~~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 Psalm 116:5-6: “Gracious is the Lord, and righteous; yes, our God is merciful.”

Let us pray. Almighty God, Your gracious and loving spirit permeates our lives and keeps us alert to what You have planned for each of us in this Assembly. So, guide these Representatives and staff to have the courage, wisdom, strength, and integrity to work for those things that will be good for our State. We give thanks You have provided leaders in our Nation and State, to direct and guide us to do great things. Help each to work toward that goal. Give Your blessing to our Nation, State, Governor, Speaker, staff, and all who contribute to fulfilling the needs of the people. Protect our defenders of freedom, at home and abroad, 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 Melvin Hennies Thomas, Sr., of Chester, which was agreed to.

**REPORTS OF STANDING COMMITTEE**

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 5005 -- Reps. Bannister, Lowe, G. M. Smith, Weeks, Quinn, McEachern and Hamilton: A BILL TO AMEND SECTION 5-31-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF MUNICIPALITIES IN REGARD TO MUNICIPAL UTILITIES INCLUDING A WATER SYSTEM, SO AS TO CLARIFY THAT A REFERENDUM AND FAVORABLE VOTE OF THE MUNICIPAL ELECTORATE IS NOT REQUIRED FOR THE SALE OF A WATER SYSTEM; AND BY ADDING SECTION 5-31-1315 SO AS TO PROVIDE THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO MUNICIPALITY SHALL BE REQUIRED TO CONDUCT A REFERENDUM, AND OBTAIN A FAVORABLE VOTE THEREIN, PRIOR TO THE SALE OF A WATER SYSTEM.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

S. 275 -- Senators L. Martin, Hembree and Malloy: A BILL TO AMEND SECTION 23-1-210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY TRANSFER OR ASSIGNMENT OF A MUNICIPAL OR COUNTY LAW ENFORCEMENT OFFICER TO A MULTIJURISDICTIONAL TASK FORCE, SO AS TO MAKE A TECHNICAL CHANGE, DELETE THE PROVISION THAT REQUIRES A COUNTY OR MUNICIPALITY THAT SENDS AN OFFICER TO ANOTHER COUNTY OR MUNICIPALITY TO BE REIMBURSED FOR SERVICES BY THE COUNTY OR MUNICIPALITY TO WHICH THE OFFICER IS TRANSFERRED OR ASSIGNED, AND TO PROVIDE THAT THE GOVERNING BODIES OF THE POLITICAL SUBDIVISIONS AFFECTED BY THIS PROVISION MUST BE NOTIFIED BY THEIR LAW ENFORCEMENT DIVISIONS OF ANY MULTIJURISDICTIONAL TASK FORCE AGREEMENT EXECUTION AND TERMINATION.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

S. 983 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-617 SO AS TO DESIGNATE MARCH OF EACH YEAR AS "ENDOMETRIOSIS AWARENESS MONTH".

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

S. 997 -- Senator Jackson: A BILL TO AMEND SECTION 40-67-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SPEECH PATHOLOGISTS AND AUDIOLOGISTS PRACTICE ACT, SO AS TO ADD, REVISE, AND DELETE DEFINITIONS; TO AMEND SECTION 40-67-50, RELATING TO LICENSURE FEES, SO AS TO ADD, REVISE, AND DELETE FEES; TO AMEND SECTION 40-67-220, RELATING TO LICENSURE REQUIREMENTS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-67-260, RELATING TO ANNUAL AUDITS OF LICENSURE RECORDS THAT THE BOARD MAY CONDUCT, SO AS TO PROVIDE THE BOARD MAY CONDUCT THESE AUDITS BIENNIALLY INSTEAD OF ANNUALLY; AND TO AMEND SECTION 40-67-280, RELATING TO ACTIVATION OF AN INACTIVE LICENSE, SO AS TO REQUIRE SUBMISSION OF A FORM DEVELOPED AND PROVIDED BY THE BOARD.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5075 -- Reps. G. M. Smith, Weeks, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DOUG MATHIS, ASSISTANT FIRE CHIEF OF THE SUMTER FIRE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY-TWO YEARS OF OUTSTANDING AND SACRIFICIAL SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5076 -- Reps. G. M. Smith, Weeks, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. JOHNNY HILTON, PRINCIPAL OF MILLWOOD ELEMENTARY SCHOOL, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-FOUR YEARS OF OUTSTANDING SERVICE AS AN EDUCATOR,

AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5077 -- Reps. Daning, Crosby, Jefferson, Rivers and Southard: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 176 IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 17A TO ITS INTERSECTION WITH JEDBERG ROAD "WAYLAND E. MOODY, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "WAYLAND E. MOODY, SR. HIGHWAY".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5078 -- Reps. Funderburk, Bales and G. A. Brown: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CROSSES THE WATEREE RIVER ALONG INTERSTATE HIGHWAY 20 IN KERSHAW COUNTY THAT CONTAIN THE WORDS: "MEDAL OF HONOR BRIDGE, KERSHAW COUNTY RECIPIENTS OF THE CONGRESSIONAL MEDAL OF HONOR, JOHN C. VILLEPIGUE, RICHMOND HOBSON HILTON, AND DONALD LEROY TRUESDALE".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5079 -- Rep. Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF LEE STATE PARK ROAD FROM ITS INTERSECTION WITH THE DARLINGTON/LEE COUNTY LINE TO ITS INTERSECTION WITH THE LAMAR TOWN LIMIT "JESSE EDISON HINES, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "JESSE EDISON HINES, SR. HIGHWAY".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5082 -- Reps. Owens, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. JAMES C. "JIMMIE" WILLIAMSON ON THE OCCASION OF HIS SELECTION BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AS TWELFTH PRESIDENT AND EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM AND TO WISH HIM MUCH SUCCESS IN HIS NEW POSITION.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1205 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE COURAGE AND SACRIFICE OF THE ELLOREE 21 IN ORANGEBURG COUNTY, A GROUP OF TEACHERS IN ELLOREE WHO CHANGED THE COURSE OF HISTORY OF THE CIVIL RIGHTS MOVEMENT IN SOUTH CAROLINA, AND TO COMMEND THEIR ROLE IN SECURING EQUALITY FOR AFRICAN-AMERICAN CITIZENS OF OUR STATE.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1209 -- Senators Courson, Peeler, Setzler and Jackson: A CONCURRENT RESOLUTION TO HONOR DR. DONALD L. FOWLER FOR HIS DISTINGUISHED CAREER IN PUBLIC SERVICE AND TO CONGRATULATE HIM ON A HALF CENTURY OF TEACHING AT THE UNIVERSITY OF SOUTH CAROLINA.

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

**INTRODUCTION OF BILLS**

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

H. 5072 -- Reps. K. R. Crawford, Branham, R. L. Ott, McEachern, Hosey, Anderson, Sabb, Bannister, Finlay, Brannon, Burns, Neal, McCoy, Cobb-Hunter, Clyburn, Anthony, Erickson, Allison, Taylor, Sellers, Gilliard, Murphy, Williams, Jefferson, Sandifer, Atwater, King, Douglas, Alexander, Bales, Barfield, Bedingfield, G. A. Brown, Bowers, R. L. Brown, Chumley, Clemmons, Cole, Crosby, Daning, Dillard, Edge, Forrester, Funderburk, Gagnon, George, Goldfinch, Hamilton, Hardwick, Hayes, Henderson, Hodges, Howard, Huggins, Loftis, Lowe, Mack, V. S. Moss, Nanney, Newton, Norrell, Owens, Parks, Pitts, Putnam, Ridgeway, Rivers, Robinson-Simpson, Rutherford, Ryhal, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stringer, Thayer, Wells, White, Whitmire, Willis and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14-7-1655 SO AS TO ESTABLISH PROTOCOLS FOR THE APPOINTMENT OF A SPECIAL PROSECUTOR FOR CONSTITUTIONAL OFFICERS AND CERTAIN OTHER OFFICERS ALLEGED TO HAVE COMMITTED CRIMINAL VIOLATIONS OF CHAPTER 13, TITLE 8 OR ALLEGED TO HAVE COMMITTED AN ACT OF PUBLIC CORRUPTION.

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

H. 5073 -- Reps. K. R. Crawford, Southard, Branham, Atwater, McEachern, Anderson, Finlay, Brannon, Bannister, Erickson, Allison, Rivers, Burns, Neal, Sellers, Sabb, McCoy, Cobb-Hunter, Williams, Hosey, Jefferson, Sandifer, King, Gilliard, Douglas, Taylor, Alexander, Anthony, Bales, Barfield, Bedingfield, Bowers, G. A. Brown, R. L. Brown, Chumley, Clemmons, Cole, Crosby, Daning, Dillard, Edge, Forrester, Funderburk, Gagnon, George, Goldfinch, Hamilton, Hardwick, Hayes, Henderson, Hiott, Hodges, Howard, Huggins, Loftis, Lowe, Mack, V. S. Moss, Nanney, Newton, Norrell, R. L. Ott, Owens, Parks, Pitts, Putnam, Ridgeway, Robinson-Simpson, Rutherford, Ryhal, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stringer, Thayer, Wells, White, Whitmire and Willis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 24, ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THOSE CONSTITUTIONAL OFFICERS PROVIDED FOR THE ENFORCEMENT AND PROSECUTION OF THE CRIMINAL LAWS OF THIS STATE, ADMINISTRATIVE FUNCTIONS OF THE COURTS, THE AUTHORITY OF THE GENERAL ASSEMBLY TO PROVIDE FOR THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION, AND THE AUTHORITY OF THE ATTORNEY GENERAL AS THE CHIEF PROSECUTING OFFICER OF THE STATE WITH SUPERVISORY AUTHORITY OVER THE PROSECUTION OF ALL CRIMINAL CASES IN COURTS OF RECORD, SO AS TO DELETE LANGUAGE PROVIDING THAT THE ATTORNEY GENERAL IS THE CHIEF PROSECUTING OFFICER OF THE STATE WITH AUTHORITY TO SUPERVISE THE PROSECUTION OF ALL CRIMINAL CASES IN COURTS OF RECORD.

On motion of Rep. K. R. CRAWFORD, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 5074 -- Reps. White, Owens and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-90 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP AND ADOPT A STATEWIDE PROGRAM FOR IDENTIFYING FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A SCHOOL DISTRICT AND FOR ADVISING THE DISTRICT ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO DIRECT THE DEPARTMENT TO PROMULGATE EMERGENCY REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND BY ADDING SECTION 59-20-95 SO AS TO REQUIRE THE STATE AUDITOR TO ADOPT THE STATEWIDE PROGRAM CREATED BY THE DEPARTMENT OF EDUCATION IN SECTION 59-20-90 AND USE IT TO IDENTIFY FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY AND TO ADVISE THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO PROVIDE EXCEPTIONS TO ENABLE THE STATE AUDITOR TO DIRECT THE DEPARTMENT TO IMMEDIATELY ASSUME EMERGENCY MANAGEMENT OF THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FOR WHICH IT HAS MADE A DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, AND TO CONTINUE THIS EMERGENCY MANAGEMENT OF THE LOCAL EDUCATION AGENCY UNTIL THE STATE AUDITOR RELEASES THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FROM THE DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, AS APPLICABLE, AND TO DIRECT THE STATE AUDITOR TO PROMULGATE EMERGENCY REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

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

H. 5080 -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 37, TITLE 12 SO AS TO CONFORM, BEGINNING IN 2015, THE IMPOSITION OF ANNUAL PROPERTY TAX ON WATERCRAFT AND OUTBOARD MOTORS TO THE PAYMENT IN THE ADVANCE SYSTEM CURRENTLY USED FOR IMPOSING PROPERTY TAX ON MOTOR VEHICLES; BY ADDING ARTICLE 4 TO CHAPTER 23, TITLE 50 SO AS TO PROVIDE FOR THE ANNUAL REGISTRATION OF OUTBOARD MOTORS FOR A FEE OF TEN DOLLARS, THEREBY PROVIDING A TAX YEAR FOR AN OUTBOARD MOTOR FOR THE ADMINISTRATION OF THE ADVANCE PAYMENT OF PROPERTY TAX ON OUTBOARD MOTORS; TO AMEND SECTION 50-23-11, AS AMENDED, RELATING TO DEALER DEMONSTRATION NUMBERS FOR WATERCRAFT, SO AS TO PROVIDE SUCH DEMONSTRATION NUMBERS FOR OUTBOARD MOTORS; AND TO AMEND ARTICLE 3, CHAPTER 23, TITLE 50, RELATING TO THE NUMBERING OF WATERCRAFT, SO AS TO REDUCE THE DURATION OF THE CERTIFICATE OF NUMBER FROM THREE YEARS TO ONE YEAR, THEREBY PROVIDING A TAX YEAR FOR A WATERCRAFT FOR THE ADMINISTRATION OF THE ADVANCE PAYMENT OF PROPERTY TAX ON WATERCRAFT AND TO PRORATE THE EXISTING THREE-YEAR THIRTY-DOLLAR FEE TO TEN DOLLARS A YEAR, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE TRANSITION PROVISIONS.

Referred to Committee on Ways and Means

H. 5081 -- Reps. Robinson-Simpson, Alexander, Govan, Jefferson, Sabb, Gilliard, Whipper, Anderson, Williams and Hosey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STOP THE SCHOOL HOUSE TO JAIL HOUSE PIPELINE ACT" BY CREATING THE RESTORATIVE JUSTICE STUDY COMMITTEE TO REVIEW THE JUVENILE JUSTICE LAWS OF THE STATE AND MAKE RECOMMENDATIONS CONCERNING PROPOSED CHANGES TO FACILITATE AND ENCOURAGE DIVERSION OF JUVENILES FROM THE JUVENILE JUSTICE SYSTEM TO RESTORATIVE JUSTICE PRACTICES FOR SPECIFIC PURPOSES AND IN CERTAIN CIRCUMSTANCES, TO PROVIDE THE STUDY COMMITTEE SHALL MAKE RECOMMENDATIONS CONCERNING A RELATED PILOT PROGRAM, TO PROVIDE SPECIFIC REQUIREMENTS FOR THE PILOT PROGRAM, AND TO DEFINE A NECESSARY TERM; BY ADDING SECTION 59-63-212 SO AS TO PROVIDE THAT SCHOOL DISTRICTS SHALL ADOPT ZERO-TOLERANCE POLICIES THAT NOT BE RIGOROUSLY APPLIED TO PETTY ACTS OF MISCONDUCT AND MISDEMEANORS, MUST APPLY EQUALLY TO ALL STUDENTS REGARDLESS OF THEIR ECONOMIC STATUS, RACE, OR DISABILITY, AND THAT ARE INTENDED TO PROMOTE SAFE AND SUPPORTIVE LEARNING ENVIRONMENTS IN SCHOOLS, PROTECT STUDENTS AND STAFFS FROM CONDUCT THAT POSES A SERIOUS THREAT TO SCHOOL SAFETY, ENCOURAGES SCHOOLS TO USE ALTERNATIVES TO EXPULSION OR REFERRAL, AMONG OTHER THINGS; BY ADDING SECTION 23-23-117 SO AS TO PROVIDE THAT THE CRIMINAL JUSTICE ACADEMY SHALL DEVELOP AND IMPLEMENT A CULTURAL COMPETENCY MODEL TRAINING PROGRAM CURRICULUM FOR SCHOOL RESOURCE OFFICERS, TO PROVIDE CONTENT REQUIREMENTS FOR THE CURRICULUM, AND TO REQUIRE SCHOOL RESOURCE OFFICERS TO COMPLETE TRAINING BASED ON THE CURRICULUM; AND TO REPEAL SECTIONS 59-63-235 AND 59-63-240 BOTH RELATING TO STUDENT EXPULSIONS.

Referred to Committee on Judiciary

S. 1032 -- Senators Campsen, Verdin and Reese: A BILL TO AMEND SECTION 48-39-130 OF THE 1976 CODE, RELATING TO PERMITS REQUIRED FOR COASTAL ZONE CRITICAL AREAS, TO INCLUDE TEMPORARY QUALIFIED WAVE DISSIPATION DEVICES AS A TECHNIQUE TO BE USED IN THE BEACH/DUNE CRITICAL AREA TO PROTECT THE PUBLIC HEALTH AND SAFETY; TO AMEND SECTION 48-39-270, RELATING TO TERMS PERTAINING TO COASTAL TIDELANDS AND WETLANDS, TO DEFINE QUALIFIED WAVE DISSIPATION DEVICE; AND TO AMEND SECTION 48-39-290, RELATING TO CONSTRUCTION RESTRICTIONS SEAWARD OF THE BASELINE, TO PROVIDE AN EXCEPTION FOR QUALIFIED WAVE DISSIPATION DEVICES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1036 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 15, TITLE 40 SO AS TO ENACT THE "DENTAL SEDATION ACT", TO PROVIDE REQUIREMENTS CONCERNING THE PROVISION OF VARYING LEVELS OF SEDATION TO DENTAL PATIENTS; TO AMEND SECTION 40-15-85, RELATING TO DEFINITIONS IN THE DENTISTRY PRACTICE ACT, SO AS TO ADD NECESSARY DEFINITIONS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 15, TITLE 40 AS ARTICLE 1 "GENERAL PROVISIONS".

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

S. 1085 -- Senators Campbell, Grooms, Matthews, McGill, O'Dell and Bennett: A BILL TO AMEND SECTION 4-37-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO THE USE OF LOCAL SALES AND USE TAX OR TOLL REVENUES TO FINANCE TRANSPORTATION INFRASTRUCTURE IN A COUNTY, SO AS TO PROVIDE A PROCEDURE FOR THE GOVERNING BODY OF A COUNTY IN WHICH THE TRANSPORTATION INFRASTRUCTURE LOCAL SALES AND USE TAX IS CURRENTLY IMPOSED FOR LESS THAN THE TWENTY-FIVE YEAR MAXIMUM IMPOSITION PERIOD, UPON REFERENDUM APPROVAL, MAY EXTEND WITHOUT INTERRUPTION THE INITIAL IMPOSITION FOR AN IMPOSITION PERIOD IN THE AGGREGATE NOT TO EXCEED TWENTY-FIVE YEARS, TO PROVIDE WHAT QUESTIONS MUST APPEAR ON THE REFERENDUM BALLOT, TO PROVIDE THAT A REFERENDUM FOR OTHER THAN THE INITIAL IMPOSITION OF THE TAX MAY BE HELD AT THE TIME OF EITHER A GENERAL OR SPECIAL ELECTION IN THE COUNTY, AS THE GOVERNING BODY OF THE COUNTY MAY DETERMINE, AND TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY IN WHICH THE TRANSPORTATION INFRASTRUCTURE LOCAL SALES AND USE TAX IS CURRENTLY IMPOSED, WITHIN TWO YEARS OF THE TERMINATION OF THE TAX OR THE ANTICIPATED TERMINATION OF THE TAX AND UPON REFERENDUM APPROVAL, MAY RENEW WITHOUT INTERRUPTION THE IMPOSITION OF THE TAX AND PROVIDE THAT NO MORE THAN ONE REFERENDUM RELATING TO THIS TAX BE HELD IN A CALENDAR YEAR.

Referred to Committee on Ways and Means

S. 1099 -- Senators Sheheen and Bryant: A BILL TO AMEND SECTION 41-27-260 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE DEFINITION OF EMPLOYMENT FOR UNEMPLOYMENT BENEFIT PURPOSES, TO PROVIDE AN EXEMPTION FOR MOTOR CARRIERS THAT UTILIZE INDEPENDENT CONTRACTORS.

Referred to Committee on Labor, Commerce and Industry

S. 1100 -- Senators Bryant, Sheheen, Young and Setzler: A BILL TO AMEND ARTICLE 3, CHAPTER 27, TITLE 41 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING UNEMPLOYMENT BENEFITS AND CLAIMS, BY ADDING SECTION 41-27-265, TO PROVIDE THAT CORPORATE OFFICERS ARE EXEMPT FROM UNEMPLOYMENT BENEFITS UNLESS THE EMPLOYER ELECTS COVERAGE, AND TO PROVIDE FOR THE PROCESS OF ELECTING COVERAGE, AND TO PROVIDE FOR FEDERALLY REQUIRED EXEMPTIONS FROM THE PROVISIONS OF THIS SECTION FOR INDIVIDUALS EMPLOYED BY AN INDIAN TRIBE AND RELIGIOUS, CHARITABLE, EDUCATIONAL, OR OTHER FEDERALLY DEFINED ORGANIZATIONS.

Referred to Committee on Labor, Commerce and Industry

**ROLL CALL**

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

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| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Branham | Brannon |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Douglas |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | George |
| Gilliard | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Newton | Norman | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Putnam | Quinn |
| Ridgeway | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Weeks | Wells |
| Whipper | White | Williams |
| Willis | Wood |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, April 9.

|  |  |
| --- | --- |
| Terry Alexander | Nathan Ballentine |
| Bruce W. Bannister | Beth Bernstein |
| Grady Brown | Derham Cole, Jr. |
| Chandra Dillard | Shannon Erickson |
| Jerry Govan | Chris Hart |
| Ralph Kennedy | Mia S. McLeod |
| Walton J. McLeod | Elizabeth Munnerlyn |
| Chris Murphy | Wendy Nanney |
| Joseph Neal | Mandy Powers Norrell |
| Thomas "Tommy" Pope | Shannon Riley |
| Todd Rutherford | Bakari Sellers |
| James E. Smith | Anne Thayer |
| Ted Vick | William R. "Bill" Whitmire |
| Tracy Edge |  |

**Total Present--122**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Michael Ervin of Lexington was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. HOWARD presented to the House the C.A. Johnson High School Boys Varsity Basketball Team, the 2014 South Carolina Class A State Champions, their coaches, and other school officials.

**SPECIAL PRESENTATION**

Reps. LIMEHOUSE and SOTTILE presented to the House the Wando High School Boys Varsity Basketball Team, the 2014 South Carolina Class AAAA State Champions, their coaches, and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5072 |
| Date: | ADD: |
| 04/09/14 | TALLON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4348 |
| Date: | ADD: |
| 04/09/14 | D. C. MOSS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4984 |
| Date: | ADD: |
| 04/09/14 | FELDER |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 5072 |
| Date: | REMOVE: |
| 04/09/14 | SOUTHARD and HIOTT |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 5073 |
| Date: | REMOVE: |
| 04/09/14 | MURPHY |

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LOWE a temporary leave of absence to attend a funeral.

**SENT TO THE SENATE**

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

H. 3959 -- Reps. Kennedy, Quinn, Spires, Huggins, Atwater, Bingham, Delleney, Felder, Finlay, D. C. Moss, Norman, Pope, Sellers, Simrill, Tallon, Weeks, Wood and Whipper: A BILL TO AMEND SECTION 16-15-395, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE; TO AMEND SECTION 16-15-405, AS AMENDED, RELATING TO SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE AND INCREASE THE MAXIMUM PENALTY FROM TEN TO FIFTEEN YEARS; AND TO AMEND SECTION 16-15-410, AS AMENDED, RELATING TO THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE.

