

NO. 55

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

WEDNESDAY, APRIL 29, 2015
(STATEWIDE SESSION)

~~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 133:3: "How very good and pleasant it is when kindred live together in unity."

Let us pray. Dear God, keep us in relationship with You and our fellow human beings and fill us with a sense of belonging to the One great family of God. As these Representatives and staff work together, join them in unison, that they may obtain the same great cloud of witnesses in doing the work of the people. Bless our Nation, President, State, Governor, Speaker, staff, and all who contribute to this cause, that we may do Thy will set before us. Protect our defenders of freedom. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. 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.

ACTING SPEAKER BRADLEY IN CHAIR

MOTION ADOPTED

Rep. CLYBURN moved that when the House adjourns, it adjourn in memory of Anna Belle Dozier Kelly of Georgetown, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for Representative Clyburn and his family.

SILENT PRAYER

The House stood in silent prayer for former Representative Ken Kennedy.

WEDNESDAY, APRIL 29, 2015

SILENT PRAYER

The House stood in silent prayer for Mary Moultrie and her family of Charleston.

SILENT PRAYER

The House stood in silent prayer for Judge Duane Shuler and his family.

SPEAKER IN CHAIR

INVITATIONS

On motion of Rep. BALES, with unanimous consent, the following were taken up for immediate consideration and accepted:

Wednesday, April 29, 2015
The Honorable Jimmy Bales
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the BMW, GE, Boeing, and SCMA, the Members of the House of Representatives and their staff are invited to a Legislative Reception. This event will be held on Tuesday, May 19, 2015, from 6:00 p.m. to 8:00 p.m. at Nexsen-Pruitt- Balcony Terrace at 1230 Main Street, Suite 700.

Sincerely,
Mark Elam
Legislative Liaison, Boeing

INTRODUCTION OF BILLS

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

H. 4083 -- Rep. Corley: A BILL TO AMEND SECTION 14-25-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL JUDGES, SO AS TO PROVIDE THAT A PERSON MAY NOT BE APPOINTED AS A MUNICIPAL JUDGE WHO HAS

WEDNESDAY, APRIL 29, 2015

BEEN FOUND TO HAVE COMMITTED A PREVIOUS VIOLATION OF ETHICS ACT PROVISIONS BY THE STATE ETHICS COMMISSION OR THE SOUTH CAROLINA HOUSE OR SENATE ETHICS COMMITTEES FOR A CERTAIN PERIOD OF TIME AFTER A VIOLATION, AND TO PROVIDE THAT A MUNICIPAL JUDGE REMOVED FROM OFFICE BY THE SUPREME COURT OR GOVERNOR FOR MISCONDUCT OR NEGLIGENCE OF DUTY IS NOT ELIGIBLE FOR REAPPOINTMENT UNTIL FIVE YEARS FROM THE DATE OF REMOVAL; AND BY ADDING SECTION 22-1-35 SO AS TO PROVIDE THAT A PERSON MAY NOT BE APPOINTED AS A MAGISTRATE WHO HAS BEEN FOUND TO HAVE COMMITTED A PREVIOUS VIOLATION OF ETHICS ACT PROVISIONS BY THE STATE ETHICS COMMISSION OR THE SOUTH CAROLINA HOUSE OR SENATE ETHICS COMMITTEES FOR A CERTAIN PERIOD OF TIME AFTER A VIOLATION, AND TO PROVIDE THAT A MAGISTRATE REMOVED FROM OFFICE BY THE SUPREME COURT OR GOVERNOR FOR MISCONDUCT OR NEGLIGENCE OF DUTY IS NOT ELIGIBLE FOR REAPPOINTMENT UNTIL FIVE YEARS FROM THE DATE OF REMOVAL.

Referred to Committee on Judiciary

H. 4084 -- Rep. Stringer: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS OF CHARTER SCHOOLS FROM CERTAIN PROVISIONS APPLICABLE TO PUBLIC SCHOOLS, THE POWERS AND DUTIES OF A CHARTER SCHOOL, AND ADMISSIONS TO CHARTER SCHOOLS, SO AS TO AUTHORIZE A SCHOOL LEADER TO BE HIRED TO ASSIST WITH THE DAILY OPERATION OF THE SCHOOL, TO PROVIDE THAT EMPLOYEES, BOARD MEMBERS, AND STAFF OF THE CHARTER SCHOOL ARE SUBJECT TO THE ETHICS AND GOVERNMENT ACCOUNTABILITY REQUIREMENTS APPLICABLE TO PUBLIC MEMBERS AND PUBLIC EMPLOYEES, AND TO REQUIRE A STATEMENT OF COMPLIANCE ASSURANCE TO BE FILED ANNUALLY WITH

THE SCHOOL'S SPONSOR AND THE STATE DEPARTMENT OF EDUCATION.

Referred to Committee on Education and Public Works

[HJ]

WEDNESDAY, APRIL 29, 2015

S. 673 -- Senator Sheheen: A BILL TO AMEND SECTION 4-9-82 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TRANSFER OF ASSETS BY A HOSPITAL PUBLIC SERVICE DISTRICT, SO AS TO SPECIFY THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO ANY TRANSACTION THAT INCLUDES THE HOSPITAL PUBLIC SERVICE DISTRICT'S ENTRY INTO A LEASE OF ANY OR ALL OF ITS REAL PROPERTY ASSOCIATED WITH THE DELIVERY OF HOSPITAL SERVICES REGARDLESS OF THE LENGTH OF THE TERM OF THE REAL PROPERTY LEASE OR WHETHER OR NOT THE TRANSACTION ALSO INCLUDES THE SALE OR LEASE OF OTHER ASSETS OF THE DISTRICT.

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

Rep. TALLON objected.

Referred to Committee on Judiciary

ROLL CALL

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

Allison	Anderson	Anthony
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	Corley	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Felder	Finlay	Forrester
Funderburk	Gagnon	George
Gilliard	Goldfinch	Govan
Hardwick	Hayes	Henderson
Henegan	Herbkersman	Hixon
Hodges	Horne	Hosey
Howard	Jefferson	Johnson
Jordan	King	Kirby
Knight	Loftis	Long
Lowe	Lucas	McEachern
McKnight	Merrill	Mitchell

[HJ]

WEDNESDAY, APRIL 29, 2015

D. C. Moss	Murphy	Norman
Norrell	Ott	Parks
Pitts	Pope	Putnam
Ridgeway	Riley	Rivers
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Southard	Spires	Stringer
Tallon	Taylor	Tinkler
Toole	Weeks	Wells
White	Williams	Yow

STATEMENT OF ATTENDANCE

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

Terry Alexander	Todd Atwater
William Bowers	Shannon Erickson
Mike Gambrell	Donna Hicks
Jonathon D. Hill	Davey Hiott
Chip Huggins	Ralph Kennedy
H. B. "Chip" Limehouse	David Mack
Peter McCoy, Jr.	Mia S. McLeod
Walton J. McLeod	V. Stephen Moss
Wendy Nanney	Joseph Neal
Weston Newton	Richard "Rick" Quinn
Leola Robinson-Simpson	Todd Rutherford
Leon Stavrinakis	Anne Thayer
Jackson "Seth" Whipper	William R. "Bill" Whitmire
Mark Willis	Chris Hart

Total Present--121

LEAVE OF ABSENCE

The SPEAKER granted Rep. HAMILTON a leave of absence for the day due to business out-of-state.

LEAVE OF ABSENCE

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

WEDNESDAY, APRIL 29, 2015

LEAVE OF ABSENCE

The SPEAKER granted Rep. GAMBRELL a temporary leave of absence due to a work commitment.

LEAVE OF ABSENCE

The SPEAKER granted Rep. J. E. SMITH a temporary leave of absence for a federal court hearing.

LEAVE OF ABSENCE

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

DOCTOR OF THE DAY

Announcement was made that Dr. Brice Barber Dille of Spartanburg was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

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

CO-SPONSORS ADDED

Bill Number: H. 3313
Date: ADD:
04/29/15 W. J. MCLEOD and NEWTON

WEDNESDAY, APRIL 29, 2015

CO-SPONSORS ADDED

Bill Number: H. 3768
Date: ADD:
04/29/15 BALES and WILLIS

CO-SPONSOR ADDED

Bill Number: H. 3874
Date: ADD:
04/29/15 GOVAN

CO-SPONSOR ADDED

Bill Number: H. 4082
Date: ADD:
04/29/15 MACK

CO-SPONSORS ADDED

Bill Number: H. 3027
Date: ADD:
04/29/15 PUTNAM, BEDINGFIELD, LOFTIS and MCCOY

CO-SPONSOR REMOVED

Bill Number: H. 3430
Date: REMOVE:
04/29/15 BRANNON

LEAVE OF ABSENCE

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

SENT TO THE SENATE

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

H. 4052 -- Reps. Hardwick, H. A. Crawford, Clemmons and Duckworth: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF ONE DAY THAT SCHOOLS IN HORRY COUNTY CLOSED IN THE 2014-2015 SCHOOL YEAR DUE TO INCLEMENT WEATHER FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME

WEDNESDAY, APRIL 29, 2015

MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

H. 4055 -- Reps. Cole and Mitchell: A BILL TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2015 SCHOOL DISTRICT ELECTIONS, TO DESIGNATE A MAP NUMBER ON WHICH THESE ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

H. 4082--ORDERED TO THIRD READING

The following Bill was taken up:

H. 4082 -- Reps. Knight, Jefferson, Murphy, Horne, Whipper, Tinkler and Mack: A BILL TO AMEND ACT 536 OF 1986, AS AMENDED, RELATING TO DORCHESTER COUNTY SCHOOL DISTRICT FOUR BOARD OF TRUSTEES, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2016, TO DESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS MAY BE FOUND, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REAPPORTIONED ELECTION DISTRICTS.

The yeas and nays were taken resulting as follows:

Yeas 60; Nays 0

Those who voted in the affirmative are:

Anderson	Anthony	Bales
Bamberg	Bingham	Bowers
Brannon	G. A. Brown	R. L. Brown
Burns	Chumley	Cobb-Hunter
Cole	H. A. Crawford	Crosby
Daning	Dillard	Douglas
Duckworth	Felder	Forrester
George	Goldfinch	Govan
Hardwick	Herbkersman	Hixon
Jefferson	Jordan	Knight

[HJ]

WEDNESDAY, APRIL 29, 2015

Loftis	Lucas	McEachern
M. S. McLeod	W. J. McLeod	Merrill
D. C. Moss	Murphy	Norman
Parks	Pope	Putnam
Ridgeway	Riley	Rivers
Ryhal	Simrill	G. R. Smith
Sottile	Southard	Spires
Tallon	Taylor	Tinkler
Weeks	Wells	Whipper
White	Williams	Yow

Total--60

Those who voted in the negative are:

Total--0

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

SENT TO THE SENATE

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

H. 3917 -- Reps. Atwater, Long, Horne and Erickson: A BILL TO AMEND SECTION 47-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO CRUELTY TO ANIMALS, SO AS TO DEFINE THE TERM "COMPANION ANIMAL"; AND BY ADDING SECTION 47-1-45 SO AS TO PROHIBIT THE TATTOOING OR PIERCING OF A COMPANION ANIMAL EXCEPT FOR SPECIFIED REASONS AND TO PROVIDE CRIMINAL PENALTIES FOR A VIOLATION WHICH IS A MISDEMEANOR.

H. 3880 -- Reps. Ott, Hixon, Pitts, Riley and Johnson: A BILL TO AMEND SECTION 50-11-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS THAT RELATE TO THE MIGRATORY WATERFOWL COMMITTEE, THE CREATION OF THE COMMITTEE, ITS MEMBERSHIP, AND RESPONSIBILITIES, SO AS TO INCREASE ITS MEMBERSHIP BY ONE WHO SHALL BE A

WEDNESDAY, APRIL 29, 2015

DESIGNEE OF DELTA WATERFOWL OF SOUTH CAROLINA WHO IS NOT A PAID EMPLOYEE.

H. 3910 -- Reps. Duckworth, Hardee, Hixon, Hiott, Loftis, Collins, Johnson, H. A. Crawford, Hardwick, Goldfinch, Burns, Clemmons, Gagnon, Lowe and Ryhal: A BILL TO AMEND SECTION 48-39-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TIDELANDS AND WETLANDS, SO AS TO PROVIDE A THREE-YEAR STATUTE OF LIMITATIONS ON ENFORCEMENT VIOLATIONS RELATING TO MINOR DEVELOPMENT ACTIVITIES AND TO PROVIDE EXCEPTIONS WHEN THE ALLEGED VIOLATOR KNOWINGLY OR INTENTIONALLY WITHHELD INFORMATION RELATING TO THE ALLEGED VIOLATION.

H. 3083 -- Reps. Huggins, Kennedy, Clary, Corley, Weeks, Whipper and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA OVERDOSE PREVENTION ACT" BY ADDING CHAPTER 130 TO TITLE 44 SO AS TO PROVIDE CERTAIN PROFESSIONALS AND OTHER INDIVIDUALS PROTECTION FROM CIVIL AND CRIMINAL LIABILITY AND PROFESSIONAL DISCIPLINE FOR PRESCRIBING, DISPENSING, OR ADMINISTERING AN OPIOID ANTIDOTE TO INDIVIDUALS AT RISK OF AN OPIOID OVERDOSE, TO REQUIRE PROVISION OF INSTRUCTIONAL INFORMATION TO NONHEALTH CARE PROFESSIONALS ADMINISTERING OPIOID ANTIDOTES AND DOCUMENTATION OF RECEIPT OF THE INSTRUCTION, TO PROVIDE FOR FUNDING AND FOR GRANTS TO ORGANIZATIONS TO SUPPORT OPIOID OVERDOSE PREVENTION AND AWARENESS PROJECTS, TO CLARIFY THAT THE PROVISIONS OF THE CHAPTER DO NOT RELIEVE LAW ENFORCEMENT AND EMERGENCY RESPONDERS OF THEIR LEGAL RESPONSIBILITIES TO RESPOND TO MEDICAL EMERGENCIES AND CRIMINAL CONDUCT, AND FOR OTHER PURPOSES.

H. 3156 -- Reps. J. E. Smith, Cobb-Hunter, Whipper, Weeks and Yow: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 15, TITLE 63 ENACTING THE "UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT" SO AS TO ADDRESS ISSUES OF

[HJ]

WEDNESDAY, APRIL 29, 2015

CUSTODIAL RESPONSIBILITY WHEN A PARENT IN THE UNIFORMED SERVICE IS BEING DEPLOYED; TO PROVIDE THAT A COURT MUST HAVE JURISDICTION PURSUANT TO THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT TO ISSUE AN ORDER UNDER THIS ARTICLE; TO REQUIRE PROMPT NOTICE OF DEPLOYMENT TO THE OTHER PARENT; TO PROVIDE THAT THE CUSTODIAL RESPONSIBILITIES OF A DEPLOYING PARENT MAY BE ASSIGNED FOR THE DURATION OF THE DEPLOYMENT BY A TEMPORARY AGREEMENT ENTERED INTO BY THE PARENTS OR WITH THE DEPLOYING PARENT'S CONSENT, BY A COURT ISSUING A TEMPORARY ORDER GRANTING CUSTODIAL RESPONSIBILITIES AND TO FURTHER PROVIDE CERTAIN REQUIREMENTS AND LIMITATIONS OF AN AGREEMENT OR COURT ORDER; TO PROVIDE FOR THE TERMINATION OF A TEMPORARY AGREEMENT OR A TEMPORARY ORDER; TO PROVIDE THAT THIS ARTICLE SUPERSEDES THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, EXCEPT CERTAIN PROVISIONS IN THAT ACT; AND TO PROVIDE THAT THIS ARTICLE DOES NOT AFFECT THE VALIDITY OF A TEMPORARY COURT ORDER CONCERNING CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT ENTERED BEFORE THIS ARTICLE'S EFFECTIVE DATE.

H. 3548 -- Reps. J. E. Smith, Yow and Weeks: A BILL TO AMEND SECTION 63-7-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTIFICATION AND TRANSFER OF REPORTS OF CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT IF THE ALLEGED ABUSED OR NEGLECTED CHILD IS A MEMBER OF AN ACTIVE DUTY MILITARY FAMILY, THE COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL NOTIFY CERTAIN DESIGNATED MILITARY OFFICIALS AT THE INSTALLATION WHERE THE ACTIVE DUTY SERVICE MEMBER, WHO IS THE SPONSOR OF THE ALLEGED ABUSED OR NEGLECTED CHILD, IS ASSIGNED; TO AMEND SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, SO AS TO PROVIDE THAT THE DEPARTMENT OR LAW ENFORCEMENT, OR BOTH, MAY COLLECT INFORMATION CONCERNING THE MILITARY AFFILIATION

WEDNESDAY, APRIL 29, 2015

OF THE PERSON HAVING CUSTODY OR CONTROL OF THE CHILD SUBJECT TO AN INVESTIGATION AND MAY SHARE THIS INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES; TO AMEND SECTION 63-7-1990, AS AMENDED, RELATING TO CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION, SO AS TO MAKE TECHNICAL CORRECTIONS AND TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO GRANT ACCESS TO THE RECORDS OF AN INDICATED CASE TO CERTAIN DESIGNATED MILITARY OFFICIALS AT THE INSTALLATION WHERE THE ACTIVE DUTY SERVICE MEMBER, WHO IS THE SPONSOR OF THE ALLEGED ABUSED OR NEGLECTED CHILD, IS ASSIGNED; AND TO AMEND SECTION 63-11-80, RELATING TO CONFIDENTIAL INFORMATION WITHIN CHILD WELFARE AGENCIES, SO AS TO PROVIDE THAT AN OFFICER, AGENT OR EMPLOYEE OF THE DEPARTMENT OR A CHILD WELFARE AGENCY SHALL NOT DISCLOSE, DIRECTLY OR INDIRECTLY, INFORMATION LEARNED ABOUT A CHILD, THE CHILD'S PARENTS OR RELATIVES, OR OTHER PERSONS HAVING CUSTODY OR CONTROL OF THE CHILD, EXCEPT IN CASES INVOLVING A CHILD IN THE CUSTODY OR CONTROL OF PERSONS WHO HAVE MILITARY AFFILIATION.

H. 3215 -- Reps. Govan, Robinson-Simpson and Willis: A JOINT RESOLUTION TO CREATE A STUDY COMMITTEE TO REFORM ALIMONY, TO PROVIDE FOR MEMBERSHIP OF THE STUDY COMMITTEE AND THE METHOD OF APPOINTMENT OF MEMBERS, TO REQUIRE THE STUDY COMMITTEE TO PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO INCLUDE A SUNSET PROVISION FOR THE STUDY COMMITTEE.

H. 3248 -- Reps. Ryhal, Hardwick, Long, M. S. McLeod, Felder and Hardee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 28 TO TITLE 27 SO AS TO PROVIDE REQUIREMENTS CONCERNING THE GOVERNANCE OF HOMEOWNERS ASSOCIATIONS, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE HOMEOWNERS ASSOCIATIONS MUST REGISTER WITH THE REAL ESTATE COMMISSION AND FILE COPIES OF ITS GOVERNING

WEDNESDAY, APRIL 29, 2015

DOCUMENTS WITH THE CLERK OF COURT, REGISTER OF DEEDS, AND THE COMMISSION, TO PROVIDE HOMEOWNERS ASSOCIATIONS OTHERWISE ALSO MUST MAKE ITS GOVERNING DOCUMENTS AVAILABLE TO THE PUBLIC AND PROSPECTIVE BUYERS IN A CERTAIN MANNER, TO PROVIDE MECHANISMS FOR THE AUTOMATIC TRANSFER OF CONTROL OF PROPERTY GOVERNED BY A HOMEOWNERS ASSOCIATION FROM THE DECLARANT TO AN ELECTED BOARD OF THE HOMEOWNERS, TO PROVIDE RELATED NOTICE REQUIREMENTS, TO PROVIDE TRAINING REQUIREMENTS FOR HOMEOWNERS ASSOCIATION BOARD MEMBERS, TO PROVIDE HOMEOWNERS MAY INSPECT CERTAIN ASSOCIATION DOCUMENTS, TO PROVIDE HOMEOWNERS ASSOCIATIONS MUST PROVIDE CERTAIN NOTICE FOR BOARD MEETINGS, TO PROVIDE THAT HOMEOWNERS ASSOCIATIONS MAY NOT PLACE A LIEN AGAINST THE PROPERTY OF A HOMEOWNER OR OTHERWISE FINE OR ASSESS COSTS AGAINST A HOMEOWNER WITHOUT FIRST GIVING THE HOMEOWNER A HEARING BEFORE THE BOARD, AND TO PROVIDE HOMEOWNERS OR HOMEOWNERS ASSOCIATIONS MAY SEEK FROM MAGISTRATES COURT EQUITABLE RELIEF TO ENFORCE THE PROVISIONS OF THIS CHAPTER, AND TO PROVIDE THAT THE PREVAILING PARTY IN SUCH AN ACTION MAY RECOVER REASONABLE ATTORNEY'S FEES AND RELATED COSTS; AND BY ADDING SECTION 40-57-63 SO AS TO IMPOSE RELATED POWERS AND DUTIES ON THE REAL ESTATE COMMISSION, AND TO DEFINE NECESSARY TERMINOLOGY.

H. 3882 -- Reps. Gambrell, Gagnon, Putnam and Thayer: A BILL TO AMEND SECTION 59-67-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PHYSICAL EXAMINATIONS OF SCHOOL BUS DRIVERS, SO AS TO PROVIDE THE PHYSICAL MUST BE A DEPARTMENT OF TRANSPORTATION PHYSICAL THAT MEETS THE REQUIREMENTS OF THE CERTAIN FEDERAL MOTOR CARRIER SAFETY REGULATIONS IN ADDITION TO EXISTING STATE CERTIFICATION REQUIREMENTS.

H. 3560 -- Reps. Limehouse, Sottile, McCoy and Spires: A BILL TO AMEND SECTION 59-25-460, CODE OF LAWS OF SOUTH

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WEDNESDAY, APRIL 29, 2015

CAROLINA, 1976, RELATING TO THE REQUIRED NOTICE AND HEARINGS FOR DISMISSAL OF A TEACHER, SO AS TO PROVIDE THAT THE BOARD MAY DESIGNATE A HEARING OFFICER TO CONDUCT A DISMISSAL HEARING AND ISSUE A REPORT WITH RECOMMENDATIONS, TO PROVIDE RELATED REQUIREMENTS OF A HEARING OFFICER, TO PROVIDE A HEARING MUST BE PRIVATE UNLESS THE TEACHER REQUESTS IN WRITING THAT THE HEARING BE PUBLIC, TO PROVIDE THAT A NOTICE OF DISMISSAL MUST BE GIVEN BY THE SUPERINTENDENT OR HIS DESIGNEE INSTEAD OF THE SCHOOL BOARD, TO SPECIFY USE OF A COURT REPORTER TO RECORD THE PROCEEDINGS, AND TO PROVIDE AN APPEALS PROCESS.

H. 3549 -- Reps. Ott, Finlay, Johnson and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 137 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DELTA WATERFOWL" SPECIAL LICENSE PLATES.

H. 3911 -- Reps. Willis and Allison: A BILL TO AMEND SECTION 56-3-1230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE, CONTENT, AND PRODUCTION COSTS OF MOTOR VEHICLE LICENSE PLATES, SO AS TO REVISE THE INTERVAL IN WHICH THE DEPARTMENT OF MOTOR VEHICLES MUST REISSUE A LICENSE PLATE FROM SIX YEARS TO TEN YEARS.

