROVIDE FOR THE STUDY COMMITTEE'S TERMINATION.

Referred to Committee on Judiciary

H. 5114 -- Rep. Crawford: A BILL TO ENACT THE "WORKPLACE HEALTH IMPROVEMENT ACT" BY REPEALING SECTION 41-1-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, WHICH PROHIBITS EMPLOYERS FROM TAKING PERSONNEL ACTION BASED ON THE USE OF TOBACCO PRODUCTS OUTSIDE OF THE WORKPLACE.

Referred to Committee on Judiciary

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56-5-2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56-5-2930, 56-5-2935, OR 56-5-2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56-5-2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

Referred to Committee on Judiciary

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms, Peeler and Shoopman: A BILL TO AMEND SECTION 41-35-120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

Referred to Committee on Judiciary

S. 1211 -- Senators Alexander and Ford: A BILL TO AMEND SECTION 43-31-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE STATE AGENCY OF VOCATIONAL REHABILITATION, SO AS TO INCLUDE IN THE AGENCY'S MEMBERSHIP THE APPOINTMENT OF A MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT, TO ELIMINATE THE AT-LARGE AGENCY MEMBER, AND TO FURTHER PROVIDE FOR THE

AGENCY'S TRANSITION FROM SIX TO SEVEN CONGRESSIONAL DISTRICT MEMBERS.

Referred to Committee on Labor, Commerce and Industry

S. 1212 -- Senators Alexander and Ford: A BILL TO AMEND SECTION 43-25-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND MEMBERSHIP OF THE COMMISSION OF THE BLIND, SO AS TO INCLUDE IN THE COMMISSION'S MEMBERSHIP THE APPOINTMENT OF A MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT, TO ELIMINATE THE STATE AT LARGE COMMISSION MEMBER, AND TO FURTHER PROVIDE FOR THE COMMISSION'S TRANSITION FROM SIX TO SEVEN CONGRESSIONAL DISTRICT MEMBERS.

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

S. 1377 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF NURSING, RELATING TO FEES AND APRNS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4272, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

**H. 5057--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5057 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS, RELATING TO REQUIREMENTS OF LICENSURE FOR LONG TERM HEALTH CARE ADMINISTRATORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4242, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. SPIRES explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Brantley |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | Norman | Ott |
| Parker | Parks | Patrick |
| Pinson | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Vick | Weeks |
| Whipper | Whitmire | Williams |
| Willis | Young |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

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

**H. 5057--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SPIRES, with unanimous consent, it was ordered that H. 5057 be read the third time tomorrow.

**H. 5058--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5058 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - MASSAGE/BODYWORK THERAPY PANEL, RELATING TO QUALIFICATION FOR LICENSURE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4239, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. SPIRES explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 86; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Brantley |
| R. L. Brown | Clemmons | Clyburn |
| Cole | Crawford | Crosby |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Harrell | Harrison |
| Hart | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Patrick | Pinson | Putnam |
| Quinn | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Tallon |
| Taylor | Vick | Weeks |
| Whipper | Whitmire | Williams |
| Willis | Young |  |

**Total--86**

Those who voted in the negative are:

**Total--0**

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

**H. 5058--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SPIRES, with unanimous consent, it was ordered that H. 5058 be read the third time tomorrow.

**H. 5059--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5059 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO DEFINITIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4237, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. SPIRES explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 88; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Brantley |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cole | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Harrell | Hart | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Patrick | Pinson | Putnam |
| Quinn | Rutherford | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Spires | Stringer | Tallon |
| Taylor | Vick | Whipper |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--88**

Those who voted in the negative are:

**Total--0**

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

**H. 5059--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SPIRES, with unanimous consent, it was ordered that H. 5059 be read the third time tomorrow.

**S. 1301--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1301 -- Senators Fair and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-335 SO AS TO PROVIDE THAT TO ENSURE A REPRESENTATIVE GOVERNING BODY ABOVE A SIZE OF THREE, AN ELECTED GOVERNING BODY OF A PUBLIC SERVICE DISTRICT LOCATED WHOLLY IN ONE COUNTY WHICH PROVIDES WATER, SEWER, OR FIRE SERVICE WITHIN ITS SERVICE AREA MAY BE ENLARGED BY ADDITIONAL MEMBERS IN THE MANNER AND UNDER THE PROCEDURES SPECIFIED IN THIS SECTION.

Rep. LOFTIS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Brantley |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cole | Corbin |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hearn | Henderson |
| Herbkersman | Hiott | Hodges |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | J. H. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Patrick |
| Pinson | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Vick | Weeks |
| Whipper | Whitmire | Williams |
| Willis | Young |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

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

**S. 1301--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. LOFTIS, with unanimous consent, it was ordered that S. 1301 be read the third time tomorrow.

**H. 5063--POINT OF ORDER**

The following Bill was taken up:

H. 5063 -- Reps. Sandifer and Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-41-45 SO AS TO CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF CHAPTER 41, TITLE 41; TO AMEND SECTION 41-41-10, RELATING TO FALSE STATEMENTS MADE TO INCREASE UNEMPLOYMENT BENEFITS, SO AS TO CHANGE PENALTIES FOR A VIOLATION; AND TO AMEND SECTION 41-41-30, RELATING TO FALSE STATEMENTS MADE BY AN EMPLOYER TO PREVENT OR REDUCE AN UNEMPLOYMENT BENEFIT, SO AS CHANGE THE PENALTIES FOR A VIOLATION.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4054--POINT OF ORDER**

The following Bill was taken up:

H. 4054 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-36 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE KEOWEE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE A PENALTY.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4200--POINT OF ORDER**

The following Bill was taken up:

H. 4200 -- Reps. Hardwick, Cooper, Clemmons, Frye, Ott, Funderburk, H. B. Brown, Battle, Agnew, McCoy, McEachern, Atwater, Williams, Spires, J. H. Neal, Gilliard, Sabb, Toole, Butler Garrick, Govan, Hiott, Stringer, Ballentine, Murphy, Knight, G. A. Brown, Chumley, Corbin, Crosby, Daning, Dillard, Hixon, Lowe, V. S. Moss, Neilson, Ryan, Willis and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-3-25 SO AS TO REQUIRE THE DEPARTMENT OF AGRICULTURE TO CREATE AND MAINTAIN A PROGRAM TO ENCOURAGE SCHOOLS TO SERVE LOCALLY GROWN, MINIMALLY PROCESSED FARM FOODS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4705--POINT OF ORDER**

The following Bill was taken up:

H. 4705 -- Reps. Brady, Butler Garrick, Long, Funderburk, Thayer, Henderson and Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-60 SO AS TO REQUIRE HOSPITALS TO PROVIDE PARENTS OF NEWBORNS, PRIOR TO DISCHARGE, EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE AND TO REQUIRE THIS INFORMATION TO INCLUDE THE CENTER FOR DISEASE CONTROL'S RECOMMENDATION THAT PARENTS RECEIVE THE TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINE DURING POST PARTUM TO PROTECT NEWBORNS FROM THE TRANSMISSION OF PERTUSSIS; AND TO PROVIDE THAT HOSPITALS ARE NOT REQUIRED TO PROVIDE OR PAY FOR A VACCINATION AGAINST PERTUSSIS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4687--POINT OF ORDER**

The following Bill was taken up:

H. 4687 -- Reps. King, Parks, Butler Garrick, J. E. Smith and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-63-74 SO AS TO REQUIRE DEATH CERTIFICATES TO BE ELECTRONICALLY TRANSMITTED AMONG ALL PARTIES REQUIRED TO COMPLETE THE DEATH CERTIFICATE; TO REQUIRE ELECTRONIC FILING OF THE DEATH CERTIFICATE WITH THE BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO PROVIDE THAT REQUIRED SIGNATURES MUST BE PROVIDED ELECTRONICALLY; AND TO DEFINE "ELECTRONIC SIGNATURE".

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 1213--POINT OF ORDER**

The following Bill was taken up:

S. 1213 -- Senators Alexander, L. Martin, Scott, Knotts, Peeler, Cromer, Setzler, Leventis, Hayes, Nicholson, Ryberg and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 2 SO AS TO ESTABLISH THE STATE OF SOUTH CAROLINA MEDAL OF VALOR TO RECOGNIZE SOUTH CAROLINIANS, OR INDIVIDUALS WITH CERTAIN TIES TO SOUTH CAROLINA, WHO WERE KILLED IN ACTION WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA; TO PROVIDE FOR THE SOUTH CAROLINA MEDAL OF VALOR ROLL; AND TO ESTABLISH THE SOUTH CAROLINA MEDAL OF VALOR AWARD CRITERIA.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 872--POINT OF ORDER**

The following Bill was taken up:

S. 872 -- Senators Knotts, Rose, Reese, O'Dell, Verdin, Rankin, Bryant, Malloy, McConnell, Scott, Grooms, Fair, Campbell, Elliott, Setzler, McGill, Davis, Williams, Pinckney, Cromer, Hayes, Land, Jackson, Lourie, Nicholson, Matthews, L. Martin, Alexander and Ford: A BILL TO AMEND SECTION 25-1-590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RETIREMENT OF MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD, SO AS TO EXTEND THE RETIREMENT HONORARY PROMOTION PROVISIONS TO HONORABLY DISCHARGED SERVICEMEMBERS WHO ARE REMOVED FROM THE NATIONAL GUARD DUE TO MEDICAL CONDITIONS, AND TO PROVIDE THAT THE EXPANDED HONORARY PROMOTION ELIGIBILITY DESCRIBED ABOVE IS TO BE APPLIED RETROACTIVELY.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 5087--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 5087 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR MEDICAL PROFESSIONALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4244, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 5088--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 5088 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN PSYCHOLOGY, RELATING TO CONTINUING EDUCATION CREDITS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4251, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 5089--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 5089 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4271, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 5025--POINT OF ORDER**

The following Bill was taken up:

H. 5025 -- Reps. Govan, Cobb-Hunter, King, Limehouse, J. H. Neal, Ott, R. L. Brown and Whipper: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3209--POINT OF ORDER**

The following Bill was taken up:

H. 3209 -- Reps. Cobb-Hunter, Long and Brady: A BILL TO AMEND SECTION 20-4-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE THAT THE COURT MAY PROHIBIT HARM OR HARASSMENT TO A PET ANIMAL OWNED, POSSESSED, KEPT, OR HELD BY THE PETITIONER AND TO PROVIDE THAT IN ORDERING TEMPORARY POSSESSION OF PERSONAL PROPERTY, THE COURT MAY ORDER THE TEMPORARY POSSESSION OF PET ANIMALS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4738--POINT OF ORDER**

The following Bill was taken up:

H. 4738 -- Reps. Govan and Hearn: A BILL TO AMEND SECTION 20-3-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY IN DIVORCE AND SEPARATE MAINTENANCE AND SUPPORT ACTIONS, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON "COHABITATION", RATHER THAN ON "CONTINUED COHABITATION" OF THE SUPPORTED SPOUSE; TO DEFINE "COHABITATION" AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; TO AMEND SECTION 20-3-150, AS AMENDED, RELATING TO ALLOCATING ALIMONY TO THE SUPPORTED SPOUSE AND CHILD SUPPORT TO THE CHILDREN SUCH THAT ONLY ALIMONY IS TERMINATED UPON REMARRIAGE OR CONTINUED COHABITATION OF THE SUPPORTED SPOUSE, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON "COHABITATION", RATHER THAN ON "CONTINUED COHABITATION" OF THE SUPPORTED SPOUSE; TO DEFINE "COHABITATION" AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; AND TO AMEND SECTION 20-3-170, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE THAT UPON THE MOTION OF A PARTY TO A JUDGMENT OF DIVORCE, THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE RETIREMENT OF THE SUPPORTING SPOUSE CONSTITUTES A CHANGE OF CIRCUMSTANCES FOR THE PURPOSE OF ALIMONY PAYMENTS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER IN MAKING THIS DETERMINATION.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4717--POINT OF ORDER**

The following Bill was taken up:

H. 4717 -- Reps. Brannon and Allison: A BILL TO AMEND SECTION 63-7-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPEDITED PLACEMENT OF A CHILD WITH A RELATIVE OF THE FIRST OR SECOND DEGREE WHEN A CHILD REMAINS IN THE LEGAL CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES FOLLOWING THE PROBABLE CAUSE HEARING, SO AS TO PROVIDE THAT IF THE COURT FINDS THAT CONTINUING THE CHILD IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD, THE COURT MAY ORDER PLACEMENT WITH A RELATIVE OF THE FIRST OR SECOND DEGREE, WHICH INCLUDES A GRANDPARENT; TO PROVIDE THAT THE COURT SHALL CONSIDER CERTAIN CHARACTERISTICS OF THE RELATIVE AND HOW THESE WOULD IMPACT THE CHILD; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A RELATIVE OF THE FIRST OR SECOND DEGREE, THE RELATIVE MUST BE NAMED AS A PARTY FOR THE DURATION OF THE CASE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4945--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 4945 -- Reps. Funderburk, Harrison, Brantley, McLeod, Butler Garrick, Munnerlyn, Taylor, J. H. Neal, Dillard, Bannister, G. R. Smith, Bowers, Cobb-Hunter, Delleney, Hixon, Long, Pope and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-5-185 SO AS TO AUTHORIZE A PERSON TO REGISTER TO VOTE ELECTRONICALLY ON THE INTERNET WEBSITE OF THE STATE ELECTION COMMISSION, TO PROVIDE A PROCEDURE FOR THIS TYPE OF REGISTRATION AND AUTHORIZE THE STATE ELECTION COMMISSION TO PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ACT.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**RULE 5.10 WAIVED**

Rep. CLEMMONS moved to waive Rule 5.10.

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

Yeas 68; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Neilson | Norman |
| Parker | Patrick | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Vick |
| Whipper | White | Whitmire |
| Willis | Young |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Brantley |
| R. L. Brown | Butler Garrick | Gilliard |
| Govan | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Mack |
| McEachern | McLeod | J. H. Neal |
| Ott | Parks | Sabb |
| Stavrinakis | Weeks | Williams |

**Total--27**

So, Rule 5.10 was waived.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4945 (COUNCIL\SWB\5252ZW12), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and adding the following appropriately numbered SECTIONS:

/SECTION 1. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑185. (A) A person who is qualified to register to vote and who has a valid South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.

(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received thirty days before an election to be held in the precinct of the person submitting the application.

(2) The applicant shall attest to the truth of the information provided in the application.

(3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver’s license or state identification card issued by the Department of Motor Vehicles.

(4) For each electronic application, the State Election Commission shall obtain an electronic copy of the applicant’s signature from his driver’s license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.

(5) The State Election Commission requires a person who submits an application pursuant to this section to include:

(a) the number of the applicant’s South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles;

(b) applicant’s date of birth;

(c) the last four digits of the applicant’s social security number;

(d) the applicant’s name and address of residency and

(e) other information the State Election Commission considers necessary to establish the identity of the applicant.

(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:

(1) applicant has a South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles and that the number for that driver’s license or identification card provided by the applicant matched the number for that person’s driver’s license or state identification card that is on file with the Department of Motor Vehicles;

(2) date of birth provided by the applicant matches the date of birth for that person which is on file with the Department of Motor Vehicles;

(3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and

(4) State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.

(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles the State Election Commission shall immediately notify the applicant of the failure to match information and inform them that their application for registration was not accepted.

(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.”

SECTION 2. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑186. (A)(1) The State Election Commission shall establish and maintain a statewide voter registration database that shall be administered by the office of the by the commission and made continuously available to each board of elections and to other agencies as authorized by law.

(2)(a) State agencies, including, but not limited to, the department of health and environmental control office of vital statistics, bureau of motor vehicles, department of employment and workforce, and the department of corrections, shall provide any information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission is confidential in the possession of the entity providing the data remains confidential while in the possession of the State Election Commission.

(b) Information provided under this division for maintenance of the statewide voter registration database shall not be used to update the name or address of a registered elector. The name or address of a registered elector shall only be updated as a result of the elector’s actions in filing a notice of change of name, change of address, or both.

(c) A county board of registration shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under division (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

(3) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this division, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The secretary of state may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.”

SECTION 3. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7-5-187. Notwithstanding another provision of law, the State Election Commission or another entity charged by law with the registration of voters in South Carolina shall only request the last four digits of the social security number of any person seeking to register to vote.”

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

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK explained the amendment.

The amendment was then adopted.

Reps. SELLERS and CLEMMONS proposed the following Amendment No. 2 to H. 4945 (COUNCIL\GGS\22351ZW12), which was ruled out of order:

Amend the bill, as and if amended, by adding appropriately number SECTIONS at the end to read:

/ SECTION 1. Section 7‑13‑35 of the 1976 Code is amended to read:

“Section 7‑13‑35. (A) The authority charged by law with conducting an election must publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return‑addressed envelopes containing absentee ballots may begin at ~~2:00 p.m.~~9:00 a.m. on election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.