**H. 4665—REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4665 -- Reps. H. A. Crawford, Erickson, Atwater, Allison, Clemmons, Gagnon, Goldfinch, Hardee, Hardwick, Harrell, Henderson, Horne, Nanney, Putnam, Quinn, Ryhal and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-13-185 SO AS TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A MINOR CHILD BY AN EMPLOYEE OR VOLUNTEER OF A CHILDCARE FACILITY WITHOUT PARENTAL PERMISSION, TO INCLUDE EXCEPTIONS IN CIRCUMSTANCES OF EMERGENCIES, TO REQUIRE CHILDCARE FACILITIES TO MAINTAIN RECORDS THAT DOCUMENT RECEIPT OF PARENTAL PERMISSION, AND TO PROVIDE CRIMINAL PENALTIES.

Reps. H. A. CRAWFORD and WHITE proposed the following Amendment No. 2 to H. 4665 (COUNCIL\DKA\4665C001. DKA.VR14):

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

/ SECTION 1. A. Section 63‑13‑20(4) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(4) ‘Childcare facilities’ means a facility which provides care, supervision, or guidance for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes, but is not limited to, day nurseries, nursery schools, childcare centers, group childcare homes, ~~and~~ family childcare homes, and limited permit childcare facilities; however, a limited permit childcare facility is not considered a childcare facility for licensing purposes. The term does not include:

(a) an educational facility, whether private or public, which operates solely for educational purposes in grade one or above;

(b) five‑year‑old kindergarten programs;

(c) kindergartens or nursery schools or other daytime programs, including public, private, and nonprofit programs, with or without stated educational purposes, operating no more than ~~four hours~~ one hour a day and receiving children younger than ~~lawful school age~~ five years of age;

(d) facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis as defined in this chapter while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities shall meet local fire and sanitation requirements and maintain documentation on these requirements on file at the facility available for public inspection;

(e) school vacation or school holiday day camps ~~for children operating in distinct sessions running less than three~~ with sessions lasting two weeks ~~per~~ each session; ~~unless the day camp permits children to enroll in successive sessions so that their total attendance may exceed three weeks~~ however, this chapter applies to school vacation and school holiday day camps that allow a child to attend successive sessions when, by doing so, the child is attending two weeks or more of camp. Programs lasting two weeks or more must comply with this chapter before opening, including the requirement to be licensed by the department;

(f) summer resident camps for children;

(g) bible schools normally conducted during vacation periods;

(h) facilities for persons with intellectual ~~disability~~ disabilities as provided for in Chapter 21, Title 44;

(i) facilities for the mentally ill as provided for in Chapter 17, Title 44;

(j) childcare centers and group childcare homes owned and operated by a local church congregation, ~~or~~ an established religious denomination, or a religious college or university, which ~~does~~ do not receive state or federal financial assistance for childcare services; however, these facilities must comply with the provisions of Article 9~~,~~ and Sections 63‑13‑60 and 63‑13‑110, and ~~that~~ these facilities voluntarily may elect to become licensed according to the process as set forth in Article 3 and Sections 63‑13‑30, 63‑13‑40, 63‑13‑70, 63‑13‑80, 63‑13‑90, 63‑13‑100, 63‑13‑160, and 63‑13‑170.

(k) a childcare center that is owned and operated by a private nonprofit and does not charge a fee for services offered.”

B. Section 63‑13‑20(22) of the 1976 Code is amended to read:

“(22) ‘Regular approval’ means a written notice issued by the department for a two‑year period to a department, agency, or institution of the State, or a county, city, or other political subdivision, approving the operation of a public childcare center, ~~or~~ group childcare home, or limited permit childcare facility in accordance with the provisions of the notice, this chapter, and the regulations of the department.”

SECTION 2. Section 63‑13‑20 of the 1976 Code is amended by adding an appropriately numbered item to read:

“( ) ‘Limited permit childcare facility’ means a childcare facility that:

(a) provides care, supervision, or guidance for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit and whether or not the facility makes a charge;

(b) serves only children age five and older; and

(c) operates greater than one hour but less than four hours in a day.”

SECTION 3. Article 1, Chapter 13, Title 63 of the 1976 is amended by adding:

“Section 63‑13‑185. (A) For purposes of this section:

(1) ‘Childcare facility’ means a facility that provides care, supervision, or guidance for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility whether or not the facility is operated for profit and whether or not the facility charges for services offered by it.

(2) ‘Medication’ means a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

(B) It is unlawful for a director, owner, operator, caregiver, employee, or volunteer of a childcare facility to administer medication to a child under the care of the facility unless:

(1) the parent or guardian of the child has submitted to the childcare facility prior to the administration of the medication a signed and dated parental consent form that authorizes the facility to administer the medication to the child, and the authorization is for not longer than one year;

(2) the medication is administered as stated on the label directions, or as amended in writing by the child’s healthcare provider; and

(3) the medication has not expired.

(C) Notwithstanding subsection (B), a director, owner, operator, caregiver, employee, or volunteer of a childcare facility may administer medication to a child without a signed authorization if the parent or guardian:

(1) submits to the childcare facility an authorization in an electronic format that is capable of being viewed and saved; or

(2) authorizes the childcare facility by telephone to administer a single dose of a medication.

(D) This section does not apply to a person that administers a medication to a child in a medical emergency to prevent the death or serious bodily injury of the child if the medication is administered as prescribed, directed, and intended.

(E) A childcare facility shall maintain, for one month from the date a director, owner, operator, caregiver, employee, or volunteer administers medication to a minor child, all written documentation and records of verbal communication that confirm parental or guardian permission to administer medication to the minor child as required pursuant to this section.

(F) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than one year, or both.”

SECTION 4. Section 63‑13‑210 of the 1976 Code is amended to read:

“Section 63‑13‑210. (A) An owner or operator of a childcare center, group childcare home, limited permit childcare facility, or family childcare home, as defined by Section 63‑13‑20, who does not carry liability insurance for the operation of his childcare business, shall, by no later than January 1, 2009, obtain signed statements from the custodial parent or parents or guardian or guardians of each child currently enrolled in the childcare center, group childcare home, limited permit childcare facility, or family childcare home indicating that the parent or parents or guardian or guardians have received notice that the childcare center, group childcare home, limited permit childcare facility, or family childcare home does not carry liability insurance for the operation of its childcare business. The owner or operator of a childcare center, group childcare home, limited permit childcare facility, or family childcare home must maintain a file of these signed statements at the home during the period of time a child is enrolled. For new enrollees to a childcare center, group childcare home, limited permit childcare facility, or family childcare home, the owner or operator must provide the parent or parents or guardian ~~or guardians~~ of a new enrollee with this information at the time of enrollment, obtain a signed statement from each parent or guardian at the time of enrollment, and maintain these signed statements at the home during the period of time a child is enrolled.

(B) If an owner or operator of a childcare center, group childcare home, limited permit childcare facility, or family childcare home, as defined by Section 63‑13‑20, has liability insurance for the operation of his childcare business that lapses or is canceled and not reinstated or replaced, the owner or operator shall obtain and maintain statements in accordance with subsection (A) from the custodial parent or parents or guardian ~~or guardians~~ of each child enrolled in the childcare center, group childcare home, limited permit childcare facility, or family childcare home no later than thirty days after the liability insurance lapses or is canceled.

(C) The department shall send a letter to each childcare center, group childcare home, limited permit childcare facility, and family childcare home licensed or registered as of June 30, 2008, with the department informing each home of the requirements of subsections (A) and (B), that each home must comply with these requirements by no later than January 1, 2009, and that compliance is a requirement for initial licensure and a continuing annual requirement for relicensure or repermitting. For childcare centers, group childcare homes, limited permit childcare facilities, and family childcare homes licensed or registered after June 30, 2008, the department shall provide the information contained in subsections (A) and (B) at the time the childcare center, group childcare home, limited permit childcare facility, or family childcare home applies for a license, limited permit, or registration.”

SECTION 5. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑220. The department may issue ABC Child Care Program vouchers only to childcare facilities that are licensed or registered by the department’s Division of Child Care Services and that are in compliance with regulations promulgated by the department pursuant to this section or by another provision of law.”

SECTION 6. Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑470. (A) Department staff may visit and inspect a childcare center for group childcare home at any time during the hours of operation without prior notice to verify regulatory compliance once a year. However, upon receipt of a regulatory complaint, the department shall conduct an unannounced inspection of the center to investigate the complaint. If the complaint is written, the department shall provide a copy to the director upon request.

(B) A regular license or regular approval issued by the department to the childcare center is valid for two years from date of issuance, unless revoked by the department or voluntarily surrendered by the director; however, a change in location, ownership, or sponsorship of the center automatically voids the license or approval. After the center has been in business for two years the renewal license or renewal approval is valid for three years from the date of issuance.”

SECTION 7. Section 63‑13‑830(E) of the 1976 Code is amended to read:

“(E) The department may withdraw the statement of registration if ~~one or more of the following apply:~~

~~(1)~~ ~~the health and safety of the children require withdrawal;~~

~~(2)~~ ~~the facility has enrolled children beyond the limits defined in this chapter;~~

~~(3)~~ the operator fails to comply with the registration procedures provided in this chapter.”

SECTION 8. Section 63‑13‑830 of the 1976 Code is amended by adding a new subsection to read:

“(F) If the department determines the health or safety of children placed in the facility is at risk or that the facility has enrolled children beyond the limits defined in this chapter, the department shall either withdraw the statement of registration or require the family childcare home to meet the requirements for licensure and regulation of group childcare homes pursuant to Article 3 of this chapter.”

SECTION 9. Section 63‑13‑850(A) of the 1976 Code is amended to read:

“(A) A registrant whose statement of registration has been withdrawn by the department or who is required to meet the requirements for licensure and regulation of group childcare homes pursuant to Section 63‑13‑830(F) must be given written notice by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the statement of registration must be withdrawn or the family childcare home must meet the requirements for licensure and regulation of group childcare homes, as applicable. If no written appeal is made, the statement of registration must be withdrawn or the family childcare home must comply with the requirements for licensure and regulation of group childcare homes as of the termination of the thirty‑day period.”

SECTION 10. Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Article 13

Limited Permit Childcare Facilities

Section 63‑13‑1300. A person, corporation, partnership, voluntary association, or other organization may not operate a limited permit childcare facility unless it receives a limited permit by the department. The provisions of this article only apply to a limited permit childcare facility.

Section 63‑13‑1310. (A) Application for a limited permit must be made on forms supplied by the department and in the manner it prescribes.

(B) Before issuing a limited permit, the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a limited permit childcare facility. If the results of the investigation verify that the provisions of this chapter and the applicable regulations promulgated by the department are satisfied, a limited permit must be issued. The applicant shall cooperate with the investigation and related inspections by providing access to the physical plant, records, excluding financial records, and staff. Failure to comply with the regulations promulgated by the department within the time period specified in this chapter, if adequate notification of deficiencies has been made, is a ground for denial of application. The investigation and inspections may involve consideration of any facts, conditions, or circumstances relevant to the operation of the facility, including references and other information about the character and quality of the personnel.

(C) Each limited permit must be conditioned by stating clearly the name and address of the permitee, the address of the facility, and the number of children who may be served.

(D) Failure of the department, except as provided in Section 63‑13‑100, to approve or deny an application within ninety days results in the granting of a provisional limited permit.

(E)(1) A limited permit may not be issued to an operator who has been convicted of:

(a) a crime listed in Chapter 3, Title 16, Offenses Against the Person;

(b) a crime listed in Chapter 15, Title 16, Offenses Against Morality and Decency;

(c) the crime of contributing to the delinquency of a minor, contained in Section 16‑17‑490;

(d) the felonies classified in Section 16‑1‑10(A);

(e) the offenses enumerated in Section 16‑1‑10(D); or

(f) a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

(2) This section does not prohibit licensing when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person’s pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited to be an operator.

(F) Application forms for limited permits issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in subsection (E)(1) who applies for a limited permit as an operator is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

Section 63‑13‑1320. (A) Regular limited permits may be renewed upon application and approval. Notification of a limited permit childcare facility regarding renewal is the responsibility of the department.

(B) Application for renewal must be made on forms supplied by the department in the manner it prescribes.

(C) Before renewing a limited permit, the department shall conduct an investigation of the facility. If the results of the investigation verify that the provisions of this chapter and the applicable regulations promulgated by the department are satisfied, the limited permit must be renewed. The permitee shall cooperate with the investigation and related inspections by providing access to the physical plant, records, and staff. Failure to comply with the regulations promulgated by the department within the time period specified in this chapter, if adequate notification of deficiencies has been made, is a ground for revocation of the limited permit. The investigation and inspections may involve consideration of any facts, conditions, or circumstances relevant to the operation of the facility.

(D)(1) A limited permit may not be renewed for any operator who has been convicted of:

(a) a crime listed in Chapter 3, Title 16, Offenses Against the Person;

(b) a crime listed in Chapter 15, Title 16, Offenses Against Morality and Decency;

(c) the crime of contributing to the delinquency of a minor, contained in Section 16‑17‑490;

(d) the felonies classified in Section 16‑1‑10(A);

(e) the offenses enumerated in Section 16‑1‑10(D); or

(f) a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

(2) This section does not prohibit renewal when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person’s pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited to be an operator.

(E) Application forms for limited permit renewals issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in subsection (D)(1) who applies for a limited permit renewal as operator is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(F) A permitee seeking a limited permit renewal under this section, its employees, and its caregivers, who have not done so previously, on the first renewal after June 30, 1995, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

(G) A facility may not employ or engage the services of an employee or caregiver who has been convicted of one of the crimes listed in subsection (D)(1).

Section 63‑13‑1330. (A) Each limited permit childcare facility shall maintain its current limited permit displayed in a prominent place at all times and must state its permit number in all advertisements of the facility.

(B) A limited permit may not be transferred nor shall the location of any facility be changed without the written consent of the department. The department shall consent to the change for a reasonable period of time when emergency conditions require it, so long as the new location or place of performance substantially conforms to state fire and health requirements.

(C) Upon occurrence of death of a child on the premises of a facility in which the child is enrolled or while under the constructive control of the holder of the permit of the facility, it is the responsibility of the holder of the permit to notify the department within forty‑eight hours and follow up with a written report as soon as the stated cause of death is certified by the appropriate government official.

Section 63‑13‑1340. (A) If the department finds upon inspection that a limited permit childcare facility is not complying with any applicable licensing regulations, the department shall notify the operator to correct these deficiencies.

(B) Each correction notice must be in writing and must include a statement of the deficiencies found, the period within which the deficiencies must be corrected, and the provision of the chapter and regulations relied upon by the department. The period must be reasonable and, except when the department finds an emergency dangerous to the health or safety of children, not less than thirty days from the receipt of the notice.

(C) Within two weeks of receipt of the notice, the operator of the facility may file a written request with the department for administrative reconsideration of the notice or any portion of the notice.

(D) The department shall grant or deny a written request within seven days of filing and shall notify the operator of the grant or denial.

(E) If the operator of the facility fails to correct deficiencies within the period prescribed, the department may revoke the permit.

Section 63‑13‑1350. (A) An applicant who has been denied a limited permit by the department must be given prompt written notice by certified or registered mail. The notice must indicate the reasons for the proposed action and must inform the applicant of the right to appeal the decision to the director in writing within thirty days after the receipt of notice of denial. An appeal from the final decision of the director may be taken to an administrative law judge pursuant to the Administrative Procedures Act.

(B) A permitee whose application for renewal is denied or whose limited permit is about to be revoked must be given written notice by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the permitee of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. An appeal from the final decision of the director may be taken to an administrative law judge pursuant to the Administrative Procedures Act.

(C) At the hearing provided for in this section, the applicant or permitee may be represented by counsel and has the right to call, examine, and cross‑examine witnesses and to otherwise introduce evidence. Parents or guardians appearing at the hearing also may be represented by counsel. The hearing examiner is empowered to require the presence of witnesses and evidence by subpoena on behalf of the appellant or department. The final decision of the department must be in writing, must contain the department’s findings of fact and rulings of law, and must be mailed to the parties to the proceedings by certified or registered mail to their last known addresses as may be shown in the application, or otherwise. A full and complete record must be kept of all proceedings, and all testimony must be reported but need not be transcribed unless the department’s decision is appealed, or a transcript is requested by an interested party. Upon an appeal, the department shall furnish to any appellant, free of charges, a certified copy of the transcript of all evidentiary proceedings before it. Other parties shall pay the cost of transcripts prepared at their request.

(D) The decision of the department is final unless appealed by a party to an administrative law judge pursuant to the Administrative Procedures Act.

(E)(1) Any person, corporation, partnership, voluntary association, or other organization, whether private or public, may secure information about the licensing or approval process by contacting staff of the state or regional childcare licensing office.

(2) An application for a limited permit or limited approval must be completed on appropriate department forms and must be signed by the director. The department representative shall provide the applicant with the required number of forms, a copy of current childcare facility regulations, a copy of this article, and a copy of Chapter 7, Title 63, with an explanation of procedures and information required by the department. The department representative shall request in writing that health and fire officials make inspections of the facility.

(3) After giving the applicant at least two working days notice, department staff shall arrange a licensing or approval study during an onsite visit to the proposed facility for determining compliance with applicable regulations.

(4) Health and fire officials shall inspect the facility to determine compliance with appropriate regulations and shall put in writing on appropriate forms the results of their inspections.

(5) The department shall review the completed application form, completed licensing or approval inspection report, completed health and fire inspection reports, current child abuse and criminal history background records checks, written policies, and other information specified by the department to make a determination of issuance or nonissuance of a limited permit or limited approval and shall:

(a) issue a regular limited permit or regular limited approval if all the provisions of the regulations and statute for the operation of a facility have been met; or

(b) issue a provisional limited permit or provisional limited approval with an accompanying correction notice if one or more violations have been cited which do not seriously threaten the health, safety or well‑being of children; or

(c) deny the issuance of a limited permit or limited approval if one or more violations seriously threaten the health, safety, or well being of the children.

(6) Failure of department staff, except as provided by statute, to approve or deny any complete application within ninety days shall result in the granting of a provisional limited permit or provisional limited approval.

(7) If a limited permit or limited approval is issued, the department staff shall mail the permit or approval directly to the director.

(8) The limited permit or limited approval must state clearly the name of the director, the address of the facility, the date on which the limited permit or limited approval was issued and expires, and the maximum number of children to be present in the facility at any one time.

(9) Department staff shall notify the director regarding issuance or denial of a provisional limited permit or provisional limited approval as follows:

(a) If a provisional limited permit or provisional limited approval is issued, the department shall notify the director in writing of violations to be corrected. The violations must be cited by regulation number and must include a form issued by the department for the director to complete a written plan to correct each violation as approved by the department;

(b) If a limited permit or limited approval is denied, the department shall give the applicant written notice by certified mail indicating the reason for the denial.

(10) If a facility is found to be in operation after the department has denied the application for the limited permit or limited approval and the administrative appeal or review procedure has been completed, the department shall notify the department’s office of general counsel.

(F)(1) A regular limited permit or regular limited approval issued by the department to the facility is valid for two years from date of issuance, unless revoked by the department or voluntarily surrendered by the director; however, a change in location, ownership, or sponsorship of the facility automatically voids the limited permit or limited approval. After the facility has been in business for two years the renewal limited permit or renewal limited approval is valid for three years from the date of issuance.

(2) A provisional limited permit or provisional limited approval issued by the department to a facility must be issued for a period within which the deficiencies must be corrected, and within the conditions permitted by statute.

(3) A provisional limited permit or provisional limited approval must be amended from a provisional to a regular limited permit or regular limited approval when all deficiencies have been verified as corrected.

(4) An application for a limited permit or limited approval may be denied or the limited permit or limited approval may be revoked by the department if the owner, director, any staff member, volunteer, or emergency person has been determined to have abused or neglected any child as defined in Section 63‑7‑20.

(G)(1) Department staff may visit and inspect a facility at any time during the hours of operation without prior notice to verify regulatory compliance.

(2) Department staff shall provide at least two working days notice to the director or facility director before conducting an initial or renewal inspection.

(3) The director and staff shall cooperate with the investigation and related inspections by providing access to the physical plant, records, excluding financial records, and staff.

(4) The department has the right to interview staff and parents relating to regulatory compliance.

(5) Upon receipt of a regulatory complaint, the department shall conduct an unannounced inspection of the facility to investigate the complaint. If the complaint is written, the department shall provide a copy to the director upon request.

(6) The director may request consultation from the department. Department staff shall provide technical assistance to the director as requested.

(H)(1) A limited permit or limited approval may be denied, revoked, or not renewed by the department if the owner, director, or staff member has been determined to have abused or neglected any child as defined in Section 63‑7‑20.

(2) A limited permit or limited approval may be denied, revoked, or not renewed by the department if cited deficiencies threaten serious harm to the health or safety of the children.

(I) The director immediately shall report to the department when an occurrence takes place that may affect the status of the limited permit or limited approval, including the following:

(1) change in director, ownership, or sponsorship;

(2) change in facility location; and

(3) major renovations or alterations to the building.

(J)(1) One hundred and twenty days before the expiration date of the current limited permit or limited approval, department staff shall notify the director in writing of the time and requirements for renewal and shall request health and fire inspections.

(2) The same department actions cited in Regulation 114‑502.A.(2) through (10), are applicable to the renewal process, except that the department shall initiate the limited permit or limited approval renewal process one hundred and twenty days in advance.

Section 63‑13‑1360. (A)(1) A limited permit childcare facility shall display the current limited permit or limited approval, as well as any violations in a prominent public place in the facility. The back of the limited permit or limited approval must be displayed if deficiencies are listed.

(2) If advertising or issuing other public notifications of the service provided, the official limited permit number issued by the department must be included.

(B) A facility may not have present at any one time children in excess of the number for which it is permitted or approved. However, if there is a natural disaster or other unscheduled closing of a facility, the capacity may be exceeded temporarily for a maximum of ninety days to accommodate the displaced children. The director shall notify the department of the situation and maintain appropriate staff:child ratios at all times. Required records must be kept on file for the new enrollees.

Section 63‑13‑1370. (A) The facility shall keep a separate record for each child.

(B) The file must be kept in a confidential manner, but immediately must be available to the department, the child’s teacher, caregiver, parent, or guardian upon request.

(C) Access to records is limited pursuant to subsection (B) unless requested by court order.

(D) Entries in a child’s record must be legible, dated, and signed by the individual making the entry.

(E) A child’s record must be maintained on file at the facility and made available to the department upon request, and it must contain the:

(1) child’s full legal name, nickname, birth date, date of enrollment, current home address, and home telephone number;

(2) full name of both parents or guardian, work and home telephone numbers, or telephone numbers where the parents or guardian can be reached during the time the child is in the facility;

(3) names, addresses, and telephone numbers of a person who can assume responsibility for the child in an emergency if the parents or guardian cannot be reached;

(4) name, address, and telephone number of a family physician or health resource;

(5) names addresses, and verification of identification, such as valid driver’s permit, other picture identification, or personal family code word of a person authorized to take the child from the facility;

(6) accurate records of daily attendance for each child;

(7) authorization from parents or guardian for the child to obtain emergency medical treatment;

(8) authorization from parents or guardian for the child to be transported to and from the facility during field trips and other away from the facility activities;

(9) authorization from parents or guardian for the child to participate in swimming activities; and

(10) a written statement, signed by the parents or guardian acknowledging their understanding and acceptance of the disciplinary policies of the facility.