H. 3788 -- Reps. Funderburk, Taylor, McKnight, Simrill, Burns, Gilliard, Corley, Douglas, Kirby, McCoy, Bales, Atwater, Alexander, McEachern, Jefferson, Spires, Anthony, G. A. Brown, Henegan, Anderson, Bernstein, Bingham, Clemmons, Clyburn, Goldfinch, Hardwick, Hixon, Hodges, Hosey, Limehouse, Long, D. C. Moss, V. S. Moss, Murphy, Norrell, Quinn, Ridgeway, Sandifer, Stringer, Toole, Weeks, Wells, G. M. Smith and Ballentine: A BILL TO AMEND SECTION 56-28-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE ENFORCEMENT OF MOTOR VEHICLE EXPRESS WARRANTIES, SO AS TO REVISE THE

WEDNESDAY, APRIL 29, 2015

DEFINITIONS OF THE TERMS "MOTOR VEHICLE" AND A "NEW MOTOR VEHICLE".

H. 3927 -- Reps. Willis and Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 137 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL PERSONALIZED MOTOR VEHICLE LICENSE PLATES; AND TO AMEND SECTION 56-3-2250, RELATING TO THE ISSUANCE OF SAMPLE LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT IT IS UNLAWFUL TO DISPLAY A SAMPLE LICENSE PLATE ON A MOTOR VEHICLE AND THE PENALTY ASSOCIATED WITH THIS CRIME, TO PROVIDE THAT THE DEPARTMENT MAY RETAIN THE FEE THAT IS CHARGED FOR THE ISSUANCE OF THIS LICENSE PLATE, TO PROVIDE THAT THIS DEPARTMENT MAY ISSUE SOUVENIR LICENSE PLATES FOR ANY SPECIAL ORGANIZATIONAL LICENSE PLATE THAT IT PRODUCES, AND PERSONALIZED SPECIAL ORGANIZATIONAL SOUVENIR LICENSE PLATES FOR A FEE, TO PROVIDE FOR THE DISBURSEMENT OF THE FEES, TO PROVIDE THAT THESE LICENSE PLATES MAY BE DISPLAYED ONLY ON THE FRONT OF A MOTOR VEHICLE, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION.

H. 3002 -- Reps. Pitts, G. R. Smith and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 2 SO AS TO ESTABLISH THE CAPITOL POLICE FORCE, WHICH CONSISTS OF THE CAPITOL POLICE FORCE, THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE OF REPRESENTATIVES, AND THE MARSHAL OF THE SUPREME COURT, TO PROVIDE THAT THE FUNCTIONS, POWERS, DUTIES, AND RESPONSIBILITIES EXERCISED BY THE DEPARTMENT OF PUBLIC SAFETY AND THE BUREAU OF PROTECTIVE SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING, ITS GROUNDS AND PARKING LOT, INCLUDING ALL CLASSIFIED AND UNCLASSIFIED EMPLOYEES WHOSE DUTIES INVOLVE THE PROVISION OF SECURITY SERVICES AT THESE AREAS, BUT

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WEDNESDAY, APRIL 29, 2015

EXCLUDING THOSE AREAS OF THE STATE HOUSE THAT ARE RESERVED FOR THE EXECUTIVE CHAMBER AND THE GOVERNOR'S STAFF, ARE DEVOLVED UPON AND TRANSFERRED TO THE CAPITOL POLICE FORCE, TO PROVIDE THAT THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE OF REPRESENTATIVES HAVE EXCLUSIVE CARE AND CHARGE OVER SPECIFIC AREAS, AND TO PROVIDE THAT THE MARSHAL OF THE SUPREME COURT HAS PRIMARY RESPONSIBILITY OVER THE SUPREME COURT BUILDING, ITS GROUNDS AND PARKING LOT, AND OTHER SPECIFIED AREAS, TO PROVIDE FOR THE CREATION OF THE CAPITOL POLICE FORCE COMMITTEE, CONSISTING OF THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE OF REPRESENTATIVES, AND THE MARSHAL OF THE SUPREME COURT, TO PROVIDE THAT THE DIRECTOR OF GENERAL SERVICES SHALL SERVE AS A NONVOTING MEMBER OF THE COMMITTEE, TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE COMMITTEE, TO PERMIT THE CHIEF OF THE CAPITOL POLICE FORCE TO EMPLOY DEPUTY OFFICERS AND OTHER EMPLOYEES AS NECESSARY, TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE OF REPRESENTATIVES, THE MARSHAL OF THE SUPREME COURT, AND ALL THEIR DEPUTIES HAVE THE SAME POLICE POWERS AS OFFICERS OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED), TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE MAY ENTER INTO RECIPROCAL LAW ENFORCEMENT AGREEMENTS, TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, AND HIS DEPUTIES SHALL DEMONSTRATE KNOWLEDGE OF THE DUTIES OF LAW ENFORCEMENT OFFICERS OR UNDERGO TRAINING REQUIRED OF OFFICERS OF SLED, AND TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE OFFICERS; BY ADDING SECTION 14-3-135 SO AS TO PROVIDE FOR THE APPOINTMENT OF A MARSHAL OF THE SUPREME COURT AND TO DEFINE HIS DUTIES; TO AMEND SECTION 10-1-30, RELATING TO THE USE OF THE STATE HOUSE LOBBIES, STATE HOUSE STEPS, AND OTHER PUBLIC BUILDINGS AND GROUNDS, SO AS TO FURTHER PROVIDE FOR THE USE OF THESE FACILITIES AND HOW THIS USE IS REGULATED, AND

[HJ]

WEDNESDAY, APRIL 29, 2015

TO PROVIDE THAT THE CAPITOL POLICE FORCE SHALL PROVIDE SECURITY SERVICES FOR ALL USES OF THE STATE HOUSE LOBBIES, STATE HOUSE STEPS AND GROUNDS, AND ALL PUBLIC BUILDINGS AND GROUNDS IN THE CAPITOL COMPLEX; TO AMEND CHAPTER 11, TITLE 10, RELATING TO TRESPASSES AND OFFENSES ON THE CAPITOL GROUNDS AND IN CAPITOL BUILDINGS, AND RELATED MATTERS, SO AS TO FURTHER PROVIDE FOR THESE TRESPASSES AND OFFENSES, FOR LAW ENFORCEMENT AUTHORITY OVER THEM, AND THE RELATED JURISDICTION OF SPECIFIED COURTS, INCLUDING PROVISIONS TO PROVIDE THAT THE PARKING LOTS ON THE CAPITOL GROUNDS AND AT THE SUPREME COURT BUILDING MUST BE POLICED BY THE CAPITOL POLICE FORCE, TO DELETE PROVISIONS RELATING TO NIGHT WATCHMEN AND POLICEMEN EMPLOYED BY THE STATE BUDGET AND CONTROL BOARD, TO PROVIDE THAT THE CAPITOL POLICE FORCE HAS THE RIGHT TO ISSUE PARKING TICKETS, TO DELETE REFERENCES TO THE CITY OF COLUMBIA RECORDER, AND TO FURTHER PROVIDE FOR THE JURISDICTION OF CERTAIN COURTS IN CRIMINAL MATTERS ARISING IN THESE LOCATIONS, TO DELETE REFERENCES TO THE STATE HOUSE RENOVATION PROJECT, AND TO REVISE THE DEFINITION OF "CAPITOL GROUNDS" SO AS TO INCLUDE THE SUPREME COURT BUILDING, ITS GROUNDS AND PARKING LOT.

H. 3725 -- Reps. J. E. Smith, Quinn, Lowe, Jordan and W. J. McLeod: A BILL TO AMEND SECTION 12-67-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, SO AS TO ADD THE DEFINITION OF "STATE-OWNED ABANDONED BUILDINGS"; TO AMEND SECTION 12-67-140, RELATING TO THE ELIGIBILITY OF A TAXPAYER TO RECEIVE A TAX CREDIT FOR REHABILITATING AN ABANDONED BUILDING, SO AS TO PROVIDE IF A TAX CREDIT IS EARNED BY A TAXPAYER WHO REHABILITATES A STATE-OWNED ABANDONED BUILDING THE CREDIT MUST BE CLAIMED OVER A TWO-YEAR PERIOD AND TO PROVIDE REQUIREMENTS FOR A TAXPAYER WHO SELLS A BUILDING SITE; TO AMEND SECTION 12-6-3535, RELATING TO INCOME TAX CREDITS FOR MAKING

WEDNESDAY, APRIL 29, 2015

QUALIFIED REHABILITATION EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO PROVIDE AN ADDITIONAL INCOME TAX CREDIT OPTION FOR TAXPAYERS, TO PROVIDE ADDITIONAL REQUIREMENTS FOR WHEN A TAX CREDIT MAY BE TAKEN WHEN A TAXPAYER REHABILITATES A STATE-OWNED ABANDONED BUILDING, AND TO PROVIDE REQUIREMENTS FOR TAX CREDITS EARNED BY A PASS-THROUGH ENTITY; BY ADDING SECTION 12-67-160 SO AS TO PROVIDE REQUIREMENTS FOR A CERTIFICATION OF THE ABANDONED BUILDING SITE; BY ADDING SECTION 12-6-3586 SO AS TO ALLOW A TAX CREDIT TO A TAXPAYER WHO CONSTRUCTS, PURCHASES, OR LEASES A NONRESIDENTIAL SOLAR ENERGY SYSTEM; AND TO AMEND SECTION 12-6-3587, RELATING TO THE PURCHASE AND INSTALLATION OF SOLAR ENERGY SYSTEMS FOR HEATING WATER, SPACE HEATING, AIR COOLING, OR GENERATING ELECTRICITY, SO AS TO PROVIDE THAT THE CREDIT IS ALLOWED WITHOUT REGARD TO WHETHER THE TAXPAYER OCCUPIES THE INSTALLATION SITE.

H. 3562 -- Reps. Herbkersman, Newton, Erickson and Bradley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION SCHOOL OPERATING MILLAGE PROPERTY TAX CREDIT ACT" SO AS TO ALLOW A COUNTY GOVERNING BODY WITH REFERENDUM APPROVAL TO IMPOSE A ONE PERCENT SALES TAX THE REVENUE OF WHICH IS USED TO PROVIDE A CREDIT AGAINST PROPERTY TAX LEVIED IN THE COUNTY FOR SCHOOL OPERATIONS, TO PROVIDE FOR THE REFERENDUM, THE DISTRIBUTION OF THE REVENUE, THE CALCULATION AND APPLICATION OF THE CREDIT AND THE ADJUSTMENT OF THE MILLAGE INCREASE CAP TO REFLECT ANNUAL GROWTH IN THIS REVENUE, AND TO PROVIDE THAT THE TAX MAY BE RESCINDED BY REFERENDUM INITIATED BY A PETITION OF FIFTEEN PERCENT OF THE QUALIFIED ELECTORS OF THE COUNTY OR BY ORDINANCE IF THE GOVERNING BODY OF THE COUNTY DETERMINES THAT CHANGES IN STATE LAW PROVIDING FOR THE FINANCING OF SCHOOL OPERATIONS MAKE THE ORIGINAL PURPOSE OF THE TAX IMPOSSIBLE TO ACCOMPLISH UNDER THE EXISTING LAW.

[HJ]

WEDNESDAY, APRIL 29, 2015

H. 3113 -- Reps. Mitchell and Cobb-Hunter: A BILL TO AMEND SECTION 31-7-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDEVELOPMENT PROJECT COSTS, SO AS TO PROVIDE PROPERTY ASSEMBLY COSTS ALSO INCLUDE THE COST OF ENVIRONMENTAL REMEDIATION.

H. 3259 -- Rep. Stavrinakis: A BILL TO AMEND SECTION 6-34-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA RETAIL FACILITIES REVITALIZATION ACT, SO AS TO REDUCE THE MINIMUM SQUARE FOOTAGE REQUIREMENT CONTAINED IN THE DEFINITION OF "ELIGIBLE SITE".

H. 3154--SENT TO THE SENATE

The following Bill was taken up:

H. 3154 -- Reps. J. E. Smith, G. M. Smith, Cobb-Hunter, M. S. McLeod, Toole, Weeks, Whipper, Robinson-Simpson, Quinn and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 15, TITLE 7 SO AS TO ENACT THE "SOUTH CAROLINA UNIFORM MILITARY AND OVERSEAS VOTERS ACT", TO DEFINE NECESSARY TERMS, AND PROVIDE REGISTRATION AND ABSENTEE VOTING ALTERNATIVES FOR CERTAIN MILITARY AND OVERSEAS VOTERS.

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

Yeas 92; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	Corley
H. A. Crawford	Crosby	Daning

[HJ]

WEDNESDAY, APRIL 29, 2015

Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Funderburk
George	Goldfinch	Govan
Hardwick	Henderson	Herbkersman
Hicks	Hixon	Hodges
Horne	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Loftis
Long	Lowe	Lucas
McEachern	McKnight	M. S. McLeod
W. J. McLeod	D. C. Moss	Murphy
Nanney	Newton	Norman
Norrell	Ott	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. R. Smith	Sottile	Spires
Stringer	Taylor	Thayer
Tinkler	Toole	Weeks
Wells	Whipper	White
Williams	Yow	

Total--92

Those who voted in the negative are:

Total--0

The Bill was read the third time and ordered sent to the Senate.

H. 3682--SENT TO THE SENATE

The following Bill was taken up:

H. 3682 -- Reps. Finlay, Bannister, Newton, Cole, Delleney, Weeks, Whipper, Robinson-Simpson and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 39 SO AS TO ENACT THE "BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT", TO PROVIDE THAT BAD FAITH ASSERTIONS OF PATENT INFRINGEMENTS ARE PROHIBITED, TO DEFINE TERMS, TO PROVIDE FOR A

WEDNESDAY, APRIL 29, 2015

PRIVATE CAUSE OF ACTION IN STATE COURTS BY A RECIPIENT OF A BAD FAITH ASSERTION TO PATENT INFRINGEMENT, TO PROVIDE THAT ENFORCEMENT ACTIONS MAY BE BROUGHT BY THE ATTORNEY GENERAL AND WILFUL AND KNOWING VIOLATIONS MAY RESULT IN CIVIL PENALTIES OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION, TO PROVIDE FOR THE FACTORS THAT A COURT MAY CONSIDER WHEN MAKING A BAD FAITH DETERMINATION, AND TO PROVIDE EXCEPTIONS.

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

Yeas 87; Nays 0

Those who voted in the affirmative are:

Allison	Anthony	Bales
Ballentine	Bamberg	Bannister
Bedingfield	Bernstein	Bingham
Bowers	Bradley	G. A. Brown
R. L. Brown	Burns	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	Corley
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	George
Gilliard	Goldfinch	Hardwick
Henderson	Henegan	Herbkersman
Hicks	Hixon	Hodges
Hosey	Huggins	Johnson
Jordan	Kennedy	Kirby
Knight	Long	Lowe
Lucas	McEachern	M. S. McLeod
W. J. McLeod	Mitchell	D. C. Moss
V. S. Moss	Murphy	Norman
Norrell	Parks	Pope
Putnam	Quinn	Ridgeway
Riley	Rivers	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	G. R. Smith	Sottile

WEDNESDAY, APRIL 29, 2015

Spires	Stringer	Tallon
Taylor	Tinkler	Toole
Weeks	Wells	White
Whitmire	Willis	Yow

Total--87

Those who voted in the negative are:

Total--0

The Bill was read the third time and ordered sent to the Senate.

H. 3979--SENT TO THE SENATE

The following Bill was taken up:

H. 3979 -- Reps. Tallon, Bannister, Clary, Quinn, Loftis, Mitchell, Sottile, Collins, Burns, M. S. McLeod, Kennedy, Yow, Hamilton, Duckworth, Johnson, Corley, King, Kirby, McEachern, Brannon, Horne, Southard, Alexander, Allison, Anderson, Anthony, Bales, Bamberg, Bernstein, Bingham, Bradley, Chumley, Cole, Crosby, Daning, Delleney, Erickson, Felder, Finlay, Funderburk, Gagnon, Gambrell, George, Hardee, Hardwick, Hart, Henderson, Herbkersman, Hicks, Hill, Hixon, Howard, Huggins, Limehouse, Long, Lowe, Lucas, McCoy, Merrill, D. C. Moss, V. S. Moss, Murphy, Nanney, Newton, Norman, Norrell, Ott, Pope, Putnam, Ridgeway, Riley, Rivers, Rutherford, Ryhal, Sandifer, Simrill, G. R. Smith, Spires, Stavrinakis, Stringer, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, White, Whitmire, Willis, G. M. Smith, Pitts, Robinson-Simpson and Ballentine: A BILL TO AMEND SECTIONS 2-19-10, 2-19-20, 2-19-35, 2-19-70, 2-19-80, AND 2-19-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO CHANGE THE COMMISSION'S PROCESS FOR NOMINATING JUDICIAL CANDIDATES FROM THE NOMINATION OF THREE QUALIFIED CANDIDATES TO THE RELEASE OF A LIST OF ALL QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY.

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

Yeas 92; Nays 1

[HJ]

WEDNESDAY, APRIL 29, 2015

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clemmons	Clyburn	Cole
Collins	Corley	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Funderburk	George
Gilliard	Govan	Hardwick
Henderson	Henegan	Hicks
Hixon	Hodges	Horne
Hosey	Jefferson	Kennedy
Kirby	Knight	Loftis
Long	Lowe	Lucas
McEachern	M. S. McLeod	W. J. McLeod
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Newton
Norman	Norrell	Ott
Parks	Pope	Putnam
Quinn	Ridgeway	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	White
Whitmire	Willis	

Total--92

Those who voted in the negative are:

Goldfinch

Total--1

The Bill was read the third time and ordered sent to the Senate.

[HJ]

WEDNESDAY, APRIL 29, 2015

H. 3799--SENT TO THE SENATE

The following Bill was taken up:

H. 3799 -- Reps. Hixon, Simrill, Taylor, Loftis, Burns, Brannon, Spires, Yow, Clemmons, Riley, Corley, Collins, Clary, Hosey, Clyburn, King, Hicks, Knight, Bradley, Jefferson, Kirby, Huggins, Duckworth, Kennedy, Hamilton, Hardee, Johnson, Murphy, Felder, Alexander, Atwater, Ballentine, Bedingfield, Bowers, Cobb-Hunter, Daning, Delleney, Dillard, Forrester, Funderburk, Gagnon, Gambrell, Hiott, Howard, Lowe, W. J. McLeod, V. S. Moss, Nanney, Norman, Ott, Pitts, Pope, Ridgeway, Ryhal, G. R. Smith, Tallon, Thayer, Toole, Weeks, Wells, White, Willis, Chumley and Rivers: A BILL TO AMEND SECTION 23-31-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO PROVIDE THAT SOUTH CAROLINA SHALL RECOGNIZE CONCEALED WEAPON PERMITS ISSUED BY GEORGIA AND NORTH CAROLINA UNDER CERTAIN CIRCUMSTANCES.

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

Yeas 74; Nays 9

Those who voted in the affirmative are:

Allison	Anthony	Bales
Ballentine	Bamberg	Bedingfield
Bernstein	Bingham	Bowers
Bradley	Brannon	G. A. Brown
Burns	Clary	Clemmons
Cole	Collins	Corley
H. A. Crawford	Daning	Delleney
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	George	Goldfinch
Hardwick	Herbkersman	Hixon
Hodges	Hosey	Johnson
Jordan	Kirby	Knight
Loftis	Long	Lowe
Lucas	McKnight	W. J. McLeod
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Newton

[HJ]

WEDNESDAY, APRIL 29, 2015

Norman	Norrell	Ott
Pope	Quinn	Ridgeway
Riley	Ryhal	Simrill
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Thayer	Tinkler	Toole
Weeks	Wells	Williams
Willis	Yow	

Total--74

Those who voted in the negative are:

Dillard	Gilliard	Henegan
Jefferson	M. S. McLeod	Parks
Robinson-Simpson	Rutherford	Whipper

Total--9

The Bill was read the third time and ordered sent to the Senate.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3799. If I had been present, I would have voted in favor of the Bill.

Rep. Chip Huggins

STATEMENT FOR THE JOURNAL

I inadvertently voted "No" on third reading for H. 3799, which provides that South Carolina automatically recognize concealed weapon permit holders in Georgia and North Carolina. I fully support this Bill and the right for a person to legally carry a concealed weapon.

Todd Rutherford

H. 3710--SENT TO THE SENATE

The following Bill was taken up:

H. 3710 -- Reps. Hixon, Norman, Taylor, Wells, Hamilton, Atwater, Brannon, Gagnon, Corley, Ballentine, Southard, Clemmons, Delleney, Gambrell, Huggins, Kennedy, Kirby, Loftis, D. C. Moss, Pitts, Riley, Rivers, Simrill, Toole and Bedingfield: A BILL TO AMEND SECTION 12-43-225, AS AMENDED, CODE OF LAWS OF SOUTH

[HJ]

WEDNESDAY, APRIL 29, 2015

CAROLINA, 1976, RELATING TO THE MULTIPLE LOT DISCOUNT, SO AS TO PROVIDE FIVE ADDITIONAL YEARS OF ELIGIBILITY IN CERTAIN CIRCUMSTANCES.

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

Yeas 94; Nays 0

Those who voted in the affirmative are:

Anthony	Bales	Ballentine
Bamberg	Bedingfield	Bernstein
Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Clary	Clemmons
Clyburn	Cole	Collins
Corley	H. A. Crawford	Crosby
Delleney	Dillard	Douglas
Duckworth	Erickson	Finlay
Forrester	Funderburk	George
Gilliard	Goldfinch	Hardwick
Hayes	Henegan	Herbkersman
Hicks	Hill	Hixon
Hodges	Hosey	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Newton
Norman	Norrell	Parks
Pitts	Pope	Putnam
Ridgeway	Riley	Rivers
Robinson-Simpson	Rutherford	Ryhal
Simrill	G. M. Smith	G. R. Smith
Sottile	Southard	Stringer
Tallon	Taylor	Thayer
Tinkler	Toole	Weeks
Wells	Whipper	White

WEDNESDAY, APRIL 29, 2015

Whitmire
Yow

Williams

Willis

Total--94

Those who voted in the negative are:

Total--0

The Bill was read the third time and ordered sent to the Senate.

H. 3147--SENT TO THE SENATE

The following Bill was taken up:

H. 3147 -- Reps. G. M. Smith, G. R. Smith, Huggins, Weeks, Taylor, Pope, Collins, Johnson, Stavrinakis, Yow, Clemmons, Goldfinch, Murphy, J. E. Smith and Mitchell: 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.

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

Yeas 96; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bamberg
Bedingfield	Bernstein	Bingham
Bowers	Bradley	Brannon
G. A. Brown	Burns	Clary
Clemmons	Clyburn	Cole
Collins	Corley	H. A. Crawford

[HJ]

27

WEDNESDAY, APRIL 29, 2015

Crosby	Daning	Delleney
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	George	Gilliard
Goldfinch	Govan	Hardwick
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hixon	Hodges	Horne
Hosey	Huggins	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	McEachern
M. S. McLeod	W. J. McLeod	Merrill
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Newton
Norman	Norrell	Parks
Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Robinson-Simpson	Ryhal	Simrill
G. M. Smith	G. R. Smith	Southard
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Toole	Weeks	Wells
Whipper	White	Whitmire
Williams	Willis	Yow

Total--96

Those who voted in the negative are:

Total--0

The Bill was read the third time and ordered sent to the Senate.