(B) In the event the election is postponed, the election shall be held on the first Tuesday after the originally scheduled election day.”

SECTION 2. Section 7‑13‑40 of the 1976 Code is amended to read:

“Section 7‑13‑40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county election commissions on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county election commission, whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on ~~April ninth, or if April ninth~~April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. Political parties must not accept the filing of any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate desires to file, and such candidate’s name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.”

SECTION 3. Section 7‑13‑190 of the 1976 Code is amended by adding:

“(F) In the event the Governor declares a state of emergency covering an entire jurisdiction holding an election, the election shall be postponed and held on the following Tuesday. This subsection does not apply to statewide primaries and general elections, unless the state of emergency declaration covers the entire State.”

SECTION 4. Section 7‑13‑350(B) of the 1976 Code is amended to read:

“(B) Candidates for President and Vice President must be certified not later than twelve o’clock noon on ~~September tenth~~the first Tuesday following the first Monday in September to the State Election Commission~~, or if September tenth falls on Sunday, not later than twelve o’clock noon on the following Monday~~.” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

**POINT OF ORDER**

Rep. SKELTON raised the Point of Order that under Rule 9.3 Amendment No. 2 to H. 4945 was out of order in that it was not germane to the Bill. Rep. SKELTON stated that the Bill dealt with voter registration but that Amendment No. 2 dealt with election dates and procedures.

Rep. CLEMMONS spoke against the Point.

Rep. SKELTON spoke in favor of the Point.

SPEAKER HARRELL sustained the Point of Order and stated that Amendment No. 2 dealt with the timing of elections whereas the Bill dealt only with the process of voter registration. Thus, he ruled Amendment No. 2 non-germane.

Rep. CLEMMONS moved to adjourn debate on the Bill until Tuesday, April 17, which was agreed to.

**H. 4128--POINT OF ORDER**

The following Bill was taken up:

H. 4128 -- Reps. Pitts, Atwater, Toole, Chumley, Delleney, Hosey, D. C. Moss, G. R. Smith, Williams, Willis, Huggins, Bingham, Quinn and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE THAT GOLD OR SILVER COIN, OR BOTH, SHALL BE LEGAL TENDER IN THIS STATE FOR PAYMENT OF CERTAIN DEBTS; AND BY ADDING ARTICLE 26 TO CHAPTER 1, TITLE 1 SO AS TO ESTABLISH A JOINT COMMITTEE FOR THE ADOPTION OF AN ALTERNATE FORM OF CURRENCY.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3757--POINT OF ORDER**

The following Bill was taken up:

H. 3757 -- Reps. Hardwick, Hearn, Mitchell, Long, Erickson, Brady, Butler Garrick, Funderburk, Munnerlyn, Knight, Dillard, Cobb-Hunter, Parks, Huggins, Allison, Tallon, Brannon, Atwater, Whipper, Patrick and J. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 3, TITLE 16 SO AS TO DEFINE NECESSARY TERMS, PROVIDE FOR CERTAIN HUMAN TRAFFICKING OFFENSES AND PROVIDE PENALTIES, TO PROVIDE FOR CRIMINAL LIABILITY OF BUSINESS ENTITIES, TO PROVIDE RESTITUTION FOR VICTIMS OF HUMAN TRAFFICKING OFFENSES, TO ESTABLISH AN INTERAGENCY TASK FORCE TO DEVELOP AND IMPLEMENT A PLAN FOR THE PREVENTION OF TRAFFICKING IN PERSONS, TO REQUIRE THE COLLECTION AND DISSEMINATION OF DATA RELATED TO HUMAN TRAFFICKING BY THE STATE LAW ENFORCEMENT DIVISION (SLED), TO REQUIRE MANDATORY LAW ENFORCEMENT TRAINING ON HUMAN TRAFFICKING OFFENSES, TO PROVIDE FOR THE CREATION OF PUBLIC AWARENESS PROGRAMS REGARDING HUMAN TRAFFICKING IN THE STATE, TO ALLOW CIVIL ACTIONS BY VICTIMS OF HUMAN TRAFFICKING, TO PROVIDE THAT CERTAIN STANDARDS OF WORKING CONDITIONS APPLY WITHOUT REGARD TO IMMIGRATION STATUS, TO PROVIDE CERTAIN PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING PURSUANT TO THE VICTIMS' BILL OF RIGHTS AND OTHER RELEVANT STATUTORY PROVISIONS, TO REQUIRE THE STATE TO DEVELOP PLANS FOR HOUSING AND COUNSELING, AMONG OTHER THINGS, OF VICTIMS OF HUMAN TRAFFICKING WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THE ACT, TO PROVIDE FOR CERTAIN RIGHTS OF MINOR VICTIMS OF HUMAN TRAFFICKING, TO ESTABLISH HUMAN TRAFFICKING VICTIM-CASEWORKER PRIVILEGE, AND TO CREATE THE OFFENSE OF MALICIOUSLY OR WITH CRIMINAL NEGLIGENCE PUBLISHING, DISSEMINATING, OR OTHERWISE DISCLOSING THE LOCATION OF A HUMAN TRAFFICKING VICTIM, A TRAFFICKING SHELTER, OR A DOMESTIC VIOLENCE SHELTER AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 16-3-930 RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4943--POINT OF ORDER**

The following Bill was taken up:

H. 4943 -- Reps. Lowe, Crawford, Erickson, Patrick, Brannon, Ott, Bowers, G. A. Brown, Clemmons, Cole, Frye, Merrill, Pitts, Spires, Tallon, White, Knight and G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-715 SO AS TO PROVIDE FOR THE HUNTING OF COYOTES, ARMADILLOS, AND FERAL HOGS ON PRIVATE PROPERTY DURING NIGHTTIME HOURS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4626--POINT OF ORDER**