(F) A health record must be maintained in the facility for each child enrolled, and it must include:

(1) a signed statement of the child’s health before admission to the facility on the appropriate department form;

(2) a current South Carolina certificate of immunization; and

(3) other health information if considered necessary by the director of the facility or by the parents or guardian, or both.

(G) Emergency information for each child must be easily and immediately accessible while at the facility, during transportation, and during any trips away from the premises, and it must include:

(1) the full name of both parents or guardian, and updated address, work, home and mobile numbers where the parents or guardian can be reached during the time the child is in the facility;

(2) the name, address, telephone number, and relationship of at least two individuals designated by the parents or guardian to be contacted in an emergency and who have the authority to obtain emergency medical treatment for the child;

(3) the name, address, and telephone number of the child’s physician and the emergency care, medical, and dental care provider; and

(4) health insurance information.

(H) Emergency information must be updated by the parents or guardian as changes occur.

Section 63‑13‑1380. (A)(1) An individual is prohibited from serving as a director or staff who has been determined to have committed an act of child abuse or neglect or has been convicted of any crime listed in Chapter 3, Title 16, Offenses Against the Person, Chapter 15, Title 16, Offenses Against Morality and Decency, or the crime of contributing to the delinquency of a minor, contained in Section 16‑17‑490.

(2) A check of the South Carolina Central Registry of Child Abuse and Neglect must be requested by the director on each staff person, except for volunteers, in accordance with the following time lines:

(a) for the director and at least two staff persons before the initial issuance of a regular or provisional limited permit or limited approval;

(b) for the director and staff before employment.

(c) for all other staff persons, including the emergency person, before employment; and

(d) for all persons hired by the facility at each limited permit or limited approval renewal.

(3) A facility may not employ or retain an individual who has been determined to have committed an act of child abuse or neglect.

(B)(1) To be employed by or to provide teacher or caregiver services at a facility, a person shall first undergo a state fingerprint review from the State Law Enforcement Division.

(2) A person provisionally may be employed or provisionally may provide teacher or caregiver services after the favorable completion of the state fingerprint review. The Federal Bureau of Investigation fingerprints must be submitted for review within fourteen business days upon receiving the State Law Enforcement Division results. Upon the completed Federal Bureau of Investigation review, the results must be forwarded to the appropriate department for distribution.

(3) A facility may not employ a person, engage the services of, or knowingly allow a person in the facility during normal hours of operation who is required to register under the sex offender registry act pursuant to Section 23‑3‑430 or who has been convicted of:

(a) a crime listed in Chapter 3, Title 16, Offenses Against the Person;

(b) a crime listed in Chapter 15, Title 16, Offenses Against Morality and Decency; or

(c) the crime of contributing to the delinquency of a minor, contained in Section 16‑17‑490.

(4) The results of the fingerprint reviews are valid and reviews are not required to be repeated as long as the person remains employed by or continues providing teacher or caregiver services in a facility; however, if a person has a break in service of one year or longer, the fingerprint reviews must be repeated.

(5) Copies of state and federal fingerprint results must be retained in the staff file and available for review by department staff, upon request.

Section 63‑13‑1390. (A)(1) A teacher or caregiver shall meet the following qualifications:

(a) be at least eighteen years of age, and able to read and write;

(b) began employment in a permitted or approved childcare facility in South Carolina after June 30, 1994, and have at least a high school diploma or General Educational Development (GED) Certificate and at least six months experience as a teacher or caregiver in a permitted or approved childcare facility. However, a teacher or caregiver who is prevented from obtaining a high school diploma or GED certificate because of a disability, and who otherwise is qualified to perform the essential functions of the position of teacher or caregiver, must have at least a high school Certificate of Completion and at least six months experience as a teacher or caregiver in a permitted or approved childcare facility. If a teacher or caregiver does not meet the experience requirements, the teacher or caregiver must be supervised directly for six months by a staff person with at least one‑year experience as a teacher or caregiver in a permitted or approved childcare facility. Within six months of being employed, a teacher or caregiver must have six clock hours of training in child growth and development and early childhood education or shall continue to be under the direct supervision of a teacher or caregiver who has at least one year of experience as a teacher or caregiver in a permitted or approved childcare facility;

(c) have two years experience as a teacher or caregiver in a permitted or approved facility and began employment as of July 1, 1994, in a permitted or approved childcare facility in the State, without having to comply with the high school diploma, GED Certificate, or Certificate of Completion requirements of subitem (b); and

(d) have an undergraduate degree from a state‑approved college or university in early childhood, child development, or a related field to begin working with the children immediately without additional supervision.

(2) A teacher or caregiver may be sixteen or seventeen years of age if he is supervised continuously by a qualified teacher or caregiver who is in the room at all times.

(B)(1) The director shall maintain in the facility for himself, a staff member, and emergency person the following records:

(a) medical statements required by the department and completed by the staff person verifying that his health is satisfactory. Medical statements must be updated as necessary;

(b) a health assessment from a health care provider assessing the ability of the staff person to work with children. The health assessment must be completed within three months before employment or within the first month of employment and must include health history, physical exam, vision and hearing screening, tuberculosis screening, and a review of immunization status. A new health assessment must be obtained by the director and staff at least every four years after the initial assessment; and

(c) written evidence from a physician or health resource attesting that each staff person is free from communicable tuberculosis at the time of employment and subsequently according to state statute.

(2) A person who is known to be afflicted with any disease in a communicable form, or who is a known carrier of such a disease, or who is afflicted with boils, infected wounds, or sores or acute respiratory infection, may not work in any capacity in a childcare facility in which there is likelihood of such person transmitting disease or infection to other individuals.

(3) A staff member, including the director, emergency person, and volunteer who, upon examination or as a result of tests, shows a condition that could be detrimental to the children or staff, or which would prevent satisfactory performance of duties, may not continue work at the facility until the healthcare provider indicates that the condition no longer presents a threat to children or staff.

(4) A staff person shall wash his hands with soap and warm running water upon arrival at the facility, before preparing or serving food, before assisting a child with eating, after assisting a child with toileting or diapering, before and after toileting, after administering medication, after cleaning, after assisting with wiping noses, after contact with body fluids, after contact with animals and after using cleaning materials. Hands must be washed even if gloves are worn to perform these tasks.

(5) Staff must be excluded when they exhibit the conditions listed in the DHEC Exclusion Policy, pursuant to Sections 44‑1‑110, 44‑1‑140, and 44‑29‑10.

Section 63‑13‑1400. (A) The operator shall provide orientation for all new teachers or caregivers, volunteers, and emergency persons before their employment and volunteering. This orientation must include the following:

(1) specific job duties and responsibilities;

(2) the requirements of this chapter related to their job; and

(3) the policies and procedures of the facility that affect the health and safety of children.

(B) The operator shall participate in at least fifteen clock hours of training annually. At least five clock hours must be related to program administration and at least five clock hours must be in child growth and development, early childhood education or health, or both, and safety, excluding first aid and CPR training. The remaining hours must come from the following areas: safety, health, nutrition, guidance, or professional development and must include blood‑borne pathogens training as required by the Occupational Safety and Health Administration (OSHA).

(C) All staff, with the exception of emergency persons and volunteers, providing direct care to the children shall participate in at least ten clock hours of training annually. At least four clock hours must be in child growth and development and at least four clock hours must be in curriculum activities for children, excluding first aid and CPR training. The remaining hours must come from the following areas: curriculum activities, nutrition, guidance, or professional development and must include blood‑borne pathogens training as required by OSHA.

(D) When a child with special needs is enrolled, the operator and teachers or caregivers shall receive orientation or training, or both, in understanding the child’s special needs and ways of working in group settings when a child with special needs is enrolled.

(E) All staff shall receive information regarding the developmental abilities of the age groups with whom the teacher or caregiver will be working.

(F) Records of training received must be kept on the premises and include the name of the person trained, the person or persons conducting the training, date, number of hours, location, and the competency area of the training.

(G) At least one person who is certified in pediatric first aid, including rescue breathing, CPR, and management of a blocked airway must be present in the group childcare home at all times when children are in care, and during group outings or field trips. Training must be provided by an individual who is certified as a trainer by a recognized health care organization. All staff, with the exception of emergency persons and volunteers, providing direct care to children shall participate in first aid, CPR training and must include blood‑borne pathogens training as required by OSHA.

Section 63‑13‑1410. (A) The following staffing ratios apply at all times children are present on the premises and during activities away from the facility and must be prominently posted in all classrooms:

STAFF:CHILD RATIOS

Five to six years 1:20

Six to twelve years 1:23

(B)(1) The following staffing ratios apply at all times while children are swimming or wading. The staffing ratios also apply at all times while children are near a water body that poses a potential risk based upon the age of the child.

WATER SAFETY STAFF: CHILD RATIOS

Five years and older 2:25

(2) All swimming activities must be supervised by a person with current lifeguard training certification. If this is a staff person who has current lifeguard training certification, they may be included in the staff:child ratio. In instances in which all staff members can, without the ability to swim, quickly reach any child, a certified lifeguard is unnecessary.

Section 63‑13‑1420. (A) Written, signed, and dated parental consent is required before the administration of any prescription or over the counter medication or administration of special medical procedures, and:

(1) all medications must be used only for the child for whom the medication is labeled;

(2) medications must not be given in excess of the recommended dose; and

(3) prescribed special medical procedures ordered for a specific child must be written, signed, and dated by a physician or other legally authorized healthcare provider.

(B)(1) All medications must be kept in their original labeled containers and have child protective caps. The child’s first and last name must be on all medications;

(2) All medications must be stored in a separate locked container under proper conditions of sanitation, temperature, light, and moisture.

(3) Discontinued and expired medications must not be used and must be returned to the parent or guardian or disposed of in a safe manner.

(C) For each medication that is administered by a staff person, a log must be kept, including the child’s name, the name of the medication, dosage, date, time, and name of person administering the medication. This information must be logged immediately following the administration of the medication and a copy provided to the child’s parents or guardian.

(D)(1) Medication errors, including failure to administer a medication at the prescribed time, administering an incorrect dosage of medication, or administering the wrong medication, must be recorded in the child’s record.

(2) The parent must be notified immediately and notified in writing of a medication error or a suspected adverse reaction to a medication.

Section 63‑13‑1430. (A) A limited permit childcare facility shall comply with the regulations and statutes of the State Fire Marshal.

(B) In the event of a natural disaster or unscheduled closing of a facility, the capacity may be exceeded temporarily to accommodate the displaced children. The director shall notify the department of the situation and maintain appropriate staff:child ratios at all times. Required records must be kept on file for the new enrollees.

(C) The facility shall have an up‑to‑date written plan for evacuating in case of fire, a natural disaster, or other threatening situation that may pose a health or safety hazard. The facility also shall include procedures for staff training in this emergency plan.

Section 63‑13‑1440. (A) If the facility provides or arranges for transportation through contract:

(1) the staffing ratios specified in Regulation 114‑504.B.(1) through (3) apply, and the driver of the vehicle must not be counted in the ratios for infants or toddlers;

(2) each child must be secured in an individual, age‑appropriate safety restraint at all times the vehicle is in motion;

(3) safety restraints must be used in accordance with the manufacturer’s instructions;

(4) A child must not be left unattended in a vehicle;

(5) transportation placement of children in the vehicle must be in accordance with all applicable state and federal laws;

(6) the driver shall have a valid regular or commercial driver’s permit;

(7) there must be a first aid kit and emergency information on each child in the vehicle;

(8) use of tobacco products is prohibited in the vehicle;

(9) written consent from the parent or guardian is required prior to transportation;

(10) when the facility provides transportation to and from the child’s home, the facility staff are responsible for picking the child up and returning the child to a designated location;

(11) the director or staff of the facility shall provide the driver of the vehicle with a record that lists the name, address, and telephone number of the facility, as well as names of children being transported.

(B) When picking up and dropping off:

(1) the facility shall have safe crossways and pick‑up and drop‑off locations and communicate these locations to the parents;

(2) children must be directly supervised during boarding and exiting vehicles;

(3) the director or staff shall have on file, in the facility, written permission from parents or guardians for transporting children to and from the home, school, or other designated places, including facility‑planned field trips and activities; and

(4) written transportation plans for routine travel must be on file, and these must include a checklist to account for the loading and unloading of children at every location.

Section 63‑13‑1450. There must be a written, planned, daily program of activities for all children.

Section 63‑13‑1460. To prevent lead poisoning in children, facilities shall meet applicable lead base paint requirements, as established by the Department of Health and Environmental Control (DHEC), pursuant to Chapter 53, Title 4 and Regulation Number 61‑85.

Section 63‑13‑1470. (A) The water supply must meet applicable DHEC requirements for water quality and testing.

(B) The facility shall have hot and cold water under pressure in compliance with DHEC regulations or guidelines. If an individual private well water supply is used, the director shall obtain approval pursuant to DHEC to ensure safe location, construction, and proper maintenance and operation of the system.

(C) Hot water must be between one hundred and one hundred twenty degrees Fahrenheit.

(D) Safe drinking water must be available to children at all times and there must not be any use of common drinking cups.

(E) If a water fountain is available, it must be of an angle‑jet design, maintained in good repair, and kept sanitary. There must be no possibility of mouth or nose submersion.

(F) Ice used for any purpose must be made from water from an approved source. The ice must be handled and stored in a sanitary manner.

Section 63‑13‑1480. (A) There must be at least one flush toilet for every twenty children over two years of age. Staff must be included when determining availability of toilets if there are no staff rest rooms.

(B) If seat adapters are used for toilet training, they must be cleaned and sanitized after each use.

(C) Toilet training equipment must be provided to children who are being toilet trained.

(D) There must be at least one sink with hot and cold running water under pressure for every twenty children over two years of age. Sinks must be located in or near each toilet area.

(E) Toilets and sinks must be at heights accessible to the children using them or must be equipped with safe and sturdy platforms or steps.

(F) Privacy must be provided for toilets used by preschool and school age children.

(G) Floor and wall surfaces in the toilet area must have smooth, washable surfaces. Carpeting is not permitted in the toilet area.

(H) Toilets, toilet seat adapters, sinks, and restrooms must be cleaned at least daily and must be in good repair.

(I) Liquid or granular soap and disposable towels must be provided at each sink.

(J) Children must not be left unattended in a bathtub or shower.

(K) Easily cleanable receptacles must be provided for waste material. Toilet rooms used by women must be provided with at least one covered waste receptacle.

(L) Bathroom facilities must be completely enclosed.

Section 63‑13‑1490. The department may not issue ABC Child Care Program vouchers to limited permit childcare facilities that receive a permit from the department’s division of child care services.”

Section 63‑13‑1500. Any deficiencies noted by the department must be posted on the department’s website in the same manner as licensed and registered facilities. For all licensed, registered, and permitted facilities, if violations are noted and corrections are made at the time of the violation or within thirty days of the violation, then the violation must not be placed on the website. The corrective action must be documented by the facility to the department in a manner acceptable to the department within thirty days in either writing, photo evidence, or upon a repeat visit by the department.

Section 63‑13‑1510. The department is allowed to charge fees for the limited permit, limited approval, and central registry check consistent with the fees authorized for licensed childcare facilities.”

SECTION 11. This act takes effect upon approval by the Governor, except that the Department of Social Services has two years to issue final permits to facilities defined as a limited permit facility. Facilities required to obtain a limited permit shall notify the department within sixty days of the effective date of this act. These facilities shall submit their forms for permitting within one hundred and twenty days of the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

Reps. HIOTT, J. E. SMITH, SABB, COBB-HUNTER, NEAL, PATRICK, HAYES, RUTHERFORD, BRANNON, ALLISON and CLYBURN requested debate on the Bill.

Further proceedings were interrupted by the Joint Assembly.

**JOINT ASSEMBLY**

At 11:30 a.m. the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

H. 4926 -- Reps. Harrell, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 11:30 A.M. ON WEDNESDAY, APRIL 9, 2014.

The Honorable Chief Justice, Jean Hoefer Toal, and her distinguished party were escorted to the rostrum by Senators Peeler, Setzler, Courson, Larry Martin and Malloy and REPRESENTATIVES ROBINSON-SIMPSON, PITTS, HAYES, CLEMMONS and HORNE. The Chief Justice addressed the General Assembly as follows:

**2014 State of the Judiciary Address**

**by the Honorable Jean Hoefer Toal**

**Chief Justice of South Carolina**

**April 9, 2014**

Thank you very much, thank you very much. Mr. President, Mr. Speaker, Mr. President *Pro Tempore*, Mr. Speaker *Pro Tempore*, members of the Joint Assembly, it is my great honor once more as your Chief Justice to present the State of the Judiciary Address this morning.

Before I begin, let me introduce members of the Supreme Court and the Court of Appeals who are in attendance today. Will you stand please, colleagues, as I recognize you? Justice Costa Pleicones, Justice Don Beatty, Justice John Kittredge, Justice Kaye Hearn, Chief Judge John Few, Judge Paul Short, Judge Bruce Williams, Judge Aphrodite Konduros, Judge John Geathers, and Judge James Lockemy.

**A Statue To Honor A Civil Rights Hero:**

**Judge J. Waties Waring**

I begin this morning with a tribute to Federal Judge J. Waties Waring. As background, on May the 17th, we will observe the 60th anniversary of Brown v. The Board of Education, the 1954 United States Supreme Court decision which ruled unconstitutional state laws which enforced racial segregation in public education. South Carolina's Briggs v. Elliott was the most important of the four cases known as Brown. It provided the factual basis and legal theory for one of the most important decisions in American history.

It's past time to celebrate the life of South Carolina's most unlikely Civil Rights hero, Federal Judge J. Waties Waring. An eight-generation Charlestonian, with a prestigious Meeting Street address, impeccable social credentials and appropriate ties to segregationist South Carolina politics, Waring served as a U.S. attorney during the Wilson administration and as Charleston Corporation counsel in the '30s and '40s before finally obtaining the coveted federal judgeship. His judicial tenure, however, proved to be anything but predictable.

He was 62 when he took the bench. In the 10 years he served as a federal judge, he ended racial designations on jury lists and segregated seating in his own court. He ruled in favor of equal pay for black and white public school teachers and, in one of his most controversial rulings, he struck down the rules of the South Carolina Democratic Party, which at that time limited membership and participation in the party's primary, really the deciding election at that time, to white voters only. He also encouraged Thurgood Marshall to make a direct assault on the "separate but equal" doctrine in public schools. And when his two fellow jurists on the three-judge court that tried Briggs v. Elliott in Charleston upheld South Carolina's segregated school system, Waring vigorously dissented, and became the first judge in America to rule from the bench that "Segregation is per se inequality."

For those rulings, he was ostracized by Charleston. The KKK burned a cross in his yard, vandals threw bricks through his windows and fired shots in front of his residence. He left Charleston, never to return. But on this Thursday, in Charleston, this bronze statue will be unveiled at the Federal Courthouse where Judge J. Waties Waring's rulings changed the course of opportunity for our state and for the nation. Thank you.

**Moving Forward in a New Court System in South Carolina**

We're moving forward with a new court system in South Carolina. And your investment in the creation and election of new judges has really made a difference in the more efficient management of our court dockets and our resources. Judges serve important roles as problem solvers as we move forward with this new court system. Our trial and appellate courts have made great progress in increasing diversity on the bench as we continue our commitment to making the judiciary the face of South Carolina.

**Progress on Case Disposition**

But progress on case disposition is a pretty simple equation in my view: new judges, increased use of technology, increased collaboration of judges, clerks of court and attorneys results in big improvement in case disposition.

**Common Pleas Benchmarks**

Let's talk about how we measure improvement and success in our trial courts in South Carolina. Our civil trial court for Circuit Court is called Common Pleas, an old-fashioned term. We established aspirational goals for how cases should be disposed of, we call them benchmarks. The benchmark for civil court, Common Pleas Court, in South Carolina is to dispose of 80 percent of the cases filed within a year of filing. We're not hitting those benchmarks yet. But nine circuits are now over 60 percent, and that represents a big step forward. Additional judges in the future may close that gap.

**Circuit Court Judges' Caseload**

The average caseload per judge in South Carolina is still the highest in the nation with almost 4,500 filings per judge per year.

But judges do a lot more than simply preside over trials. Yes, we have the highest caseload in the country, but we also have motion hearings, drafting and reviewing orders, pre-trial status conferences, and another particular issue that I want to spend a moment with you this morning, and that is bond hearings in Circuit Court.

I'd like to emphasize my deep concern with what judges have to work with as they make decisions about bond reductions in Circuit Court. We often in these hearings do not have the information we need to make a wise decision about the defendant who appears in front of us. Many times a judge does not know that the defendant who stands before the judge is a repeat offender, or has other convictions, even in other states. Trial delays and a backlog cause a lot of defendants to make repetitive motions for bond reductions as they sit in local jail facilities without being tried. But the lack of information our judges have about criminal backgrounds necessitates that we finally complete the interface with SLED so that our judges can have up-to-date criminal background information as they conduct these bond hearings. Otherwise they make decisions that would have been quite different had they had the real information about the defendant.

**Judges as Problem Solvers: Business Courts**

Judges are problem solvers, and the Business Court is a very good example of that. We've now expanded this pilot program to include three regions, so it's not just Greenville, Richland and Charleston anymore. The judges who preside now hear cases from any county in the region to which they are assigned Business Court responsibilities. Business Court is a way of managing very complex business matters, generally business to business disputes, and it's a good thing for the resolution of these complex cases.

But it has another implication that's just as important, these big complex cases sometimes suck the air out of a docket in a small or medium-sized county where they have limited terms of court and limited times for ordinary cases to be processed. To move these big Business Court disputes into a special docket frees up time for the many cases where ordinary citizens are having their cases delayed for resolution. Our three presiding Judges, Ned Miller, Cliff Newman and Roger Young are doing a great job. And I've asked the circuit judges to volunteer for more assignments. And we hope to appoint some additional Business Court judges and begin their training this year.

**General Sessions Benchmarks**

Let's look for a moment then at the criminal courts in South Carolina. We call that the Circuit Court's General Sessions Court. And the measure of success or the benchmark in this court has recently changed. It used to be a very unrealistic "we can resolve 80 percent of the cases in 180 days." That's really not a realistic standard. The solicitors asked that this benchmark be changed, and we moved it to 365 days, which is more realistic.

And that combined with some very recent, new attention on how to manage dockets in South Carolina, a lot of it occasioned by the debate over Langford, has resulted in some astounding improvements in many circuits in South Carolina. There are 10 circuits that are within shouting distance of 80 percent. A good example is the Greenville/Pickens circuit where differentiated case management has been in existence in that circuit since Billy Wilkins instituted it so many years ago. And Judges Traxler and others, Bob Ariail, and now Judge Wilkins' son, Walt Wilkins manage a very sophisticated docket in that County. They've got a lot of money in Greenville and Pickens to make improvements in how the docket is managed. We want to help all circuits achieve what that circuit has achieved.

But the king of the roost is York/Union. Eighty nine percent of their cases are disposed within one year. You can't really expect to do much better than that. It's a great tribute to not only Solicitor Kevin Brackett and Public Defender Harry Dest, but the Clerk of Court and all the others who work in that system.