H. 3152--SENT TO THE SENATE

The following Bill was taken up:

H. 3152 -- Rep. G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-415 SO AS TO PROVIDE THAT THE LIMIT ON GENERAL FUND APPROPRIATIONS FOR A FISCAL YEAR IS THE TOTAL

WEDNESDAY, APRIL 29, 2015

AMOUNT OF THE GENERAL FUND REVENUE ESTIMATE AS OF FEBRUARY 15, 2015, FOR FISCAL YEAR 2015-2016, INCREASED ANNUALLY AND CUMULATIVELY BY A PERCENTAGE DETERMINED BY POPULATION INCREASES AND INCREASES IN THE CONSUMER PRICE INDEX, TO EXCLUDE FROM THIS LIMIT CONSTITUTIONAL AND STATUTORY REQUIREMENTS, TO PROVIDE FOR THE LIMITATION TO BE SUSPENDED FOR A FISCAL YEAR FOR A SPECIFIC AMOUNT UPON A SPECIAL VOTE OF THE GENERAL ASSEMBLY AND TO DEFINE THIS SPECIAL VOTE, TO ESTABLISH THE SPENDING LIMIT RESERVE FUND TO WHICH ALL SURPLUS GENERAL FUND REVENUES MUST BE CREDITED, TO PROVIDE FOR THE PRIORITY USES OF THE REVENUES OF THIS FUND, TO PROVIDE FOR THE APPROPRIATION OF FUND REVENUES AFTER THESE PRIORITIES ARE MET, TO REQUIRE THAT APPROPRIATION OF REVENUES OF THIS FUND MUST BE BY A JOINT RESOLUTION ORIGINATING IN THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE THAT THIS LIMIT FIRST APPLIES FOR FISCAL YEAR 2016-2017.

Rep. V. S. MOSS demanded the yeas and nays which were taken, resulting as follows:

Yeas 92; Nays 1

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bamberg
Bedingfield	Bernstein	Bingham
Bowers	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Cole
Collins	Corley	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Forrester
Funderburk	Gilliard	Goldfinch
Hardwick	Henderson	Henegan
Herbkersman	Hicks	Hixon
Horne	Hosey	Huggins
Jordan	Kennedy	Kirby
Limehouse	Loftis	Long

[HJ]

WEDNESDAY, APRIL 29, 2015

Lowe	Lucas	McEachern
M. S. McLeod	W. J. McLeod	Merrill
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Neal
Newton	Norman	Norrell
Parks	Pitts	Pope
Putnam	Quinn	Riley
Rivers	Ryhal	Simrill
G. M. Smith	G. R. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Williams
Willis	Yow	

Total--92

Those who voted in the negative are:
Hill

Total--1

The Bill was read the third time and ordered sent to the Senate.

RETURNED TO THE SENATE WITH AMENDMENTS

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

S. 11 -- Senators L. Martin, Malloy, Peeler, Courson, Campsen, Johnson, Hembree, Setzler, Coleman, Alexander, Scott and Sheheen: A BILL TO AMEND SECTION 30-4-80, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE NOTICE OF MEETINGS FOR PUBLIC BODIES, TO REQUIRE THAT A PUBLIC BODY MUST PROVIDE AN AGENDA FOR ALL REGULARLY SCHEDULED MEETINGS AND THAT ITEMS SHALL NOT BE ADDED TO THAT AGENDA LATER THAN TWENTY-FOUR HOURS BEFORE THE MEETING, EXCEPT BY A TWO-THIRDS VOTE OF THE BODY.

WEDNESDAY, APRIL 29, 2015

S. 391--ORDERED ENROLLED FOR RATIFICATION

The following Bill was taken up:

S. 391 -- Senators Young, Massey, Turner, Thurmond, Johnson, McElveen, Shealy, Hembree, Cromer, Setzler, Alexander, Davis and Scott: A BILL TO AMEND SECTION 59-112-50 OF THE 1976 CODE, RELATING TO IN-STATE TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS UNDER CERTAIN CONDITIONS, SO AS TO REVISE THE CRITERIA UNDER WHICH VETERANS WHO ARE HONORABLY DISCHARGED AND THEIR DEPENDENTS MAY RECEIVE IN-STATE TUITION RATES, AND TO DEFINE RELATED TERMINOLOGY.

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

Yeas 98; Nays 0

Those who voted in the affirmative are:

Allison	Anthony	Bales
Ballentine	Bamberg	Bedingfield
Bernstein	Bingham	Bowers
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cole	Collins	Corley
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Funderburk
Gilliard	Goldfinch	Hardwick
Henderson	Henegan	Herbkersman
Hill	Hixon	Hodges
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Loftis
Long	Lowe	Lucas
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Mitchell
D. C. Moss	V. S. Moss	Murphy
Nanney	Newton	Norman
Norrell	Ott	Parks

[HJ]

WEDNESDAY, APRIL 29, 2015

Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Robinson-Simpson	Ryhal	Simrill
G. M. Smith	G. R. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Williams
Willis	Yow	

Total--98

Those who voted in the negative are:

Total--0

The Bill was read the third time, passed and 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.

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

RECURRENCE TO THE MORNING HOUR

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

H. 3878--DEBATE ADJOURNED

Rep. WHITE moved to adjourn debate upon the following Bill until Thursday, April 30, which was adopted:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes and Kirby: A BILL TO AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS

WEDNESDAY, APRIL 29, 2015

PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

S. 358--ORDERED TO THIRD READING

The following Bill was taken up:

S. 358 -- Senators Verdin, Campsen and McElveen: A BILL TO AMEND SECTION 56-5-70(A) OF THE 1976 CODE, RELATING TO THE SUSPENSION OF VEHICULAR REQUIREMENTS DURING A DECLARED STATE OF EMERGENCY, TO PROVIDE FOR AN EXTENSION OF THE TIME PERIOD FOR UP TO ONE HUNDRED TWENTY DAYS RELATING TO SUSPENSIONS OF REGISTRATION, PERMITTING, LENGTH, WIDTH, WEIGHT, AND LOAD ON NON-INTERSTATE ROUTES, AND TO MAKE SUSPENSIONS OF TIME OF SERVICE REQUIREMENTS FOR THIRTY DAYS UNLESS EXTENDED BY FEDERAL REGULATION FOR BOTH INTERSTATE AND NON-INTERSTATE ROUTES.

Rep. DANING explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bamberg
Bedingfield	Bingham	Bowers
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Corley	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	George	Gilliard
Goldfinch	Govan	Hardwick
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hixon	Horne	Hosey

[HJ]

WEDNESDAY, APRIL 29, 2015

Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	D. C. Moss
V. S. Moss	Murphy	Nanney
Neal	Newton	Norrell
Parks	Pitts	Pope
Putnam	Quinn	Ridgeway
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	White
Whitmire	Willis	Yow

Total--105

Those who voted in the negative are:

Total--0

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

H. 3794--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3794 -- Reps. Forrester, Burns, Sottile, Spires, V. S. Moss, Gambrell, Bales, Kennedy, Tallon, Allison, Bedingfield, Daning, Henderson, Hicks, Hixon, G. R. Smith and Thayer: A BILL TO AMEND SECTION 56-1-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND RENEWAL OF A DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT A FIVE YEAR DRIVER'S LICENSE MUST BE ISSUED TO A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE WHEN HE RENEWS HIS LICENSE; AND TO AMEND SECTION 56-1-220, RELATING TO VISION

[HJ]

WEDNESDAY, APRIL 29, 2015

SCREENINGS THAT ARE REQUIRED FOR A PERSON TO RENEW HIS DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT REQUIRES A PERSON TO SUBMIT A VISION SCREENING CERTIFICATE TO THE DEPARTMENT OF MOTOR VEHICLES DURING THE FIFTH YEAR OF A TEN YEAR DRIVER'S LICENSE, AND THE PROVISION THAT ALLOWS A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE TO OBTAIN A DRIVER'S LICENSE THAT IS VALID FOR FIVE YEARS.

Rep. FORRESTER proposed the following Amendment No. 1 to H. 3794 (COUNCIL\AGM\3794C001.AGM.AB15):

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

/ SECTION 1. Section 56-1-220 of the 1976 Code is amended to read:

“Section 56-1-220. (A) Vision screenings are required for all persons before having their licenses renewed by the Department of Motor Vehicles. The vision screening may be waived upon the submission of a certificate of vision examination dated within the previous twelve months from an ophthalmologist or optometrist licensed in any state.

~~(B) During the fifth year of a ten year license, the licensee must submit by mail to the department a certificate from an ophthalmologist or optometrist licensed in any state or appear in person at a department office to complete a vision screening. If a licensee fails to submit a certificate or fails to appear in person, the licensee must be fined fifty dollars. The department shall waive the fine if the person completes the requirements of this section within ninety days after the end of the fifth year of a ten year license. This fine must be placed by the Comptroller General into a special restricted account to be used by the department to defray the expenses incurred by this section. Interest accrued by this account must remain in this account.~~

~~(C) A vision screening will not be required before October 1, 2008, if a licensee is less than sixty five years of age, his license expires on his birth date on the fifth calendar year after the calendar year in which it is issued, and his license is renewed for an additional five years by mail or electronically. If a licensee is sixty-five years of age or older and his license expires on his birth date on the fifth calendar year after the calendar year in which it is issued, then he may renew his license by mail for an additional five years upon submission of a certificate of vision~~

WEDNESDAY, APRIL 29, 2015

examination from an ophthalmologist or optometrist licensed in any state.

~~(D)~~ The renewal license forms distributed by the department must be designed to contain a certification that the vision of the person screened meets the minimum standards required by the department or have been corrected to meet these requirements. The certification must be executed by the person conducting the screening. The minimum standards of the department shall not require a greater degree of vision than 20/40 corrected in one eye.

~~(E)~~(C) A person whose vision is corrected to meet the minimum standards shall have the correction noted on his driver's license by the department.

~~(F)~~(D) It is unlawful for a person whose vision requires correction in order to meet the minimum standards of the department to drive a motor vehicle in this State without the use of the correction.

~~(G)~~(E) Unless otherwise provided in this section, any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days."

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

SECTION 3. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. FORRESTER explained the amendment.

Reps. BEDINGFIELD, ALLISON, D. C. MOSS, MCEACHERN, G. R. SMITH, COBB-HUNTER, NEAL, WILLIAMS, WILLIS, TAYLOR, CLARY, LIMEHOUSE, TOOLE, LOFTIS, BURNS,

WEDNESDAY, APRIL 29, 2015

CHUMLEY, R. L. BROWN, KIRBY, CROSBY, HOWARD, JEFFERSON, YOW and HOSEY requested debate on the Bill.

H. 3891--REQUEST FOR DEBATE AND INTERRUPTED DEBATE

The following Bill was taken up:

H. 3891 -- Reps. Toole, Long, Bedingfield, J. E. Smith, Anderson, Forrester, Rutherford and Sandifer: A BILL TO AMEND SECTION 56-31-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SURCHARGES ON RENTAL OR PRIVATE PASSENGER MOTOR VEHICLES FOR THIRTY-ONE DAYS OR LESS, SO AS TO DEFINE NECESSARY TERMS, TO DELETE EXISTING SURCHARGE PROVISIONS, TO INSTEAD PROVIDE RENTAL COMPANIES ENGAGED IN THE BUSINESS OF RENTING VEHICLES FOR PERIODS OF NINETY DAYS OR LESS MAY CHARGE SEPARATELY STATED FEES WHICH MAY INCLUDE CERTAIN FEES AND TAXES, TO PROVIDE THE AMOUNT OF THE CHARGE MUST REPRESENT THE GOOD FAITH ESTIMATE BY THE MOTOR VEHICLE RENTAL COMPANY OF ITS DAILY CHARGE CALCULATED TO RECOVER ITS ACTUAL TOTAL ANNUAL RECOVERABLE COSTS, TO PROVIDE REQUIREMENTS FOR WHEN THE TOTAL AMOUNT OF THE VEHICLE LICENSE FEES COLLECTED BY A MOTOR VEHICLE RENTAL COMPANY IN ANY CALENDAR YEAR EXCEEDS THE ACTUAL COSTS OF THE CAR RENTAL COMPANY DURING THAT PERIOD, TO REQUIRE A CERTAIN DESCRIPTION OF VEHICLE LICENSE FEES IN THE VEHICLE RENTAL AGREEMENTS, AND TO PROVIDE THAT VEHICLE LICENSE FEES ARE SUBJECT TO CERTAIN SALES AND USE TAXES.

Rep. ATWATER proposed the following Amendment No. 1 to H. 3891 (COUNCIL\MS\3891C001.MS.CZ15), which was ruled out of order:

Amend the bill, as and if amended, SECTION 1, Section 56-31-50, by inserting an appropriately lettered subsection at the end to read:

/() Any revenue raised pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair. /

Re-number sections to conform.

Amend title to conform.

[HJ]

WEDNESDAY, APRIL 29, 2015

Rep. BEDINGFIELD explained the amendment.

POINT OF ORDER

Rep. SANDIFER raised the Point of Order that under the Rule 9.3 Amendment No. 1 to H. 3891 was not germane.

SPEAKER LUCAS sustained the point of order and ruled Amendment No. 1 to H. 3891 not to be germane to the bill.

Rep. SANDIFER explained the Bill.

Rep. G. R. SMITH requested debate on the Bill.

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

RECURRENCE TO THE MORNING HOUR

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

SPEAKER *PRO TEMPORE* IN CHAIR

H. 3891--ORDERED TO THIRD READING

Debate was resumed on the following Bill, the pending question being the consideration of the Bill:

H. 3891 -- Reps. Toole, Long, Bedingfield, J. E. Smith, Anderson, Forrester, Rutherford and Sandifer: A BILL TO AMEND SECTION 56-31-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SURCHARGES ON RENTAL OR PRIVATE PASSENGER MOTOR VEHICLES FOR THIRTY-ONE DAYS OR LESS, SO AS TO DEFINE NECESSARY TERMS, TO DELETE EXISTING SURCHARGE PROVISIONS, TO INSTEAD PROVIDE RENTAL COMPANIES ENGAGED IN THE BUSINESS OF RENTING VEHICLES FOR PERIODS OF NINETY DAYS OR LESS MAY CHARGE SEPARATELY STATED FEES WHICH MAY INCLUDE CERTAIN FEES AND TAXES, TO PROVIDE THE AMOUNT OF THE CHARGE MUST REPRESENT THE GOOD FAITH ESTIMATE BY THE MOTOR VEHICLE RENTAL COMPANY OF ITS DAILY CHARGE CALCULATED TO RECOVER ITS ACTUAL TOTAL ANNUAL RECOVERABLE COSTS, TO PROVIDE REQUIREMENTS FOR WHEN THE TOTAL AMOUNT OF THE

WEDNESDAY, APRIL 29, 2015

VEHICLE LICENSE FEES COLLECTED BY A MOTOR VEHICLE RENTAL COMPANY IN ANY CALENDAR YEAR EXCEEDS THE ACTUAL COSTS OF THE CAR RENTAL COMPANY DURING THAT PERIOD, TO REQUIRE A CERTAIN DESCRIPTION OF VEHICLE LICENSE FEES IN THE VEHICLE RENTAL AGREEMENTS, AND TO PROVIDE THAT VEHICLE LICENSE FEES ARE SUBJECT TO CERTAIN SALES AND USE TAXES.

Rep. SANDIFER continued speaking.

The question then recurred to the passage of the Bill.

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
Bamberg	Bedingfield	Bingham
Bowers	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Funderburk
George	Gilliard	Goldfinch
Govan	Hardwick	Hart
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hixon	Hodges	Horne
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
Kennedy	Limehouse	Loftis
Long	Lucas	Mack
McCoy	McKnight	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
D. C. Moss	V. S. Moss	Murphy
Nanney	Neal	Norman
Ott	Pope	Quinn

[HJ]

WEDNESDAY, APRIL 29, 2015

Ridgeway	Rivers	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Toole	Weeks	Wells
Whipper	White	Whitmire
Williams	Willis	Yow

Total--102

Those who voted in the negative are:

Total--0

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

SPEAKER IN CHAIR

Rep. SIMRILL moved that the House recede until 1:30 p.m., which was agreed to.

THE HOUSE RESUMES

At 1:30 p.m. the House resumed, the SPEAKER *PRO TEMPORE* in the Chair.

POINT OF QUORUM

The question of a quorum was raised.
A quorum was later present.

ACTING SPEAKER HILL IN CHAIR

ACTING SPEAKER KENNEDY IN CHAIR

SPEAKER *PRO TEMPORE* IN CHAIR

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

WEDNESDAY, APRIL 29, 2015

RECURRENCE TO THE MORNING HOUR

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

HOUSE RESOLUTION

The following was introduced:

H. 4085 -- Reps. Taylor, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE THE TOWN OF SALLEY ON THE OCCASION OF THE FIFTIETH ANNIVERSARY OF THE SALLEY CHITLIN STRUT FESTIVAL AND TO DECLARE SATURDAY, NOVEMBER 28, 2015, AS CHITLIN STRUT DAY IN SOUTH CAROLINA.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4086 -- Reps. Allison, Alexander, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon,

[HJ]

WEDNESDAY, APRIL 29, 2015

Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO PROMOTE UNDERSTANDING OF THE DESTRUCTIVE EFFECTS OF IRON DISORDERS ON THE HEALTH OF OUR CITIZENS, TO ENCOURAGE MEDICAL RESEARCH AND EDUCATION TO STEM THE TIDE OF THESE DISORDERS, AND TO DECLARE THE MONTH OF JULY 2015 AS "IRON DISORDERS AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA.

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

H. 3430--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3430 -- Reps. Simrill, G. M. Smith, Felder, Pope, Weeks, Taylor, Hixon, Corley, Norrell, Ridgeway, Henderson, G. A. Brown, Long, Lucas, Pitts, Atwater, Gagnon, Gambrell, Wells and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO SELL OR INSTALL AN UNMOUNTED, UNSAFE USED TIRE ONTO A PASSENGER CAR OR LIGHT TRUCK, TO DEFINE "UNSAFE" FOR THE PURPOSES OF THE CHAPTER, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT INSPECTIONS, TO PROVIDE A CIVIL FINE FOR EACH VIOLATION, TO PROVIDE THAT THIS CHAPTER DOES NOT LIMIT A BUSINESS OR INDIVIDUAL'S LIABILITY UNDER THE STATE'S PRODUCTS LIABILITY LAWS, AND TO EXEMPT A BUSINESS OR PERSON WHO IS SELLING TIRES FOR RETREADING.

[HJ]

WEDNESDAY, APRIL 29, 2015

POINT OF ORDER

Rep. BRANNON raised the Point of Order that H. 3430 was out of order under Rule 5.13 in that a fiscal impact statement was required.

SPEAKER *PRO TEMPORE* POPE overruled the Point of Order and stated that a fiscal impact statement was not required for this Bill. He stated this Bill is not requiring the State to spend money; therefore, there is no fiscal impact statement required. He overruled the Point of Order.

Reps. BRANNON, NORMAN, BAMBERG, WHIPPER, TOOLE, BURNS, NEAL, WILLIAMS, JEFFERSON, SOUTHARD, RIVERS, YOW, JOHNSON, HILL, H. A. CRAWFORD and HENEGAN requested debate on the Bill.

H. 3151--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3151 -- Rep. G. R. Smith: A BILL TO AMEND SECTION 59-29-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUISITE STUDY OF THE UNITED STATES CONSTITUTION AND OTHER TEXTS REFLECTING THE HISTORY OF THE UNITED STATES IN PUBLIC HIGH SCHOOLS AND PUBLICLY-SUPPORTED COLLEGES AND UNIVERSITIES, SO AS TO PROVIDE THAT PUBLIC COLLEGES AND UNIVERSITIES MAY SATISFY THE INSTRUCTIONAL COMPONENT OF THIS REQUIREMENT BY PROVIDING AND ASSIGNING CERTAIN RELATED READING; TO AMEND SECTION 59-29-130, RELATING TO THE REQUIREMENT THAT THESE SUBJECTS BE GIVEN FOR AT LEAST ONE YEAR, SO AS TO REVISE THE REQUIREMENT FOR COLLEGES AND UNIVERSITIES; AND TO AMEND SECTION 59-29-140, RELATING TO THE ROLE OF THE STATE SUPERINTENDENT OF EDUCATION TO ENFORCE THESE STUDY REQUIREMENTS AND PRESCRIBE SUITABLE TEXTS, SO AS TO TRANSFER THESE FUNCTIONS, WITH RESPECT TO COLLEGES AND UNIVERSITIES, TO THE COMMISSION OF HIGHER EDUCATION.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3151 (COUNCIL\AGM\3151C002.AGM.AB15):

[HJ]

WEDNESDAY, APRIL 29, 2015

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

/ SECTION 1. Section 59-29-120(A) of the 1976 Code is amended to read:

“(A) All public high schools, colleges, and universities in this State that are sustained or in any manner supported by public funds shall and all public institutions of higher learning, as defined in Section 59-103-5, shall give instruction in the essentials of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals, and no student in any such school, college, or university or public institution of higher learning may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto. A listing of recommended instructional materials may be identified by the Commission on Higher Education working in conjunction with the colleges and universities.”

SECTION 2. Section 59-29-130 of the 1976 Code is amended to read:

“Section 59-29-130. The instruction provided for in Section 59-29-120 ~~shall~~ must be given:

(1) for at least one year of the in high school, college and university grades, respectively; and

(2) at least once during the matriculation of undergraduate students in public institutions of higher learning as part of their degree requirement.”

SECTION 3. Section 59-29-140 of the 1976 Code is repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. TAYLOR explained the amendment.

Reps. RUTHERFORD, COBB-HUNTER, HAYES, MCKNIGHT, WILLIAMS, NEAL, DOUGLAS, KNIGHT, JEFFERSON, GOVAN, LOFTIS, CLARY, TAYLOR, G. R. SMITH, BAMBERG, CLYBURN, HOSEY, MACK, GILLIARD, HICKS, GEORGE, DILLARD and HART requested debate on the Bill.