The following Bill was taken up:

H. 4626 -- Rep. White: A BILL TO AMEND SECTION 11-11-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, ESTABLISHING THE SMOKING PREVENTION AND CESSATION TRUST FUND AND THE SOUTH CAROLINA MEDICAID FUND TO RECEIVE REVENUES OF THE TWO AND ONE-HALF CENT SURTAX IMPOSED ON THE SALE OF EACH CIGARETTE, SO AS ESTABLISH THE BREAST CANCER AND COLORECTAL CANCER SCREENING AND TREATMENT TRUST FUND TO WHICH MUST BE DEPOSITED ANNUALLY TWO AND ONE-HALF MILLION DOLLARS IN CIGARETTE SURTAX REVENUES WHICH MUST BE USED BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR THE SOLE PURPOSE OF ESTABLISHING A STATEWIDE BREAST CANCER AND COLORECTRAL CANCER SCREENING AND TREATMENT PROGRAM; AND TO AMEND SECTION 12-21-625, RELATING TO THE IMPOSITION OF THE CIGARETTE SURTAX AND THE USE OF THE REVENUES OF THE TAX, SO AS TO PROVIDE THAT TWO AND ONE-HALF MILLION DOLLARS ANNUALLY OF THE SURTAX REVENUE MUST BE CREDITED TO THE BREAST CANCER AND COLORECTAL CANCER SCREENING AND TREATMENT TRUST FUND AND TO REDUCE FROM FIVE MILLION DOLLARS TO TWO AND ONE-HALF MILLION DOLLARS ANNUALLY THE SURTAX REVENUE THAT MUST BE CREDITED TO THE SMOKING PREVENTION AND CESSATION TRUST FUND.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4640--POINT OF ORDER**

The following Bill was taken up:

H. 4640 -- Reps. Anthony, Bingham, Ott, Harrell and White: A BILL TO AMEND SECTION 11-35-1524, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESIDENT VENDOR PREFERENCES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO REVISE THE RESIDENT VENDOR PREFERENCES AND THE MANNER AND PROCEDURES UNDER WHICH THEY ARE COMPUTED.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4802--POINT OF ORDER**

The following Bill was taken up:

H. 4802 -- Reps. J. E. Smith, Quinn, Munnerlyn, Williams, Jefferson, Johnson, McEachern, Brannon, Dillard, McLeod, Stavrinakis, Sellers, Sabb, Brady, Ott, Vick, H. B. Brown, Branham, Bingham, Bowers, Cobb-Hunter, Erickson, Harrison, Hart, Hayes, Herbkersman, Merrill, J. H. Neal, Pitts, G. M. Smith and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE "SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT" WHICH PROVIDES THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING MAY AT HIS OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 6--POINT OF ORDER**

The following Bill was taken up:

S. 6 -- Senators Leatherman, McGill, Rose, McConnell, Campsen, Fair, Setzler, Alexander and Rankin: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, TO PROVIDE THAT MONIES IN THE CAPITAL RESERVE FUND, IN ANY YEAR THE GENERAL RESERVE FUND DOES NOT HAVE THE REQUIRED PERCENTAGE OF GENERAL FUND REVENUE, FIRST MUST BE USED TO FULLY REPLENISH THE APPLICABLE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND BEFORE BEING USED FOR OTHER AUTHORIZED PURPOSES WHICH DO NOT INCLUDE OFFSETTING MIDYEAR BUDGET REDUCTIONS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4957--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 4957 -- Reps. Allison, White, Parker and Forrester: A JOINT RESOLUTION TO PROVIDE THAT IN 2013 AND 2014, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN THE MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SEVEN HUNDRED TWO DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4997--POINT OF ORDER**

The following Bill was taken up:

H. 4997 -- Reps. Stringer, Bingham, Harrell, Norman, Clemmons, Quinn, Ballentine, Spires, Brannon, McCoy, Ryan, Patrick, Bedingfield, Parker, Taylor, Brady, Murphy, Bowen, Hearn, Nanney, Sottile, Loftis, Lowe, J. R. Smith, Allison, Atwater, Bannister, Chumley, Crosby, Daning, Delleney, Erickson, Hamilton, Hardwick, Henderson, Herbkersman, Hixon, Horne, Limehouse, Long, Merrill, D. C. Moss, V. S. Moss, Owens, Pinson, Pope, Sandifer, Simrill, G. M. Smith, G. R. Smith, Tallon, Willis, Young and Forrester: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-511 SO AS TO ELIMINATE THE FOUR, FIVE, AND SIX PERCENT INCOME BRACKETS AND INSTEAD TAX THOSE INCOMES AT THREE PERCENT.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4996--POINT OF ORDER**

The following Bill was taken up:

H. 4996 -- Reps. Stringer, Bingham, Harrell, White, McCoy, Norman, Clemmons, Quinn, Ballentine, Ryan, Brannon, Bedingfield, Spires, Thayer, Parker, Taylor, Daning, Hearn, J. R. Smith, Patrick, Murphy, Bowen, Lowe, Nanney, Hiott, Sottile, Loftis, Allison, Atwater, Bannister, Chumley, Crosby, Delleney, Erickson, Hamilton, Hardwick, Henderson, Herbkersman, Hixon, Horne, Limehouse, Long, Merrill, D. C. Moss, V. S. Moss, Owens, Pinson, Pope, Sandifer, Simrill, G. M. Smith, G. R. Smith, Tallon, Willis, Young and Forrester: A BILL TO AMEND SECTION 12-6-545, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS-THROUGH TRADE AND BUSINESS INCOME, SO AS TO REDUCE THE TAX RATE FROM FIVE PERCENT TO THREE PERCENT.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 5098--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 5098 -- Reps. Hixon, Clyburn, Harrison, J. R. Smith, Taylor and Young: A BILL TO AMEND SECTION 61-6-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IN A COUNTY OR MUNICIPALITY UPON A FAVORABLE REFERENDUM VOTE, SO AS TO FURTHER PROVIDE FOR THOSE ELECTIONS WHICH CONSTITUTE GENERAL ELECTIONS FOR PURPOSES OF THE REFERENDUMS REQUIRED UNDER THIS SECTION.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**RULE 5.10 WAIVED**

Rep. HIXON moved to waived Rule 5.10.