**General Sessions Docket**

Why is management of the General Sessions docket so important? Well, it's certainly true that unnecessary delay of these criminal cases is a denial of due process for the defendants, but it's also a denial of justice for the victims and results in some extremely excessive costs for the county. A lot of defendants are held in pre-trial detention instead of moving the cases through the system. The average cost per day is almost $60.00 to detain someone in a county facility. And some counties have reported that they have spent over $100,000 on just one defendant because the case was delayed so many years from being tried. That money would be a lot better spent with solicitors and public defenders and clerks of court to help move the dockets.

**Judges as Problem Solvers: General Sessions Docket**

The General Sessions docket has received a lot of focus. And in January of this year we turned our attention not just to the cases that are a year old, but to the cases that really are old. And we set our sights on anything that was more than a year and a half old and passed an order that required the solicitors to survey their book of business and reconcile their records with the clerk's records and with the public defender's records and come up with a real honest list of everything that's over a year and a half old by case name, by the lawyers involved, by the charges made, so that we could really get a handle on these old cases. We will spend the next few months concentrating very heavily on trying to move out these older cases on South Carolina's criminal dockets.

**Collaboration Essential to Efficient Docket Management**

But in the end, collaboration is an essential element of docket management. I know you've heard a lot of discussion in the past year about who should control the criminal docket. But the truth of the matter is that control of the criminal docket is really a collaborative effort between the judges, the solicitors, the circuit public defenders, and the clerks of court.

And there are some good success stories that have happened very recently when that kind of collaboration takes place. The 9th Circuit, Berkeley/Charleston, is a good example. Judge Roger Young became the Chief Administrative Judge for General Sessions in January. And he took a very proactive approach to examining everything that was more than a year and a half old. And with the collaboration of Solicitor Scarlett Wilson, Public Defender Ashley Pennington, and Clerk of Court Julie Armstrong, they have reduced the backlog in Charleston/Berkeley by 27 percent. That shows what working together can do.

The 6th Circuit is probably our most endangered circuit in South Carolina, and it's primarily lack of local resources. Only 29 percent of their cases are resolved in a year in Chester, Fairfield and Lancaster. But at the beginning of this year, Judge Brian Gibbons and Solicitor Doug Barfield sat down together and said, "what can we do to change this picture?" And working with the public defender and the clerk of court in Lancaster, they experimented with a system that was part judge controlled, part solicitor controlled. They expect to move 1,000 cases in Lancaster within the next several months. That's a real miracle.

The 2nd Circuit is yet another example. Jack Early, the Resident Judge there, with Solicitor Thurmond and Public Defender De Grant Gibbons and their three clerks of court have set the next four months as a period of intense concentration on those old cases. So a lot can be done simply by moving together and working together. And we hope that the results of the study that's being made now that involves all the stakeholders will underscore this and come up with some model ways of running the dockets in South Carolina.

**Family Court Benchmarks**

Let's look for a moment then at Family Court and how it has progressed. This is a huge success story, and it's primarily the result of the implementation of the task force recommendations for Family Court which Kaye Hearn chaired and Judge Konduros guided for the Family Court part of the study. Six circuits in Family Court have 80 percent or better resolution within one year of their Family Court cases. That is an enormous change from the figures I would have shown you last year about Family Court in South Carolina.

**Judges as Problem Solvers: Family Court Docket**

But here are some good practical examples of what happens when folks work together. In York County, the disposition rate last year was 70 percent within 365 days of filing. That's not the 80 percent benchmark, but it's getting close. But in less than one year of Judge Tony Jones, one of your new Family Court Judges, putting into implementation the management techniques suggested by the task force, York County now tries 90 percent of its Family Court cases within one year.

And in Anderson County where only 41 percent of the Family Court cases were tried in 365 days, Tommy Edwards, the Resident Family Court Judge, working closely with his Clerk, Court Administration and IT to implement these suggested changes, Anderson County now tries 85 percent of its Family Court cases in one year. This is a model. It's getting the right people together to solve a problem.

**Judges as Problem Solvers: Alternative Courts**

Judges are also problem solvers in an alternative approach to dealing with minor offenders whose main difficulty is substance abuse, mental health or other behavioral issues. We have Alternative Courts on a pilot basis in many counties in South Carolina created with administrative orders from myself. These include Mental Health Courts, Drug Courts, Truancy Courts, and some Veterans Courts. You invested strongly in this idea by making these alternatives to incarceration a part of your Sentencing Reform Bill that passed several years ago. And it's resulted in some reductions in both local jailing and in the Department of Corrections figures.

But these programs need to be institutionalized with legislative action. It's something that is a success story just as a pilot. It gets together treatment professionals with judges to put defendants through a program to deal with their real issues, which are not generally legal issues, but rather addiction or other kinds of health issues. And if the defendants complete the program of treatment successfully, they can either reduce their sentence, be on probation, or avoid a legal penalty completely with an expungement. We need to institutionalize these programs in South Carolina.

**Technology Roadmap**

Let me turn now to the technology roadmap. This, of course, has been the signature program of my administration. And as we approach 14 years with E-Filing, and enhanced security is now our main concern, I look back to the year 2000 and think how improbable it was that a government agency, particularly a court system, would use an Internet-based system to manage its court records. That was unheard of back then. We went into it as really trailblazers because it was such a less expensive way than dealing with big mainframe computers and the huge licensing costs that would be entailed. Now we're looked at by courts all over the country and acknowledged as national leaders in this approach to court record management.

**Four Court Statewide Software Systems**

We now have four statewide court software systems. The basic Court Case Management System, it standardized record-keeping and business process in Circuit Court and in Magistrate Courts for all 46 counties. Forty two of those counties depend on the Judicial Department and our servers here in Columbia to host their records. Four counties, large ones, maintain them on servers at their home base. But all the counties operate on one standardized system, and it's just a really powerful thing in terms of more effectively moving cases.

The Appellate Court Case Management System now manages all the Supreme Court and Court of Appeals records. It circulates opinions. But just as importantly, there's much more public access now to the records and briefs that are filed in the Appellate Courts.

We also developed an Attorney Information System. This is the central repository of up-to-date contact information for 15,000 licensed lawyers in South Carolina. And the public can now access this contact information by going on the Judicial Department website. How did we get them all to get up-to-date information, and how did we get them all to put down an email address so we could easily contact these lawyers? It was the carrot and the stick. The carrot was easy access to the system, the stick was they couldn't pay their Bar dues until they updated their information. It's worked.

Electronic Filing is the crown jewel. And that application is currently under development with an implementation in 2015.

South Carolina owns all four of these software systems. We do not pay an outside vendor. And we have the security that comes with having a system we control, maintain, and do not let anyone breach the firewalls into its security. And I'll talk in a few minutes more about security because it's the biggest issue facing anyone who maintains a data system – corporate, private or public, but particularly for members of the public.

**E-Filing Update**

Update on E-Filing. We've now revised our Rules of Civil Procedure which have passed muster here. We've revised the business process of clerks of court and integrated these four applications so as to prepare for E-Filing. We'll be training on these programs for all users beginning in 2015.

**Security of Personal Data in Court Records**

Security of personal data in court records is an enormous responsibility and an enormous concern for all kinds of people who intersect with or use the court system. Your House and Senate Judiciary Committees have approved our new redaction rule, and it will go into effect on April the 15th. Examples of the items that are redacted, that is, shielded from public view by this system, are Social Security numbers – we're one of the only states in the country that shields it all, not just the last four digits. People have very quickly figured out how to figure out more than just those last four digits. We shield it entirely. Financial account numbers, passport numbers, names of minors, date of birth, home addresses of non-parties, minors, sexual assault victims are just some of the items that we are protecting from public view because of privacy concerns.

**Court Data Security**

Court data security is also a huge concern. And all of South Carolina government has focused in the last two years on data security for the information maintained within their responsibility. Our information security team has worked closely with the new division of technology regarding their statewide information security project. My IT director attends those meetings every month. And I'm proud to tell you that we are acknowledged as a leader in South Carolina government in the security and the employee awareness and training programs that we maintain in the court system. Our employees have security awareness training constantly. All employees are required to go on their computer and take the training. That includes contract employees, non-judicial employees, and all judges. And we have 100 percent participation, and I monitor it like a laser to be sure that continues. The South Carolina Judicial Department is also very focused on data protection, methods of authentication before you enter the system, and data dissemination. And that will continue.

**The Importance of Funding Disaster Recovery**

But we have a very important issue that involves backing up our system. All these court applications are accessed and supported 24/7 for all the courts by the South Carolina Judicial Department. So what happens if the system goes down? Any disruption in the service provided by these applications would potentially cripple the courts' ability to effectively administer justice for the citizens of South Carolina. We have asked for funding this year for our disaster recovery system to ensure that all 46 counties are able to continue essential functions in any hazardous environment, whether that is a natural disaster, a health pandemic, an accident, or terrorism. We partnered with Clemson University to develop our disaster recovery or backup center outside of Columbia. And we're very hopeful that we'll be able to begin that project this year.

**The Importance of the Internet and Court Technology**

I don't think I have to convince anybody of the importance of the Internet in the modern age. In closing, I think we can all agree that the Internet represents innovation, access to information, and a more transparent court system for the citizens of South Carolina. We lead the way in the nation based on the decision we made 14 years ago to use an Internet platform for court records. But the Internet now represents economic growth and more opportunity than the world has ever known. Think about what all you access every day in your personal life from bank account records, to online shopping, to information you need to do your job, to personal contact with the people you want to stay in contact with using the Internet. And technology has certainly been a game changer for South Carolina courts, as well as the citizens of South Carolina. It's a different way of doing business.

**What We Are All Working For**

We work very hard as public servants to make this state as public servants a place of opportunity and values for those who come behind us, our children and our grandchildren. So you know how I always close. Here's my beloved Patrick, up in the gallery watching his Big Mama be re-elected. He's recently chopped off all that hair because he's playing summer sports. But I figure a boy that makes good grades, serves on the altar every Sunday and plays goalie on the hockey team can wear it anyway he wants to. And there's my little Ruthie, she's just seven months old and will be coming to South Carolina for her first Easter.

It is the honor of my life to once more be allowed to lead your court system as we create together a better life for the future of all South Carolinians. God bless.

Upon conclusion of her address, Chief Justice Toal and her escort party retired from the Chamber.

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the President announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 12:00 noon the House resumed, the SPEAKER in the Chair.

Rep. K. R. CRAWFORD moved that the House recede until 2:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:00 p.m. the House resumed, ACTING SPEAKER RYHAL in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. M. SMITH a temporary leave of absence.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HIXON a leave of absence for the remainder of the day due to a prior commitment.

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

**H. 4348--REQUESTS FOR DEBATE WITHDRAWN**

Reps. MERRILL, MUNNERLYN, K. R. CRAWFORD, THAYER, BOWEN, HARDWICK and MURPHY withdrew their requests for debate on H. 4348; however, other requests for debate remained on the Bill.

**OBJECTION TO RECALL**

Rep. SANDIFER asked unanimous consent to recall H. 4979 from the Committee on Labor, Commerce and Industry.

Rep. COBB-HUNTER objected.

**H. 5044--RECALLED AND REFERRED TO COMMITTEE ON INVITATIONS AND MEMORIAL RESOLUTIONS**

On motion of Rep. OWENS, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works and was referred to the Committee on Invitations and Memorial Resolutions:

H. 5044 -- Rep. Horne: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-668 SO AS TO DESIGNATE SOUTH CAROLINA ARTIST JONATHAN GREEN AS THE OFFICIAL STATE ARTIST.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3344 from the Committee on Judiciary.

Rep. TALLON objected.

**OBJECTION TO RECALL**

Rep. SOUTHARD asked unanimous consent to recall H. 4374 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. WHITE objected.

**OBJECTION TO RECALL**

Rep. WHITE asked unanimous consent to recall H. 4775 from the Anderson Delegation.

Rep. SOUTHARD objected.

**OBJECTION TO RECALL**

Rep. CROSBY asked unanimous consent to recall H. 4135 from the Committee on Education and Public Works.

Rep. DELLENEY objected.

**OBJECTION TO RECALL**

Rep. WHITE asked unanimous consent to recall H. 4775 from the Anderson Delegation.

Rep. COBB-HUNTER objected.

**H. 4348--REQUEST FOR DEBATE WITHDRAWN**

Rep. WILLIAMS, with unanimous consent, withdrew his request for debate on the following Bill:

H. 4348 -- Reps. Lucas, Clemmons, Southard, Douglas, Allison, Taylor, Felder, Loftis, W. J. McLeod, Pitts and D. C. Moss: A BILL TO AMEND SECTION 63-3-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS OF MINOR CHILDREN, SO AS TO ELIMINATE CERTAIN PREREQUISITES TO ORDERING VISITATION.

**H. 3919--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3919 -- Reps. Owens, Bowen, Patrick, Taylor, Anderson, Allison, Brannon, Loftis, Ballentine, Rivers, Huggins, Knight, Simrill, King, Willis, Whitmire, McCoy, Anthony, Crosby, Neal, Clyburn, Barfield, Bedingfield, R. L. Brown, Cobb-Hunter, George, Hayes, Hiott, Hixon, Hosey, Lucas, Pope, Putnam, G. R. Smith, Wells, Wood, Whipper, Mitchell, Robinson-Simpson and Dillard: A BILL TO AMEND SECTION 59-18-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXIT EXAM REQUIRED FOR HIGH SCHOOL GRADUATION, SO AS TO PROVIDE THAT ALL STUDENTS MUST TAKE THE EXIT EXAM TO GRADUATE BUT NEED NOT ATTAIN ANY MINIMUM SCORE ON THE EXIT EXAM TO GRADUATE, TO PROVIDE AN ELIGIBLE STUDENT WHO PREVIOUSLY FAILED TO RECEIVE A HIGH SCHOOL DIPLOMA OR WAS DENIED GRADUATION SOLELY FOR FAILING THE EXIT EXAM MAY REENROLL IN HIGH SCHOOL AND WILL NOT HAVE TO PASS THE EXIT EXAM TO RECEIVE A HIGH SCHOOL DIPLOMA, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO REMOVE ANY CONFLICTING REQUIREMENTS AND PROMULGATE CONFORMING CHANGES IN ITS APPLICABLE REGULATIONS; TO AMEND SECTION 59-48-35, RELATING TO REQUIREMENTS FOR A DIPLOMA FROM THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS, AND SECTION 59-139-60, RELATING TO THE DUTY OF THE STATE BOARD OF EDUCATION TO REVIEW STUDENT PERFORMANCE ON ASSESSMENT TESTING AND TO MONITOR THE PERFORMANCE OF SCHOOLS AND SCHOOL DISTRICTS, ALL SO AS TO MAKE CONFORMING CHANGES; AND TO CREATE THE HIGH SCHOOL ASSESSMENT STUDY COMMITTEE TO CONSIDER WHETHER THE HIGH SCHOOL ASSESSMENT PROGRAM SHOULD REMAIN THE ACCOUNTABILITY ASSESSMENT USED BY THE STATE AND TO RECOMMEND AN ALTERNATIVE IF NECESSARY, TO PROVIDE FOR THE COMPOSITION AND STAFFING OF THE STUDY COMMITTEE, TO REQUIRE THE COMMITTEE REPORT CERTAIN INFORMATION TO THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE TERMINATION OF THE STUDY COMMITTEE.

Rep. OWENS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| King | Knight | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Norrell |
| Owens | Parks | Patrick |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sandifer | Sellers |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Thayer | Toole |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**Total--102**

Those who voted in the negative are:

**Total--0**

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

**H. 4467--FREE CONFERENCE POWERS GRANTED**

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

H. 4467 -- Reps. Daning, Rivers, Crosby, Southard, Jefferson and Merrill: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Ryhal |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Wells |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

So, the motion to resolve the Committee of Conference into a Committee of Free Conference was agreed to.

The Committee of Conference was thereby resolved into a Committee of Free Conference. The SPEAKER appointed Reps. DANING, MERRILL and JEFFERSON to the Committee of Free Conference and a message was ordered sent to the Senate accordingly.

**H. 4820--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4820 -- Reps. Norman, King, Long, D. C. Moss, Delleney, Felder, V. S. Moss, Pope and Simrill: A BILL TO AMEND ACT 473 OF 2002, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF CLOVER SCHOOL DISTRICT 2 IN YORK COUNTY, SO AS TO ESTABLISH AND REAPPORTION THESE ELECTION DISTRICTS.

The yeas and nays were taken resulting as follows:

Yeas 82; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Horne | Hosey |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Norman | Norrell |
| Owens | Parks | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Ryhal | Sandifer | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Spires | Tallon |
| Taylor | Wells | Whitmire |
| Willis |  |  |

**Total--82**

Those who voted in the negative are:

**Total--0**

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

**H. 4482--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 4482 -- Rep. Ridgeway: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO STATE EMBLEMS, BY ADDING SECTION 1-1-712A, SO AS TO DESIGNATE THE COLUMBIAN MAMMOTH AS THE OFFICIAL STATE FOSSIL.

Rep. RIDGEWAY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 30; Nays 72

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bannister | Barfield |
| Bowers | H. A. Crawford | Crosby |
| Delleney | Felder | George |
| Hamilton | Harrell | Hayes |
| Hodges | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Lucas | W. J. McLeod |
| Norman | Norrell | Owens |
| Pope | Putnam | Ridgeway |
| Simrill | Skelton | Williams |

**Total--30**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Ballentine |
| Bedingfield | Bernstein | Bingham |
| Bowen | Branham | Brannon |
| G. A. Brown | R. L. Brown | Clemmons |
| Clyburn | Cobb-Hunter | K. R. Crawford |
| Daning | Dillard | Douglas |
| Edge | Erickson | Forrester |
| Funderburk | Gagnon | Gilliard |
| Goldfinch | Hardee | Hardwick |
| Henderson | Herbkersman | Hiott |
| Horne | Hosey | Huggins |
| Long | Mack | McCoy |
| McEachern | M. S. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| R. L. Ott | Parks | Patrick |
| Pitts | Quinn | Riley |
| Rivers | Ryhal | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Weeks | Wells |
| White | Willis | Wood |

**Total--72**

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

**H. 5032--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5032 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF OAKLAND AVENUE FROM ITS INTERSECTION WITH NORFOLK STREET TO ITS INTERSECTION WITH WILSON ROAD IN THE CITY OF FLORENCE "REVEREND DR. VANDROTH BACKUS WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF ROADWAY THAT CONTAIN THE WORDS "REVEREND DR. VANDROTH BACKUS WAY".

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BERNSTEIN a temporary leave of absence to attend a funeral.

**H. 3765--AMENDED AND REJECTED**

The following Bill was taken up:

H. 3765 -- Reps. Herbkersman, Knight, Hosey, Merrill, R. L. Brown, Clyburn, Bowers, Douglas and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-4310 SO AS TO CREATE THE CHARITABLE BINGO ADVISORY COMMITTEE, PROVIDE FOR ITS MEMBERSHIP AND PURPOSES, AND REQUIRE A DEPARTMENT OF REVENUE DESIGNEE AS LIAISON; BY ADDING SECTION 12-21-4320 SO AS TO PROVIDE FOR ESTABLISHMENT OF AN INFORMATIONAL CHARITABLE BINGO WEBSITE BY THE DEPARTMENT AND REQUIRING THE DEPARTMENT'S RESPONSE TO INQUIRIES AS PERMANENTLY ACCESSIBLE ADVISORY OPINIONS; BY ADDING SECTION 12-21-4330 SO AS TO PROVIDE FOR ALLOWABLE PROMOTIONAL EXPENSES; TO AMEND SECTION 12-21-3920, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE BINGO TAX ACT, SO AS TO INCLUDE SPECIFIC NAMED GAMES IN THE DEFINITION "BINGO", AND TO PROVIDE THAT THE DEFINITION OF A "CARD" INCLUDES AN INSTANT BINGO TICKET; TO AMEND SECTIONS 12-21-3940 AND 12-21-3950, BOTH AS AMENDED, RELATING TO APPLICATIONS FOR LICENSING BY NONPROFIT ORGANIZATIONS AND PROMOTERS, RESPECTIVELY, SO AS TO PROVIDE FOR AN INFORMAL APPEAL OF A REJECTION AS A FIRST STEP IN AN APPEAL; TO AMEND SECTION 12-21-3990, AS AMENDED, RELATING TO THE MANNER OF PLAYING BINGO, SO AS TO SPECIFY THE MANNER OF PLAYING BINGO WITH INSTANT BINGO TICKETS; TO AMEND SECTION 12-21-4000, AS AMENDED, RELATING TO PROCEDURES FOR OPERATING A BINGO GAME, SO AS TO FURTHER PROVIDE FOR THE APPLICABILITY OF BINGO PROCEDURES FOR BINGO PLAYED WITH INSTANT BINGO TICKETS, TO INCREASE THE ALLOWABLE EXPENSE FOR PROMOTIONS FROM ONE HUNDRED DOLLARS TO TWO HUNDRED FIFTY DOLLARS FOR EACH SESSION, AND TO SPECIFY THE INTENT OF THIS SECTION; TO AMEND SECTION 12-21-4007, RELATING TO SITE SELECTION AND ELECTRONIC DABBER SPECIFICATIONS, SO AS TO INCREASE FROM ONE TO TWO UNITS FOR THE USE OF AN ELECTRONIC DABBER BY A PLAYER; TO AMEND SECTION 12-21-4020, AS AMENDED, RELATING TO CLASSES OF BINGO LICENSEES, SO AS TO PROVIDE FOR OPERATIONAL HOURS; TO AMEND SECTION 12-21-4120, AS AMENDED, RELATING TO A CLARIFICATION FROM THE DEPARTMENT AS TO PLAY OR OPERATION OF A GAME, SO AS TO FURTHER PROVIDE FOR A BINGO ADVISORY OPINION; TO AMEND SECTION 12-21-4190, AS AMENDED, RELATING TO BINGO CARD CHANGES AND DISTRIBUTION OF REVENUES, SO AS TO PROVIDE FOR A FIVE PERCENT PRIZE FEE FOR CERTAIN TYPES OF BINGO WHICH MUST BE COLLECTED BY THE PROMOTER AND REMITTED TO THE DEPARTMENT OF REVENUE AND TO PROVIDE HOW THE PRIZE FEE EFFECTS PRIZE LIMITS; AND TO AMEND SECTION 12-21-4240, RELATING TO LICENSES TO MANUFACTURE, DISTRIBUTE, OR USE BINGO CARDS, SO AS TO INCLUDE ITEMS OTHER THAN BINGO CARDS TO WHICH THIS SECTION APPLIES.

Rep. HERBKERSMAN proposed the following Amendment No. 1 to H. 3765 (COUNCIL\BBM\3765C001.BBM.HTC14), which was adopted:

Amend the bill, as and if amended, in SECTION 1, page 4, by striking line 3 and inserting:

/excluded from total revenue and from taxation as gross receipts.

Section 12‑21‑4335. Nothing in this article makes lawful or may be construed as making lawful video poker gambling or any other form or variant of video gambling. Nothing in this article makes lawful or may be construed as making lawful any form or variant of internet gambling.” /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The amendment was then adopted.

Rep. HIOTT spoke against the Bill.

Rep. SKELTON spoke upon the Bill.

Rep. TOOLE spoke against the Bill.

Rep. HERBKERSMAN proposed the following Amendment No. 2 to H. 3765 (COUNCIL\DKA\3765C001.DKA.VR14), which was adopted:

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

/ SECTION \_\_. Article 24, Chapter 12, Title 21 of the 1976 Code is amended by adding:

“Section 12‑21‑4340. This State must not force anyone to play bingo.” /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

Rep. HIOTT moved to table the amendment, which was not agreed to.