WEDNESDAY, APRIL 29, 2015

LEAVE OF ABSENCE

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

H. 3250--INTERRUPTED DEBATE

The following Bill was taken up:

H. 3250 -- Reps. G. M. Smith, Clyburn, Merrill and Anthony: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMINOLOGY FOR THE CERTIFICATE OF NEED PROGRAM, SO AS TO ADD THE TERM "NEW AND EMERGING TECHNOLOGY"; BY ADDING SECTION 44-7-215 SO AS TO ENTITLE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO HAVE ACCESS TO CERTAIN DATA MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE; TO AMEND SECTION 13-7-10, AS AMENDED, RELATING TO THE DEFINITION OF "NONIONIZING RADIATION", SO AS TO CHANGE THE DEFINITION; TO AMEND SECTION 13-7-45, AS AMENDED, RELATING TO REGULATION OF SOURCES OF IONIZING AND NONIONIZING RADIATION, SO AS TO REQUIRE ACCREDITATION OR CERTIFICATION FOR CERTAIN SOURCES OF RADIATION AND TO CHANGE ALLOWABLE FEES; TO AMEND SECTION 44-1-60, AS AMENDED, RELATING TO THE REVIEW OF CERTIFICATE OF NEED DECISIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL AND REQUESTS FOR CONTESTED CARE HEARINGS IN CERTIFICATE OF NEED CASES, SO AS TO ELIMINATE BOARD REVIEW; TO AMEND SECTION 44-7-120, RELATING TO THE PURPOSE OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO ELIMINATE THE USE OF A STATE HEALTH PLAN; TO AMEND SECTION 44-7-130, AS AMENDED, RELATING TO CERTIFICATE OF NEED PROGRAM DEFINITIONS, SO AS TO REVISE DEFINITIONS FOR "AFFECTED PERSON", "HEALTH SERVICE", "FREESTANDING OR MOBILE TECHNOLOGY", AND "LIKE NEW AND EMERGING TECHNOLOGY WITH SIMILAR CAPABILITIES"; TO AMEND SECTION 44-7-150, AS AMENDED, RELATING TO THE USE OF CERTIFICATE OF NEED FEES, SO AS TO ALLOW THE DEPARTMENT TO RETAIN ALL FEES COLLECTED FOR THE USE OF THE PROGRAM; TO AMEND SECTION 44-7-160, AS

[HJ]

WEDNESDAY, APRIL 29, 2015

AMENDED, RELATING TO CIRCUMSTANCES UNDER WHICH A CERTIFICATE OF NEED IS REQUIRED, SO AS TO CHANGE CERTAIN REQUIREMENTS; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO CERTIFICATE OF NEED EXCEPTIONS, SO AS TO ADD NEW EXCEPTIONS AND MAKE CHANGES TO EXISTING EXCEPTIONS; TO AMEND SECTION 44-7-200, AS AMENDED, RELATING TO NOTICE REQUIREMENTS ABOUT CERTIFICATE OF NEED APPLICATIONS, SO AS TO ELIMINATE THE REQUIREMENT FOR PUBLICATION OF NOTICE AND INSTEAD TO REQUIRE THE APPLICANT TO FILE A LETTER OF INTENT WITH THE DEPARTMENT AND TO ELIMINATE THE REFERENCE TO BOARD REVIEW OF DEPARTMENT DECISIONS; TO AMEND SECTION 44-7-210, AS AMENDED, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO ELIMINATE THE REQUIREMENT OF A PUBLIC HEARING, THE APPLICATION OF THE STATE HEALTH PLAN, AND BOARD REVIEW OF DEPARTMENT DECISIONS; TO AMEND SECTION 44-7-220, AS AMENDED, RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT DECISIONS ON CERTIFICATE OF NEED MATTERS, SO AS TO ADD CERTAIN REQUIREMENTS RELATED TO THE AWARD OF ATTORNEY FEES AND COSTS AND TO CHANGE THE DEFINITION OF FRIVOLOUS APPEAL; TO AMEND SECTION 44-7-230, AS AMENDED, RELATING TO LIMITATIONS ON CERTIFICATES OF NEED, SO AS TO SUBSTITUTE THE TERM "NEW AND EMERGING TECHNOLOGY" FOR "MEDICAL EQUIPMENT" AND TO ELIMINATE THE ROLE OF THE BOARD; TO AMEND SECTION 44-7-240, RELATING TO CONSTRUCTION PROGRAMS IN THE STATE, SO AS TO ELIMINATE REFERENCE TO THE STATE HEALTH PLAN; TO AMEND SECTION 44-7-1590, RELATING TO PROCEDURES FOR APPROVAL OF HOSPITAL BONDS, SO AS TO ELIMINATE THE RIGHT TO CHALLENGE AN ACTION BY THE DEPARTMENT; TO REPEAL SECTION 44-7-180 RELATING TO THE STATE HEALTH PLANNING COMMITTEE AND THE STATE HEALTH PLAN, AND SECTION 44-7-225 RELATING TO JUDICIAL CONSIDERATION OF THE STATE HEALTH PLAN IN MATTERS BEFORE THE COURT; AND TO REQUIRE THE BOARD TO REVIEW CERTAIN PROJECTS FOR WHICH A CERTIFICATE OF NEED WAS REQUIRED BUT NOT OBTAINED BETWEEN JULY 1, 2013, AND APRIL 14, 2014, TO DETERMINE

[HJ]

WEDNESDAY, APRIL 29, 2015

WHETHER THE PROJECTS MEET THE REQUIREMENTS FOR ISSUANCE OF A CERTIFICATE OF NEED, AND TO ISSUE CERTIFICATES OF NEED IN APPROPRIATE CASES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3250 (COUNCIL\BBM\3250C008.BBM.DG15):

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

/ SECTION 1. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44-7-215. Notwithstanding another provision of law, the department shall have access to data maintained by the Revenue and Fiscal Affairs Office relevant to Certificates of Need, specifically including data that will assist the department in determining the need for additional health care facilities, beds, health services and equipment, all by health service area, and whether or to whom to award a Certificate of Need.”

SECTION 2. Section 13-7-10(9) of the 1976 Code, as last amended by Act 552 of 1990, is further amended to read:

“(9) ‘Nonionizing radiation’ for the purpose of this section ~~shall mean only~~ means ultraviolet radiation used for the purpose of tanning the human body, ~~and shall include ultraviolet radiation with wavelengths in air between two hundred and four hundred nanometers or radiofrequency radiation within a magnetic resonance imaging device used for the purpose of obtaining images of the human body.~~”

SECTION 3. Section 13-7-45 of the 1976 Code, as last amended by Act 355 of 2006, is further amended to read:

“Section 13-7-45. (A)(1) The South Carolina Department of Health and Environmental Control shall promulgate regulations and establish a schedule for the collection of annual fees for the licensing, registration, and certification of users of the sources of ionizing radiation. The fees collected must be sufficient, in the judgment of the department, to protect the public health and safety and the environment and to recover the costs incurred by the department in regulating the use of ionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.

(2) Accreditation or certification is a requirement of application and registration of magnetic resonance imaging equipment and

WEDNESDAY, APRIL 29, 2015

computed tomography equipment. The department shall determine the appropriate accreditation or certification agencies.

(3) The department shall promulgate regulations pursuant to the Administrative Procedures Act and establish a schedule for the collection of an annual fee for the registration of a source of nonionizing radiation ~~which that~~ is used in a commercial establishment for the tanning of human skin or radiofrequency radiation within a magnetic resonance imaging device used for the purpose of obtaining images of the human body. The registration fee must be sufficient in the judgment of the department to protect the public health and safety and the environment and to recover the costs incurred by the department in registering the source of nonionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to ~~the provisions of law.~~

~~(3)~~(4) The department ~~shall have~~ has no duty to inspect a source of nonionizing radiation unless it has received credible information indicating a violation of applicable statutes or regulations or the existence of a public health emergency. The department may retain up to ~~thirty~~ fifty thousand dollars from the fees collected to be used for the administration of this program.

(B) In determining the sufficiency of the fees to be charged and collected, the department shall consider an arrangement existing between South Carolina and a registrant, a licensee, a certificant, another state, or a federal agency under which costs incurred by the department in regulating the use of ionizing and nonionizing radiation and in performing emergency corrective measures intended to protect the public health and safety and the environment are recoverable by this State.

(C) A registrant, licensee, or certificant who fails to pay the fees required by ~~regulation of~~ the department within thirty days after payment is due also shall pay a penalty of fifty dollars. If failure to pay the required fees continues for more than sixty days after payment is due, the registrant, licensee, or certificant must be notified by the department by certified mail to be sent to his last known address that his registration, license, or certificate is revoked and that activities permitted under the authority of the registration, license, or certificate must end immediately. The registration, license, or certificate may be reinstated by the department upon payment of the required fees, the penalty of fifty dollars, and an additional penalty of one hundred dollars if the registrant, licensee, or certificant is otherwise in good standing, in the judgment of

WEDNESDAY, APRIL 29, 2015

the department, and presents to the department a satisfactory explanation for his failure to pay the required fees.

SECTION 4. Section 44-1-60 (E)(2) and (G) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(E)(2) The staff decision becomes the final agency decision fifteen calendar days after notice of the staff decision has been mailed to the applicant, unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person. There is no right to a final review regarding a staff decision on an application or on a request of exemption or nonapplicability determination submitted pursuant to the Certificate of Need program.

(G)(1) Except as otherwise provided in item (2), an applicant, permittee, licensee, or affected person may file a request with the Administrative Law Court for a contested case hearing within thirty calendar days after:

(1)(a) notice is mailed to the applicant, permittee, licensee, and affected persons that the board declined to hold a final review conference; or

(2)(b) the sixty calendar day deadline to hold the final review conference lapses and no conference has been held; or

(3)(c) the final agency decision resulting from the final review conference is received by the parties.

(2) In the case of a Certificate of Need decision, an applicant, a holder of a certificate, and an affected person, within thirty days after receipt of the department staff decision, may file a request with the Administrative Law Court for a contested case hearing. Except in contested cases involving a challenge to a staff decision by a competing applicant, an affected person may not file a request for a contested case pursuant to this section to review a decision on an application unless the person has provided written notice to the department during the staff review process that he is an affected person and specifically states his opposition to the application under review.”

SECTION 5. A. Section 44-7-130(1), (5), (20), and (21) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(1) ‘Affected person’ means the applicant, a person with standing residing within the geographic area served or to be served by the applicant, ~~persons located in the health service area in which the project is to be located~~ and who provide similar services to the proposed project in the health service area in which the project is to be located persons who before receipt by the department of the proposal being reviewed

have formally indicated an intention to provide in the future similar services ~~in the future to the proposed project in the health service area in which the project is to be located~~, persons who pay for health services in the health service area in which the project is to be located and who have notified the department of their interest in Certificate of Need applications, the State Consumer Advocate, and the State Ombudsman. ~~Persons from another state who would otherwise be considered ‘affected persons’ are not included unless that state provides for similar involvement of persons from South Carolina in its certificate of need process.~~ A person operating a health care facility or providing a health service in a state other than South Carolina who does not operate a health care facility in the proposed service area which provides similar services or provides a health service similar to that being sought by the applicant is not considered an affected person.

(5) ‘Competing applicants’ means two or more persons or health care facilities as defined in this article who apply for Certificates of Need to provide similar services or facilities in the same service area within a ~~time frame as established by departmental regulations~~ thirty days of the publication on the department’s website of the notice of the filing of the first application and whose applications, if approved, would exceed the need for services or facilities.

(20) ‘Freestanding or mobile technology’ means medical equipment owned or operated by a person other than a health care facility ~~for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan~~ for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan.

(21) ‘Like equipment with similar capabilities’ means medical equipment that has substantially similar technology as the equipment current in use, although it may possess expanded capabilities due to technological improvements; in which ~~functional and technological capabilities are identical to the equipment to be replaced;~~ and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not constitute a material change in service or a new service.”

B.Section 44-7-130 of the 1976 Code is amended by adding an appropriately numbered item to read:

“() ‘Similar services’ means services that are comparable to those contemplated in the application and for which there are standards in the State Health Plan.”

WEDNESDAY, APRIL 29, 2015

SECTION 6. Section 44-7-150(5) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

~~“(5) The department may as it determines necessary charge and collect fees to cover the cost of operating the Certificate of Need program, including application fees, filing fees, issuance fees, and nonapplicability/exemption determination fees. The department shall develop regulations which set fees as authorized by this article. The level of these fees must be determined after careful consideration of the direct and indirect costs incurred by the department in performing its various functions and services in the Certificate of Need program. All fees and procedures for collecting fees must be adopted pursuant to procedures set forth in the Administrative Procedures Act. Any fee collected pursuant to this section in excess of seven hundred fifty thousand dollars must be retained by the department and designated for the administrative costs of the Certificate of Need program. The first seven hundred fifty thousand dollars collected pursuant to this section must be deposited into the general fund of the State. Until fees are promulgated through regulation, all fees established as of January 1, 2009, remain in effect.”~~

SECTION 7. A. Section 44-7-160 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44-7-160. A person or health care facility, as defined in this article, is required to obtain a Certificate of Need from the department before undertaking any of the following:

- (1) the construction or other establishment of a new health care facility;
- (2) a change in the existing bed complement of a health care facility ~~through the addition of one or more beds~~ or change in the classification of licensure of ~~one or more beds~~ that is not otherwise exempt from review pursuant to Section 44-7-170;
- (3) an expenditure by or on behalf of a health care facility in excess of ~~an amount to be prescribed by regulation~~ five million dollars which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure, except ~~for~~ those expenditures otherwise exempted in Section 44-7-170~~(B)(1)~~. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount. The department shall make an annual adjustment to this capital expenditure amount to reflect changes in the Consumer Price Index for

WEDNESDAY, APRIL 29, 2015

All Urban Consumers, Medical Care Services as published by the United States Department of Labor, Bureau of Labor Statistics;

(4) a capital expenditure ~~by or on behalf of a health care facility~~ which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the South Carolina Health Plan that is not otherwise exempt from review pursuant to Section 44-7-170;

(5) the offering of a health service ~~by or on behalf of a health care facility~~ which has not been offered by the facility in the preceding twelve months ~~and for which specific standards or criteria are prescribed in the South Carolina Health Plan~~ unless otherwise exempt pursuant to Section 44-7-170;

(6) the acquisition of ~~medical equipment which is to be new and emerging technology~~ used for diagnosis or treatment ~~if the total project cost is in excess of that prescribed by regulation.~~

B. This SECTION takes effect upon approval by the Governor, and the expenditure threshold set forth in Section 44-7-160(3) first applies to Certificate of Need applications submitted thereafter.

SECTION 8. Section 44-7-170(A) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(A) The following are exempt from Certificate of Need review:

(1) the acquisition by a person of medical equipment to be used solely for research, the offering of an institutional health service by a person solely for research, or the obligation of a capital expenditure by a person to be made solely for research if it does not:

(a) affect the charges imposed by the person for the provision of medical or other patient care services other than the services that are included in the research;

(b) change the bed capacity of a health care facility; or

(c) substantially change the medical or other patient care services provided by the person.

A written description of the proposed research project must be submitted to the department in order for the department to determine if these conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after the equipment or service is no longer being used solely for research;

(2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44-7-160(1) and (5);

WEDNESDAY, APRIL 29, 2015

(3) the replacement of like equipment with similar capabilities for which a Certificate of Need has been issued which does not constitute a material change in service or a new service;

(4) the addition of one or more beds in the bed capacity of an existing freestanding licensed acute care hospital, nursing home, rehabilitation facility, or psychiatric hospital;

(5) a capital expenditure by or on behalf of a health care facility to expand existing health services and associated equipment other than to expand beds or those services described in this Section 44-7-170(A) for which a Certificate of Need previously has been awarded within a one-mile radius for the same site where such services are located.”

SECTION 9. Section 44-7-180 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

~~“Section 44-7-180. (A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be represented among the Governor’s appointees: health care consumers, health care financiers, including business and insurance, and health care providers, including an administrator of a licensed for-profit nursing home. The chairman of the board shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate’s designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four year terms, and may serve only two consecutive terms. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice chairman, and such other officers as the committee considers necessary to serve a two-year term in that office.~~

~~(B) With the advice of the health planning committee,~~ The department shall prepare, and publish electronically, a South Carolina Health Plan for use in the administration of the Certificate of Need program provided in this article. The plan at a minimum must include:

(1) an inventory of existing health care facilities, beds, specified health services, and equipment;

(2) projections of need for additional health care facilities, beds, health services, and equipment;

(3) standards for distribution of health care facilities, beds, specified health services, and equipment including scope of services to be provided, utilization, and occupancy rates, travel time,

WEDNESDAY, APRIL 29, 2015

regionalization, other factors relating to proper placement of services, and proper planning of health care facilities; and

(4) a general statement as to the project review criteria considered most important in evaluating Certificate of Need applications for each type of facility, service, and equipment, including a finding as to whether the benefits of improved accessibility to each such type of facility, service, and equipment may outweigh the adverse affects caused by the duplication of any existing facility, service, or equipment.

The South Carolina Health Plan must address and include projections and standards for specified health services and equipment which have a potential to substantially impact health care cost and accessibility. Nothing in this provision shall be construed as requiring the department to approve any project which is inconsistent with the South Carolina Health Plan.

~~(C) Upon approval by the health planning committee, the South Carolina Health Plan must be submitted at least once every two years to the board for final revision and adoption. Once adopted by the board, the plan may later be revised through the same planning and approval process. The department shall adopt by regulation a procedure to allow public review and comment, including regional public hearings, before adoption or revision of the plan.~~

(B)(1) The department must review and update the State Health Plan annually, including standards by which need is determined for health services and health care facilities. The updated State Health Plan must be submitted to the chairmen of the House Ways and Means Committee and the Senate Finance Committee before July 1 each year.

(2) No later than March 1, 2016, the General Assembly may require the department to resubmit the State Health Plan by the enactment of a joint resolution. The department has sixty days to resubmit the State Health Plan.”

SECTION 10. Section 44-7-200 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44-7-200. (A) An application for a Certificate of Need must be submitted to the department in a form established by regulation utilizing a web-based application available on the department’s website. The application must address all applicable standards and requirements set forth in departmental regulations; and project review criteria of the department; ~~and the South Carolina Health Plan.~~

~~(B) Within twenty days before submission of an application, the applicant shall publish notification that an application is to be submitted to the department in a newspaper serving the area where the project is to~~

WEDNESDAY, APRIL 29, 2015

~~be located for three consecutive days. The notification must contain a brief description of the scope and nature of the project. No application may be accepted for filing by the department unless accompanied by proof that publication has been made for three consecutive days within the prior twenty-day period and payment of the initial application fee has been received.~~

Within twenty days before submission of an application, the applicant shall file a letter of intent to submit an application with the department. The letter of intent must contain a brief description of the scope and nature of the project. The department must not accept an application for a Certificate of Need unless the application is accompanied by a copy of the letter of intent filed by the applicant with the department within the prior twenty-day period and payment of the initial application fee has been received.

(C) Upon publication of this notice and until a contested case hearing is requested pursuant to Section 44-1-60(G):

~~(1) members of the board and persons appointed by the board to hold a final review conference on staff decisions may not communicate directly or indirectly with any person in connection with the application; and~~

~~(2) no person shall communicate, or cause another to communicate, as to the merits of the application with members of the board and persons appointed by the board to hold a final review conference on staff decisions.~~

A person who violates this subsection is subject to the penalties provided in Section 1-23-360.

(D) After receipt of an application with ~~proof of publication~~ a copy of the letter of intent and payment of the initial application fee, the department shall publish in the State Register a notice that an application has been accepted for filing. Within thirty days of acceptance of the application, the department may request additional information as may be necessary to complete the application. The applicant has thirty days from the date of the request to submit the additional information. If the applicant fails to submit the requested information within the thirty-day period, the application is considered withdrawn.

(E) After a Certificate of Need application has been filed with the department, state and federal elected officials are prohibited from communicating with the department with regard to the Certificate of Need application at any time. This prohibition does not include written communication of support or opposition to an application. ~~Such~~ Written communication must be included in the administrative record.”

WEDNESDAY, APRIL 29, 2015

SECTION 11. Section 44-7-210 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44-7-210. (A) After the department has determined that an application is complete, affected persons must be notified in accordance with departmental regulations. The notification to affected persons that the application is complete begins the review period; however, in the case of competing applications, the review period begins on the date of notice to affected persons that the last of the competing applications is complete and notice is published in the State Register. The staff shall issue its decision to approve or deny the application no earlier than thirty calendar days, but no later than one hundred twenty calendar days, from the date affected persons are notified that the application is complete, ~~unless a public hearing is timely requested as may be provided for by department regulation. If a public hearing is properly requested, the staff’s decision must not be made until after the public hearing, but in no event shall the decision be issued more than one hundred fifty calendar days from the date affected persons are notified that the application is complete.~~ The staff may reorder the relative importance of the project review criteria no more than one time during the review period. The staff’s reordering of the relative importance of the project review criteria does not extend the review period provided for in this section. Other than in the review of competing applications, if the department fails to deny or approve an application within one hundred twenty days of the date notice was published on the department’s website, the application is deemed to be approved and a Certificate of Need shall be issued within seven days. The executive director may grant the staff one thirty-day extension per certificate of need application to render a decision. If the department does not act within one hundred twenty days and the application is deemed approved, the department’s administrative record is considered part of any request for contested case and must be furnished to the parties to any contested case and the department staff will be made available to the parties for the purposes of depositions and testimony during any contested case hearing. If an affected person requests a contested case before the Administrative Law Court concerning an application deemed to have been approved under this section, the failure of the department to act on the application within the applicable review period shall not be used as a basis by the Administrative Law Court to remand the case to the department.

(B) The department may not issue a Certificate of Need unless an application complies with the ~~South Carolina~~ State Health Plan, project

WEDNESDAY, APRIL 29, 2015

review criteria; and other regulations. Based on project review criteria and other regulations, which must be identified by the department, the department may refuse to issue a Certificate of Need even if an application complies with the ~~South Carolina State~~ State Health Plan. In the case of competing applications, the department shall award a Certificate of Need, if appropriate, on the basis of which, if any, most fully complies with the requirements, goals, and purposes of this article and the ~~State Health Plan~~, project review criteria; and the regulations ~~adopted~~ promulgated by the department.

(C) On the basis of staff review of the application, the staff shall make a staff decision to grant or deny the Certificate of Need and ~~the staff~~ shall issue a decision in accordance with Section 44-1-60(D). Notice of the decision must be sent to the applicant and affected persons who have asked to be notified. The decision ~~becomes~~ is the final agency decision ~~unless a timely written request for a final review is filed with the department as provided for in Section 44-1-60(E).~~

~~However, a person may not file a request for final review in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.~~

(D) ~~The staff's decision is not the final agency decision until the completion of the final review process provided for in Section 44-1-60(F).~~

(E) A contested case hearing of the final agency decision must be requested in accordance with Section 44-1-60(G). The issues considered at the contested case hearing considering a Certificate of Need are limited to those presented or considered during the staff review.

(F)(E) Notwithstanding any other provision of law, including Section 1-23-650(C) in a contested case arising from the department's decision to grant or deny a Certificate of Need application, to grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding to determine the applicability of Section 44-7-160, the following apply each party:

(1) ~~each party~~ may name no more than ten witnesses who may testify at the contested case hearing;

(2) ~~each party~~ is permitted to take only the deposition of a person listed as a witness who may testify at the contested case hearing, unless otherwise ~~provided for by the Administrative Law Court~~ agreed to by the parties or ordered by the court. A deposition is limited to seven hours of questioning per party. The court may allow additional time if

WEDNESDAY, APRIL 29, 2015

needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination;

(3) ~~each party~~ is permitted to serve only ten interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure;

(4) ~~each party~~ is permitted to serve only ten requests for admission, including subparts; and

(5) for the express purpose of limiting costly and unnecessary discovery regarding electronically stored information, each party is permitted to serve only thirty requests for production, including subparts which requests are limited to data, analyses, reports, projections, and such other information directly related to the criteria set forth in the State Health Plan and to the standards set forth in regulations that are relevant to the application, request or determination being contested. Unless ordered by the administrative law court upon a showing of extraordinary circumstances by the party seeking production, no party shall be required to preserve, search for, or produce electronic communications, in any format or medium, including emails, voicemails, or text messages, except to the extent that such communications contain responsive data, projections, reports or analyses or except to the extent that a party intends to rely upon its own such communications as part of its case before the administrative law court.

The limitations provided for in this subsection are intended to make the contested case process more efficient, less burdensome, and less costly to the parties in Certificate of Need cases. Therefore, the Administrative Law Court may, by court order, lift these limitations beyond the parameters set forth in this subsection only in exceptional circumstances when failure to do so would cause substantial prejudice to the party seeking additional discovery.

(G) Notwithstanding any other provision of law, in a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the Administrative Law Court shall file a final decision no later than ~~eighteen~~ twelve months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise to extend the deadline."

SECTION 12. Section 44-7-220 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

WEDNESDAY, APRIL 29, 2015

“Section 44-7-220. (A) A party who is aggrieved by the Administrative Law Court’s final decision may seek judicial review of the final decision in accordance with Section 1-23-380.

(B)(1) If a party does not prevail in a contested case at the Administrative Law Court when requesting the reversal of the department’s decision to approve a Certificate of Need application, when claiming an exemption under Section 44-7-170, or when claiming that the article is not applicable pursuant to Section 44-7-160, the Administrative Law Court shall award the party whose project is the subject of the appeal reasonable attorney’s fees and costs incurred in the contested case.

(2) If a party does not prevail in an appeal to the Court of Appeals when requesting the reversal of the Administrative Law Court’s decision to approve a Certificate of Need application, when claiming an exemption under Section 44-7-170, or when claiming that the article is not applicable pursuant to Section 44-7-160, the Court of Appeals shall award the party whose project is the subject of the contested case reasonable attorney’s fees and costs incurred in the appeal.