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

Yeas 67; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | Brantley | Clemmons |
| Clyburn | Cole | Corbin |
| Crosby | Daning | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hixon | Hosey | Huggins |
| Johnson | Limehouse | Loftis |
| Long | Lucas | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Norman |
| Parker | Patrick | Putnam |
| Ryan | Sabb | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Whipper |
| White | Whitmire | Willis |
| Young |  |  |

**Total--67**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bales |
| Barfield | R. L. Brown | Butler Garrick |
| Crawford | Delleney | Frye |
| Gilliard | Jefferson | King |
| Knight | Mack | McEachern |
| Munnerlyn | J. H. Neal | Neilson |
| Ott | Parks | Quinn |
| Simrill | Stavrinakis | Vick |
| Weeks | Williams |  |

**Total--26**

So, Rule 5.10 was waived.

Rep. HIXON explained the Bill.

Reps. CRAWFORD, QUINN, ATWATER, MCEACHERN, WILLIS, PARKS, J. H. NEAL, OTT and HOSEY requested debate on the Bill.

**S. 1125--RECALLED AND REFERRED TO COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

On motion of Rep. HARRISON, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary and was referred to the Committee on Labor, Commerce and Industry:

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms, Peeler and Shoopman: A BILL TO AMEND SECTION 41-35-120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall S. 391 from the Committee on Judiciary.

Rep. OTT objected.

Rep. BINGHAM moved that the House adjourn pending ratification of Acts, which was agreed to.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on March 29, 2012, at 11:30 A.M. and the following Acts were ratified:

(R148, S. 321) -- Senators O’Dell and Nicholson: AN ACT TO AMEND ACT 595 OF 1994, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF GREENWOOD SCHOOL DISTRICT 50 IN GREENWOOD COUNTY, SO AS TO FURTHER PROVIDE FOR THE MANNER OF AND DATES FOR FILING NOTICES OF CANDIDACY FOR ELECTION TO THESE OFFICES.

(R149, S. 833) -- Senators Jackson, Courson, Lourie, Knotts, Anderson, Sheheen, Scott, Hayes, Ford, Nicholson, Leventis, Rose, Malloy and Setzler: AN ACT TO AMEND SECTION 59‑112‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO PROVIDE THAT ACTIVE DUTY MILITARY PERSONNEL MAY BE CHARGED LESS THAN THE UNDERGRADUATE TUITION RATE FOR SOUTH CAROLINA RESIDENTS FOR CERTAIN COURSES.

(R150, S. 1227) -- Senator Peeler: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10‑1‑35 SO AS TO PROHIBIT CAMPING, SLEEPING, OR USE OF THE STATE HOUSE GROUNDS AND ALL BUILDINGS LOCATED ON THE GROUNDS FOR LIVING ACCOMMODATIONS PURPOSES.

(R151, S. 1298) -- Senator McGill: AN ACT TO AMEND ACT 84 OF 2011, RELATING TO THE FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE BOARD OF TRUSTEES, SO AS TO MODIFY THE PROCEDURE FOR THE APPROVAL OF THE DISTRICT BUDGET AND PROVIDE FOR THE MANNER OF PUBLIC PARTICIPATION AND FINAL APPROVAL OF THE ANNUAL BUDGET FOR THE DISTRICT.

(R152, S. 1337) -- Senator Leatherman: AN ACT TO AMEND ACT 239 OF 1981, AS AMENDED, RELATING TO FLORENCE COUNTY SCHOOL DISTRICT NO. 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE FLORENCE COUNTY SCHOOL DISTRICT NO. 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

(R153, H. 3221) -- Rep. Nanney: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑53‑45 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO FILE ELECTRONICALLY ALL DOCUMENTS RELATING TO THE ENFORCED COLLECTION OF TAXES DUE THIS STATE WITH COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS IN THOSE COUNTIES WHICH ACCEPT ELECTRONIC FILINGS.

(R154, H. 3254) -- Rep. Daning: AN ACT TO AMEND SECTION 57‑23‑800, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT BY THE DEPARTMENT OF TRANSPORTATION ALONG THE INTERSTATE HIGHWAY SYSTEM, SO AS TO INCREASE THE PORTION OF VEGETATION THE DEPARTMENT MAY MANAGE ALONG THE INTERSTATE HIGHWAY SYSTEM, AND TO ALLOW LOCAL GOVERNMENTAL ENTITIES TO CONDUCT VEGETATION MANAGEMENT ACTIVITIES BEYOND THE PORTIONS OF ROADWAYS MANAGED BY THE DEPARTMENT; AND TO REPEAL SECTIONS 57‑23‑810, 57‑23‑815, 57‑23‑820, 57‑23‑825, 57‑23‑830, 57‑23‑835, 57‑23‑840, AND 57‑23‑850 ALL RELATING TO ROADSIDE VEGETATION MANAGEMENT PROCEDURES IN VARIOUS COUNTIES.