The question then recurred to the adoption of the amendment, which was agreed to.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 47; Nays 65

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bannister | Bernstein |
| Bowers | R. L. Brown | Clyburn |
| Cobb-Hunter | Douglas | Edge |
| Erickson | George | Gilliard |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Herbkersman |
| Hosey | Howard | Jefferson |
| King | Knight | Mack |
| McCoy | McEachern | M. S. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Newton | R. L. Ott |
| Patrick | Pitts | Ridgeway |
| Rutherford | Sabb | Sellers |
| Skelton | J. E. Smith | Stavrinakis |
| Taylor | Thayer | Whipper |
| White | Williams |  |

**Total--47**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Barfield |
| Bedingfield | Bingham | Branham |
| Brannon | G. A. Brown | Burns |
| Chumley | Clemmons | Cole |
| H. A. Crawford | K. R. Crawford | Delleney |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Goldfinch |
| Govan | Hamilton | Henderson |
| Hiott | Hodges | Horne |
| Huggins | Kennedy | Limehouse |
| Loftis | Long | Lucas |
| W. J. McLeod | Nanney | Neal |
| Norman | Norrell | Owens |
| Parks | Pope | Putnam |
| Quinn | Riley | Rivers |
| Ryhal | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Toole |
| Weeks | Wells | Whitmire |
| Willis | Wood |  |

**Total--65**

So, the Bill was rejected.

**H. 3170--RECOMMITTED**

The following Joint Resolution was taken up:

H. 3170 -- Reps. W. J. McLeod, Bannister, Spires, Jefferson, Williams, Taylor, J. E. Smith, Munnerlyn and Knight: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO GROUNDS FOR DIVORCE, SO AS TO PROVIDE THAT A DIVORCE MAY BE GRANTED ON THE GROUND OF CONTINUOUS SEPARATION FOR A PERIOD OF ONE HUNDRED FIFTY DAYS RATHER THAN ONE YEAR.

Reps. BANNISTER and WILLIAMS proposed the following Amendment No. 2 to H. 3170 (COUNCIL\GGS\3170C001. GGS.VR14), which was tabled:

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

/ SECTION 1. It is proposed that Section 3, Article XVII of the Constitution of this State be amended to read:

“Section 3. Divorces from the bonds of matrimony shall be allowed on the grounds of adultery, desertion, physical cruelty, continuous separation for a period of at least one year or after eight months if both parties agree, or habitual drunkenness.”

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

“Must Section 3, Article XVII of the Constitution of this State be amended so as to provide that a divorce may be granted on the ground of continuous separation for a period of at least one year or after eight months, if both parties agree, rather than only on the ground of continuous separation for a period of at least one year?

Yes 

No 

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

Renumber sections to conform.

Amend title to conform.

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

Rep. BANNISTER explained the Joint Resolution.

Rep. BANNISTER moved to recommit the Joint Resolution to the Committee on Judiciary, which was agreed to.

**H. 3169--RECOMMITTED**

The following Bill was taken up:

H. 3169 -- Reps. W. J. McLeod, Bannister, Spires, Jefferson, Williams, Taylor, J. E. Smith, Munnerlyn, Whipper and Knight: A BILL TO AMEND SECTION 20-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR DIVORCE, SO AS TO PROVIDE THAT A DIVORCE MAY BE GRANTED ON THE GROUND OF CONTINUOUS SEPARATION FOR ONE HUNDRED FIFTY DAYS, RATHER THAN FOR ONE YEAR.

Rep. BANNISTER moved to recommit the Bill to the Committee on Judiciary, which was agreed to.

**H. 3198--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3198 -- Reps. J. E. Smith, M. S. McLeod, Bernstein, Ballentine and Finlay: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-27-115 SO AS TO PLACE THE DIRECTORS OF THE COUNTY BOARDS OF REGISTRATION AND ELECTIONS UNDER THE GENERAL SUPERVISION OF THE STATE ELECTION COMMISSION, TO AUTHORIZE THE STATE ELECTION COMMISSION TO ESTABLISH BY REGULATION THE MINIMUM QUALIFICATIONS FOR A PERSON TO SERVE AS THE DIRECTOR OF A COUNTY BOARD OF REGISTRATION AND ELECTIONS, TO AUTHORIZE THE STATE ELECTION COMMISSION TO ESTABLISH MANDATORY TRAINING CERTIFICATION AND CONTINUING EDUCATION REQUIREMENTS FOR THE DIRECTORS OF THE COUNTY BOARDS OF REGISTRATION AND ELECTIONS, AND TO REQUIRE COUNTY BOARDS OF REGISTRATION AND ELECTIONS TO MEET AT LEAST FOUR TIMES EACH CALENDAR YEAR; TO AMEND SECTION 7-27-110, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS, SO AS TO PROVIDE THAT ALL COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-27-260, RELATING TO THE CHEROKEE COUNTY ELECTION COMMISSION AND THE CHEROKEE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-290, RELATING TO THE DILLON COUNTY ELECTION COMMISSION AND THE DILLON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-320, RELATING TO THE GREENVILLE COUNTY ELECTION COMMISSION AND THE GREENVILLE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-325, RELATING TO THE GREENWOOD COUNTY ELECTION COMMISSION AND THE GREENWOOD COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-335, RELATING TO THE HORRY COUNTY ELECTION COMMISSION AND THE HORRY COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-415, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND THE SPARTANBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; AND TO AMEND SECTION 7-27-430, RELATING TO THE WILLIAMSBURG COUNTY ELECTION COMMISSION AND THE WILLIAMSBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3198 (COUNCIL\BBM\3198C001.BBM.HTC14):

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

/ SECTION 1. Article 1, Chapter 27, Title 7 of the 1976 Code is amended by adding:

“Section 7‑27‑140. (A) Each county board of elections and voter registration, as established pursuant to Article 2, of whatever name or denomination, and all their officials or employees, including members of each board, the director of the board, and all employees of the board, shall perform their functions, duties, and powers relating to the conduct of elections and voter registration as provided by law under the direct supervision and control of the State Election Commission acting through its executive director. In the event of differences of opinion between any local officials or employees and the State Election Commission, acting through its executive director, pertaining to the manner in which particular functions must be performed, the decision of the State Election Commission acting through its executive director controls.

(B) A local public official who wilfully fails to follow the law or the policy of the State Election Commission, acting through its executive director, commits malfeasance in office and may be removed by the Governor, as provided by Section 1‑3‑240, upon the recommendation of the State Election Commission. A local employee who wilfully fails to follow the law or the policy of the State Election Commission, acting through its executive director, must be dismissed from employment by his employer upon the recommendation by the State Election Commission. If the person’s employer is the local county board of elections and voter registration and the board fails to dismiss the employee upon the recommendation of the State Election Commission, this constitutes malfeasance in office on the part of the board, and he is subject to removal from office pursuant to the provisions of this section.”

SECTION 2. Article 1, Chapter 27, Title 7 of the 1976 Code is amended by adding:

“Section 7‑27‑145. If a county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 2, does not or cannot determine and certify the results of an election or referendum of which it is responsible for determining and certifying the results within forty‑eight hours after the polls in that election or referendum have closed, this responsibility is devolved upon the State Election Commission at that time.”

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

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH moved to adjourn debate on the amendment, which was agreed to.

Reps. CLEMMONS, QUINN and J. E. SMITH proposed the following Amendment No. 4 to H. 3198 (COUNCIL\MS\3198C005. MS.AHB14), which was adopted:

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

/ SECTION 1. Section 7‑11‑30 of the 1976 Code is amended to read:

“Section 7‑11‑30. (A) A party may choose to change from nomination of candidates by primary to a method to nominate candidates by convention for all offices including, but not limited to, Governor, Lieutenant Governor, United States Senator, United States House of Representatives, Circuit Solicitor, State Senator, and members of the State House of Representatives if:

(1) there is a three‑fourths vote of the total membership of the convention to use the convention nomination process; and

(2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.

(B) A party may not choose to nominate by party convention for an election cycle in which the filing period for candidates has begun.

(C) A political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.”

SECTION 2. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 265 of 2012, is further amended to read:

“(C) The executive director shall:

(1) supervise the conduct of county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5, which administer elections and voter registration in the State and ensure those boards’ compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process;

(2) conduct reviews, audits, or other postelection analysis of county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5, to ensure those boards’ compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process;

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

~~(2)~~(4) delete the name of any elector:

(a) who is deceased;

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

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

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

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

~~(3)~~(5) enter names on the master file as they are reported by the county registration boards;

~~(4)~~(6) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

~~(5)~~(7) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

~~(6)~~(8) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

~~(7)~~(9) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

~~(8)~~(10) obtain information from any other source which may assist him in carrying out the purposes of this section;

~~(9)~~(11) perform such other duties relating to elections as may be assigned him by the State Election Commission;

~~(10)~~(12) furnish at reasonable price any precinct lists to a qualified elector requesting them;

~~(11)~~(13) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993;

~~(12)~~(14) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C., Title 42, Section 1973ff, et seq; and

~~(13)~~(15) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.”

SECTION 3.A. Section 7-5-10 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7-5-10. (A)(1) Between the first day of January and the fifteenth day of March in each even-numbered year the Governor shall appoint, ~~by and with the advice and consent of the Senate~~ upon the recommendation of a majority of the weighted vote of the Senate legislative delegation and a majority of the weighted vote of the House of Representatives legislative delegation of the counties, not less than ~~three~~ five nor more than ~~five~~ nine competent and discreet persons in each county, who are qualified electors of that county and who must be known as the ‘Board of Voter Registration and Elections of County’. At least one appointee on the board shall be a member of the majority political party represented in the General Assembly and at least one appointee shall be a member of the largest minority political party represented in the General Assembly.

(2) After their appointment, the board members must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. So help me God.’

(3) The oath must be filed immediately in the office of the clerk of court of common pleas of the county in which the commissioners are appointed, or if there is no clerk of court, in the office of the Secretary of State.

(4) The Governor shall notify the State Election Commission in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

(B)(1) The Governor shall appoint the initial appointees within six months of the effective date of this section. Four of the initial appointees shall serve two-year terms, and the remaining initial appointees shall serve four-year terms. Upon expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves.

(2) A member must be present at a meeting in order to vote.

(3) If a member misses three consecutive meetings of the board, the chairman or his designee shall immediately notify the Governor who shall then remove the member from office.

(4) In case of a vacancy on the board, the vacancy must be filled in the same manner as an original appointment, as provided in this section, for the unexpired term.

(5) The board shall elect from among its members a chairman and such other officers as it may consider desirable. The board shall then notify the State Election Commission in writing of the name of the persons elected as chairman and officers of the board. Each officer shall be elected for a term of two years.

(6) The board may hire a director. The director is responsible for hiring and managing the staff. Staff positions are subject to the personnel system policies and procedures by which all county employees are regulated, except that the director serves at the pleasure of the board.

(7) Members of the board and its staff shall receive compensation as may be appropriated by the governing body of the county.

(C) The previous offices of county election commissions and voter registration boards, or combined boards are abolished. The powers and duties of the county commissions and boards of election and voter registration are devolved upon the Board of Voter Registration and Elections for each county created in subsection (A). Those members currently serving on the county boards of election, voter registration commissions, or combined boards shall continue to serve in a combined governing capacity until the successor board members established under this section are appointed and qualify.

~~(B)~~(D)(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member’s initial appointment or his reappointment following a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a member or staff person has successfully completed the training and certification program, the State Election Commission must issue the member or staff person a certification, whether or not the member or staff person applies for the certification.

~~(2)(a)~~ ~~The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).~~

~~(b)~~ ~~Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:~~

~~(i)~~ ~~eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or~~

~~(ii)~~ ~~ninety days after the effective date of this section.~~

~~(c)~~ ~~On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.~~

~~(3)~~(2) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

~~(4)~~(3) Following completion of the training and certification program required in item (1), each board member, and each staff person designated by the board or commission, must take at least one training course each year.”

B. Section 7-5-20 of the 1976 Code is amended to read:

“Section 7-5-20. The board of voter registration and elections of each county may appoint deputy members of the board, in numbers as may be necessary, whose terms shall be for a period of time as determined by the boards. The deputy members shall have the same powers and duties as regular members of the board. The clerk to each board may be made a deputy member of the board for the purpose of taking applications.”

C. Section 7-5-30 of the 1976 Code is amended to read:

“Section 7-5-30. Such boards shall register and conduct the registration of the electors who shall apply for registration in their respective counties as herein required. Their office shall be at the county seat, and they shall keep a record of all their official acts and proceedings. Provided, that nothing herein shall be construed as prohibiting the boards of registration from taking their registration books across adjoining county lines to register qualified electors of their respective county whose regular place of employment is in an adjoining county or who are otherwise unable to get to the county seat during office hours to register. One member of the board shall constitute a quorum for the purpose of registering or refusing to register applications for registration. ~~Their term of office shall be for two years from the date of their appointment, and they shall continue in office until their successors shall have been appointed and shall qualify. In case of a vacancy from any cause in any board of registration the Governor shall fill such vacancy in the same manner as provided in Section 7‑5‑10.~~”

SECTION 4. SECTION 4. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7‑3‑25. The administrative functions of any county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5 may be devolved upon the State Election Commission for such time as necessary to remedy any noncompliance with applicable state or federal law or Election Commission policy with regard to the conduct of elections or the voter registration process if:

(1) the results of a postelection analysis conducted pursuant to Section 7‑3‑20(C)(2) demonstrates that a county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5, has failed to comply with applicable state or federal law or Election Commission policy with regard to the conduct of elections or the voter registration process; or

(2) if a county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5 does not or cannot determine and certify the results of an election or referendum of which it is responsible for determining and certifying the results within forty‑eight hours after the polls in that election or referendum have closed.

(3) Following the completion of no less than one statewide general election and subsequent audit by the State Election Commission, county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5 may petition the State Election Commission to return administrative function that were devolved to the State Election Commission pursuant to this section. The State Election Commission must return those functions to the county board unless good cause is shown that the county board has failed to remedy the violation or omission that caused the administrative powers to be devolved to the State Election Commission. Any decision of the State Election Commission pursuant to this section may be appealed directly to the State Supreme Court.”

SECTION 5. Section 7-5-35, Section 7-13-70, and Chapter 27, Title 7 of the 1976 Code are repealed.

SECTION 6. The code commissioner is directed to change all references in Title 7 to county election commissions or commissioners or county boards of voter registration to the “Board of Voter Registration and Elections of County” and board members as appropriate.

SECTION 7. This act takes effect upon signature of the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. MERRILL moved to adjourn debate on the amendment.

Rep. J. E. SMITH moved to table the motion, which was agreed to.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Reps. BALES, NEAL and HOWARD proposed the following Amendment No. 5 to H. 3198 (COUNCIL\DKA\3198C001. DKA.VR14), which was adopted:

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

/ SECTION 1. Section 7‑11‑30 of the 1976 Code is amended to read:

“Section 7‑11‑30. (A) A party may choose to change from nomination of candidates by primary to a method to nominate candidates by convention for all offices including, but not limited to, Governor, Lieutenant Governor, United States Senator, United States House of Representatives, Circuit Solicitor, State Senator, and members of the State House of Representatives if:

(1) there is a three‑fourths vote of the total membership of the convention to use the convention nomination process; and

(2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.

(B) A party may not choose to nominate by party convention for an election cycle in which the filing period for candidates has begun.

(C) A political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.”

SECTION 2. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 265 of 2012, is further amended to read:

“(C) The executive director shall:

(1) supervise the conduct of county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5, which administer elections and voter registration in the State and ensure those boards’ compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process;

(2) conduct reviews, audits, or other postelection analysis of county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5, to ensure those boards’ compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process;

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

~~(2)~~(4) delete the name of any elector:

(a) who is deceased;

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

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

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

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

~~(3)~~(5) enter names on the master file as they are reported by the county registration boards;

~~(4)~~(6) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

~~(5)~~(7) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

~~(6)~~(8) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

~~(7)~~(9) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

~~(8)~~(10) obtain information from any other source which may assist him in carrying out the purposes of this section;

~~(9)~~(11) perform such other duties relating to elections as may be assigned him by the State Election Commission;

~~(10)~~(12) furnish at reasonable price any precinct lists to a qualified elector requesting them;

~~(11)~~(13) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993;

~~(12)~~(14) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C., Title 42, Section 1973ff, et seq; and

~~(13)~~(15) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.”

SECTION 3. A. Section 7‑5‑10 of the 1976 Code, as last amended by Act 100 of 2007, is further amended to read:

“Section 7‑5‑10. (A)(1) A county government by ordinance may elect to combine its board of registration and election commission. those counties electing to so, between the first day of January and the fifteenth day of March in each even‑numbered year the Governor shall appoint, ~~by and with the advice and consent of the Senate~~ upon the recommendation of a majority of the weighted vote of the Senate legislative delegation and a majority of the weighted vote of the House of Representatives legislative delegation of the counties, not less than ~~three~~ five nor more than ~~five~~ nine competent and discreet persons in each county, who are qualified electors of that county and who must be known as the ‘Board of Voter Registration and Elections of \_\_\_\_\_\_\_\_\_\_\_\_ County’. At least one appointee on the board must be a member of the majority political party represented in the General Assembly and at least one appointee must be a member of the largest minority political party represented in the General Assembly.

(2) After their appointment, the board members shall take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26, Article III of the Constitution of this State: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. So help me God.’

(3) The oath must be filed immediately in the office of the clerk of court of common pleas of the county in which the commissioners are appointed, or if there is no clerk of court, in the Office of the Secretary of State.

(4) The Governor shall notify the State Election Commission in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

(B)(1) The Governor shall appoint the initial appointees within six months of the effective date of this section. Four of the initial appointees shall serve two‑year terms, and the remaining initial appointees shall serve four‑year terms. Upon expiration of the terms of those members initially appointed, the term of office for the members of the board is four years, and until their successors are appointed and qualify. Members may succeed themselves.

(2) A member must be present at a meeting in order to vote.

(3) If a member misses three consecutive meetings of the board, the chairman or his designee immediately shall notify the Governor who shall then remove the member from office.

(4) In case of a vacancy on the board, the vacancy must be filled in the same manner as an original appointment, as provided in this section, for the unexpired term.

(5) The board shall elect from among its members a chairman and such other officers as it may consider desirable. The board shall then notify the State Election Commission in writing of the name of the persons elected as chairman and officers of the board. Each officer shall be elected for a term of two years.

(6) The board may hire a director. The director is responsible for hiring and managing the staff. Staff positions are subject to the personnel system policies and procedures by which all county employees are regulated, except that the director serves at the pleasure of the board.

(7) Members of the board and its staff shall receive compensation as may be appropriated by the governing body of the county.

(C) The previous offices of county election commissions and voter registration boards, or combined boards are abolished. The powers and duties of the county commissions and boards of election and voter registration are devolved upon the board of voter registration and elections for each county created in subsection (A). Those members currently serving on the county boards of election, voter registration commissions, or combined boards shall continue to serve in a combined governing capacity until the successor board members established pursuant to this section are appointed and qualify.

~~(B)~~(D)(1) Each member, and each staff person designated by the board, must complete, within eighteen months after a member’s initial appointment or his reappointment following a break in service, or within eighteen months after a staff person’s initial employment or reemployment following a break in service, a training and certification program conducted by the State Election Commission. When a member or staff person has successfully completed the training and certification program, the State Election Commission ~~must~~ shall issue the member or staff person a certification, whether or not the member or staff person applies for the certification.

~~(2)(a)~~ ~~The provisions of this section do not exempt any member or staff person from completing the training and certification program required in item (1).~~

~~(b)~~ ~~Any member appointed or reappointed after a break in service prior to the effective date of this section or any staff person employed or reemployed after a break in service prior to the effective date of this section must successfully complete a training and certification program by the latter of:~~

~~(i)~~ ~~eighteen months after the member’s appointment or reappointment after a break in service or the staff person’s employment or reemployment after a break in service; or~~

~~(ii)~~ ~~ninety days after the effective date of this section.~~

~~(c)~~ ~~On and after the effective date of this section, any member appointed or reappointed after a break in service or any staff person employed or reemployed after a break in service must complete the training and certification program required in item (1) within eighteen months after the member’s appointment or reappointment after a break in service or staff person’s employment or reemployment after a break in service.~~

~~(3)~~(2) If a member does not fulfill the training and certification program as provided in this section, the Governor, upon notification, ~~must~~ shall remove that member from the board unless the Governor grants the member an extension to complete the training and certification program based upon exceptional circumstances.

~~(4)~~(3) Following completion of the training and certification program required in item (1), each board member, and each staff person designated by the board or commission, must take at least one training course each year.”

B. Section 7‑5‑20 of the 1976 Code is amended to read:

“Section 7‑5‑20. The board of voter registration and elections of each county may appoint deputy members of the board, in numbers as may be necessary, whose terms shall be for a period of time as determined by the boards. The deputy members shall have the same powers and duties as regular members of the board. The clerk to each board may be made a deputy member of the board for the purpose of taking applications.”

C. Section 7‑5‑30 of the 1976 Code is amended to read:

“Section 7‑5‑30. Such boards shall register and conduct the registration of the electors who shall apply for registration in their respective counties as herein required. Their office shall be at the county seat, and they shall keep a record of all their official acts and proceedings. Provided, that nothing herein shall be construed as prohibiting the boards of registration from taking their registration books across adjoining county lines to register qualified electors of their respective county whose regular place of employment is in an adjoining county or who are otherwise unable to get to the county seat during office hours to register. One member of the board shall constitute a quorum for the purpose of registering or refusing to register applications for registration. ~~Their term of office shall be for two years from the date of their appointment, and they shall continue in office until their successors shall have been appointed and shall qualify. In case of a vacancy from any cause in any board of registration the Governor shall fill such vacancy in the same manner as provided in Section 7‑5‑10.~~”

SECTION 4. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7‑3‑25. The administrative functions of any county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5 may be devolved upon the State Election Commission for such time as necessary to remedy any noncompliance with applicable state or federal law or Election Commission policy with regard to the conduct of elections or the voter registration process if:

(1) the results of a postelection analysis conducted pursuant to Section 7‑3‑20(C)(2) demonstrates that a county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5, has failed to comply with applicable state or federal law or Election Commission policy with regard to the conduct of elections or the voter registration process; or

(2) if a county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5 does not or cannot determine and certify the results of an election or referendum of which it is responsible for determining and certifying the results within forty‑eight hours after the polls in that election or referendum have closed.

(3) Following the completion of no less than one statewide general election and subsequent audit by the State Election Commission, county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 1, Chapter 5 may petition the State Election Commission to return administrative function that were devolved to the State Election Commission pursuant to this section. The State Election Commission must return those functions to the county board unless good cause is shown that the county board has failed to remedy the violation or omission that caused the administrative powers to be devolved to the State Election Commission. Any decision of the State Election Commission pursuant to this section may be appealed directly to the State Supreme Court.”

SECTION 5. Section 7‑5‑35, Section 7‑13‑70, and Chapter 27, Title 7 of the 1976 Code are repealed.

SECTION 6. The code commissioner is directed to change all references in Title 7 to county election commissions or commissioners or county boards of voter registration to the “Board of Voter Registration and Elections of County” and board members as appropriate.