(C) If the relief requested in the an appeal is the reversal of the Administrative Law Court’s decision to approve the Certificate of Need application or, approve the request for exemption under Section 44-7-170, or approve the determination that Section 44-7-160 is not applicable, the party filing the appeal shall deposit a bond with the Clerk of the Court of Appeals within five calendar days after filing the petition to appeal. The bond must be secured by cash or a surety authorized to do business in this State in an amount equal to five percent of the total cost of the project or one hundred thousand dollars, whichever is greater, up to a maximum of one million five hundred thousand dollars. If the Court of Appeals affirms the Administrative Law Court’s decision or dismisses the appeal, the Court of Appeals shall award to the party whose project is the subject of the appeal all of the bond and also may award reasonable attorney’s fees and costs incurred in the appeal. If a party appeals the denial of its own Certificate of Need application or of, the denial of an exemption request under Section 44-7-170, or appeals the a determination that the article applies under Section 44-7-160 is applicable and there is no competing application involved in the appeal, the party filing the appeal is not required to deposit a bond with the Court of Appeals.

~~(C)(D)(1) Furthermore,~~ If at the conclusion of the contested case or judicial review the Administrative Law Court or the Court of Appeals finds that the contested case or a subsequent appeal was frivolous, the

WEDNESDAY, APRIL 29, 2015

Administrative Law Court or the Court of Appeals ~~may~~ shall award damages incurred as a result of the delay, as well as reasonable attorney's fees and costs, to the party whose project is the subject of the contested case or judicial review.

(2) As used in this subsection, 'frivolous appeal' means ~~any one of the following~~ a reasonable person in the same circumstances would believe that:

(a) ~~taken solely for purposes of delay or harassment~~ the contested case or subsequent appeal was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(b) ~~where no question of law is involved~~ the procurement, initiation, or continuation of the contested case or subsequent appeal was intended merely to harass or injure the other party; or

(c) ~~where the contested case or judicial review is without merit~~ the contested case or subsequent appeal was not reasonably founded in fact or was interposed merely for delay or was merely brought for a purpose other than securing proper discovery or adjudication of the claim upon which the proceedings are based.

This subsection must not be construed to prohibit any party from seeking sanctions pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act pursuant to Section 15-36-10, et seq.

(E) The court must not assess attorney's fees or costs awarded against or to the department in any contested case or appeal involving a Certificate of Need application or an exemption request pursuant to Section 44-7-170 or a request for a determination as to the applicability of Section 44-7-160.

(F)(1) Any party may, at any time more than twenty days before the actual contested case hearing date, file with the clerk of the Administrative Law Court a written offer of judgment signed by the offeror or his attorney, directed to the opposing party, offering to take judgment in the offeror's favor, or as the case may be, to allow judgment to be taken against the offeror as specified in the offer. The offeror shall give notice of the offer of judgment to the offeree's attorney, or if the offeree is not represented by an attorney, to the offeree himself, in accordance with the service rules for motions and other pleadings set forth in the South Carolina Administrative Law Court Rules of Procedure. Within twenty days after notification, or at least ten days prior to the hearing date, whichever date is earlier, the offeree or his attorney may file with the clerk of the court a written acceptance of the offer of judgment. Upon the filing, the clerk shall enter immediately

WEDNESDAY, APRIL 29, 2015

judgment of the stipulation. If the offer of judgment is not accepted within twenty days after notification or prior to or on the tenth day before the actual hearing date, whichever date occurs first, the offer shall be considered rejected and evidence thereof is not to be admissible except in a proceeding after the hearing to fix costs, interests, attorney's fees, and other recoverable monies. Any offeror may withdraw an offer of judgment prior to its acceptance or prior to the date on which it would be considered rejected by giving notice to the offeree or his attorney in accordance with the service rules for motions and other pleadings outlined in the South Carolina Administrative Law Court Rules of Procedure. Any offeror may file a subsequent offer of judgment in any amount provided that the subsequent offer supersedes any earlier offer that was rejected by the offeree or withdrawn by the offeror, and, on filing, terminates any rights of interest or costs that may have been applicable to the superseded offer. Notwithstanding this provision, an offer is not considered rejected upon the making of a counteroffer by the offeree, but shall remain effective until accepted, rejected, or withdrawn as provided in this subsection. Any and all offers of judgment and any acceptance of offers of judgment must be included by the clerk in the record of the case.

(2) If an offer of judgment is not accepted and the offeror obtains a determination at least as favorable as the rejected offer, the offeror is entitled to recover from the offeree any administrative, discovery costs, and attorney's fees.

(3) This subsection must not be interpreted to abrogate the contractual rights of any party concerning the recovery of attorney's fees or other monies in accordance with the provisions of any written contract between the parties to the action."

SECTION 13. Section 44-7-230(D) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(D) A Certificate of Need is valid for one year from the date of issuance. A Certificate of Need must be issued with a timetable submitted by the applicant and approved by the department to be followed for completion of the project. The holder of the Certificate of Need shall submit periodic progress reports on meeting the timetable as may be required by the department. Failure to meet the timetable results in the revocation of the Certificate of Need by the department unless the department determines that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause of the delay. The department may grant two extensions of up to nine months each upon evidence that substantial progress has been made in accordance

WEDNESDAY, APRIL 29, 2015

with procedures set forth in regulations. The ~~board~~ department may grant further extensions of up to nine months each only if it determines that substantial progress has been made in accordance with the procedures set forth in regulations.”

SECTION 14. Section 44-7-1590(C) of the 1976 Code is amended to read:

“(C) Any interested party, within twenty days after the date of the publication of the notice, ~~but not afterwards,~~ may challenge the action ~~so~~ taken by the state board, ~~or the county board,~~ ~~or the Department of Health and Environmental Control,~~ by action de novo in the court of common pleas in any county where the hospital facilities are to be located.”

SECTION 15. Section 44-7-180 and Section 44-7-225 of the 1976 Code are repealed.

SECTION 16. A. Section 44-7-120 of the 1976 Code is amended to read:

“Section 44-7-120. The purpose of this article is to ~~promote cost containment, prevent unnecessary duplication of health care facilities and services, guide the establishment of health facilities and services which will best serve public needs,~~ and ensure that high quality services are provided in health facilities in this State. To achieve these purposes, this article requires:

- ~~(1) the issuance of a Certificate of Need before undertaking a project prescribed by this article;~~
- ~~(2) adoption of procedures and criteria for submittal of an application and appropriate review before issuance of a Certificate of Need;~~
- ~~(3) preparation and publication of a State Health Plan;~~
- (4) the licensure of facilities rendering medical, nursing, and other health care.”

B. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44-7-131. As used in this article:

- (1) ‘Ambulatory surgical facility’ means a facility organized and administered for the purpose of performing surgical procedures for which patients are scheduled to arrive, receive surgery, and be discharged on the same day and which the owner or operator makes available to other providers who comprise an organized professional staff.
- (2) ‘Board’ means the State Board of Health and Environmental Control.

WEDNESDAY, APRIL 29, 2015

(3) 'Community residential care facility' means a facility which offers room and board and provides a degree of personal assistance for two or more persons eighteen years old or older.

(4) Daycare facility for adults' means a facility for adults eighteen years or older which:

(a) offers in a group setting a program of individual and group activities and therapies;

(b) is directed toward providing community-based care for those in need of a supportive setting for less than twenty-four hours a day to prevent unnecessary institutionalization; and

(c) provides a minimum of four and a maximum of fourteen hours of operation a day.

(5) 'Department' means the Department of Health and Environmental Control.

(6) 'Health care facility' means, at a minimum, acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, and narcotic treatment programs.

(7) 'Health service' means clinically related, diagnostic, treatment, or rehabilitative services and includes alcohol, drug abuse, and mental health.

(8) 'Hospital' means a facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy and which may provide obstetrical care and include residential treatment facilities for children and adolescents in need of mental health treatment which are physically a part of a licensed psychiatric hospital, not including facilities which are licensed by the Department of Social Services.

(9) 'Nursing home' means a facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours which is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.

(10) 'Facility for chemically dependent or addicted persons' means a facility organized to provide outpatient or residential services to

WEDNESDAY, APRIL 29, 2015

chemically dependent or addicted persons and their families based on an individual treatment plan including diagnostic treatment, individual and group counseling, family therapy, vocational and educational development counseling, and referral services.

(11) 'Person' means an individual, a trust or estate, a partnership, a corporation including an association, joint stock company, insurance company, and a health maintenance organization, a health care facility, a state, a political subdivision, or an instrumentality including a municipal corporation of a state, or any legal entity recognized by the State.

(12) 'Residential treatment facility for children and adolescents' means a facility operated for the assessment, diagnosis, treatment, and care of two or more 'children and adolescents in need of mental health treatment' which provides:

(a) a special education program with a minimum program defined by the South Carolina Department of Education;

(b) recreational facilities with an organized youth development program; and

(c) residential treatment for a child or adolescent in need of mental health treatment.

(13) 'Children, adolescents, and young adults in need of mental health treatment' in a residential treatment facility means a child, adolescent, or young adult under age twenty-one who manifests a substantial disorder of cognitive or emotional process, which lessens or impairs to a marked degree that child's, adolescent's, or young adult's capacity either to develop or to exercise age-appropriate or age-adequate behavior—including, but not limited to, marked disorders of mood or thought processes, severe difficulties with self-control and judgment including behavior dangerous to self or others, and serious disturbances in the ability to care for and relate to others.

(14) 'Intermediate care facility for persons with intellectual disability' means a facility that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

(15) 'Facilities wherein abortions are performed' means a facility, other than a hospital, in which any second trimester or five or more first trimester abortions are performed in a month.

WEDNESDAY, APRIL 29, 2015

(16) ‘Radiation therapy facility’ means a person or a health care facility which provides or seeks to provide mega-voltage therapeutic services to patients through the use of high energy radiation.

(17) ‘Birthing center’ means a facility or other place where human births are planned to occur—but does not include the usual residence of the mother or a facility that is licensed as a hospital or the private practice of a physician who attends the birth.

(18) ‘Freestanding emergency service’, also referred to as an off-campus emergency service, means an extension to an existing emergency department of a licensed hospital that supports an off-campus emergency service, which is intended to provide comprehensive emergency service, but does not include a service that does not provide twenty-four hour, seven day per week operation or that is not capable of providing basic services as defined for hospital emergency departments. A service that does not qualify as a freestanding emergency service must not be classified as a freestanding emergency service and must not advertise or display or exhibit any signs or symbols that would identify the service as a freestanding emergency service.”

C. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44-7-151. In carrying out the purposes of this article, the department shall:

(1) require reports and make inspections and investigations as considered necessary;

(2) to the extent that is necessary to effectuate the purposes of this article, enter into agreements with other departments, commissions, agencies, and institutions, public or private;

(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department and approved by the board to carry out the department’s licensure duties under this article;

(4) accept on behalf of the State and deposit with the State Treasurer, any grant, gift, or contribution made to assist in meeting the cost of carrying out the purpose of this article and expend it for that purpose;

(5) promulgate regulations, in accordance with the Administrative Procedures Act, which establish fees as authorized by this article, leaving fees promulgated as of January 1, 2009, in effect until regulations are promulgated pursuant to this item.”

D. Section 44-7-320 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

WEDNESDAY, APRIL 29, 2015

“Section 44-7-320. (A)(1) The department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for:

(a) violating a provision of this article or departmental regulations;

~~(b) permitting, aiding, or abetting the commission of an unlawful act relating to the securing of a Certificate of Need or the establishment, maintenance, or operation of a facility requiring certification of need or licensure under this article;~~

~~(e)(b)~~ engaging in conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. This provision does not refer to health practices authorized by law;

~~(d)(c)~~ refusing to admit and treat alcoholic and substance abusers, the mentally ill, or persons with intellectual disability, whose admission or treatment has been prescribed by a physician who is a member of the facility’s medical staff; or discriminating against alcoholics, the mentally ill, or persons with intellectual disability solely because of the alcoholism, mental illness, or intellectual disability; and

~~(e)(d)~~ failing to allow a team advocacy inspection of a community residential care facility by the South Carolina Protection and Advocacy System for the Handicapped, Inc., as allowed by law.

(2) Consideration to deny, suspend, or revoke licenses or assess monetary penalties, or both, is not limited to information relating to the current licensing period but includes consideration of all pertinent information regarding the facility and the applicant.

(3) If in the department’s judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the department immediately may suspend the facility’s license and shall contact the appropriate agencies for placement of the residents. Within five calendar days of the suspension a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist. If they do not, the license must be immediately reinstated. Whether the license is reinstated or suspension remains due to the immediate threatening conditions or practices, the department may proceed with the process for permanent revocation pursuant to this section.

(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, a notice setting forth the particular reasons for the determination. The determination becomes final thirty days after the

WEDNESDAY, APRIL 29, 2015

mailing of the notice, unless the person or facility, within such thirty-day period, requests in writing a contested case hearing before the board, or its designee, pursuant to the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

(C) The penalty imposed by the department for violation of this article or its regulations must be not less than one hundred nor more than five thousand dollars for each violation of any of the provisions of this article. Each day's violation is considered a subsequent offense.

(D) Failure to pay a penalty within thirty days is grounds for suspension, revocation, or denial of a renewal of a license. ~~No~~ A license ~~may~~ must not be issued, reissued, or renewed until all penalties finally assessed against a person or facility have been paid.

~~(E) No Certificate of Need may be issued to any person or facility until a final penalty assessed against a person or a facility has been paid.~~

~~(F)~~(E) All penalties collected pursuant to this article must be deposited in the state treasury and credited to the general fund of the State.”

E. Sections 44-7-130, 44-7-150, 44-7-160, 44-7-170, 44-7-190, 44-7-200, 44-7-210, 44-7-220, and 44-7-230 of the 1976 Code are repealed effective January 1, 2020.

F. Article 3, Chapter 7, Title 44 of the 1976 Code is renamed the State Health Facility Licensure Act.

G. This SECTION takes effect January 1, 2020.

SECTION 17. (A) The South Carolina Board of Health and Environmental Control shall review the projects of persons and health care facilities whose total projects costs are less than seven million dollars and that were initiated between July 1, 2013, and April 14, 2014, for which a Certificate of Need is required pursuant to Article 3, Chapter 7, Title 44 of the Code of Laws of South Carolina, 1976. In its review, the board shall determine if the projects merit a Certificate of Need. If the board determines a project merits a Certificate of Need, the board shall stand in the place of the Department of Health and Environmental Control and may issue the Certificate of Need nunc pro tunc. Any certificate issued by the board is deemed to have been issued by the Department of Health and Environmental Control. All requirements governing Certificates of Need apply to those persons or health care facilities issued a Certificate of Need pursuant to this section.

(B) The board shall establish procedures for the submission of an application, public notice of the filing of applications, and a process for

WEDNESDAY, APRIL 29, 2015

notification of its decision to all affected person, who during the board's review process, have notified the board of the person's desire to be an affected person. In order to participate in any contested case review, an affected person has to notify the board of the specific reasons it objects to an application.

SECTION 18. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 19. Except as otherwise provided, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

Rep. G. M. SMITH spoke in favor of the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of Amendment No. 1.

RECURRENCE TO THE MORNING HOUR

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

H. 3250--AMENDED AND INTERRUPTED DEBATE

Debate was resumed on the following Bill, the pending question being the consideration of Amendment No. 1:

H. 3250 -- Reps. G. M. Smith, Clyburn, Merrill and Anthony: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMINOLOGY FOR THE CERTIFICATE OF NEED PROGRAM, SO AS TO ADD

[HJ]

WEDNESDAY, APRIL 29, 2015

THE TERM "NEW AND EMERGING TECHNOLOGY"; BY ADDING SECTION 44-7-215 SO AS TO ENTITLE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO HAVE ACCESS TO CERTAIN DATA MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE; TO AMEND SECTION 13-7-10, AS AMENDED, RELATING TO THE DEFINITION OF "NONIONIZING RADIATION", SO AS TO CHANGE THE DEFINITION; TO AMEND SECTION 13-7-45, AS AMENDED, RELATING TO REGULATION OF SOURCES OF IONIZING AND NONIONIZING RADIATION, SO AS TO REQUIRE ACCREDITATION OR CERTIFICATION FOR CERTAIN SOURCES OF RADIATION AND TO CHANGE ALLOWABLE FEES; TO AMEND SECTION 44-1-60, AS AMENDED, RELATING TO THE REVIEW OF CERTIFICATE OF NEED DECISIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL AND REQUESTS FOR CONTESTED CARE HEARINGS IN CERTIFICATE OF NEED CASES, SO AS TO ELIMINATE BOARD REVIEW; TO AMEND SECTION 44-7-120, RELATING TO THE PURPOSE OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO ELIMINATE THE USE OF A STATE HEALTH PLAN; TO AMEND SECTION 44-7-130, AS AMENDED, RELATING TO CERTIFICATE OF NEED PROGRAM DEFINITIONS, SO AS TO REVISE DEFINITIONS FOR "AFFECTED PERSON", "HEALTH SERVICE", "FREESTANDING OR MOBILE TECHNOLOGY", AND "LIKE NEW AND EMERGING TECHNOLOGY WITH SIMILAR CAPABILITIES"; TO AMEND SECTION 44-7-150, AS AMENDED, RELATING TO THE USE OF CERTIFICATE OF NEED FEES, SO AS TO ALLOW THE DEPARTMENT TO RETAIN ALL FEES COLLECTED FOR THE USE OF THE PROGRAM; TO AMEND SECTION 44-7-160, AS AMENDED, RELATING TO CIRCUMSTANCES UNDER WHICH A CERTIFICATE OF NEED IS REQUIRED, SO AS TO CHANGE CERTAIN REQUIREMENTS; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO CERTIFICATE OF NEED EXCEPTIONS, SO AS TO ADD NEW EXCEPTIONS AND MAKE CHANGES TO EXISTING EXCEPTIONS; TO AMEND SECTION 44-7-200, AS AMENDED, RELATING TO NOTICE REQUIREMENTS ABOUT CERTIFICATE OF NEED APPLICATIONS, SO AS TO ELIMINATE THE REQUIREMENT FOR PUBLICATION OF NOTICE AND INSTEAD TO REQUIRE

WEDNESDAY, APRIL 29, 2015

THE APPLICANT TO FILE A LETTER OF INTENT WITH THE DEPARTMENT AND TO ELIMINATE THE REFERENCE TO BOARD REVIEW OF DEPARTMENT DECISIONS; TO AMEND SECTION 44-7-210, AS AMENDED, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO ELIMINATE THE REQUIREMENT OF A PUBLIC HEARING, THE APPLICATION OF THE STATE HEALTH PLAN, AND BOARD REVIEW OF DEPARTMENT DECISIONS; TO AMEND SECTION 44-7-220, AS AMENDED, RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT DECISIONS ON CERTIFICATE OF NEED MATTERS, SO AS TO ADD CERTAIN REQUIREMENTS RELATED TO THE AWARD OF ATTORNEY FEES AND COSTS AND TO CHANGE THE DEFINITION OF FRIVOLOUS APPEAL; TO AMEND SECTION 44-7-230, AS AMENDED, RELATING TO LIMITATIONS ON CERTIFICATES OF NEED, SO AS TO SUBSTITUTE THE TERM "NEW AND EMERGING TECHNOLOGY" FOR "MEDICAL EQUIPMENT" AND TO ELIMINATE THE ROLE OF THE BOARD; TO AMEND SECTION 44-7-240, RELATING TO CONSTRUCTION PROGRAMS IN THE STATE, SO AS TO ELIMINATE REFERENCE TO THE STATE HEALTH PLAN; TO AMEND SECTION 44-7-1590, RELATING TO PROCEDURES FOR APPROVAL OF HOSPITAL BONDS, SO AS TO ELIMINATE THE RIGHT TO CHALLENGE AN ACTION BY THE DEPARTMENT; TO REPEAL SECTION 44-7-180 RELATING TO THE STATE HEALTH PLANNING COMMITTEE AND THE STATE HEALTH PLAN, AND SECTION 44-7-225 RELATING TO JUDICIAL CONSIDERATION OF THE STATE HEALTH PLAN IN MATTERS BEFORE THE COURT; AND TO REQUIRE THE BOARD TO REVIEW CERTAIN PROJECTS FOR WHICH A CERTIFICATE OF NEED WAS REQUIRED BUT NOT OBTAINED BETWEEN JULY 1, 2013, AND APRIL 14, 2014, TO DETERMINE WHETHER THE PROJECTS MEET THE REQUIREMENTS FOR ISSUANCE OF A CERTIFICATE OF NEED, AND TO ISSUE CERTIFICATES OF NEED IN APPROPRIATE CASES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3250 (COUNCIL\BBM\3250C008.BBM.DG15), which was adopted:

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

WEDNESDAY, APRIL 29, 2015

/ SECTION 1. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44-7-215. Notwithstanding another provision of law, the department shall have access to data maintained by the Revenue and Fiscal Affairs Office relevant to Certificates of Need, specifically including data that will assist the department in determining the need for additional health care facilities, beds, health services and equipment, all by health service area, and whether or to whom to award a Certificate of Need.”

SECTION 2. Section 13-7-10(9) of the 1976 Code, as last amended by Act 552 of 1990, is further amended to read:

“(9) ‘Nonionizing radiation’ for the purpose of this section ~~shall mean only~~ means ultraviolet radiation used for the purpose of tanning the human body, ~~and shall include ultraviolet radiation with wavelengths in air between two hundred and four hundred nanometers or radiofrequency radiation within a magnetic resonance imaging device used for the purpose of obtaining images of the human body.~~”

SECTION 3. Section 13-7-45 of the 1976 Code, as last amended by Act 355 of 2006, is further amended to read:

“Section 13-7-45. (A)(1) The South Carolina Department of Health and Environmental Control shall promulgate regulations and establish a schedule for the collection of annual fees for the licensing, registration, and certification of users of the sources of ionizing radiation. The fees collected must be sufficient, in the judgment of the department, to protect the public health and safety and the environment and to recover the costs incurred by the department in regulating the use of ionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.

(2) Accreditation or certification is a requirement of application and registration of magnetic resonance imaging equipment and computed tomography equipment. The department shall determine the appropriate accreditation or certification agencies.

(3) The department shall promulgate regulations pursuant to the Administrative Procedures Act and establish a schedule for the collection of an annual fee for the registration of a source of nonionizing radiation ~~which~~ that is used in a commercial establishment for the tanning of human skin or radiofrequency radiation within a magnetic resonance imaging device used for the purpose of obtaining images of the human body. The registration fee must be sufficient in the judgment of the department to protect the public health and safety and the

WEDNESDAY, APRIL 29, 2015

environment and to recover the costs incurred by the department in registering the source of nonionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to ~~the provisions of law.~~

(3)(4) The department ~~shall have~~ has no duty to inspect a source of nonionizing radiation unless it has received credible information indicating a violation of applicable statutes or regulations or the existence of a public health emergency. The department may retain up to ~~thirty~~ fifty thousand dollars from the fees collected to be used for the administration of this program.

(B) In determining the sufficiency of the fees to be charged and collected, the department shall consider an arrangement existing between South Carolina and a registrant, a licensee, a certificant, another state, or a federal agency under which costs incurred by the department in regulating the use of ionizing and nonionizing radiation and in performing emergency corrective measures intended to protect the public health and safety and the environment are recoverable by this State.

(C) A registrant, licensee, or certificant who fails to pay the fees required by ~~regulation of~~ the department within thirty days after payment is due also shall pay a penalty of fifty dollars. If failure to pay the required fees continues for more than sixty days after payment is due, the registrant, licensee, or certificant must be notified by the department by certified mail to be sent to his last known address that his registration, license, or certificate is revoked and that activities permitted under the authority of the registration, license, or certificate must end immediately. The registration, license, or certificate may be reinstated by the department upon payment of the required fees, the penalty of fifty dollars, and an additional penalty of one hundred dollars if the registrant, licensee, or certificant is otherwise in good standing, in the judgment of the department, and presents to the department a satisfactory explanation for his failure to pay the required fees.