(R155, H. 3333) -- Reps. Sandifer, Toole, Bowers, Hayes, Erickson and Brady: AN ACT TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF “ADMITTED ASSETS”; TO AMEND SECTION 38‑9‑10, RELATING TO CASH OR MARKETABLE SECURITIES THAT MUST COMPRISE INITIAL CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO PROVIDE THE CASH AND MARKETABLE SECURITIES MUST QUALIFY AS ADMITTED ASSETS ON THE MOST RECENT STATUTORY FINANCIAL STATEMENT OF THE INSURER FILED WITH THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38‑9‑20, RELATING TO CASH OR MARKETABLE SECURITIES THAT MUST COMPRISE INITIAL CAPITAL AND SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO PROVIDE THE CASH AND MARKETABLE SECURITIES MUST QUALIFY AS ADMITTED ASSETS ON THE MOST RECENT STATUTORY FINANCIAL STATEMENT OF THE INSURER FILED WITH THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38‑9‑210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY TO THOSE THAT QUALIFY AS ADMITTED ASSETS ON THE MOST RECENT FINANCIAL STATEMENT FILED BY THE ASSUMING INSURER; TO AMEND SECTION 38‑10‑40, RELATING TO THE PROTECTED CELL ASSETS, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑33‑130, RELATING TO STOP‑LOSS COVERAGE REQUIRED OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE CERTAIN REQUIREMENTS OF RELATED OPTIONAL CONVERSION POLICIES; TO AMEND SECTION 38‑55‑80, RELATING TO LOANS BY AN INSURER TO ITS DIRECTORS OR OFFICERS, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑41‑10, RELATING TO THE DEFINITION OF A MULTIPLE EMPLOYER SELF‑INSURED HEALTH PLAN, SO AS TO PROVIDE AN ABBREVIATION OF THE TERM AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 38‑41‑50, RELATING TO EXCESS STOP‑LOSS COVERAGE OF MULTIPLE EMPLOYER SELF‑INSURED HEALTH PLANS, SO AS TO PROVIDE A PLAN MUST MAINTAIN EXCESS COVERAGE WRITTEN BY AN INSURER CONSIDERED APPROVED OR ELIGIBLE TO DO BUSINESS IN THIS STATE BY THE DEPARTMENT, THE COVERAGE MUST HAVE A NET RETENTION LEVEL IN COMPLIANCE WITH SOUND ACTUARIAL PRINCIPLES, TO PROVIDE THE PLAN MUST FILE ITS POLICY CONTRACT WITH THE DEPARTMENT, AND THE POLICY CONTRACT MUST INCLUDE SPECIFIC TERMS RELATING TO ITS CANCELLATION AND MODIFICATION; AND TO AMEND SECTION 38‑41‑80, RELATING TO RECORD KEEPING REQUIREMENTS OF A MULTIPLE EMPLOYER SELF‑INSURED HEALTH PLAN, SO AS TO PROVIDE A PLAN IS SUBJECT TO CERTAIN FINANCIAL EXAMINATION.

(R156, H. 3393) -- Rep. Sandifer: AN ACT TO AMEND SECTION 32‑8‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT’S AGENT TO AUTHORIZE CREMATION, SO AS TO FURTHER PROVIDE FOR THOSE PERSONS WHO IN ORDER OF PRIORITY MAY AUTHORIZE CREMATION, AND TO PROVIDE THAT A FUNERAL HOME RECEIVING A DECEDENT’S BODY FOR CREMATION MAY RELY ON A CREMATION AUTHORIZATION EXECUTED AT ANOTHER FUNERAL HOME HANDLING THE FUNERAL ARRANGEMENTS.

(R157, H. 3631) -- Reps. Harrison, Clemmons, Funderburk, Pitts, Anderson, R.L. Brown, Govan, Hodges, Allen, White, Edge, Whipper, Hiott, Limehouse, Horne, Vick, Herbkersman, Agnew, Viers, Hardwick, Harrell, Sellers, Skelton, Gambrell, Young and Taylor: AN ACT TO AMEND SECTION 48‑34‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS PROVIDE THAT THESE FIRES MUST COMPLY WITH SOUTH CAROLINA SMOKE MANAGEMENT GUIDELINES; TO FURTHER SPECIFY RESPONSIBILITIES OF A CERTIFIED PRESCRIBED FIRE MANAGER; AND TO EXEMPT PURPOSEFULLY SET PRESCRIBED FIRES THAT COMPLY WITH SMOKE MANAGEMENT GUIDELINES AND STATUTORY REQUIREMENTS IF THEY ARE SET FOR CERTAIN MANAGEMENT PRACTICES, AGRICULTURAL PURPOSES, OR GAME MANAGEMENT PURPOSES; TO AMEND SECTION 48‑34‑50, RELATING TO IMMUNITY FROM LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, EXCEPT FOR RESULTING SMOKE, SO AS TO PROVIDE THAT A PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE IS NOT LIABLE FOR DAMAGES, INJURY, OR LOSS CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE OR RECKLESSNESS IS PROVEN; AND TO PROVIDE THAT “SMOKE MANAGEMENT GUIDELINES FOR VEGETATIVE DEBRIS BURNING FOR FORESTRY, AGRICULTURE, AND WILDLIFE PURPOSES IN THE STATE OF SOUTH CAROLINA” IS DEEMED TO BE PROMULGATED BY THE STATE FORESTRY COMMISSION AND ANY AMENDMENT TO THESE GUIDELINES MUST BE PROMULGATED BY THE COMMISSION.