SECTION 7. This act takes effect upon signature of the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. CLEMMONS spoke against the amendment.

Rep. J. E. SMITH spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3198 (COUNCIL\BBM\3198C001.BBM.HTC14), which was tabled:

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

/ SECTION 1. Article 1, Chapter 27, Title 7 of the 1976 Code is amended by adding:

“Section 7‑27‑140. (A) Each county board of elections and voter registration, as established pursuant to Article 2, of whatever name or denomination, and all their officials or employees, including members of each board, the director of the board, and all employees of the board, shall perform their functions, duties, and powers relating to the conduct of elections and voter registration as provided by law under the direct supervision and control of the State Election Commission acting through its executive director. In the event of differences of opinion between any local officials or employees and the State Election Commission, acting through its executive director, pertaining to the manner in which particular functions must be performed, the decision of the State Election Commission acting through its executive director controls.

(B) A local public official who wilfully fails to follow the law or the policy of the State Election Commission, acting through its executive director, commits malfeasance in office and may be removed by the Governor, as provided by Section 1‑3‑240, upon the recommendation of the State Election Commission. A local employee who wilfully fails to follow the law or the policy of the State Election Commission, acting through its executive director, must be dismissed from employment by his employer upon the recommendation by the State Election Commission. If the person’s employer is the local county board of elections and voter registration and the board fails to dismiss the employee upon the recommendation of the State Election Commission, this constitutes malfeasance in office on the part of the board, and he is subject to removal from office pursuant to the provisions of this section.”

SECTION 2. Article 1, Chapter 27, Title 7 of the 1976 Code is amended by adding:

“Section 7‑27‑145. If a county board of elections and voter registration of whatever name or denomination, as established pursuant to Article 2, does not or cannot determine and certify the results of an election or referendum of which it is responsible for determining and certifying the results within forty‑eight hours after the polls in that election or referendum have closed, this responsibility is devolved upon the State Election Commission at that time.”

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

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH moved to table the amendment, which was agreed to.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bernstein | Bowen | Bowers |
| Branham | G. A. Brown | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| K. R. Crawford | Delleney | Douglas |
| Edge | Erickson | Felder |
| Finlay | Funderburk | George |
| Gilliard | Goldfinch | Govan |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Huggins | Kennedy |
| King | Knight | Limehouse |
| Long | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Neal | Newton |
| Norrell | R. L. Ott | Owens |
| Patrick | Pope | Quinn |
| Ridgeway | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Taylor |
| Thayer | Weeks | Wells |
| Whipper | White | Williams |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Bingham | Brannon | Burns |
| Chumley | Cole | H. A. Crawford |
| Crosby | Daning | Forrester |
| Gagnon | Hamilton | Henderson |
| Hiott | Loftis | Nanney |
| Norman | Parks | Pitts |
| Putnam | Riley | Rivers |
| Sandifer | G. R. Smith | Stringer |
| Tallon | Toole | Whitmire |
| Willis | Wood |  |

**Total--32**

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

**H. 3539--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3539 -- Reps. Rutherford and Sellers: A BILL TO AMEND SECTION 61-6-4160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON THE SALE OF ALCOHOLIC LIQUORS ON CERTAIN DAYS, SO AS TO ALLOW THE SALE OF ALCOHOLIC LIQUORS ON STATEWIDE ELECTION DAYS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3539 (COUNCIL\BH\3539C001.BH.DG14), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Section 61‑6‑4160 of the 1976 Code is amended to read:

“Section 61‑6‑4160. It is unlawful to sell alcoholic liquors on Sunday except as authorized by law, on ~~statewide election days~~ Christmas Day, or during periods proclaimed by the Governor in the interest of law and order or public morals and decorum. Full authority to proclaim these periods is conferred upon the Governor in addition to all his other powers. A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days;

(b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and

(c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

Rep. HAMILTON proposed the following Amendment No. 2 to H. 3539 (COUNCIL\AGM\3539C001.AGM.AB14), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 61‑6‑4160 of the 1976 Code is amended to read:

“Section 61‑6‑4160. It is unlawful to sell alcoholic liquors on Sunday except as authorized by law, on ~~statewide election days~~ Christmas Day, Thanksgiving Day, or during periods proclaimed by the Governor in the interest of law and order or public morals and decorum. Full authority to proclaim these periods is conferred upon the Governor in addition to all his other powers. A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days;

(b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and

(c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years.” /

Renumber sections to conform.

Amend title to conform.

Rep. HAMILTON explained the amendment.

Rep. RUTHERFORD spoke against the amendment.

Rep. COLE moved to table the amendment.

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

Yeas 79; Nays 34

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Bernstein | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Clemmons | Clyburn |
| Cobb-Hunter | Cole | K. R. Crawford |
| Crosby | Daning | Dillard |
| Douglas | Edge | Erickson |
| Forrester | Gagnon | George |
| Gilliard | Goldfinch | Hardwick |
| Harrell | Hart | Hayes |
| Herbkersman | Hodges | Horne |
| Hosey | Howard | Jefferson |
| King | Knight | Limehouse |
| Long | Mack | McCoy |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Newton | Norman |
| Norrell | R. L. Ott | Parks |
| Patrick | Pitts | Pope |
| Ridgeway | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Stavrinakis |
| Tallon | Taylor | Thayer |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Wood |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Burns | Chumley | H. A. Crawford |
| Delleney | Felder | Finlay |
| Funderburk | Hamilton | Hardee |
| Henderson | Hiott | Huggins |
| Kennedy | Loftis | Lucas |
| McEachern | Nanney | Owens |
| Putnam | Quinn | Riley |
| Simrill | G. R. Smith | Southard |
| Spires | Stringer | Toole |
| Willis |  |  |

**Total--34**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Bales | Bannister | Bedingfield |
| Bernstein | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Daning | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hodges |
| Horne | Hosey | Howard |
| Jefferson | King | Knight |
| Long | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norrell | R. L. Ott |
| Parks | Patrick | Pope |
| Putnam | Ridgeway | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Wood |  |

**Total--92**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Ballentine | Barfield |
| Bingham | Burns | Chumley |
| Crosby | Delleney | Funderburk |
| Hiott | Huggins | Kennedy |
| Lucas | Norman | Owens |
| Quinn | Riley | Southard |
| Toole | Willis |  |

**Total--20**

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

**H. 3626--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3626 -- Reps. Lucas, Williams, Munnerlyn, Lowe, Bannister, Finlay and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-515 SO AS TO PROVIDE THAT THE OWNER OF A "MOTORSPORTS ENTERTAINMENT COMPLEX" LOCATED IN THIS STATE OR HIS DESIGNEE MAY APPLY FOR AND BE ISSUED AN ANNUAL LICENSE WHICH AUTHORIZES THE PURCHASE, SALE, AND CONSUMPTION OF BEER AND WINE AT ANY OCCASION HELD ON THE GROUNDS OF THE COMPLEX YEAR ROUND ON ANY DAY OF THE WEEK, TO PROVIDE FOR THE TERMS AND CONDITIONS FOR THIS ANNUAL LICENSE, INCLUDING THE FEE, AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE ADMINISTRATION OF THIS LICENSE AND APPLICABLE ALCOHOLIC BEVERAGE CONTROL LAWS IN CONNECTION WITH THE USE OF THIS LICENSE; AND BY ADDING SECTION 61-6-2016 SO AS TO PROVIDE THAT THE OWNER OF A "MOTORSPORTS ENTERTAINMENT COMPLEX", OR HIS DESIGNEE, ALSO MAY BE ISSUED, UPON APPLICATION, AN ANNUAL LICENSE THAT AUTHORIZES THE PURCHASE, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK AT ANY OCCASION HELD ON THE GROUNDS OF THE COMPLEX UNDER THE SAME SPECIFIED TERMS AND CONDITIONS AS PROVIDED FOR BEER AND WINE PERMITS.

The Committee on Judiciary proposed the following Amendment No. 1 TO H. 3626 (COUNCIL\BH\3626C001.BH.DG14), which was tabled:

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

/ SECTION 1. Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑515. (A) In addition to the licenses authorized pursuant to the provisions of this article, the department also may issue an annual license to the owner of a ‘motorsports entertainment complex’ located in this State, as defined in Section 12‑21‑2425, or his designee, which authorizes the purchase, sale, and consumption of beer and wine at any occasion held on the grounds of the complex year round on any day of the week. The fee for the annual license is one thousand dollars with the revenue therefrom used for the purposes provided in Section 61‑4‑510. Notwithstanding another provision of this article, the issuance of this license authorizes the licensee to purchase beer and wine from licensed wholesalers in the same manner that a person with appropriate licenses issued pursuant to this title purchases beer and wine from licensed wholesalers. The department shall charge a nonrefundable filing fee of two hundred dollars for processing the annual application. The department in its discretion may specify the terms and conditions of the license, pursuant to existing provisions of law and regulations governing these applications.

(B) The department may require such proof of qualifications for the issuance of these licenses as it considers necessary, and these licenses may be issued whether or not the motorsports entertainment complex is located in a county or municipality which pursuant to Section 61‑6‑2010 has successfully held a referendum allowing the possession, sale, and consumption of beer or wine or alcoholic liquors by the drink for a period not to exceed twenty‑four hours.

(C) The owner or designee of the motorsports entertainment complex may designate particular areas within the complex where patrons of events who have paid an admission price to attend or guests who are attending private functions at the complex, whether or not a charge for attendance is made, may possess and consume beer and wine provided at their own expense or at the expense of the sponsor of the private function.”

SECTION 2. Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑2016. In addition to the other provisions of this chapter, the owner of a ‘motorsports entertainment complex’ which is located in this State as defined in Section 12‑21‑2425, or his designee, also may be issued, upon application, an annual license that authorizes the purchase, sale, and consumption of alcoholic liquors by the drink at any occasion held on the ground of the complex under the same terms and conditions provided in Section 61‑4‑515, provided that if the owner or his designee applies for both a license to purchase, sell, and consume beer and wine and a license to purchase, sell, and consume alcoholic liquors, only one fee is required which must be the same as the fee for an annual fifty‑two week permit under Section 61‑6‑2010 with the revenue therefrom used for the same purposes as provided in Section 61‑6‑2010.”

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

Renumber sections to conform.

Amend title to conform.

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

Rep. MERRILL proposed the following Amendment No. 2 to H. 3626 (COUNCIL\BH\3626C002.BH.DG14), which was adopted:

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

/ SECTION 1. Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑515. (A) In addition to the licenses authorized pursuant to the provisions of this article, the department also may issue an annual license to the owner of a motorsports entertainment complex or tennis specific complex located in this State, or his designee, which authorizes the purchase, sale, and consumption of beer and wine at any occasion held on the grounds of the complex year round on any day of the week. The fee for the annual license is one thousand dollars with the revenue therefrom used for the purposes provided in Section 61‑4‑510. Notwithstanding another provision of this article, the issuance of this license authorizes the licensee to purchase beer and wine from licensed wholesalers in the same manner that a person with appropriate licenses issued pursuant to this title purchases beer and wine from licensed wholesalers. The department shall charge a nonrefundable filing fee of two hundred dollars for processing the annual application. The department in its discretion may specify the terms and conditions of the license, pursuant to existing provisions of law and regulations governing these applications.

(B) The department may require such proof of qualifications for the issuance of these licenses as it considers necessary, and these licenses may be issued whether or not the motorsports entertainment complex is located in a county or municipality which pursuant to Section 61‑6‑2010 has successfully held a referendum allowing the possession, sale, and consumption of beer or wine or alcoholic liquors by the drink for a period not to exceed twenty‑four hours.

(C) The owner or designee of the motorsports entertainment complex may designate particular areas within the complex where patrons of events who have paid an admission price to attend or guests who are attending private functions at the complex, whether or not a charge for attendance is made, may possess and consume beer and wine provided at their own expense or at the expense of the sponsor of the private function.

(D) For purposes of this section:

(1) ‘Motorsports entertainment complex’ has the same meaning as provided in Section 12‑21‑2425.

(2) ‘Tennis specific complex’ means a tennis facility, and its ancillary grounds and facilities, that satisfies all of the following:

(a) has at least ten thousand fixed seats for tennis patrons;

(b) hosted one Women’s Tennis Association Premier tournament in 2013 and continues to host at least one Women’s Tennis Association Premier tournament in each year, or any successor Women’s Tennis Association tournament; and

(c) engages in tourism promotion.”

SECTION 2. Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑2016. (A) In addition to the other provisions of this chapter, the owner of a motorsports entertainment complex or tennis specific facility which is located in this State, or his designee, also may be issued, upon application, an annual license that authorizes the purchase, sale, and consumption of alcoholic liquors by the drink at any occasion held on the ground of the complex under the same terms and conditions provided in Section 61‑4‑515, provided that if the owner or his designee applies for both a license to purchase, sell, and consume beer and wine and a license to purchase, sell, and consume alcoholic liquors, only one fee is required which must be the same as the fee for an annual fifty‑two week permit under Section 61‑6‑2010 with the revenue therefrom used for the same purposes as provided in Section 61‑6‑2010.

(B) For purposes of this section:

(1) ‘Motorsports entertainment complex’ has the same meaning as provided in Section 12‑21‑2425.

(2) ‘Tennis specific complex’ means a tennis facility, and its ancillary grounds and facilities, that satisfies all of the following:

(a) has at least ten thousand fixed seats for tennis patrons;

(b) hosted one Women’s Tennis Association Premier tournament in 2013 and continues to host at least one Women’s Tennis Association Premier tournament in each year, or any successor Women’s Tennis Association tournament; and

(c) engages in tourism promotion.”

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

Renumber sections to conform.

Amend title to conform.

Rep. LUCAS 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 111; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Forrester | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Long | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Norman |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Wood |

**Total--111**

Those who voted in the negative are:

**Total--0**

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

**H. 4454--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4454 -- Rep. Finlay: A BILL TO AMEND SECTION 8-13-1348, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AUTHORIZED USES OF CAMPAIGN FUNDS AND THE MANNER IN WHICH EXPENDITURES OF MORE THAN TWENTY-FIVE DOLLARS MUST BE PAID, SO AS TO DELETE THE TWENTY-FIVE DOLLAR THRESHOLD, REVISE THE MANNER IN WHICH CAMPAIGN EXPENDITURES MUST BE PAID, AND REVISE PROVISIONS PERTAINING TO CAMPAIGN ACCOUNT PETTY CASH FUNDS.

Rep. BANNISTER moved to adjourn debate on the Bill until Thursday, April 10, which was agreed to.

**H. 4457--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4457 -- Rep. Finlay: A BILL TO AMEND SECTION 8-13-1348, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES AND OTHER RELATED PROVISIONS, SO AS TO PROVIDE THAT FINES, FEES, OR OTHER CHARGES IMPOSED BY AN APPROPRIATE SUPERVISORY OFFICE MAY NOT BE PAID FROM CAMPAIGN FUNDS.

Rep. BANNISTER moved to adjourn debate on the Bill until Thursday, April 10, which was agreed to.

**S. 815--DEBATE ADJOURNED**

The following Bill was taken up:

S. 815 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 7-11-30, SOUTH CAROLINA CODE OF LAWS, 1976, TO PROVIDE THAT A PARTY MAY CHOOSE TO CHANGE NOMINATION OF CANDIDATES BY PRIMARY TO A CONVENTION IF THREE-FOURTHS OF THE CONVENTION MEMBERSHIP APPROVES OF THE CONVENTION NOMINATION PROCESS, AND A MAJORITY OF THE VOTERS IN THAT PARTY'S NEXT PRIMARY ELECTION APPROVES THE USE OF A CONVENTION.

Rep. CLEMMONS moved to adjourn debate on the Bill until Tuesday, May 6, which was agreed to.

**H. 4386--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4386 -- Reps. Bowen, Gilliard, Felder, Southard, Kennedy, W. J. McLeod and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56-5-3890 AND 56-5-3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE A COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 56-1-720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON'S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF TEXTING WHILE DRIVING; AND TO AMEND SECTION 56-5-2920, RELATING TO RECKLESS DRIVING, SO AS TO PROVIDE THAT RECKLESS DRIVING INCLUDES TEXTING WHILE DRIVING WHEN BODILY INJURY OCCURS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 4386 (COUNCIL\DKA\4386C001. DKA.CM14), which was adopted:

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

/ SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) For purposes of this section:

(1) ‘Hands‑free wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

(2) ‘Text‑based communication’ means a communication using text‑based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(3) ‘Wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person.

(B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands‑free wireless electronic communication device;

(3) summoning emergency assistance;

(4) transmitting or receiving data as part of a digital dispatch system;

(5) a public safety official while in the performance of the person’s official duties; or

(6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

(D)(1) A person who violates this section is guilty of a misdemeanor, and, upon conviction:

(a) for a first offense, must be fined one hundred dollars or imprisoned for not more than thirty days, or both. In addition, the person must have two points assessed against the person’s motor vehicle operating record. The fine is subject to all applicable court costs, assessments, and surcharges, except as provided in item (2); and

(b) for a second or subsequent offense within ten years of a prior offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both. In addition, the person must have four points assessed against the person’s motor vehicle operating record. The fine is subject to all applicable court costs, assessments, and surcharges.

(2)(a) For a first offense, in lieu of the penalty provided in subsection (D)(1)(a), the person may successfully complete a driver’s education program within sixty days of the person’s conviction date, which specifically contains, in whole or in part, education regarding distracted driving.

(b) The person shall select a program approved by the Department of Public Safety’s Office of Highway Safety. The Office of Highway Safety may approve more than one program, and such programs may be conducted by classroom, computer, or Internet. The Office of Highway Safety shall post information regarding the approved programs on its website.

(c) The person shall indicate to the judge at the time of conviction that the person intends to successfully complete a program instead of the penalty. The judge shall instruct the person as to how the person is to comply with the requirements of this item. Notwithstanding Section 56‑7‑30, the court shall retain the records and audit copy of the traffic ticket for the violation until the judge has made a determination as to whether the person has successfully completed the program.

(d) The person shall return to the court within sixty days of the conviction date. At that time, the person shall present an original certificate from the program indicating that the person has successfully completed the program. Also, the person shall sign an affidavit provided by the court swearing or affirming that the person has successfully completed the program.

(e) If the judge determines that the person has successfully completed the program, the judge shall waive the penalty and all applicable court costs, assessments, and surcharges, except ten dollars that shall be used exclusively by the court to offset the costs associated with administering the person’s compliance with this item. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section without any points assessed against the person’s motor vehicle operating record. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record without any points assessed. An insurance company shall not increase a person’s insurance premium based solely on a violation of this section, if the person completes a program in lieu of a penalty.

(f) If the judge determines that the person has failed to successfully complete the program, the judge shall impose the penalty, and all other applicable court costs, assessments, and surcharges. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record with two points assessed.

(g) A person is not permitted to complete a program in lieu of a penalty if the person has been convicted of a prior violation of this section. Only those violations that occurred within a period of ten years, including and immediately preceding the date of the last violation, constitute prior violations within the meaning of this subsection.

(3) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

(E) A law enforcement officer shall not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State;

(2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

(F) The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.

(G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.”

SECTION 2. Section 56‑1‑720 of the 1976 Code is amended to read:

“Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving ………… 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

(1) No more than 10 m.p.h. above the

posted limits…… 2

(2) More than 10 m.p.h. but less than 25

m.p.h. above the posted limits

(3) 25 m.p.h. or above the posted limits 6

Disobedience of any official

traffic control device…… 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or giving improper

signal for stopping, turning, or suddenly

decreased speed ………… 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing…. 2

Using a wireless electronic communication

device to compose, send, or read a

text‑based communication

while operating a motor vehicle,

first offense….....………...................................2

Using a wireless electronic

communication device to compose,

send, or read a text‑based communication

while operating a motor vehicle, second

or subsequent offense….....……….................. 4.”

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

Renumber sections to conform.

Amend title to conform.

Rep. DANING explained the amendment.

Rep. OWENS spoke in favor of the amendment.

Rep. OWENS spoke in favor of the amendment.

Rep. NANNEY spoke against the amendment.

Rep. LOFTIS spoke against the amendment.

Rep. W. J. MCLEOD spoke in favor of the amendment.

Rep. BRANHAM spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 96; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Funderburk |
| Gagnon | George | Gilliard |
| Govan | Hardee | Hardwick |
| Harrell | Hayes | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Long | Lucas |
| Mack | McCoy | M. S. McLeod |
| W. J. McLeod | D. C. Moss | V. S. Moss |
| Murphy | Neal | Newton |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | Whipper | Whitmire |
| Williams | Willis | Wood |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Burns | Chumley |
| K. R. Crawford | Goldfinch | Hamilton |
| Henderson | Herbkersman | Loftis |
| McEachern | Merrill | Munnerlyn |
| Nanney | Putnam | Rutherford |
| Sabb | G. R. Smith | Stringer |
| Thayer | White |  |

**Total--20**

So, the amendment was adopted.

Rep. PITTS proposed the following Amendment No. 2 to H. 4386 (COUNCIL\DKA\4386C002.DKA.VR14), which was tabled:

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

/ SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) For purposes of this section:

(1) ‘Hands‑free wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

(2) ‘Text‑based communication’ means a communication using text‑based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(3) ‘Wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person.

(B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text‑based communication or to apply makeup while operating a motor vehicle on the public streets and highways of this State.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands‑free wireless electronic communication device;

(3) summoning emergency assistance;

(4) transmitting or receiving data as part of a digital dispatch system;

(5) a public safety official while in the performance of the person’s official duties; or

(6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

(D)(1) A person who violates this section is guilty of a misdemeanor, and, upon conviction:

(a) for a first offense, must be fined one hundred dollars or imprisoned for not more than thirty days, or both. In addition, the person must have two points assessed against the person’s motor vehicle operating record. The fine is subject to all applicable court costs, assessments, and surcharges, except as provided in item (2); and

(b) for a second or subsequent offense within ten years of a prior offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both. In addition, the person must have four points assessed against the person’s motor vehicle operating record. The fine is subject to all applicable court costs, assessments, and surcharges.

(2)(a) For a first offense, in lieu of the penalty provided in subsection (D)(1)(a), the person may successfully complete a driver’s education program within sixty days of the person’s conviction date, which specifically contains, in whole or in part, education regarding distracted driving.

(b) The person shall select a program approved by the Department of Public Safety’s Office of Highway Safety. The Office of Highway Safety may approve more than one program, and such programs may be conducted by classroom, computer, or Internet. The Office of Highway Safety shall post information regarding the approved programs on its website.

(c) The person shall indicate to the judge at the time of conviction that the person intends to successfully complete a program instead of the penalty. The judge shall instruct the person as to how the person is to comply with the requirements of this item. Notwithstanding Section 56‑7‑30, the court shall retain the records and audit copy of the traffic ticket for the violation until the judge has made a determination as to whether the person has successfully completed the program.

(d) The person shall return to the court within sixty days of the conviction date. At that time, the person shall present an original certificate from the program indicating that the person has successfully completed the program. Also, the person shall sign an affidavit provided by the court swearing or affirming that the person has successfully completed the program.