SECTION 4. Section 44-1-60 (E)(2) and (G) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(E)(2) The staff decision becomes the final agency decision fifteen calendar days after notice of the staff decision has been mailed to the applicant, unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person. There is no right to a final review regarding a staff decision on an application or on a request of exemption or

WEDNESDAY, APRIL 29, 2015

nonapplicability determination submitted pursuant to the Certificate of Need program.

(G)(1) Except as otherwise provided in item (2), an applicant, permittee, licensee, or affected person may file a request with the Administrative Law Court for a contested case hearing within thirty calendar days after:

(1)(a) notice is mailed to the applicant, permittee, licensee, and affected persons that the board declined to hold a final review conference; or

(2)(b) the sixty calendar day deadline to hold the final review conference lapses and no conference has been held; or

(3)(c) the final agency decision resulting from the final review conference is received by the parties.

(2) In the case of a Certificate of Need decision, an applicant, a holder of a certificate, and an affected person, within thirty days after receipt of the department staff decision, may file a request with the Administrative Law Court for a contested case hearing. Except in contested cases involving a challenge to a staff decision by a competing applicant, an affected person may not file a request for a contested case pursuant to this section to review a decision on an application unless the person has provided written notice to the department during the staff review process that he is an affected person and specifically states his opposition to the application under review.”

SECTION 5. A. Section 44-7-130(1), (5), (20), and (21) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(1) ‘Affected person’ means the applicant, a person with standing residing within the geographic area served or to be served by the applicant, ~~persons located in the health service area in which the project is to be located and~~ who provide similar services to the proposed project in the health service area in which the project is to be located persons who before receipt by the department of the proposal being reviewed have formally indicated an intention to provide in the future similar services ~~in the future to the proposed project in the health service area in which the project is to be located,~~ persons who pay for health services in the health service area in which the project is to be located and who have notified the department of their interest in Certificate of Need applications, the State Consumer Advocate, and the State Ombudsman. ~~Persons from another state who would otherwise be considered ‘affected persons’ are not included unless that state provides for similar involvement of persons from South Carolina in its certificate of need process.~~ A person operating a health care facility or providing a health

WEDNESDAY, APRIL 29, 2015

service in a state other than South Carolina who does not operate a health care facility in the proposed service area which provides similar services or provides a health service similar to that being sought by the applicant is not considered an affected person.

(5) ‘Competing applicants’ means two or more persons or health care facilities as defined in this article who apply for Certificates of Need to provide similar services or facilities in the same service area within a ~~time frame as established by departmental regulations~~ thirty days of the publication on the department’s website of the notice of the filing of the first application and whose applications, if approved, would exceed the need for services or facilities.

(20) ‘Freestanding or mobile technology’ means medical equipment owned or operated by a person other than a health care facility ~~for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan~~ for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan.

(21) ‘Like equipment with similar capabilities’ means medical equipment that has substantially similar technology as the equipment current in use, although it may possess expanded capabilities due to technological improvements; ~~in which functional and technological capabilities are identical to the equipment to be replaced; and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not constitute a material change in service or a new service.”~~

B. Section 44-7-130 of the 1976 Code is amended by adding an appropriately numbered item to read:

“() ‘Similar services’ means services that are comparable to those contemplated in the application and for which there are standards in the State Health Plan.”

SECTION 6. Section 44-7-150(5) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(5) ~~The department may~~ as it determines necessary charge and collect fees to cover the cost of operating the Certificate of Need program, including application fees, filing fees, issuance fees, and nonapplicability/exemption determination fees. The department shall develop regulations which set fees as authorized by this article. The level of these fees must be determined after careful consideration of the direct and indirect costs incurred by the department in performing its various functions and services in the Certificate of Need program. All fees and

WEDNESDAY, APRIL 29, 2015

procedures for collecting fees must be adopted pursuant to procedures set forth in the Administrative Procedures Act. Any fee collected pursuant to this section ~~in excess of seven hundred fifty thousand dollars~~ must be retained by the department and designated for the administrative costs of the Certificate of Need program. ~~The first seven hundred fifty thousand dollars collected pursuant to this section must be deposited into the general fund of the State. Until fees are promulgated through regulation, all fees established as of January 1, 2009, remain in effect.~~”

SECTION 7. A. Section 44-7-160 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44-7-160. A person or health care facility, as defined in this article, is required to obtain a Certificate of Need from the department before undertaking any of the following:

(1) the construction or other establishment of a new health care facility;

(2) a change in the existing bed complement of a health care facility ~~through the addition of one or more beds~~ or change in the classification of licensure of ~~one or more beds~~ that is not otherwise exempt from review pursuant to Section 44-7-170;

(3) an expenditure by or on behalf of a health care facility in excess of ~~an amount to be prescribed by regulation~~ five million dollars which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure, except for those expenditures otherwise exempted in Section 44-7-170~~(B)(1)~~. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount. The department shall make an annual adjustment to this capital expenditure amount to reflect changes in the Consumer Price Index for All Urban Consumers, Medical Care Services as published by the United States Department of Labor, Bureau of Labor Statistics;

(4) a capital expenditure ~~by or on behalf of a health care facility~~ which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the South Carolina Health Plan that is not otherwise exempt from review pursuant to Section 44-7-170;

(5) the offering of a health service ~~by or on behalf of a health care facility~~ which has not been offered by the facility in the preceding twelve months ~~and for which specific standards or criteria are prescribed in the~~

WEDNESDAY, APRIL 29, 2015

~~South Carolina Health Plan unless otherwise exempt pursuant to Section 44-7-170;~~

~~(6) the acquisition of medical equipment which is to be new and emerging technology used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation.”~~

B. This SECTION takes effect upon approval by the Governor, and the expenditure threshold set forth in Section 44-7-160(3) first applies to Certificate of Need applications submitted thereafter.

SECTION 8. Section 44-7-170(A) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(A) The following are exempt from Certificate of Need review:

(1) the acquisition by a person of medical equipment to be used solely for research, the offering of an institutional health service by a person solely for research, or the obligation of a capital expenditure by a person to be made solely for research if it does not:

(a) affect the charges imposed by the person for the provision of medical or other patient care services other than the services that are included in the research;

(b) change the bed capacity of a health care facility; or

(c) substantially change the medical or other patient care services provided by the person.

A written description of the proposed research project must be submitted to the department in order for the department to determine if these conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after the equipment or service is no longer being used solely for research;

(2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44-7-160(1) and (5);

(3) the replacement of like equipment with similar capabilities for which a Certificate of Need has been issued which does not constitute a material change in service or a new service;

(4) the addition of one or more beds in the bed capacity of an existing freestanding licensed acute care hospital, nursing home, rehabilitation facility, or psychiatric hospital;

(5) a capital expenditure by or on behalf of a health care facility to expand existing health services and associated equipment other than to expand beds or those services described in this Section 44-7-170(A) for which a Certificate of Need previously has been awarded within a one-mile radius for the same site where such services are located.”

WEDNESDAY, APRIL 29, 2015

SECTION 9. Section 44-7-180 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

~~“Section 44-7-180. (A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be represented among the Governor’s appointees: health care consumers, health care financiers, including business and insurance, and health care providers, including an administrator of a licensed for profit nursing home. The chairman of the board shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate’s designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four year terms, and may serve only two consecutive terms. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice chairman, and such other officers as the committee considers necessary to serve a two year term in that office.~~

~~(B) With the advice of the health planning committee, The department shall prepare, and publish electronically, a South Carolina Health Plan for use in the administration of the Certificate of Need program provided in this article. The plan at a minimum must include:~~

- ~~(1) an inventory of existing health care facilities, beds, specified health services, and equipment;~~
- ~~(2) projections of need for additional health care facilities, beds, health services, and equipment;~~
- ~~(3) standards for distribution of health care facilities, beds, specified health services, and equipment including scope of services to be provided, utilization, and occupancy rates, travel time, regionalization, other factors relating to proper placement of services, and proper planning of health care facilities; and~~
- ~~(4) a general statement as to the project review criteria considered most important in evaluating Certificate of Need applications for each type of facility, service, and equipment, including a finding as to whether the benefits of improved accessibility to each such type of facility, service, and equipment may outweigh the adverse affects caused by the duplication of any existing facility, service, or equipment.~~

~~The South Carolina Health Plan must address and include projections and standards for specified health services and equipment which have a potential to substantially impact health care cost and accessibility. Nothing in this provision shall be construed as requiring~~

WEDNESDAY, APRIL 29, 2015

the department to approve any project which is inconsistent with the South Carolina Health Plan.

~~(C) Upon approval by the health planning committee, the South Carolina Health Plan must be submitted at least once every two years to the board for final revision and adoption. Once adopted by the board, the plan may later be revised through the same planning and approval process. The department shall adopt by regulation a procedure to allow public review and comment, including regional public hearings, before adoption or revision of the plan.~~

(B)(1) The department must review and update the State Health Plan annually, including standards by which need is determined for health services and health care facilities. The updated State Health Plan must be submitted to the chairmen of the House Ways and Means Committee and the Senate Finance Committee before July 1 each year.

(2) No later than March 1, 2016, the General Assembly may require the department to resubmit the State Health Plan by the enactment of a joint resolution. The department has sixty days to resubmit the State Health Plan.”

SECTION 10. Section 44-7-200 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44-7-200. (A) An application for a Certificate of Need must be submitted ~~to the department in a form established by regulation~~ utilizing a web-based application available on the department’s website. The application must address all applicable standards and requirements set forth in departmental regulations, and project review criteria of the department, ~~and the South Carolina Health Plan.~~

~~(B) Within twenty days before submission of an application, the applicant shall publish notification that an application is to be submitted to the department in a newspaper serving the area where the project is to be located for three consecutive days. The notification must contain a brief description of the scope and nature of the project. No application may be accepted for filing by the department unless accompanied by proof that publication has been made for three consecutive days within the prior twenty-day period and payment of the initial application fee has been received.~~

Within twenty days before submission of an application, the applicant shall file a letter of intent to submit an application with the department. The letter of intent must contain a brief description of the scope and nature of the project. The department must not accept an application for a Certificate of Need unless the application is accompanied by a copy of the letter of intent filed by the applicant with

WEDNESDAY, APRIL 29, 2015

the department within the prior twenty-day period and payment of the initial application fee has been received.

(C) Upon publication of this notice and until a contested case hearing is requested pursuant to Section 44-1-60(G):

(1) ~~members of the board and persons appointed by the board to hold a final review conference on staff decisions~~ may not communicate directly or indirectly with any person in connection with the application; and

(2) no person shall communicate, or cause another to communicate, as to the merits of the application with members of the board ~~and persons appointed by the board to hold a final review conference on staff decisions.~~

A person who violates this subsection is subject to the penalties provided in Section 1-23-360.

(D) After receipt of an application with ~~proof of publication~~ a copy of the letter of intent and payment of the initial application fee, the department shall publish in the State Register a notice that an application has been accepted for filing. Within thirty days of acceptance of the application, the department may request additional information as may be necessary to complete the application. The applicant has thirty days from the date of the request to submit the additional information. If the applicant fails to submit the requested information within the thirty-day period, the application is considered withdrawn.

(E) After a Certificate of Need application has been filed with the department, state and federal elected officials are prohibited from communicating with the department with regard to the Certificate of Need application at any time. This prohibition does not include written communication of support or opposition to an application. ~~Such~~ Written communication must be included in the administrative record.”

SECTION 11. Section 44-7-210 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44-7-210. (A) After the department has determined that an application is complete, affected persons must be notified in accordance with departmental regulations. The notification to affected persons that the application is complete begins the review period; however, in the case of competing applications, the review period begins on the date of notice to affected persons that the last of the competing applications is complete and notice is published in the State Register. The staff shall issue its decision to approve or deny the application no earlier than thirty calendar days, but no later than one hundred twenty calendar days, from the date affected persons are notified that the

WEDNESDAY, APRIL 29, 2015

application is complete, ~~unless a public hearing is timely requested as may be provided for by department regulation. If a public hearing is properly requested, the staff's decision must not be made until after the public hearing, but in no event shall the decision be issued more than one hundred fifty calendar days from the date affected persons are notified that the application is complete.~~ The staff may reorder the relative importance of the project review criteria no more than one time during the review period. The staff's reordering of the relative importance of the project review criteria does not extend the review period provided for in this section. Other than in the review of competing applications, if the department fails to deny or approve an application within one hundred twenty days of the date notice was published on the department's website, the application is deemed to be approved and a Certificate of Need shall be issued within seven days. The executive director may grant the staff one thirty-day extension per certificate of need application to render a decision. If the department does not act within one hundred twenty days and the application is deemed approved, the department's administrative record is considered part of any request for contested case and must be furnished to the parties to any contested case and the department staff will be made available to the parties for the purposes of depositions and testimony during any contested case hearing. If an affected person requests a contested case before the Administrative Law Court concerning an application deemed to have been approved under this section, the failure of the department to act on the application within the applicable review period shall not be used as a basis by the Administrative Law Court to remand the case to the department.

(B) The department may not issue a Certificate of Need unless an application complies with the ~~South Carolina State Health Plan~~, project review criteria, and other regulations. Based on project review criteria and other regulations, which must be identified by the department, the department may refuse to issue a Certificate of Need even if an application complies with the ~~South Carolina State Health Plan~~. In the case of competing applications, the department shall award a Certificate of Need, if appropriate, on the basis of which, if any, most fully complies with the requirements, goals, and purposes of this article and the ~~State Health Plan~~, project review criteria, and the regulations ~~adopted~~ promulgated by the department.

(C) On the basis of staff review of the application, the staff shall make a staff decision to grant or deny the Certificate of Need and ~~the staff~~ shall issue a decision in accordance with Section 44-1-60(D).

WEDNESDAY, APRIL 29, 2015

Notice of the decision must be sent to the applicant and affected persons who have asked to be notified. The decision ~~becomes~~ is the final agency decision ~~unless a timely written request for a final review is filed with the department as provided for in Section 44-1-60(E).~~

~~However, a person may not file a request for final review in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.~~

~~(D) The staff's decision is not the final agency decision until the completion of the final review process provided for in Section 44-1-60(F).~~

~~(E) A contested case hearing of the final agency decision must be requested in accordance with Section 44-1-60(G). The issues considered at the contested case hearing considering a Certificate of Need are limited to those presented or considered during the staff review.~~

~~(F)~~(E) Notwithstanding any other provision of law, including Section 1-23-650(C) in a contested case arising from the department's decision to grant or deny a Certificate of Need application, to grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding to determine the applicability of Section 44-7-160, the following apply each party:

(1) ~~each party~~ may name no more than ten witnesses who may testify at the contested case hearing;

(2) ~~each party~~ is permitted to take only the deposition of a person listed as a witness who may testify at the contested case hearing, unless otherwise provided for by the Administrative Law Court agreed to by the parties or ordered by the court. A deposition is limited to seven hours of questioning per party. The court may allow additional time if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination;

(3) ~~each party~~ is permitted to serve only ten interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure;

(4) ~~each party~~ is permitted to serve only ten requests for admission, including subparts; and

(5) for the express purpose of limiting costly and unnecessary discovery regarding electronically stored information, each party is permitted to serve only thirty requests for production, including subparts which requests are limited to data, analyses, reports, projections, and such other information directly related to the criteria set forth in the State Health Plan and to the standards set forth in regulations that are relevant

WEDNESDAY, APRIL 29, 2015

to the application, request or determination being contested. Unless ordered by the administrative law court upon a showing of extraordinary circumstances by the party seeking production, no party shall be required to preserve, search for, or produce electronic communications, in any format or medium, including emails, voicemails, or text messages, except to the extent that such communications contain responsive data, projections, reports or analyses or except to the extent that a party intends to rely upon its own such communications as part of its case before the administrative law court.

The limitations provided for in this subsection are intended to make the contested case process more efficient, less burdensome, and less costly to the parties in Certificate of Need cases. Therefore, the Administrative Law Court may, by court order, lift these limitations beyond the parameters set forth in this subsection only in exceptional circumstances when failure to do so would cause substantial prejudice to the party seeking additional discovery.

(G) Notwithstanding any other provision of law, in a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the Administrative Law Court shall file a final decision no later than ~~eighteen~~ twelve months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise to extend the deadline."

SECTION 12. Section 44-7-220 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

"Section 44-7-220. (A) A party who is aggrieved by the Administrative Law Court's final decision may seek judicial review of the final decision in accordance with Section 1-23-380.

(B)(1) If a party does not prevail in a contested case at the Administrative Law Court when requesting the reversal of the department's decision to approve a Certificate of Need application, when claiming an exemption under Section 44-7-170, or when claiming that the article is not applicable pursuant to Section 44-7-160, the Administrative Law Court shall award the party whose project is the subject of the appeal reasonable attorney's fees and costs incurred in the contested case.

(2) If a party does not prevail in an appeal to the Court of Appeals when requesting the reversal of the Administrative Law Court's decision to approve a Certificate of Need application, when claiming an

WEDNESDAY, APRIL 29, 2015

exemption under Section 44-7-170, or when claiming that the article is not applicable pursuant to Section 44-7-160, the Court of Appeals shall award the party whose project is the subject of the contested case reasonable attorney's fees and costs incurred in the appeal.

(C) If the relief requested in ~~the~~ an appeal is the reversal of the Administrative Law Court's decision to approve the Certificate of Need application ~~or, approve~~ the request for exemption under Section 44-7-170, ~~or approve~~ the determination that Section 44-7-160 is not applicable, the party filing the appeal shall deposit a bond with the Clerk of the Court of Appeals within five calendar days after filing the petition to appeal. The bond must be secured by cash or a surety authorized to do business in this State in an amount equal to five percent of the total cost of the project or one hundred thousand dollars, whichever is greater, up to a maximum of one million five hundred thousand dollars. If the Court of Appeals affirms the Administrative Law Court's decision or dismisses the appeal, the Court of Appeals shall award ~~to~~ the party whose project is the subject of the appeal all of the bond ~~and also may award reasonable attorney's fees and costs incurred in the appeal.~~ If a party appeals the denial of its own Certificate of Need application ~~or of, the denial of~~ an exemption request under Section 44-7-170, ~~or appeals the a~~ determination that the article applies under Section 44-7-160 is ~~applicable~~ and there is no competing application involved in the appeal, the party filing the appeal is not required to deposit a bond with the Court of Appeals.

~~(C)(D)(1)~~ Furthermore, If at the conclusion of the contested case or judicial review the Administrative Law Court or the Court of Appeals finds that the contested case or a subsequent appeal was frivolous, the Administrative Law Court or the Court of Appeals ~~may~~ shall award damages incurred as a result of the delay, as well as reasonable attorney's fees and costs, to the party whose project is the subject of the contested case or judicial review.

(2) As used in this subsection, 'frivolous appeal' means ~~any one of the following~~ a reasonable person in the same circumstances would believe that:

(a) ~~taken solely for purposes of delay or harassment~~ the contested case or subsequent appeal was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(b) ~~where no question of law is involved~~ the procurement, initiation, or continuation of the contested case or subsequent appeal was intended merely to harass or injure the other party; or

WEDNESDAY, APRIL 29, 2015

(c) where the contested case or judicial review is without merit the contested case or subsequent appeal was not reasonably founded in fact or was interposed merely for delay or was merely brought for a purpose other than securing proper discovery or adjudication of the claim upon which the proceedings are based.

This subsection must not be construed to prohibit any party from seeking sanctions pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act pursuant to Section 15-36-10, et seq.

(E) The court must not assess attorney's fees or costs awarded against or to the department in any contested case or appeal involving a Certificate of Need application or an exemption request pursuant to Section 44-7-170 or a request for a determination as to the applicability of Section 44-7-160.

(F)(1) Any party may, at any time more than twenty days before the actual contested case hearing date, file with the clerk of the Administrative Law Court a written offer of judgment signed by the offeror or his attorney, directed to the opposing party, offering to take judgment in the offeror's favor, or as the case may be, to allow judgment to be taken against the offeror as specified in the offer. The offeror shall give notice of the offer of judgment to the offeree's attorney, or if the offeree is not represented by an attorney, to the offeree himself, in accordance with the service rules for motions and other pleadings set forth in the South Carolina Administrative Law Court Rules of Procedure. Within twenty days after notification, or at least ten days prior to the hearing date, whichever date is earlier, the offeree or his attorney may file with the clerk of the court a written acceptance of the offer of judgment. Upon the filing, the clerk shall enter immediately judgment of the stipulation. If the offer of judgment is not accepted within twenty days after notification or prior to or on the tenth day before the actual hearing date, whichever date occurs first, the offer shall be considered rejected and evidence thereof is not to be admissible except in a proceeding after the hearing to fix costs, interests, attorney's fees, and other recoverable monies. Any offeror may withdraw an offer of judgment prior to its acceptance or prior to the date on which it would be considered rejected by giving notice to the offeree or his attorney in accordance with the service rules for motions and other pleadings outlined in the South Carolina Administrative Law Court Rules of Procedure. Any offeror may file a subsequent offer of judgment in any amount provided that the subsequent offer supersedes any earlier offer that was rejected by the offeree or withdrawn by the offeror, and, on filing, terminates any rights of interest or costs that may have been

WEDNESDAY, APRIL 29, 2015

applicable to the superseded offer. Notwithstanding this provision, an offer is not considered rejected upon the making of a counteroffer by the offeree, but shall remain effective until accepted, rejected, or withdrawn as provided in this subsection. Any and all offers of judgment and any acceptance of offers of judgment must be included by the clerk in the record of the case.

(2) If an offer of judgment is not accepted and the offeror obtains a determination at least as favorable as the rejected offer, the offeror is entitled to recover from the offeree any administrative, discovery costs, and attorney's fees.

(3) This subsection must not be interpreted to abrogate the contractual rights of any party concerning the recovery of attorney's fees or other monies in accordance with the provisions of any written contract between the parties to the action."

SECTION 13. Section 44-7-230(D) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(D) A Certificate of Need is valid for one year from the date of issuance. A Certificate of Need must be issued with a timetable submitted by the applicant and approved by the department to be followed for completion of the project. The holder of the Certificate of Need shall submit periodic progress reports on meeting the timetable as may be required by the department. Failure to meet the timetable results in the revocation of the Certificate of Need by the department unless the department determines that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause of the delay. The department may grant two extensions of up to nine months each upon evidence that substantial progress has been made in accordance with procedures set forth in regulations. ~~The board~~ department may grant further extensions of up to nine months each only if it determines that substantial progress has been made in accordance with the procedures set forth in regulations.”

SECTION 14. Section 44-7-1590(C) of the 1976 Code is amended to read:

“(C) Any interested party, within twenty days after the date of the publication of the notice, ~~but not afterwards,~~ may challenge the action so taken by the state board, or the county board, ~~or the Department of Health and Environmental Control,~~ by action de novo in the court of common pleas in any county where the hospital facilities are to be located.”

SECTION 15. Section 44-7-180 and Section 44-7-225 of the 1976 Code are repealed.

WEDNESDAY, APRIL 29, 2015

SECTION 16. A. Section 44-7-120 of the 1976 Code is amended to read:

~~“Section 44-7-120. The purpose of this article is to promote cost containment, prevent unnecessary duplication of health care facilities and services, guide the establishment of health facilities and services which will best serve public needs, and ensure that high quality services are provided in health facilities in this State. To achieve these purposes, this article requires-~~

- ~~(1) the issuance of a Certificate of Need before undertaking a project prescribed by this article;~~
- ~~(2) adoption of procedures and criteria for submittal of an application and appropriate review before issuance of a Certificate of Need;~~
- ~~(3) preparation and publication of a State Health Plan;~~
- (4) the licensure of facilities rendering medical, nursing, and other health care.”

B. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44-7-131. As used in this article:

(1) ‘Ambulatory surgical facility’ means a facility organized and administered for the purpose of performing surgical procedures for which patients are scheduled to arrive, receive surgery, and be discharged on the same day and which the owner or operator makes available to other providers who comprise an organized professional staff.

(2) ‘Board’ means the State Board of Health and Environmental Control.