(R158, H. 3793) -- Reps. Thayer, Whitmire, H.B. Brown, G.R. Smith, Gambrell, Bowen, Hardwick, Clemmons, Mitchell, Parks, Atwater, Butler Garrick, Pinson, Corbin, Norman, Viers, Erickson, Hearn, Murphy, Allison, McCoy, Govan, Agnew, Hosey, Hiott, Patrick, Chumley, Brannon, Battle, Brady, R.L. Brown, Clyburn, Cobb‑Hunter, Cole, Daning, Delleney, Funderburk, Hamilton, Harrison, Hayes, Henderson, Horne, Lucas, D.C. Moss, V.S. Moss, Nanney, J.M. Neal, Owens, Pitts, Pope, Ryan, Sabb, Sandifer, Simrill, J.R. Smith, Stringer, Tallon, Taylor, White, Cooper, Quinn, Lowe, Barfield, Munnerlyn, Weeks, Putnam, Gilliard, Branham, Alexander, Jefferson, Spires, Willis, Frye, Ballentine, Huggins, King, Anderson and Hixon: AN ACT TO AMEND SECTION 44-53-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANNER IN WHICH CHANGES IN SCHEDULES OF CONTROLLED SUBSTANCES MUST BE MADE, SO AS TO PROVIDE THAT CHANGES MADE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO THESE SCHEDULES WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION HAVE THE FORCE AND EFFECT OF LAW UNLESS OVERTURNED BY THE GENERAL ASSEMBLY AND TO REQUIRE THE DEPARTMENT TO DISTRIBUTE THESE CHANGES TO ADDITIONAL LEGISLATIVE COMMITTEES AND POST THESE CHANGES TO THE DEPARTMENT’S WEBSITE; TO CLARIFY THAT THE BOARD OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST CONFORM CHANGES MADE BY FEDERAL LAW OR REGULATION TO THESE SCHEDULES AND TO REQUIRE THE DEPARTMENT TO DISTRIBUTE THESE CHANGES TO CERTAIN LEGISLATIVE COMMITTEES AND THE CLERKS OF THE SENATE AND HOUSE AND POST THESE CHANGES ON THE DEPARTMENT’S WEBSITE; AND TO PROVIDE THAT CHANGES MADE TO SCHEDULES OF CONTROLLED SUBSTANCES PURSUANT TO THIS SECTION ARE NOT REQUIRED TO BE PROMULGATED AS REGULATIONS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTION 44‑53‑190, AS AMENDED, RELATING TO MATERIALS, COMPOUNDS, MIXTURES, AND PREPARATIONS CLASSIFIED AS SCHEDULE I CONTROLLED SUBSTANCES, INCLUDING HALLUCINOGENICS, SO AS TO ADD SYNTHETIC CANNABINOIDS, CATHINONES, AND SUBSTITUTED CATHINONES, COMMONLY KNOW AS “BATH SALTS” TO THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES.

(R159, H. 4295) -- Reps. Bowers and Brantley: AN ACT TO AMEND SECTION 7‑7‑300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HAMPTON COUNTY, SO AS TO DELETE POLLING PLACE LOCATIONS IN THE VOTING PRECINCTS OF HAMPTON COUNTY, TO DESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO AUTHORIZE THE HAMPTON COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, WITH THE APPROVAL OF A MAJORITY OF THE HAMPTON COUNTY LEGISLATIVE DELEGATION, TO DETERMINE THE POLLING PLACES FOR THE PRECINCTS IN HAMPTON COUNTY.

(R160, H. 4475) -- Reps. Young, Clyburn, Taylor, Hixon, Frye, Southard, Clemmons and Hardwick: AN ACT TO AMEND SECTION 47‑9‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF EQUINE LIABILITY IMMUNITY, SO AS TO REVISE THE DEFINITIONS OF “EQUINE ACTIVITY” AND “EQUINE ACTIVITY SPONSOR”; AND TO AMEND SECTION 47‑9‑730, RELATING TO WARNING SIGNS REQUIRED TO BE POSTED BY EQUINE PROFESSIONALS AND EQUINE ACTIVITY SPONSORS, SO AS TO INCLUDE A REQUIREMENT THAT WARNING SIGNS ARE TO BE POSTED AT THE PRIMARY ENTRANCE TO RIDING TRAILS.

(R161, H. 4639) -- Reps. Sandifer, Gambrell, Toole and Hardwick: AN ACT TO AMEND SECTION 6‑10‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, SO AS TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD OF THIS STATE.

(R162, H. 4716) -- Rep. Hayes: AN ACT TO AMEND SECTION 57‑23‑800, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT BY THE DEPARTMENT OF TRANSPORTATION ALONG THE INTERSTATE HIGHWAY SYSTEM, SO AS TO INCREASE THE PORTION OF VEGETATION THE DEPARTMENT MAY MANAGE ALONG THE INTERSTATE HIGHWAY SYSTEM, AND TO ALLOW LOCAL GOVERNMENTAL ENTITIES TO CONDUCT VEGETATION MANAGEMENT ACTIVITIES BEYOND THE PORTIONS OF ROADWAYS MANAGED BY THE DEPARTMENT; AND TO REPEAL SECTIONS 57‑23‑810, 57‑23‑815, 57‑23‑820, 57‑23‑825, 57‑23‑830, 57‑23‑835, 57‑23‑840, AND 57‑23‑850 ALL RELATING TO ROADSIDE VEGETATION MANAGEMENT PROCEDURES IN VARIOUS COUNTIES.

(R163, H. 4797) -- Rep. Norman: AN ACT TO AMEND SECTION 5‑31‑230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MUNICIPALITIES IN WHICH THERE ARE NO BOARD OF COMMISSIONERS OF PUBLIC WORKS, SO AS TO INCLUDE THE CITY OF TEGA CAY.

**ADJOURNMENT**

At 2:11 p.m. the House, in accordance with the motion of Rep. KING, adjourned in memory of Elliott James "Boston" Sanders of Chester, to meet Friday in Local Session and to next meet in Statewide Session on April 17, unless otherwise called into session by the Speaker.

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