(e) If the judge determines that the person has successfully completed the program, the judge shall waive the penalty and all applicable court costs, assessments, and surcharges, except ten dollars that shall be used exclusively by the court to offset the costs associated with administering the person’s compliance with this item. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section without any points assessed against the person’s motor vehicle operating record. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record without any points assessed. An insurance company shall not increase a person’s insurance premium based solely on a violation of this section, if the person completes a program in lieu of a penalty.

(f) If the judge determines that the person has failed to successfully complete the program, the judge shall impose the penalty, and all other applicable court costs, assessments, and surcharges. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record with two points assessed.

(g) A person is not permitted to complete a program in lieu of a penalty if the person has been convicted of a prior violation of this section. Only those violations that occurred within a period of ten years, including and immediately preceding the date of the last violation, constitute prior violations within the meaning of this subsection.

(3) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

(E) A law enforcement officer shall not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State;

(2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

(F) The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.

(G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using wireless electronic communication devices or applying makeup while operating motor vehicles on the public streets and highways of this State.”

SECTION 2. Section 56‑1‑720 of the 1976 Code is amended to read:

“Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

(1) No more than 10 m.p.h.

above the posted limits 2

(2) More than 10 m.p.h. but less

25 than m.p.h. above the

posted limits 2

(3) 25 m.p.h. or above the

posted limits 6

Disobedience of any official

traffic control device 4

Disobedience to officer

directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or

giving improper signal for

stopping, turning, or suddenly

decreased speed 4

Shifting lanes without safety

precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in

unsafe condition 2

Driving in improper lane 2

Improper backing 2

Using a wireless electronic

communication

device to compose, send, or read a

text‑based communication or applying makeup

while operating a motor vehicle,

first offense 2

Using a wireless electronic

communication device to

compose, send, or read a text‑based

communication or applying makeup

while operating a motor vehicle, second

or subsequent offense 4.”

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

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

Rep. DANING moved to table the amendment.

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

Yeas 54; Nays 52

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Bernstein | Bingham |
| Bowen | Branham | Brannon |
| Cole | Crosby | Daning |
| Dillard | Erickson | Felder |
| Funderburk | Gilliard | Harrell |
| Hiott | Horne | Huggins |
| Kennedy | Knight | Long |
| Lucas | Mack | McEachern |
| M. S. McLeod | W. J. McLeod | Munnerlyn |
| Neal | Newton | Norman |
| Norrell | Owens | Parks |
| Pope | Rivers | Robinson-Simpson |
| Sandifer | Simrill | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Tallon | Taylor |
| Thayer | Wells | Whipper |
| Whitmire | Williams | Willis |

**Total--54**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bales | Bannister |
| Barfield | Bedingfield | Bowers |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | H. A. Crawford |
| K. R. Crawford | Delleney | Douglas |
| Edge | Finlay | Gagnon |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Hayes |
| Henderson | Hosey | Howard |
| King | Limehouse | McCoy |
| D. C. Moss | V. S. Moss | Nanney |
| R. L. Ott | Patrick | Pitts |
| Putnam | Quinn | Ridgeway |
| Riley | Rutherford | Sabb |
| G. M. Smith | G. R. Smith | Spires |
| Stavrinakis | Stringer | Toole |
| Vick | Weeks | White |
| Wood |  |  |

**Total--52**

So, the amendment was tabled.

Rep. MURPHY proposed the following Amendment No. 3 to H. 4386 (COUNCIL\DKA\4386C003.DKA.VR14), which was adopted:

Amend the bill, as and if amended, Section 56-5-3890(E), SECTION 1, by striking item (2), and inserting:

/ (2) seize, search, view, or require the forfeiture of a wireless electronic communication device because of a violation of this section;/

Renumber sections to conform.

Amend title to conform.

Rep. MURPHY explained the amendment.

The amendment was then adopted.

Rep. K. R. CRAWFORD proposed the following Amendment No. 5 to H. 4386 (COUNCIL\BH\4386C003.BH.DG14), which was adopted:

/ SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) For purposes of this section:

(1) ‘Hands‑free wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

(2) ‘Text‑based communication’ means a communication using text‑based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(3) ‘Wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person.

(B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands‑free wireless electronic communication device;

(3) summoning emergency assistance;

(4) transmitting or receiving data as part of a digital dispatch system;

(5) a public safety official while in the performance of the person’s official duties; or

(6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

(D)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty‑five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A person must not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56‑1‑640, a violation of this section must not be:

(a) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(b) reported to the offender’s motor vehicle insurer.

(2) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

(E) A law enforcement officer shall not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State.

(2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

(F) The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.

(G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.”

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

Renumber sections to conform.

Amend title to conform.

Rep. K. R. CRAWFORD explained the amendment.

Rep. OWENS spoke against the amendment.

Rep. OWENS moved to table the amendment.

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

Yeas 47; Nays 68

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Barfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| Cole | Daning | Delleney |
| Dillard | Felder | Funderburk |
| George | Gilliard | Hayes |
| Hiott | Huggins | Kennedy |
| Lucas | Mack | M. S. McLeod |
| Norman | Norrell | Owens |
| Parks | Pope | Quinn |
| Ridgeway | Rivers | Robinson-Simpson |
| Ryhal | Simrill | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Stavrinakis | Tallon |
| Taylor | Toole | Wells |
| Whipper | Willis |  |

**Total--47**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Bannister | Bedingfield | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| H. A. Crawford | K. R. Crawford | Crosby |
| Douglas | Edge | Erickson |
| Finlay | Gagnon | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Herbkersman | Hodges | Horne |
| Hosey | Howard | Jefferson |
| King | Knight | Limehouse |
| Loftis | Long | McCoy |
| McEachern | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Neal | Newton |
| R. L. Ott | Patrick | Pitts |
| Putnam | Riley | Rutherford |
| Sabb | Sandifer | Sellers |
| G. M. Smith | G. R. Smith | Spires |
| Stringer | Thayer | Vick |
| Weeks | White | Whitmire |
| Williams | Wood |  |

**Total--68**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Rep. K. R. CRAWFORD proposed the following Amendment No. 6 to H. 4386 (COUNCIL\BH\4386C003.BH.DG14), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking section 56-5-3890(E)(2) and inserting:

/ (2) seize, search, or require the forfeiture of a wireless electronic communication device because of a violation of this section;/

Renumber sections to conform.

Amend title to conform.

Rep. K. R. CRAWFORD explained the amendment.

Rep. K. R. CRAWFORD moved to table the amendment, which was agreed to.

Rep. K. R. CRAWFORD moved to reconsider the vote whereby Amendment 3 was adopted, which was agreed to.

Rep. MURPHY proposed the following Amendment No. 3 to H. 4386 (COUNCIL\DKA\4386C003.DKA.VR14), which was adopted:

Amend the bill, as and if amended, Section 56-5-3890(E), SECTION 1, by striking item (2), and inserting:

/ (2) seize, search, view, or require the forfeiture of a wireless electronic communication device because of a violation of this section;/

Renumber sections to conform.

Amend title to conform.

Rep. K. R. CRAWFORD spoke in favor of the amendment.

The amendment was then adopted.

Rep. SKELTON proposed the following Amendment No. 7 to H. 4386 (COUNCIL\DKA\4386C005.DKA.VR14), which was tabled:

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

/ SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. A person operating a motor vehicle who is seen with a hand‑held communication device is guilty of distracted driving and, upon conviction, must be fined one hundred dollars.”

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

Renumber sections to conform.

Amend title to conform.

Rep. SKELTON explained the amendment.

Rep. K. R. CRAWFORD moved to table the amendment, which was agreed to by a division vote of 65 to 38.

Rep. SELLERS proposed the following Amendment No. 8 to H. 4386 (COUNCIL\BH\4386C004.BH.DG14), which was tabled:

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

/ SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) For purposes of this section:

(1) ‘Hands‑free wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

(2) ‘Text‑based communication’ means a communication using text‑based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(3) ‘Wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person.

(B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands‑free wireless electronic communication device;

(3) summoning emergency assistance;

(4) transmitting or receiving data as part of a digital dispatch system;

(5) a public safety official while in the performance of the person’s official duties; or

(6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

(D)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty‑five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A person must not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56‑1‑640, a violation of this section must not be:

(a) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(b) reported to the offender’s motor vehicle insurer.

(2) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

(E) A law enforcement officer shall not:

(1) stop a person for a violation of this section except when the officer has probable cause that a primary violation has occurred;

(2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

(F) The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.

(G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.”

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

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS explained the amendment.

Rep. DANING moved to table the amendment.

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

Yeas 62; Nays 49

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Bingham | Bowen | Bowers |
| Branham | Brannon | R. L. Brown |
| Cole | Crosby | Daning |
| Delleney | Erickson | Felder |
| Finlay | Funderburk | George |
| Gilliard | Hardwick | Harrell |
| Hayes | Hiott | Horne |
| Huggins | Kennedy | Long |
| Lucas | Mack | McCoy |
| M. S. McLeod | W. J. McLeod | V. S. Moss |
| Murphy | Newton | Norman |
| Norrell | Owens | Pope |
| Quinn | Ridgeway | Rivers |
| Ryhal | Simrill | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Toole |
| Vick | Wells | Whipper |
| Willis | Wood |  |

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Barfield | Bedingfield |
| Bernstein | G. A. Brown | Burns |
| Chumley | Clemmons | H. A. Crawford |
| K. R. Crawford | Douglas | Edge |
| Gagnon | Goldfinch | Govan |
| Hamilton | Hardee | Henderson |
| Hodges | Hosey | Howard |
| Jefferson | King | Knight |
| Limehouse | McEachern | Merrill |
| D. C. Moss | Munnerlyn | Nanney |
| Neal | R. L. Ott | Patrick |
| Pitts | Putnam | Riley |
| Robinson-Simpson | Rutherford | Sabb |
| Sandifer | Sellers | G. M. Smith |
| G. R. Smith | Stringer | Thayer |
| Weeks | White | Whitmire |
| Williams |  |  |

**Total--49**

So, the amendment was tabled.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. J. E. SMITH a leave of absence for the remainder of the day due to family reasons.

**LEAVE OF ABSENCE**

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

STATEMENT FOR THE JOURNAL

I requested an excused absence for the remainder of the day, to attend to a church related matter.

Rep. Jerry Govan

Rep. STAVRINAKIS proposed the following Amendment No. 9 to H. 4386 (LEGWORK\HOUSE\COMBINED\_COUNCIL AMEND MENTS \ 4386C001.BH.DG14KRL), which was ruled out of order:

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

/ SECTION \_\_\_. Section 56‑7‑10 of the 1976 Code, as last amended by Act 68 of 2005, is further amended to read:

“Section 56‑7‑10. (A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

Offense Citation

Interfering with Police Officer Serving

Process Section 16‑5‑50

Dumping Trash on Highway/Private Property Section 16‑11‑700

Indecent Exposure Section 16‑15‑130

Disorderly Conduct Section 16‑17‑530

Damaging Highway Section 57‑7‑10

Place Glass, Nails, Etc. on Highway Section 57‑7‑20

Obstruction of Highway by Railroad Cars,

Etc. Section 57‑7‑240

Signs Permitted on Interstate Section 57‑25‑140

Brown Bagging Section 61‑5‑20

Drinking Liquors in Public Conveyance Section 61‑13‑360

Poles Dragging on Highway Section 57‑7‑80

Open Container Section 61‑9‑87

Purchase or Possession of Beer or

Wine by a Person Under Age Section 63‑19‑2440

Purchase or Possession of Alcoholic

Liquor by a Person Under Age

Twenty‑One Section 63‑19‑2450

Unlawful Possession and Consumption

of Alcoholic Liquors Section 61‑5‑30

Sale of Beer or Wine on Which Tax Has

Not Been Paid Section 61‑9‑20

Falsification of Age to Purchase Beer

or Wine Section 61‑9‑50

Unlawful Purchase of Beer or Wine for

a Person Who Cannot Legally Buy Section 61‑9‑60

Unlawful Sale or Purchase of Beer or Wine,

Giving False Information as to Age, Buying

Beer or Wine Unlawfully for Another Section 61‑9‑85

Employment of a Person Under the Age

of Twenty‑One as an Employee in

Retail or Wholesale or Manufacturing

Liquor Business Section 61‑13‑340

Failure to Remove Doors from

Abandoned Refrigerators Section 16‑3‑1010

Malicious Injury to Animals or Personal

Property Section 16‑11‑510

Timber, Logs, or Lumber Cutting, Removing,

Transporting Without Permission, Valued

at Less Than Fifty Dollars Section 16‑11‑580

Littering Section 16‑11‑700

Larceny of a Bicycle Valued at Less Than

One Hundred Dollars Section 16‑13‑80

Cock Fighting Section 16‑17‑650

Ticket Scalping Section 16‑17‑710

Glue Sniffing Section 44‑53‑1110

Trespassing Section 16‑11‑755

Trespassing Section 16‑11‑600

Trespassing Section 16‑11‑610

Trespassing Section 16‑11‑620

Negligent Operation of Watercraft;

Operation of Watercraft While Under

Influence of Alcohol or Drugs Section 50‑21‑110

Negligence of Boat Livery to Provide

Proper Equipment and Registration Section 50‑21‑120

Interference with Aids to Navigation

or Regulatory Markers or Operation of

Watercraft in Prohibited Area Section 50‑21‑170

Operation of Watercraft Without a

Certificate of Title Section 50‑23‑190

Parking on private property without

permission Section 16‑11‑760

Certificate of Veterinary Inspection;

Requirement for Out‑of‑State Livestock

or Poultry Section 47‑4‑60

Inhibition of Livestock Inspection Section 47‑4‑120

Imported Swine Section 47‑6‑50

Operating Equine Sales Facility or

Livestock Market Without Permit Section 47‑11‑20

Liability of Person Removing Livestock

for Slaughter Section 47‑11‑120

Notice to Disinfect Section 47‑13‑310

Quarantine of Livestock or Poultry Section 47‑4‑70

Unlawful for Horse to Enter State Unless

Tested Section 47‑13‑1350

Quarantine of Exposed Horses Section 47‑13‑1360

Proof of Test Required for Public

Assembly of Horses Section 47‑13‑1370

False Certificates Section 47‑13‑1390

Unlawful to Feed Garbage to Swine Section 47‑15‑20

Notification Required from Certain

Persons Disposing of Garbage Section 47‑15‑40

Sale of Uninspected Meat and Meat Products Section 47‑17‑60

Sale of Uninspected Poultry and Poultry

Products Section 47‑19‑70

(B) No other ticket may be used for these offenses. The service of the uniform traffic ticket shall vest all traffic, recorders’, and magistrates’ courts with jurisdiction to hear and to dispose of the charge for which the ticket was issued and served. This ticket will be designed by the department and approved by the Attorney General within thirty days of submission by the department. A law enforcement agency may utilize computers and other electronic devices to issue uniform traffic citations and store information resulting from the issuance of a traffic citation if this method of issuing a citation has been approved by the Department of Public Safety.

(C) Incident to a plea negotiation or agreement, a law enforcement officer or other person authorized by law to prosecute an offense for which a uniform traffic ticket is issued may invalidate the ticket and reissue a uniform traffic ticket for another offense.” /

Renumber sections to conform.

Amend title to conform.

Rep. STAVRINAKIS explained the amendment.

**POINT OF ORDER**

Rep. BRANNON raised the Point of Order that under Rule 9.3 Amendment No. 9 to H. 4386 was out of order in that it was not germane to the Bill.

Rep. STAVRINAKIS spoke to the Point stating the Amendment dealt with tickets and citations in Title 56 just like the Bill.

SPEAKER HARRELL sustained the Point of Order. He stated that the Amendment dealt with a lot of different tickets and citations while the bill was narrowly drawn to deal with only texting. He stated that Amendment No. 9 went beyond the scope of the Bill. Therefore he sustained the Point of Order and ruled the amendment non-germane.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | G. A. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Erickson | Felder |
| Finlay | Funderburk | Gagnon |
| George | Gilliard | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Neal | Newton |
| Norman | Norrell | R. L. Ott |
| Parks | Patrick | Pitts |
| Pope | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sandifer |
| Sellers | Simrill | Skelton |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Toole |
| Vick | Wells | Whipper |
| White | Whitmire | Williams |
| Willis |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Brannon | Chumley |
| Clemmons | Edge | Goldfinch |
| Hamilton | Lucas | Nanney |
| Owens | Putnam | Sabb |
| G. M. Smith | Stringer | Thayer |
| Weeks |  |  |

**Total--16**

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

RECORD FOR VOTING

I tried to vote in favor of H. 4386, however, the vote system on my desk malfunctioned. I would like the record to reflect that I am in favor of the Bill.

Rep. Donna Wood

RECORD FOR VOTING

I was temporarily out of the Chamber during the vote on H. 4386. If I had been present, I would have voted in favor of the Bill.

Rep. Jerry Govan

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 9, 2014

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. 137:

S. 137 -- Senators Lourie, L. Martin, Hayes, Fair, Davis, Ford, Cromer, Grooms and Alexander: A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE OF A PERSON UNDER THE AGE OF TWENTY-ONE FOR HAVING AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO REVISE THE PENALTIES TO INCLUDE REQUIRING AN OFFENDER WHO OPERATES A VEHICLE TO HAVE AN IGNITION INTERLOCK DEVICE INSTALLED ON THE VEHICLE; TO AMEND SECTION 56-1-400, AS AMENDED, RELATING TO THE SUSPENSION OF A LICENSE, A LICENSE RENEWAL OR ITS RETURN, AND ISSUANCE OF A LICENSE THAT RESTRICTS THE DRIVER TO ONLY OPERATING A VEHICLE WITH AN IGNITION INTERLOCK DEVICE INSTALLED, SO AS TO PROVIDE FOR THE ISSUANCE OF AN INTERLOCK RESTRICTED LICENSE AND ITS CONTENTS, TO PROVIDE FOR THE CONTENTS OF A DRIVER'S LICENSE ISSUED TO A PERSON WHOSE VEHICLE IS INSTALLED WITH AN IGNITION INTERLOCK DEVICE AND TO PROVIDE ADDITIONAL OFFENSES THAT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK RESTRICTED DEVICE AS A PENALTY, TO REVISE THE DRIVER'S LICENSE SUSPENSION PERIOD FOR A PERSON WHO CHOOSES TO OR NOT TO HAVE AN INTERLOCK DEVICE INSTALLED ON HIS VEHICLE, AND TO PROVIDE ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS WHO CHOOSE NOT TO HAVE AN INTERLOCK DEVICE INSTALLED ON THEIR VEHICLES AFTER BEING CONVICTED OF CERTAIN DRIVING OFFENSES; TO AMEND SECTION 56-1-748, RELATING TO THE ISSUANCE OF A RESTRICTED DRIVER'S LICENSE TO PERSON'S WHO ARE INELIGIBLE TO OBTAIN A SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-1-1320, RELATING TO THE ISSUANCE OF A PROVISIONAL DRIVER'S LICENSE, SO AS TO MAKE TECHNICAL CHANGES, AND TO DELETE THE PROVISION THAT GIVES CERTAIN PERSONS AUTHORITY TO ISSUE A PROVISIONAL DRIVER'S LICENSE AND REVIEW CANCELLATIONS AND SUSPENSION OF DRIVER'S LICENSES; TO AMEND SECTION 56-5-2941, RELATING TO PENALTIES THAT MAY BE IMPOSED FOR DRIVING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO PROVIDE DURING THE OFFENSES THAT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE AS A PENALTY, TO PROVIDE A PENALTY FOR A PERSON WHO IS INCAPABLE OF OPERATING AN IGNITION INTERLOCK DEVICE, TO REVISE CERTAIN PENALTIES CONTAINED IN THIS SECTION; THE LENGTH OF TIME AN INTERLOCK DEVICE MUST BE AFFIXED TO A VEHICLE, TO REVISE THE PENALTY FOR AN OFFENDER WHO HAS ACCUMULATED FOUR POINTS UNDER THE INTERLOCK DEVICE POINT SYSTEM, TO PROVIDE FOR THE USE OF FUNDS REMITTED TO THE INTERLOCK DEVICE FUND, TO REVISE THE FEES THAT MUST BE COLLECTED AND REMITTED TO THE INTERLOCK DEVICE FUND, AND TO PROVIDE THAT AN INTERLOCK DEVICE MUST CAPTURE A PHOTOGRAPHIC IMAGE OF A DRIVER AS HE OPERATES THE DEVICE; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO THE IMMOBILIZATION OF A PERSON'S VEHICLE UPON HIS CONVICTION OF AN ALCOHOL-RELATED DRIVING OFFENSE, SO AS TO PROVIDE THAT AS LONG AS A PERSON HOLDS A VALID IGNITION INTERLOCK LICENSE, HE IS NOT REQUIRED TO SURRENDER HIS LICENSE PLATES AND VEHICLE REGISTRATIONS; TO AMEND SECTION 56-5-2945, RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AND GREAT BODILY INJURY OR DEATH OCCURS, SO AS TO PROVIDE THAT A PERSON CONVICTED PURSUANT TO THIS SECTION MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-5-2950, AS AMENDED, RELATING TO A PERSON WHO OPERATES A MOTOR VEHICLE GIVING IMPLIED CONSENT TO CHEMICAL TESTS TO DETERMINE THE PRESENCE OF ALCOHOL OR DRUGS, SO AS TO REVISE THE PENALTY IMPOSED UPON A PERSON WHO REFUSES TO BE SUBJECTED TO A CHEMICAL TEST, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE WHO REFUSES TO SUBMIT TO BE TESTED TO DETERMINE HIS ALCOHOL CONCENTRATION, SO AS TO REVISE THE OFFENSES THAT ARE AFFECTED BY THIS SECTION, TO PROVIDE THAT A PERSON MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AS A ALTERNATE IN LIEU OF OTHER PENALTIES PROVIDED IN THIS SECTION; AND TO AMEND SECTION 56-5-2990, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR A VIOLATION OF CERTAIN ALCOHOL AND DRUG RELATED DRIVING OFFENSES, SO AS TO REVISE THE PENALTIES, AND TO INCLUDE REQUIRING CERTAIN PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICES PROGRAM.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 3, 2014

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on H. 4467:

H. 4467 -- Reps. Daning, Rivers, Crosby, Southard, Jefferson and Merrill: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Very respectfully,

President

Received as information.

**REPORTS OF STANDING COMMITTEES**

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

H. 4458 -- Reps. Sandifer and Owens: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-456 SO AS TO PROVIDE A SCHOOL DISTRICT MAY EDUCATE STUDENTS ABOUT THE HOLIDAYS OF TRADITIONAL WINTER CELEBRATIONS IN A CERTAIN MANNER, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY DISPLAY CERTAIN SYMBOLS ASSOCIATED WITH THESE HOLIDAYS ON SCHOOL PROPERTY UNLESS THE DISPLAY INCLUDES A MESSAGE THAT ENCOURAGES ADHERENCE TO A PARTICULAR RELIGIOUS BELIEF.

Ordered for consideration tomorrow.

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

H. 5014 -- Reps. Willis, Owens and Daning: A BILL TO AMEND SECTION 56-1-2100, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A COMMERCIAL DRIVER LICENSE, SO AS TO DELETE THE VARIOUS ENDORSEMENTS AND RESTRICTIONS THAT MAY BE ATTACHED TO A COMMERCIAL DRIVER LICENSE, AND THAT ENDORSEMENTS AND RESTRICTIONS MAY BE ADDED TO A COMMERCIAL DRIVER LICENSE AS REQUIRED UNDER THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

Ordered for consideration tomorrow.