(3) ‘Community residential care facility’ means a facility which offers room and board and provides a degree of personal assistance for two or more persons eighteen years old or older.

(4) Daycare facility for adults’ means a facility for adults eighteen years or older which:

(a) offers in a group setting a program of individual and group activities and therapies;

(b) is directed toward providing community-based care for those in need of a supportive setting for less than twenty-four hours a day to prevent unnecessary institutionalization; and

(c) provides a minimum of four and a maximum of fourteen hours of operation a day.

(5) ‘Department’ means the Department of Health and Environmental Control.

WEDNESDAY, APRIL 29, 2015

(6) 'Health care facility' means, at a minimum, acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, and narcotic treatment programs.

(7) 'Health service' means clinically related, diagnostic, treatment, or rehabilitative services and includes alcohol, drug abuse, and mental health.

(8) 'Hospital' means a facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy and which may provide obstetrical care and include residential treatment facilities for children and adolescents in need of mental health treatment which are physically a part of a licensed psychiatric hospital, not including facilities which are licensed by the Department of Social Services.

(9) 'Nursing home' means a facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours which is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.

(10) 'Facility for chemically dependent or addicted persons' means a facility organized to provide outpatient or residential services to chemically dependent or addicted persons and their families based on an individual treatment plan including diagnostic treatment, individual and group counseling, family therapy, vocational and educational development counseling, and referral services.

(11) 'Person' means an individual, a trust or estate, a partnership, a corporation including an association, joint stock company, insurance company, and a health maintenance organization, a health care facility, a state, a political subdivision, or an instrumentality including a municipal corporation of a state, or any legal entity recognized by the State.

(12) 'Residential treatment facility for children and adolescents' means a facility operated for the assessment, diagnosis, treatment, and care of two or more 'children and adolescents in need of mental health treatment' which provides:

WEDNESDAY, APRIL 29, 2015

(a) a special education program with a minimum program defined by the South Carolina Department of Education;

(b) recreational facilities with an organized youth development program; and

(c) residential treatment for a child or adolescent in need of mental health treatment.

(13) ‘Children, adolescents, and young adults in need of mental health treatment’ in a residential treatment facility means a child, adolescent, or young adult under age twenty-one who manifests a substantial disorder of cognitive or emotional process, which lessens or impairs to a marked degree that child’s, adolescent’s, or young adult’s capacity either to develop or to exercise age-appropriate or age-adequate behavior—including, but not limited to, marked disorders of mood or thought processes, severe difficulties with self-control and judgment including behavior dangerous to self or others, and serious disturbances in the ability to care for and relate to others.

(14) ‘Intermediate care facility for persons with intellectual disability’ means a facility that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

(15) ‘Facilities wherein abortions are performed’ means a facility, other than a hospital, in which any second trimester or five or more first trimester abortions are performed in a month.

(16) ‘Radiation therapy facility’ means a person or a health care facility which provides or seeks to provide mega-voltage therapeutic services to patients through the use of high energy radiation.

(17) ‘Birthing center’ means a facility or other place where human births are planned to occur—but does not include the usual residence of the mother or a facility that is licensed as a hospital or the private practice of a physician who attends the birth.

(18) ‘Freestanding emergency service’, also referred to as an off-campus emergency service, means an extension to an existing emergency department of a licensed hospital that supports an off-campus emergency service, which is intended to provide comprehensive emergency service, but does not include a service that does not provide twenty-four hour, seven day per week operation or that is not capable of providing basic services as defined for hospital emergency departments. A service that does not qualify as a freestanding emergency service must not be classified as a freestanding emergency service and must not

WEDNESDAY, APRIL 29, 2015

advertise or display or exhibit any signs or symbols that would identify the service as a freestanding emergency service.”

C. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44-7-151. In carrying out the purposes of this article, the department shall:

(1) require reports and make inspections and investigations as considered necessary;

(2) to the extent that is necessary to effectuate the purposes of this article, enter into agreements with other departments, commissions, agencies, and institutions, public or private;

(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department and approved by the board to carry out the department’s licensure duties under this article;

(4) accept on behalf of the State and deposit with the State Treasurer, any grant, gift, or contribution made to assist in meeting the cost of carrying out the purpose of this article and expend it for that purpose;

(5) promulgate regulations, in accordance with the Administrative Procedures Act, which establish fees as authorized by this article, leaving fees promulgated as of January 1, 2009, in effect until regulations are promulgated pursuant to this item.”

D. Section 44-7-320 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44-7-320. (A)(1) The department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for:

(a) violating a provision of this article or departmental regulations;

~~(b) permitting, aiding, or abetting the commission of an unlawful act relating to the securing of a Certificate of Need or the establishment, maintenance, or operation of a facility requiring certification of need or licensure under this article;~~

~~(e)~~(b) engaging in conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. This provision does not refer to health practices authorized by law;

~~(d)~~(c) refusing to admit and treat alcoholic and substance abusers, the mentally ill, or persons with intellectual disability, whose admission or treatment has been prescribed by a physician who is a

WEDNESDAY, APRIL 29, 2015

member of the facility's medical staff; or discriminating against alcoholics, the mentally ill, or persons with intellectual disability solely because of the alcoholism, mental illness, or intellectual disability; and

~~(e)~~(d) failing to allow a team advocacy inspection of a community residential care facility by the South Carolina Protection and Advocacy System for the Handicapped, Inc., as allowed by law.

(2) Consideration to deny, suspend, or revoke licenses or assess monetary penalties, or both, is not limited to information relating to the current licensing period but includes consideration of all pertinent information regarding the facility and the applicant.

(3) If in the department's judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the department immediately may suspend the facility's license and shall contact the appropriate agencies for placement of the residents. Within five calendar days of the suspension a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist. If they do not, the license must be immediately reinstated. Whether the license is reinstated or suspension remains due to the immediate threatening conditions or practices, the department may proceed with the process for permanent revocation pursuant to this section.

(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, a notice setting forth the particular reasons for the determination. The determination becomes final thirty days after the mailing of the notice, unless the person or facility, within such thirty-day period, requests in writing a contested case hearing before the board, or its designee, pursuant to the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

(C) The penalty imposed by the department for violation of this article or its regulations must be not less than one hundred nor more than five thousand dollars for each violation of any of the provisions of this article. Each day's violation is considered a subsequent offense.

(D) Failure to pay a penalty within thirty days is grounds for suspension, revocation, or denial of a renewal of a license. ~~No~~ A license ~~may~~ must not be issued, reissued, or renewed until all penalties finally assessed against a person or facility have been paid.

~~(E) No Certificate of Need may be issued to any person or facility until a final penalty assessed against a person or a facility has been paid.~~

WEDNESDAY, APRIL 29, 2015

~~(F)~~(E) All penalties collected pursuant to this article must be deposited in the state treasury and credited to the general fund of the State.”

E. Sections 44-7-130, 44-7-150, 44-7-160, 44-7-170, 44-7-190, 44-7-200, 44-7-210, 44-7-220, and 44-7-230 of the 1976 Code are repealed effective January 1, 2020.

F. Article 3, Chapter 7, Title 44 of the 1976 Code is renamed the State Health Facility Licensure Act.

G. This SECTION takes effect January 1, 2020.

SECTION 17. (A) The South Carolina Board of Health and Environmental Control shall review the projects of persons and health care facilities whose total projects costs are less than seven million dollars and that were initiated between July 1, 2013, and April 14, 2014, for which a Certificate of Need is required pursuant to Article 3, Chapter 7, Title 44 of the Code of Laws of South Carolina, 1976. In its review, the board shall determine if the projects merit a Certificate of Need. If the board determines a project merits a Certificate of Need, the board shall stand in the place of the Department of Health and Environmental Control and may issue the Certificate of Need nunc pro tunc. Any certificate issued by the board is deemed to have been issued by the Department of Health and Environmental Control. All requirements governing Certificates of Need apply to those persons or health care facilities issued a Certificate of Need pursuant to this section.

(B) The board shall establish procedures for the submission of an application, public notice of the filing of applications, and a process for notification of its decision to all affected person, who during the board’s review process, have notified the board of the person’s desire to be an affected person. In order to participate in any contested case review, an affected person has to notify the board of the specific reasons it objects to an application.

SECTION 18. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for

WEDNESDAY, APRIL 29, 2015

the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 19. Except as otherwise provided, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL spoke upon the amendment.

Rep. MERRILL spoke upon the amendment.

Rep. BINGHAM spoke in favor of the amendment.

The amendment was then adopted.

Rep. HENEGAN proposed the following Amendment No. 3 to H. 3250 (COUNCIL\BH\3250C006.BH.VR15), which was tabled:

Amend the bill, as and if amended, SECTION 8, pages [3250-6] and [3250-7], by striking Section 44-7-170(A) and inserting:

/ “(A) The following are exempt from Certificate of Need review:

(1) the acquisition by a person of medical equipment to be used solely for research, the offering of an institutional health service by a person solely for research, or the obligation of a capital expenditure by a person to be made solely for research if it does not:

(a) affect the charges imposed by the person for the provision of medical or other patient care services other than the services that are included in the research;

(b) change the bed capacity of a health care facility; or

(c) substantially change the medical or other patient care services provided by the person.

A written description of the proposed research project must be submitted to the department in order for the department to determine if these conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after the equipment or service is no longer being used solely for research;

(2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44-7-160(1) and (5);

(3) the replacement of like equipment with similar capabilities for which a Certificate of Need has been issued which does not constitute a material change in service or a new service;

(4) the addition of one or more beds in the bed capacity of an existing freestanding licensed acute care hospital, nursing home, rehabilitation facility, or psychiatric hospital;

WEDNESDAY, APRIL 29, 2015

(5) a capital expenditure by or on behalf of a health care facility to expand existing health services and associated equipment other than to expand beds or those services described in this subsection for which a Certificate of Need previously has been awarded within a one-mile radius for the same site where such services are located;

(6) a capital expenditure by or on behalf of a health care facility to establish a freestanding emergency service in a county in which a hospital would qualify as a rural hospital, pursuant to Section 44-6-910, or in a Tier IV county, as designated in Section 12-6-3360.” /

Renumber sections to conform.

Amend title to conform.

Rep. HENEGAN explained the amendment.

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

Rep. G. M. SMITH proposed the following Amendment No. 4 to H. 3250 (COUNCIL\BBM\3250C011.BBM.DG15), which was adopted:

Amend the bill, as and if amended, SECTION 5, by striking Section 44-7-130(1) and inserting:

/ “(1) ‘Affected person’ means the applicant, a person with standing residing within the geographic area served or to be served by the applicant, ~~persons located in the health service area in which the project is to be located and~~ who provide similar services to the proposed project in the health service area in which the project is to be located, persons who before receipt by the department of the proposal being reviewed have formally indicated an intention to provide in the future similar services ~~in the future to the proposed project in the health service area in which the project is to be located~~, persons who pay for health services in the health service area in which the project is to be located and who have notified the department of their interest in Certificate of Need applications, the State Consumer Advocate, and the State Ombudsman. ~~Persons from another state who would otherwise be considered ‘affected persons’ are not included unless that state provides for similar involvement of persons from South Carolina in its certificate of need process.~~ A person operating a health care facility or providing a health service in a state other than South Carolina who does not: (a) operate a health care facility in the proposed service area which provides similar services; or (b) provide a health service similar to that being sought by

WEDNESDAY, APRIL 29, 2015

the applicant, and who is neither an applicant nor a competing applicant, is not considered an affected person. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

Reps. G. M. SMITH, MERRILL and BINGHAM proposed the following Amendment No. 5 to H. 3250 (COUNCIL\BBM\3250C021.BBM.DG15), which was adopted:

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

/ SECTION ____ . A. Section 44-7-260(A)(12) of the 1976 Code, is amended to read:

“(12) ~~freestanding or mobile technology~~ Reserved.”

B. Section 44-7-265 of the 1976 Code is repealed. /

Amend the bill further, page [3250-21], by striking SECTION 16.E. F. and G. and inserting:

/ E. Sections 44-7-130, 44-7-150, 44-7-160, 44-7-170, 44-7-190, 44-7-200, 44-7-210, 44-7-220, and 44-7-230 of the 1976 Code are repealed.

F. Article 3, Chapter 7, Title 44 of the 1976 Code is renamed the State Health Facility Licensure Act.

G. This SECTION takes effect January 1, 2018. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

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

Yeas 72; Nays 23

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Atwater	Ballentine	Bedingfield
Bingham	Bowers	Burns
Chumley	Clemmons	Clyburn
Cobb-Hunter	Collins	H. A. Crawford
Crosby	Daniny	Delleney

[HJ]

WEDNESDAY, APRIL 29, 2015

Dillard	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	Goldfinch	Hicks
Hill	Hixon	Hodges
Horne	Hosey	Howard
Huggins	Johnson	Jordan
Kennedy	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McCoy	McEachern
M. S. McLeod	Merrill	Murphy
Nanney	Newton	Norman
Ott	Parks	Pitts
Pope	Putnam	Quinn
Riley	Rivers	Ryhal
Simrill	G. M. Smith	G. R. Smith
Sottile	Stavrinakis	Stringer
Taylor	Thayer	Tinkler
Toole	Williams	Yow

Total--72

Those who voted in the negative are:

Allison	Bales	Bamberg
Bradley	G. A. Brown	R. L. Brown
Clary	Cole	Douglas
George	Gilliard	Hayes
Kirby	Mack	McKnight
W. J. McLeod	D. C. Moss	V. S. Moss
Norrell	Ridgeway	Tallon
Whipper	Whitmire	

Total--23

The amendment was then adopted.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of amendments.

WEDNESDAY, APRIL 29, 2015

RECURRENCE TO THE MORNING HOUR

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

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C. Wednesday, April 29

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators Hayes, Jackson and Hutto of the Committee of Conference on the part of the Senate on H. 3663:

H. 3663 -- Reprs. Bingham and Mitchell: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY AND DEVOLVE THE BOARD'S POWERS UPON THE STATE BUDGET AND CONTROL BOARD AND DIRECT THE STATE BUDGET AND CONTROL BOARD TO REMOVE THE CURRENT PRESIDENT OF SOUTH CAROLINA STATE UNIVERSITY AND EMPLOY AN INTERIM CHIEF EXECUTIVE OFFICER WHO SHALL SERVE AT-WILL AT THE PLEASURE OF THE BOARD TO AID IN DIRECTING THE UNIVERSITY IN A NEW DIRECTION WITH AN EMPHASIS ON ADDRESSING AND CORRECTING THE ONGOING FINANCIAL DIFFICULTIES OF THE UNIVERSITY IN ORDER TO KEEP THE UNIVERSITY FUNCTIONAL AND MAINTAIN ITS ACCREDITATION.

Very respectfully,

President

Received as information.

HOUSE RESOLUTION

The following was introduced:

H. 4087 -- Reprs. Finlay, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Forrester, Funderburk, Gagnon, Gambrell,

[HJ]

WEDNESDAY, APRIL 29, 2015

George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE ASHLEY STONE OF COLUMBIA ON HER SELECTION AS A 2015 DELEGATE TO PALMETTO GIRLS STATE AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4088 -- Reps. Finlay, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE KARENA GRIFFIN OF COLUMBIA ON HER SELECTION AS A 2015

WEDNESDAY, APRIL 29, 2015

DELEGATE TO PALMETTO GIRLS STATE AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4089 -- Reps. Finlay, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE ANNA RAYFIELD OF COLUMBIA ON HER SELECTION AS A 2015 DELEGATE TO PALMETTO GIRLS STATE AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4095 -- Rep. Clyburn: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE CLASS OF 1965 THAT GRADUATED FROM ALLEN UNIVERSITY AND TO CONGRATULATE THE MEMBERS OF THAT CLASS FOR A

WEDNESDAY, APRIL 29, 2015

HALF CENTURY OF MEANINGFUL IMPACT AROUND THE WORLD.

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 726 -- Senators Cromer, Setzler, Shealy, Massey and Courson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 1, CHARTER OAK ROAD, AND PISGAH CHURCH ROAD IN LEXINGTON COUNTY "SERGEANT JOHN DAVID MEADOR II INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THIS DESIGNATION.

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

INTRODUCTION OF BILLS

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

H. 4090 -- Reps. Bedingfield, Sandifer, G. A. Brown, Ballentine and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-29-25 SO AS TO PROVIDE ACTIONS THAT REQUIRE A CERTIFICATE OF AUTHORITY AS A PAWN BROKER; BY ADDING SECTION 40-29-55 SO AS TO PROVIDE FOR THE PERIODIC ADJUSTMENT OF CERTAIN MONETARY REQUIREMENTS IN A CERTAIN MANNER; BY ADDING SECTION 40-29-145 SO AS TO HOLD ORDERS ON PROPERTY IN THE POSSESSION OF A PAWNBROKER SUSPECTED TO HAVE BEEN MISAPPROPRIATED OR STOLEN; BY ADDING SECTION 40-29-155 SO AS TO PROVIDE A PERSON AGGRIEVED BY THE FINAL ADMINISTRATIVE ORDER OF THE DEPARTMENT OF CONSUMER AFFAIRS MAY REQUEST A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT, AND TO PROVIDE THE DEPARTMENT MAY BRING AN ACTION TO ENFORCE ITS ORDER IF THE PERSON FAILS TO TIMELY

WEDNESDAY, APRIL 29, 2015

REQUEST A CONTESTED CASE HEARING; TO AMEND SECTION 40-39-10, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PAWNBROKERS BY THE DEPARTMENT, SO AS TO REVISE THE DEFINITION OF "PLEDGED GOODS" SPECIFICALLY TO EXCLUDE CERTAIN VEHICLES; TO AMEND SECTION 40-39-20, RELATING TO REGULATIONS OF PAWN BROKERS, SO AS TO REVISE REQUIREMENTS CONCERNING BACKGROUND CHECKS AND TO PROHIBIT THE EMPLOYMENT OF A PERSON CONVICTED OF A FELONY TO ENGAGE IN THE WORK OF A PAWNBROKER, SUBJECT TO CERTAIN EXCEPTIONS; TO AMEND SECTION 40-39-30, RELATING TO THE REQUIREMENT OF A CERTIFICATE OF AUTHORITY FOR EACH BUSINESS LOCATION OF A PAWNBROKER, SO AS TO PROVIDE A PAWNBROKER MAY RETAIN NO PLEDGED GOODS IN A LOCATION OTHER THAN THE LOCATION DESIGNATED IN THE CERTIFICATE OF AUTHORITY WITHOUT FIRST FILING A NOTIFICATION WITH THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT, AND TO PROVIDE A PAWNBROKER CONSPICUOUSLY SHALL POST THE HOURS OF OPERATION AND ANY CLOSURE AT EACH LOCATION; TO AMEND SECTION 40-39-40, RELATING TO THE PROHIBITION ON UNAUTHORIZED FEES, SO AS TO PROVIDE A PAWNBROKER THAT COLLECTS SUCH UNAUTHORIZED FEES MAY NOT COLLECT, RECEIVE, OR RETAIN ANY INTEREST OR CHARGES ON THE LOAN IN VIOLATION OF THIS CHAPTER AND HAS NO RIGHT TO POSSESS THE PLEDGED GOODS; TO AMEND SECTION 40-39-50, RELATING TO BONDS AND OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED FOR A CERTIFICATE OF AUTHORITY, SO AS TO REVISE AND DELETE SOME EXISTING REQUIREMENTS AND TO PROVIDE WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE OCCURRENCE OF AN EVENT THAT MAY AFFECT PLEDGED GOODS, A PAWNBROKER SHALL FILE A WRITTEN NOTICE ON A FORM PRESCRIBED BY THE DEPARTMENT DESCRIBING THE EVENT AND ITS EXPECTED IMPACT UPON THE BUSINESS; TO AMEND SECTION 40-39-70, RELATING TO RECORD KEEPING REQUIREMENTS, SO AS TO INCLUDE SALES AMONG THE AFFECTED TRANSACTIONS, TO REQUIRE VERIFICATION OF THE IDENTITY OF A PLEDGOR OR SELLER IN A CERTAIN MANNER, AND TO PROVIDE A PAWN OR PURCHASE

WEDNESDAY, APRIL 29, 2015

TRANSACTION MUST BE PERFORMED BY THE OWNER OF THE PROPERTY, OR HIS AUTHORIZED AGENT, WHOSE IDENTITY AND AGENCY RELATIONSHIP MUST BE VERIFIED BY THE PAWNBROKER; TO AMEND SECTION 40-39-80, RELATING TO THE ISSUANCE OF A MEMORANDUM OR NOTE AT THE TIME OF PAWNING OR PLEDGING, SO AS TO CHARACTERIZE THE MEMORANDUM OR NOTE AS A "PAWN TICKET" AND TO PROVIDE DETAILED, RELATED REQUIREMENTS; TO AMEND SECTION 40-39-100, RELATING TO PERMISSIBLE CHARGES ON LOANS BY PAWNBROKERS, SO AS TO REVISE THE MAXIMUM PERMISSIBLE AMOUNT; TO AMEND SECTION 40-39-120, RELATING TO THE RENEWAL OF A CERTIFICATE OF AUTHORITY, SO AS TO PROVIDE PENALTIES FOR FAILING TO TIMELY RENEW, AND TO PROVIDE REQUIREMENTS FOR A PAWN SHOP THAT MUST CLOSE BECAUSE OF A SURRENDER OR REVOCATION OF ITS CERTIFICATE OF AUTHORITY; TO AMEND SECTION 40-39-140, RELATING TO THE ACCEPTANCE OF PROPERTY OWNED BY A THIRD PARTY, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PAWNBROKER MUST RETURN PLEDGED PROPERTY THAT HAD BEEN LEASED BY A SELLER OR PLEDGOR TO THE LESSOR OF THE PROPERTY, AND TO PROVIDE A PAWNBROKER IS NOT LIABLE TO THE PLEDGOR OR SELLER OF PROPERTY THAT IS RECOVERED BY A LESSOR FOR RETURNING THE PROPERTY TO A LESSOR; AND TO AMEND SECTION 40-39-150, RELATING TO FINES AND PENALTIES FOR VIOLATIONS, SO AS TO TRANSFER CERTAIN AUTHORITY CONCERNING THESE FINES AND PENALTIES FROM THE ADMINISTRATIVE LAW COURT TO THE DEPARTMENT.

Referred to Committee on Labor, Commerce and Industry

H. 4091 -- Reps. Horne, Murphy, Knight and Tinkler: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF TWO OR FEWER DAYS THAT SCHOOLS IN DORCHESTER COUNTY SCHOOL DISTRICT 2 CLOSED IN FEBRUARY 2015 DUE TO INCLEMENT WEATHER FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT

[HJ]

WEDNESDAY, APRIL 29, 2015

APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

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

H. 4092 -- Reps. Loftis, H. A. Crawford, Allison, Burns, Chumley, Hardwick, Long, Kirby, Brannon, Goldfinch, Southard, Erickson, Johnson, Hill, Kennedy, Horne, Murphy, Spires, Limehouse, Anderson, Bedingfield, Clemmons, Delleney, Finlay, Forrester, Hayes, Herbkersman, Hicks, Hosey, Lowe, V. S. Moss, Newton, Norrell, Pope, Putnam, Rivers, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Taylor, Thayer, Tinkler, Toole, Weeks and Willis: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT WHEN AN OWNER RECEIVING THE FOUR PERCENT ASSESSMENT RATIO DIES, THE PROPERTY SHALL CONTINUE TO RECEIVE THE SPECIAL ASSESSMENT RATE UNTIL THE DECEASED'S ESTATE IS CLOSED, SO LONG AS THE PROPERTY IS NOT RENTED OR OCCUPIED.