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

H. 3893 -- Reps. Bedingfield, G. R. Smith, Loftis, Stringer, Burns, Hamilton, Erickson, Taylor, Clemmons, Delleney, Pitts, Willis, Chumley and Henderson: A BILL TO AMEND SECTION 59-18-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADOPTION OF NEW STATEWIDE EDUCATION STANDARDS AND ASSESSMENTS, SO AS TO PROVIDE SUCH AN ADOPTION MUST NOT BE IMPLEMENTED UNTIL APPROVED BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION.

Ordered for consideration tomorrow.

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

Rep. KING for the minority, submitted an unfavorable report on:

H. 4997 -- Reps. Herbkersman, Bowers, Owens, Simrill, Branham, G. M. Smith, Burns, Alexander, Hiott, Whipper, Douglas, Allison, Limehouse, Lowe, George, Bales, R. L. Brown, Gagnon, Hayes, Hodges, Hosey, W. J. McLeod, Murphy, Sabb, Sandifer and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-15-415 SO AS TO PROVIDE THAT AN APPLICANT FOR AN INITIAL NONFRANCHISE AUTOMOBILE DEALER LICENSE ISSUED AFTER JANUARY 1, 2015, MUST COMPLETE PRELICENSING EDUCATION COURSES BEFORE HE MAY BE ISSUED A LICENSE, TO PROVIDE THAT CERTAIN EDUCATIONAL REQUIREMENTS MUST BE SATISFIED BEFORE A LICENSE MAY BE RENEWED, AND TO PROVIDE THAT A PERSON WHO PROVIDES EDUCATION COURSES MUST BE AFFILIATED WITH A NATIONAL OR STATE INDUSTRY TRADE ASSOCIATION; AND TO AMEND SECTIONS 56-15-430, 56-15-440, AND 56-15-450, RELATING TO THE NONAPPLICABILITY OF THE PROVISIONS THAT REGULATE NONFRANCHISE AUTOMOBILE DEALER PRELICENSING TO FRANCHISED AUTOMOBILE DEALERS, NONFRANCHISED AUTOMOBILE DEALERS OWNED AND OPERATED BY A FRANCHISED AUTOMOBILE DEALER, NONFRANCHISED AUTOMOBILE DEALERS WHOSE PRIMARY BUSINESS IS SALVAGE MOTOR VEHICLES, AND NONFRANCHISED AUTOMOBILE DEALERS WHOSE PRIMARY BUSINESS OBJECTIVE AND SUBSTANTIAL BUSINESS ACTIVITY IS IN THE RENTAL OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE PROVISIONS THAT REQUIRE AN APPLICANT FOR AN INITIAL NONFRANCHISE AUTOMOBILE DEALER LICENSE TO COMPLETE CERTAIN EDUCATION REQUIREMENTS ALSO DO NOT APPLY TO THESE AUTOMOBILE DEALERS.

Ordered for consideration tomorrow.

Rep. BARFIELD, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5077 -- Reps. Daning, Crosby, Jefferson, Rivers and Southard: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 176 IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 17A TO ITS INTERSECTION WITH JEDBERG ROAD "WAYLAND E. MOODY, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "WAYLAND E. MOODY, SR. HIGHWAY".

Ordered for consideration tomorrow.

Rep. BARFIELD, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5078 -- Reps. Funderburk, Bales and G. A. Brown: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CROSSES THE WATEREE RIVER ALONG INTERSTATE HIGHWAY 20 IN KERSHAW COUNTY THAT CONTAIN THE WORDS: "MEDAL OF HONOR BRIDGE, KERSHAW COUNTY RECIPIENTS OF THE CONGRESSIONAL MEDAL OF HONOR, JOHN C. VILLEPIGUE, RICHMOND HOBSON HILTON, AND DONALD LEROY TRUESDALE".

Ordered for consideration tomorrow.

Rep. BARFIELD, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5079 -- Rep. Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF LEE STATE PARK ROAD FROM ITS INTERSECTION WITH THE DARLINGTON/LEE COUNTY LINE TO ITS INTERSECTION WITH THE LAMAR TOWN LIMIT "JESSE EDISON HINES, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "JESSE EDISON HINES, SR. HIGHWAY".

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3958 -- Rep. Quinn: A BILL TO AMEND CHAPTER 23, TITLE 23, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO PROVIDE THAT THIS CHAPTER ALSO RELATES TO THE CRIMINAL JUSTICE ACADEMY, TO PROVIDE DEFINITIONS FOR THE TERMS "ACADEMY" AND "DIRECTOR", TO CORRECT CERTAIN REFERENCES, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 17-5-130, AS AMENDED, RELATING TO THE QUALIFICATIONS FOR THE ELECTION OF AND TRAINING FOR CORONERS, SO AS TO SUBSTITUTE THE TERM "SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY" FOR THE TERM "DEPARTMENT OF PUBLIC SAFETY"; TO AMEND SECTION 24-5-340, RELATING TO RESERVE DETENTION OFFICERS, SO AS TO SUBSTITUTE THE TERM "SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY" FOR THE TERM "DEPARTMENT OF PUBLIC SAFETY"; TO AMEND SECTIONS 63-19-1860 AND 63-19-1880, BOTH RELATING TO THE CONDITIONAL RELEASE OF A JUVENILE AND THE EMPLOYMENT OF PROBATION COUNSELORS, SO AS TO SUBSTITUTE THE TERM "SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL" FOR THE TERM "DEPARTMENT OF PUBLIC SAFETY", AND TO CORRECT CERTAIN REFERENCES TO THE CODE OF LAWS.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4607 -- Reps. Hiott, Bedingfield, Vick, Long, D. C. Moss, Crosby, Norman, Wells, Rivers, Willis, Pitts, George, Bales, Allison, Forrester, Wood, Hixon, Erickson, Ballentine and Skelton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 82 TO TITLE 15 SO AS TO ESTABLISH THE "TRESPASSER RESPONSIBILITY ACT" WHICH PROVIDES A LIMITATION ON LIABILITY BY LAND POSSESSORS TO TRESPASSERS.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4805 -- Reps. Clemmons and J. E. Smith: A BILL TO AMEND SECTION 7-27-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS, SO AS TO PROVIDE THAT ALL COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-27-260, RELATING TO THE CHEROKEE COUNTY ELECTION COMMISSION AND THE CHEROKEE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-290, RELATING TO THE DILLON COUNTY ELECTION COMMISSION AND THE DILLON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-320, RELATING TO THE GREENVILLE COUNTY ELECTION COMMISSION AND THE GREENVILLE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-325, RELATING TO THE GREENWOOD COUNTY ELECTION COMMISSION AND THE GREENWOOD COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-335, RELATING TO THE HORRY COUNTY ELECTION COMMISSION AND THE HORRY COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-415, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND THE SPARTANBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; AND TO AMEND SECTION 7-27-430, RELATING TO THE WILLIAMSBURG COUNTY ELECTION COMMISSION AND THE WILLIAMSBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4859 -- Reps. Limehouse, Cobb-Hunter, Jefferson, Williams, J. E. Smith, Bernstein, Erickson, Clyburn, Anderson, J. R. Smith, Kennedy, Long, Burns, Alexander, Allison, Spires, Anthony, Branham, R. L. Brown, K. R. Crawford, Dillard, Gagnon, Gambrell, Hamilton, Harrell, Hixon, Hodges, Hosey, W. J. McLeod, V. S. Moss, Pope, Ridgeway, Robinson-Simpson, Ryhal, Sabb, Simrill, Sottile, Wells and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "MILITARY FAMILY QUALITY OF LIFE ENHANCEMENT ACT OF 2014"; BY ADDING SECTION 37-3-414 SO AS TO PROHIBIT PREDATORY LENDING PRACTICES WITH RESPECT TO MEMBERS OF THE ARMED FORCES BY MAKING VIOLATIONS OF A RELATED FEDERAL LAW ALSO A VIOLATION OF THE LAWS OF THIS STATE AND SUBJECT TO OVERSIGHT BY THE DEPARTMENT OF CONSUMER AFFAIRS; BY ADDING SECTION 44-6-35 SO AS TO PROVIDE THAT MILITARY FAMILIES MAY ENROLL IN A MEDICAID HOME AND COMMUNITY-BASED WAIVER PROGRAM IN THIS STATE IF SOUTH CAROLINA IS THEIR STATE OF LEGAL RESIDENCE, AND TO ALLOW THEM TO MAINTAIN ENROLLMENT IF THE FAMILY IS STATIONED OUTSIDE OF SOUTH CAROLINA; BY ADDING ARTICLE 21 TO CHAPTER 11, TITLE 63 SO AS TO CREATE THE MILITARY-CONNECTED CHILDREN'S WELFARE TASK FORCE TO IDENTIFY ISSUES RELATED TO MILITARY-CONNECTED CHILDREN AND OPENING COMMUNICATION BETWEEN CHILD WELFARE AGENCIES OF THIS STATE AND LOCAL MILITARY INSTALLATIONS; BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO CREATE A VETERANS TREATMENT COURT PROGRAM TO DIVERT QUALIFYING NONVIOLENT MILITARY VETERAN OFFENDERS AWAY FROM THE CRIMINAL JUSTICE SYSTEM AND INTO APPROPRIATE TREATMENT PROGRAMS, THEREBY RESERVING PRISON SPACE FOR VIOLENT CRIMINALS AND OTHERS FOR WHOM INCARCERATION IS THE ONLY REASONABLE ALTERNATIVE; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE DEVELOPMENT OF COMPREHENSIVE ANNUAL REPORT CARDS AND ACADEMIC PERFORMANCE RATINGS, SO AS TO DIRECT THE EDUCATION OVERSIGHT COMMITTEE, WORKING WITH THE STATE BOARD OF EDUCATION, TO ESTABLISH A CERTAIN COMPREHENSIVE ANNUAL REPORT CONCERNING THE PERFORMANCE OF MILITARY-CONNECTED CHILDREN WHO ATTEND PRIMARY, ELEMENTARY, MIDDLE, AND HIGH SCHOOLS IN THIS STATE; TO AMEND SECTION 59-112-50, AS AMENDED, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO REVISE REQUIREMENTS TO PROVIDE A VETERAN OF THE ARMED SERVICES OF THE UNITED STATES WHO HAS EVIDENCED INTENT TO ESTABLISH DOMICILE IN SOUTH CAROLINA, AND THEIR DEPENDENTS, ARE ENTITLED TO RECEIVE IN-STATE TUITION AND FEES AT STATE INSTITUTIONS WITHOUT THE REQUIREMENT OF ONE YEAR OF PHYSICAL PRESENCE IN THIS STATE, AND TO DEFINE A NECESSARY TERM; AND TO AMEND SECTION 7-15-320, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO PROVIDE THAT MEMBERS OF THE ARMED SERVICES, THEIR SPOUSES, AND THEIR DEPENDENTS MUST BE PERMITTED TO VOTE BY ABSENTEE BALLOT IN ALL ELECTIONS, REGARDLESS OF WHETHER THEY ARE ABSENT FROM THEIR COUNTY OF RESIDENCE ON ELECTION DAY.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3112 -- Reps. G. M. Smith and Daning: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM SOUTH CAROLINA TAXABLE INCOME OF INDIVIDUALS FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW THE DEDUCTION OF RETIREMENT BENEFITS ATTRIBUTABLE TO SERVICE ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES; AND TO AMEND SECTION 12-6-1170, AS AMENDED, RELATING TO THE RETIREMENT INCOME DEDUCTION, SO AS TO CONFORM THIS DEDUCTION TO THE MILITARY RETIREMENT DEDUCTION ALLOWED BY THIS ACT.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3834 -- Reps. Loftis, W. J. McLeod, Neal, Williams, Bannister, R. L. Brown, Hosey, Ridgeway, Stavrinakis and Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3586 SO AS TO ALLOW AN INCOME AND OTHER SPECIFIED TAX CREDITS FOR TWENTY-FIVE PERCENT OF THE TOTAL COST OF A SOLAR ENERGY SYSTEM PLACED IN SERVICE IN 2013 THROUGH 2018, TO PROVIDE CEILINGS ON THE AMOUNT OF THE CREDIT THAT MAY BE CLAIMED IN ONE YEAR AND PROVIDE FOR THE TIMING OF CREDITS, TO PROVIDE FOR THE ALLOCATION OF THE CREDIT IN THE CASE OF CERTAIN PASS-THROUGH ENTITIES, AND TO REQUIRE THE TAXPAYER TO ELECT THE CREDIT TO APPLY IN THE CASE OF OVERLAPPING CREDITS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 4828 -- Rep. Pitts: A BILL TO AMEND SECTION 9-8-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO INCLUDE ADMINISTRATIVE LAW JUDGES IN THE DEFINITION OF "JUDGE"; AND TO AMEND SECTION 9-8-40, AS AMENDED, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO ALLOW ADMINISTRATIVE LAW JUDGES SERVING ON JULY 1, 2014, TO ELECT TO BECOME A MEMBER.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 4602 -- Reps. Stavrinakis, Gilliard, R. L. Brown, Sottile and Mack: A BILL TO AMEND ARTICLE 4, CHAPTER 10, TITLE 4, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX ACT, SO AS TO PROVIDE THAT THE TAX MAY BE IMPOSED TO DEFRAY DEBT OBLIGATIONS OF THE SCHOOL DISTRICT AND THEREBY REDUCING PROPERTY TAXES, TO ALLOW THE REFERENDUM TO INCLUDE A SEPARATE QUESTION ON THE AUTHORIZATION OF GENERAL OBLIGATION BONDS PURSUANT TO THE CONSTITUTIONAL EXEMPTION, TO PROVIDE THE FORM OF THE QUESTION, AND TO CHANGE THE TIMING OF A REIMPOSITION REFERENDUM TO NO EARLIER THAN WITHIN THE CALENDAR YEAR WHICH IS TWO YEARS BEFORE THE

CALENDAR YEAR IN WHICH THE TAX IS SCHEDULED TO TERMINATE.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 4944 -- Rep. Skelton: A BILL TO AMEND SECTION 12-43-225, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MULTIPLE LOT DISCOUNT, SO AS TO DELETE THE PROVISION THAT REMOVES THE DISCOUNTED VALUE AFTER FIVE YEARS FOR A DEVELOPER, TO DELETE THE PROVISION THAT REMOVES THE DISCOUNTED VALUE AFTER ONE YEAR FOR A HOMEBUILDER, AND TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3733 -- Reps. Pope, Stringer, Simrill, J. R. Smith, Lucas, Skelton, Southard, Patrick, Bedingfield, Hamilton, Atwater, Huggins, Allison, Ballentine, Barfield, Bernstein, Branham, Chumley, Cole, Erickson, Felder, Finlay, Forrester, Gagnon, Hardee, Henderson, Hixon, Kennedy, King, Loftis, Long, Lowe, D. C. Moss, Norman, Owens, Rivers, G. R. Smith, Tallon, Taylor, Toole and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-222 SO AS TO PROVIDE WHEN CALCULATING ROLL-BACK TAX DUE ON A PARCEL OF REAL PROPERTY CHANGED FROM AGRICULTURAL TO COMMERCIAL OR RESIDENTIAL USE THE VALUE USED FOR PLATTED GREEN SPACE FOR CONSERVATION OR OPEN SPACE USE OF THE PARCEL, IF SUCH USE IS TEN PERCENT OR MORE OF THE PARCEL, MUST BE VALUED BASED ON THE GREEN SPACE FOR CONSERVATION OR OPEN SPACE USE; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSES OF PROPERTY AND APPLICABLE ASSESSMENT RATIOS FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO MAKE A CONFORMING AMENDMENT.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4518 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-150-420 SO AS TO PROVIDE THAT NO PORTION OF THE LOTTERY NET PROCEEDS MAY BE APPROPRIATED FOR CAPITAL IMPROVEMENT PROJECTS AT OR ASSOCIATED WITH AN INSTITUTION OF HIGHER LEARNING.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4632 -- Reps. Stavrinakis, Merrill, McCoy, Daning, Murphy and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "CHARLESTON UNIVERSITY ACT" BY ADDING CHAPTER 120 TO TITLE 59 SO AS TO CREATE CHARLESTON UNIVERSITY TO EVENTUALLY BE CONSTITUTED BY MERGING THE COLLEGE OF CHARLESTON AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, INCLUDING ITS HOSPITAL AUTHORITY, INTO ONE INSTITUTION AS DETERMINED BY THE BOARD OF TRUSTEES OF THE UNIVERSITY; TO PROVIDE THIS MERGER MUST OCCUR BEFORE JULY 1, 2016; TO PROVIDE THAT THE FORMER COLLEGE OF CHARLESTON MUST BE KNOWN AS THE "CHARLESTON UNIVERSITY GEORGE STREET CAMPUS" AND THE FORMER MEDICAL UNIVERSITY OF SOUTH CAROLINA MUST BE KNOWN AS THE "CHARLESTON UNIVERSITY MEDICAL CAMPUS"; TO CREATE A BOARD OF TRUSTEES OF THE UNIVERSITY; TO PROVIDE FOR THE COMPOSITION, POWERS, AND DUTIES OF THE BOARD AND MISCELLANEOUS MATTERS CONCERNING THE BOARD; TO PROVIDE THAT UNTIL THE MERGER OCCURS THE PRIMARY FOCUS OF THE CHARLESTON UNIVERSITY BOARD OF TRUSTEES MUST BE THE COMPLETION OF A MERGER PLAN; TO PROVIDE THIS PLAN MUST BE PRESENTED TO THE GOVERNOR AND THE GENERAL ASSEMBLY BEFORE JULY 1, 2015, AND TO PROVIDE CONTENT REQUIREMENTS FOR THE REPORT; AND TO PROVIDE CERTAIN REQUIREMENTS FOR APPROPRIATIONS, CAPITAL IMPROVEMENT BONDS, AND REVENUE BONDS; TO AMEND SECTION 59-107-10, RELATING TO STATE SUPPORTED INSTITUTIONS OF HIGHER LEARNING IN SOUTH CAROLINA, SECTION 59-123-10, RELATING TO THE NAME OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, SECTION 59-123-40, AS AMENDED, RELATING TO THE MANAGEMENT AND CONTROL OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, SECTION 59-123-60, RELATING TO THE BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, ALL SO AS TO MAKE CONFORMING CHANGES; TO PROVIDE THAT ANY REFERENCE TO THE COLLEGE OF CHARLESTON, UNIVERSITY OF CHARLESTON, MEDICAL UNIVERSITY OF SOUTH CAROLINA IN A LEGISLATIVE ENACTMENT, STATUTE, OR REGULATION MUST BE CONSTRUED TO MEAN CHARLESTON UNIVERSITY; TO REDESIGNATE CHAPTER 123, TITLE 59 AS "CHARLESTON UNIVERSITY MEDICAL CAMPUS AND THE HOSPITAL AUTHORITY"; TO REDESIGNATE CHAPTER 130, TITLE 59 AS "CHARLESTON UNIVERSITY GEORGE STREET CAMPUS"; AND TO REPEAL SECTION 59-123-50 RELATING TO THE ELECTION OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SECTION 59-130-10 RELATING TO THE BOARD OF TRUSTEES OF THE COLLEGE OF CHARLESTON, SECTION 59-130-30 RELATING TO POWERS OF THE BOARD OF TRUSTEES OF THE COLLEGE OF CHARLESTON, AND SECTION 59-130-40 RELATING TO MEETINGS OF THE BOARD OF TRUSTEES OF THE COLLEGE OF CHARLESTON.

Ordered for consideration tomorrow.

**INTRODUCTION OF BILLS**

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

H. 5083 -- Reps. Tallon and Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-53-130 SO AS TO PROVIDE REQUIREMENTS OF FIRST YEAR SURETY BONDSMEN AND THEIR SUPERVISING BONDSMEN; TO AMEND SECTION 38-53-10, RELATING TO DEFINITIONS CONCERNING BAIL BONDSMEN, SO AS TO ADD A NECESSARY DEFINITION; TO AMEND SECTION 38-53-60, RELATING TO THE SURRENDER OF DEFENDANTS, SO AS TO PROVIDE SURETIES MAY ARREST DEFENDANTS BEFORE FORFEITURE AND MAY ASSIST OTHER SURETY BONDSMEN APPOINTED WITH THE SAME INSURER; TO AMEND SECTION 38-53-85, RELATING TO EDUCATIONAL AND EXAMINATION REQUIREMENTS FOR APPLICANTS, SO AS TO INCREASE REQUIRED EDUCATION HOURS TO EIGHTY AND TO REQUIRE FIRST YEAR SURETY BONDSMEN TO GIVE THE DEPARTMENT OF INSURANCE THE NAMES AND LICENSE NUMBERS OF THEIR SUPERVISING SURETY BONDSMEN; TO AMEND SECTION 38-53-90, AS AMENDED, RELATING TO QUALIFICATIONS FOR LICENSURE OF PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS, SO AS TO REVISE THE EDUCATION, TRAINING, EXPERIENCE, AND RESIDENCY REQUIREMENTS; AND TO AMEND SECTION 38-53-320, RELATING TO EXAMINATION OF THE BUSINESS-RELATED BOOKS AND PAPERWORK OF PROFESSIONAL BONDSMEN, THEIR AGENTS, OR THEIR RUNNERS BY THE DEPARTMENT, SO AS TO APPLY THESE PROVISIONS TO SURETY BONDSMEN AND TO PROVIDE THAT PROFESSIONAL BONDSMEN AND SURETY BONDSMEN SHALL MAINTAIN AN OFFICE AND THAT THIS OFFICE MUST BE ACCESSIBLE DURING NORMAL BUSINESS HOURS, AND TO REQUIRE A BONDSMAN SHALL PROVIDE THE STREET ADDRESS AND MAILING ADDRESS OF THIS OFFICE TO THE DEPARTMENT AND UPDATE CHANGES TO THESE ADDRESSES IN A TIMELY MANNER.

Referred to Committee on Ways and Means

H. 5084 -- Reps. Bannister and Dillard: A JOINT RESOLUTION DIRECTING THE STATE BUDGET AND CONTROL BOARD TO TRANSFER FROM THE STATE OF SOUTH CAROLINA TO THE CITY OF GREENVILLE TWO PROPERTIES IN THE CITY OF GREENVILLE, ONE LOCATED AT THE CORNER OF NORTH CHURCH STREET AND EAST PARK AVENUE AND AN ADJACENT PROPERTY ON EAST PARK AVENUE, WHICH WERE PREVIOUSLY USED AS A STATE NATIONAL GUARD ARMORY.

On motion of Rep. BANNISTER, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5069 -- Rep. Hodges: A CONCURRENT RESOLUTION TO HONOR MARIAN WRIGHT EDELMAN, FOUNDER AND PRESIDENT OF THE CHILDREN'S DEFENSE FUND, ON HER LIFETIME OF SERVING AS AN AMBASSADOR FOR DISADVANTAGED AMERICANS AND TO CONGRATULATE HER ON BEING INDUCTED INTO THE SOUTH CAROLINA HALL OF FAME.

**ADJOURNMENT**

At 6:02 p.m. the House, in accordance with the motion of Rep. KING, adjourned in memory of Melvin Hennies Thomas, Sr., of Chester, to meet at 10:00 a.m. tomorrow.

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