Referred to Committee on Ways and Means

H. 4093 -- Reps. Chumley, Burns, Loftis, Bedingfield, G. R. Smith, Putnam, Stringer, Daning, H. A. Crawford, Nanney, Hicks, Yow, Norman, Pope, Rivers and Toole: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE, SO AS TO EXTEND THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE TO BORN AND PREBORN PERSONS BEGINNING AT CONCEPTION.

Referred to Committee on Judiciary

H. 4094 -- Rep. Ott: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS OR OTHER RESTRICTIONS ON CERTAIN SALTWATER AND OTHER FISH, SO AS TO REVISE THE CATCH LIMIT FOR WHITING IN ANY ONE DAY, AND TO MAKE CORRESPONDING CHANGES TO ACCOMPLISH THE REVISED CATCH LIMIT FOR WHITING.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

WEDNESDAY, APRIL 29, 2015

SPEAKER IN CHAIR

H. 3250--ORDERED TO THIRD READING

Debate was resumed on the following Bill, the pending question being the consideration of amendments:

H. 3250 -- Reps. G. M. Smith, Clyburn, Merrill and Anthony: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMINOLOGY FOR THE CERTIFICATE OF NEED PROGRAM, SO AS TO ADD THE TERM "NEW AND EMERGING TECHNOLOGY"; BY ADDING SECTION 44-7-215 SO AS TO ENTITLE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO HAVE ACCESS TO CERTAIN DATA MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE; TO AMEND SECTION 13-7-10, AS AMENDED, RELATING TO THE DEFINITION OF "NONIONIZING RADIATION", SO AS TO CHANGE THE DEFINITION; TO AMEND SECTION 13-7-45, AS AMENDED, RELATING TO REGULATION OF SOURCES OF IONIZING AND NONIONIZING RADIATION, SO AS TO REQUIRE ACCREDITATION OR CERTIFICATION FOR CERTAIN SOURCES OF RADIATION AND TO CHANGE ALLOWABLE FEES; TO AMEND SECTION 44-1-60, AS AMENDED, RELATING TO THE REVIEW OF CERTIFICATE OF NEED DECISIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL AND REQUESTS FOR CONTESTED CARE HEARINGS IN CERTIFICATE OF NEED CASES, SO AS TO ELIMINATE BOARD REVIEW; TO AMEND SECTION 44-7-120, RELATING TO THE PURPOSE OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO ELIMINATE THE USE OF A STATE HEALTH PLAN; TO AMEND SECTION 44-7-130, AS AMENDED, RELATING TO CERTIFICATE OF NEED PROGRAM DEFINITIONS, SO AS TO REVISE DEFINITIONS FOR "AFFECTED PERSON", "HEALTH SERVICE", "FREESTANDING OR MOBILE TECHNOLOGY", AND "LIKE NEW AND EMERGING TECHNOLOGY WITH SIMILAR CAPABILITIES"; TO AMEND SECTION 44-7-150, AS AMENDED, RELATING TO THE USE OF CERTIFICATE OF NEED FEES, SO AS TO ALLOW THE DEPARTMENT TO RETAIN ALL FEES COLLECTED FOR THE USE OF THE PROGRAM; TO AMEND SECTION 44-7-160, AS

[HJ]

WEDNESDAY, APRIL 29, 2015

AMENDED, RELATING TO CIRCUMSTANCES UNDER WHICH A CERTIFICATE OF NEED IS REQUIRED, SO AS TO CHANGE CERTAIN REQUIREMENTS; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO CERTIFICATE OF NEED EXCEPTIONS, SO AS TO ADD NEW EXCEPTIONS AND MAKE CHANGES TO EXISTING EXCEPTIONS; TO AMEND SECTION 44-7-200, AS AMENDED, RELATING TO NOTICE REQUIREMENTS ABOUT CERTIFICATE OF NEED APPLICATIONS, SO AS TO ELIMINATE THE REQUIREMENT FOR PUBLICATION OF NOTICE AND INSTEAD TO REQUIRE THE APPLICANT TO FILE A LETTER OF INTENT WITH THE DEPARTMENT AND TO ELIMINATE THE REFERENCE TO BOARD REVIEW OF DEPARTMENT DECISIONS; TO AMEND SECTION 44-7-210, AS AMENDED, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO ELIMINATE THE REQUIREMENT OF A PUBLIC HEARING, THE APPLICATION OF THE STATE HEALTH PLAN, AND BOARD REVIEW OF DEPARTMENT DECISIONS; TO AMEND SECTION 44-7-220, AS AMENDED, RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT DECISIONS ON CERTIFICATE OF NEED MATTERS, SO AS TO ADD CERTAIN REQUIREMENTS RELATED TO THE AWARD OF ATTORNEY FEES AND COSTS AND TO CHANGE THE DEFINITION OF FRIVOLOUS APPEAL; TO AMEND SECTION 44-7-230, AS AMENDED, RELATING TO LIMITATIONS ON CERTIFICATES OF NEED, SO AS TO SUBSTITUTE THE TERM "NEW AND EMERGING TECHNOLOGY" FOR "MEDICAL EQUIPMENT" AND TO ELIMINATE THE ROLE OF THE BOARD; TO AMEND SECTION 44-7-240, RELATING TO CONSTRUCTION PROGRAMS IN THE STATE, SO AS TO ELIMINATE REFERENCE TO THE STATE HEALTH PLAN; TO AMEND SECTION 44-7-1590, RELATING TO PROCEDURES FOR APPROVAL OF HOSPITAL BONDS, SO AS TO ELIMINATE THE RIGHT TO CHALLENGE AN ACTION BY THE DEPARTMENT; TO REPEAL SECTION 44-7-180 RELATING TO THE STATE HEALTH PLANNING COMMITTEE AND THE STATE HEALTH PLAN, AND SECTION 44-7-225 RELATING TO JUDICIAL CONSIDERATION OF THE STATE HEALTH PLAN IN MATTERS BEFORE THE COURT; AND TO REQUIRE THE BOARD TO REVIEW CERTAIN PROJECTS FOR WHICH A CERTIFICATE OF NEED WAS REQUIRED BUT NOT OBTAINED BETWEEN JULY 1, 2013, AND APRIL 14, 2014, TO DETERMINE

[HJ]

WEDNESDAY, APRIL 29, 2015

WHETHER THE PROJECTS MEET THE REQUIREMENTS FOR ISSUANCE OF A CERTIFICATE OF NEED, AND TO ISSUE CERTIFICATES OF NEED IN APPROPRIATE CASES.

Reps. MERRILL and BINGHAM proposed the following Amendment No. 6 to H. 3250 (COUNCIL\BBM\3250C022.BBM.DG15), which was tabled:

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

/ SECTION ____ . A. Section 44-7-260(A)(12) of the 1976 Code, is amended to read:

“(12) ~~freestanding or mobile technology~~ Reserved.”

B. Section 44-7-265 of the 1976 Code is repealed. /

Amend the bill further, page [3250-21], by striking SECTION 16.E. F. and G. and inserting:

/ E. Sections 44-7-130, 44-7-150, 44-7-160, 44-7-170, 44-7-190, 44-7-200, 44-7-210, 44-7-220, and 44-7-230 of the 1976 Code are repealed.

F. Article 3, Chapter 7, Title 44 of the 1976 Code is renamed the State Health Facility Licensure Act.

G. This SECTION takes effect January 1, 2016. /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

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

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 1

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bedingfield	Bernstein
Bingham	Bowers	Bradley

[HJ]

105

WEDNESDAY, APRIL 29, 2015

G. A. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Funderburk
George	Gilliard	Goldfinch
Govan	Hardwick	Hayes
Henegan	Herbkersman	Hicks
Hill	Hixon	Hodges
Horne	Hosey	Howard
Huggins	Johnson	Jordan
Kennedy	Kirby	Knight
Limehouse	Loftis	Long
Lowe	Lucas	Mack
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Merrill
Mitchell	D. C. Moss	V. S. Moss
Nanney	Newton	Norman
Norrell	Ott	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Rivers	Rutherford	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Southard
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Toole	Weeks	Wells
Whipper	White	Williams
Yow		

Total--103

Those who voted in the negative are:

R. L. Brown

Total--1

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

[HJ]

WEDNESDAY, APRIL 29, 2015

STATEMENT FOR THE HOUSE JOURNAL

**ABSTENTION FROM VOTING
BASED ON POTENTIAL CONFLICT OF INTEREST**

In accordance with §8-13-700(B) of the S.C. Code, I abstained from voting on H. 3250 because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

The reason for abstaining on the above referenced legislation is that a potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of S.C. Code §8-13-700(B).

Rep. Mark N. Willis

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3250. If I had been present, I would have voted in favor of the Bill.

Rep. Phyllis J. Henderson

H. 3062--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3062 -- Reps. Goldfinch, G. R. Smith and Pitts: A BILL TO AMEND SECTION 12-36-2120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE STATE SALES AND USE TAX, SO AS TO EXEMPT FROM THESE TAXES GROSS PROCEEDS OF SALES OR SALES PRICE OF CHILDREN'S CLOTHING SOLD TO A PRIVATE CHARITABLE ORGANIZATION FOR THE SOLE PURPOSE OF DISTRIBUTION AT NO COST TO NEEDY CHILDREN AND TO DEFINE "CLOTHING" AND "NEEDY CHILDREN".

Rep. GOLDFINCH proposed the following Amendment No. 1 to H. 3062 (COUNCIL\BBM\3062C002.BBM.DG15):

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

/ SECTION 1. Section 12-36-2120 of the 1976 Code is amended by adding an appropriately numbered new item at the end to read:

[HJ]

WEDNESDAY, APRIL 29, 2015

“() children’s clothing sold to a private charitable organization exempt from federal and state income tax, except for private schools, for the sole purpose of distribution by that organization to needy children. For purposes of this item:

(a) ‘clothing’ means those items exempt from sales and use tax pursuant to item (57)(a)(i) and (iii) of this section; and

(b) ‘needy children’ means children eligible for free meals under the National School Lunch Program of the United States Department of Agriculture.” /

Renumber sections to conform.

Amend title to conform.

Rep. GOLDFINCH explained the amendment.

Reps. NORMAN, KIRBY, CROSBY, DANING, ANTHONY, SOUTHARD, ATWATER, THAYER, LOFTIS, BURNS, NEWTON and LONG requested debate on the Bill.

H. 3568--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3568 -- Reps. G. R. Smith, Duckworth, Burns, Goldfinch, Clemmons, Yow, Kirby, Spires, Norrell, Cobb-Hunter, Daning, Parks, Mitchell, Robinson-Simpson, Bamberg, Limehouse, Sottile, Cole, Corley, Felder, Finlay, Funderburk, Gagnon, Hamilton, Hardee, Hardwick, Henderson, McCoy, McKnight, Nanney, Sandifer, Tallon, Wells, Willis, Dillard and Stavrinakis: A BILL TO AMEND SECTION 12-36-2120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT CONSTRUCTION MATERIALS USED BY AN ENTITY ORGANIZED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE AS A NONPROFIT ORGANIZATION TO BUILD, REHABILITATE, OR REPAIR A HOME FOR THE BENEFIT OF AN INDIVIDUAL OR FAMILY IN NEED.

Rep. G. R. SMITH proposed the following Amendment No. 1 to H. 3568 (COUNCIL\NBD\3568C001.NBD.SA15), which was adopted:

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

/ SECTION 1. Section 12-36-2120 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

[HJ]

WEDNESDAY, APRIL 29, 2015

“() construction materials used by an entity organized under Section 501(c)(3) of the Internal Revenue Code as a nonprofit corporation to build, rehabilitate, or repair a home for the benefit of an individual or family in need. For purposes of this item, ‘an individual or family in need’ means an individual or family, as applicable, whose income is less than or equal to eighty percent of the Area Median Income.”

SECTION 2. This act takes effect January 1, 2016. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

The amendment was then adopted.

Rep. WHITE proposed the following Amendment No. 2 to H. 3568 (COUNCIL\AGM\3568C001.AGM.DG15), which was adopted:

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

/ SECTION ____ . Section 12-36-2120(52) of the 1976 Code is amended to read:

“(52) parts and supplies used by persons engaged in the business of repairing or reconditioning aircraft ~~owned by or leased to the federal government or commercial air carriers~~. This exemption does not extend to tools and other equipment not attached to or that do not become a part of the aircraft;” /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

POINT OF ORDER

Rep. HILL raised the Point of Order that under Rule 9.3 that Amendment No. 2 to H. 3568 was out of order in that it was not germane to the Bill.

Rep. WHITE spoke against the Point of Order.

Rep. HILL spoke in favor of the Point of Order.

SPEAKER LUCAS overruled the Point of Order and stated that the substantial effect of both H. 3568 and Amendment No. 2 dealt with the creation of a sales tax exemption. Therefore he overruled the Point of Order.

WEDNESDAY, APRIL 29, 2015

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 75; Nays 15

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bernstein
Bowers	Bradley	G. A. Brown
R. L. Brown	Clary	Clemmons
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Daning
Dillard	Douglas	Duckworth
Finlay	Forrester	Funderburk
George	Goldfinch	Hardwick
Hayes	Henegan	Herbkersman
Hixon	Hodges	Horne
Howard	Huggins	Johnson
Jordan	Kirby	Knight
Loftis	Lowe	Lucas
Mack	McCoy	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
V. S. Moss	Murphy	Neal
Norrell	Ott	Pitts
Putnam	Ridgeway	Riley
Rivers	Rutherford	Ryhal
Sandifer	G. M. Smith	G. R. Smith
Sottile	Tallon	Taylor
Thayer	Tinkler	Weeks
Wells	White	Whitmire
Williams	Willis	Yow

Total--75

Those who voted in the negative are:

Atwater	Bedingfield	Bingham
Delleney	Felder	Hicks
Hill	D. C. Moss	Nanney

WEDNESDAY, APRIL 29, 2015

Norman
Simrill

Pope
Southard

Quinn
Stringer

Total--15

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3568. If I had been present, I would have voted in favor of the Bill.

Rep. Wm. Weston J. Newton

H. 3874--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3874 -- Reps. Mitchell, Cobb-Hunter, Merrill, Loftis, Dillard and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3770 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES RENEWABLE ENERGY PROPERTY AND PLACES IT IN SERVICE IN THIS STATE, AND TO PROVIDE A DEFINITION OF "RENEWABLE ENERGY PROPERTY".

Reps. BALLENTINE, QUINN, SIMRILL, POPE, WELLS, HIXON, NORMAN, D. C. MOSS, FORRESTER, SANDIFER, HILL, WILLIS and BEDINGFIELD requested debate on the Bill.

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

RECURRENCE TO THE MORNING HOUR

Rep. G. M. SMITH moved that the House recur to the morning hour, which was agreed to.

WEDNESDAY, APRIL 29, 2015

H. 3149--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3149 -- Reps. G. M. Smith, G. R. Smith, Cobb-Hunter, Johnson, Whipper and R. L. Brown: A BILL TO AMEND SECTION 12-39-360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A COUNTY'S AUTHORITY TO EXTEND THE PAYMENT OF PROPERTY TAXES FOR SERVICE MEMBERS IN OR NEAR A HAZARD DUTY ZONE, SO AS TO REQUIRE EACH COUNTY TO ALLOW FOR A DEFERMENT, TO PROVIDE THE DEFERMENT BEGINS ON THE TAX DUE DATE AND ENDS NINETY DAYS AFTER THE LAST DATE OF DEPLOYMENT, AND TO PROVIDE THAT NO INTEREST MAY BE CHARGED DURING THE DEPLOYMENT UNLESS THE TAX IS NOT PAID WITHIN THE NINETY-DAY GRACE PERIOD.

Rep. G. R. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bedingfield	Bernstein
Bingham	Bowers	Bradley
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Delleney	Duckworth	Erickson
Finlay	Forrester	Funderburk
George	Gilliard	Goldfinch
Hardwick	Hayes	Henderson
Henegan	Herbkersman	Hill
Hixon	Hodges	Horne
Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	Mack	McCoy

[HJ]

WEDNESDAY, APRIL 29, 2015

McEachern	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	V. S. Moss
Murphy	Nanney	Neal
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Weeks
Whipper	White	Whitmire
Williams	Willis	Yow

Total--99

Those who voted in the negative are:

Total--0

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

H. 3313--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3313 -- Reps. Pope, Simrill, Ballentine, Felder, Atwater, Bedingfield, Spires, Clary, Collins, Delleney, Hamilton, Hiott, Hixon, V. S. Moss, Norman, Stringer, Toole, W. J. McLeod and Newton: 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 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 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

[HJ]

WEDNESDAY, APRIL 29, 2015

CONFORMING AMENDMENT, AND TO PROVIDE THAT AFTER A PARCEL OF REAL PROPERTY HAS UNDERGONE AN ASSESSABLE TRANSFER OF INTEREST, DELINQUENT PROPERTY TAX AND PENALTIES ASSESSED BECAUSE THE PROPERTY WAS IMPROPERLY CLASSIFIED AS OWNER-OCCUPIED RESIDENTIAL PROPERTY WHILE OWNED BY THE TRANSFEROR ARE SOLELY A PERSONAL LIABILITY OF THE TRANSFEROR AND DO NOT CONSTITUTE A LIEN ON THE PROPERTY AND ARE NOT ENFORCEABLE AGAINST THE PROPERTY AFTER THE ASSESSABLE TRANSFER OF INTEREST IF THE TRANSFEREE IS A BONA FIDE PURCHASER FOR VALUE WITHOUT NOTICE.

Rep. G. R. SMITH spoke in favor of the Bill.

Rep. POPE spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bedingfield	Bernstein
Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Finlay	Forrester	Funderburk
George	Gilliard	Goldfinch
Hardwick	Hayes	Henderson
Henegan	Herbkersman	Hill
Hiott	Hixon	Hodges
Horne	Hosey	Howard
Huggins	Jefferson	Johnson
Jordan	Kennedy	Kirby
Limehouse	Loftis	Long

[HJ]

WEDNESDAY, APRIL 29, 2015

Lowe	Lucas	Mack
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Merrill
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Neal
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Rutherford	Ryhal	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Toole	Weeks	Wells
White	Whitmire	Williams
Willis	Yow	

Total--107

Those who voted in the negative are:

Total--0

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3313. If I had been present, I would have voted in favor of the Bill.

Rep. Donna C. Hicks

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3313. If I had been present, I would have voted in favor of the Bill.

Rep. William E. Crosby

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

[HJ]

WEDNESDAY, APRIL 29, 2015

RECURRENCE TO THE MORNING HOUR

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

H. 3768--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3768 -- Reps. G. M. Smith, Johnson and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 5, TITLE 11 SO AS TO ESTABLISH THE "SOUTH CAROLINA ABLE SAVINGS PROGRAM", TO ALLOW INDIVIDUALS WITH A DISABILITY AND THEIR FAMILIES TO SAVE PRIVATE FUNDS TO SUPPORT THE INDIVIDUAL WITH A DISABILITY, TO PROVIDE GUIDELINES TO THE STATE TREASURER FOR THE MAINTENANCE OF THESE ACCOUNTS, AND TO ESTABLISH THE SAVINGS PROGRAM TRUST FUND AND SAVINGS EXPENSE TRUST FUND; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 5, TITLE 11 AS ARTICLE 1 AND ENTITLE THEM "GENERAL PROVISIONS".

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3768 (COUNCIL\DKA\3768C001.DKA.SA15), which was adopted:

Amend the bill, as and if amended, page 1, lines 34-39, by striking Section 11-5-400 in its entirety and inserting:

/ Section 11-5-400. There is established the 'South Carolina ABLE Savings Program'. The purpose of the South Carolina ABLE Savings Program is to authorize the establishment of savings accounts empowering individuals with a disability and their families to save private funds which can be used to provide for disability-related expenses in a way that supplements, but does not supplant, benefits provided through private insurance, the Medicaid program under Title XIX of the Social Security Act, the supplemental security income program under Title XVI of the Social Security Act, the beneficiary's employment, and other sources; and to provide guidelines for the maintenance of these accounts. /

Amend the bill further, as and if amended, page 2, lines 4-9, by striking Section 11-5-410(2) and inserting:

/ (2) 'Account owner' means the person who enters into an ABLE savings agreement pursuant to the provisions of this article. The account

WEDNESDAY, APRIL 29, 2015

owner also must be the designated beneficiary; however, a trustee, guardian, or conservator may be appointed as an account owner for a designated beneficiary who is a minor or lacks capacity to enter into an agreement. Also, the agent of the designated beneficiary acting under durable power of attorney may open and manage an account on behalf of and in the name of a designated beneficiary who lacks capacity. /

Amend the bill further, as and if amended, page 6, lines 10-14, by striking Section 11-5-430(D) and inserting:

/ (D) The State Treasurer, the Department of Social Services, the Department of Health and Human Services, and the Department of Disability and Special Needs are authorized to exchange data regarding eligible individuals to carry out the purposes of this article. /

Amend the bill further, as and if amended, page 6, lines 16-23, by striking the first paragraph of Section 11-5-440(A) and inserting:

/ Section 11-5-440. (A) An ABLÉ savings account established pursuant to the provisions of this article must be opened by a designated beneficiary, a designated beneficiary's agent under a durable power of attorney, a trustee holding funds for the benefit of a designated beneficiary, or a court appointed guardian or conservator of a designated beneficiary. Each designated beneficiary may have only one account. The State Treasurer may establish a nonrefundable application fee. An application for an account must be in the form prescribed by the State Treasurer and contain the following: /

Amend the bill further, as and if amended, page 7, lines 33-40, by striking Section 11-5-440(F) and inserting:

/ (F)(1) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of an account.

(2) Funds held in an ABLÉ savings account:

(a) are exempt from attachment, execution, or garnishment for claims of creditors of the contributor and the designated beneficiary;

(b) to the fullest extent permissible under state and federal law, will be disregarded for the purposes of determining a designated beneficiary's eligibility to receive, or the amount of, any public assistance available to the designated beneficiary, including Medicaid; and

(c) may be, following the death of a designated beneficiary, subject to recovery by the South Carolina Department of Health and Human Services up to an amount equal to the total of Medicaid benefits, if any, paid on behalf of the designated beneficiary by the state Medicaid program, but only to the extent recovery is required by state or federal

WEDNESDAY, APRIL 29, 2015

law. Recovery by the State is subject to regulations imposed by the secretary.

(3) The amount distributed from an ABLÉ savings account for the purposes of paying qualified disability expenses:

(a) are exempt from attachment, execution, or garnishment for claims of creditors of the contributor and the designated beneficiary; and

(b) to the fullest extent permissible under state and federal law, will be disregarded for the purposes of determining a designated beneficiary's eligibility to receive, or the amount of, any public assistance available to the designated beneficiary, including Medicaid.

(G) To the extent earnings in an ABLÉ savings account and distributions from an ABLÉ savings account are not subject to federal income tax, they will not be subject to state income tax. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

Rep. G. M. SMITH proposed the following Amendment No. 2 to H. 3768 (COUNCIL\BBM\3768C001.BBM.SA15), which was adopted:

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

/ SECTION 1. Chapter 5, Title 11 of the 1976 Code is amended by adding:

"Article 3

ABLE Savings Program

Section 11-5-400. There is established the 'South Carolina ABLÉ Savings Program'. The purpose of the South Carolina ABLÉ Savings Program is to authorize the establishment of savings accounts empowering individuals with a disability and their families to save private funds which can be used to provide for disability-related expenses in a way that supplements, but does not supplant, benefits provided through private insurance, the Medicaid program under Title XIX of the Social Security Act, the supplemental security income program under Title XVI of the Social Security Act, the beneficiary's employment, and other sources; and to provide guidelines for the maintenance of these accounts.

Section 11-5-410. As used in this article:

WEDNESDAY, APRIL 29, 2015

(1) 'ABLE savings account' or 'account' means an individual savings account established in accordance with the provisions of this article and pursuant to Section 529A of the federal Internal Revenue Code of 1986, as amended.

(2) 'Account owner' means the person who enters into an ABLE savings agreement pursuant to the provisions of this article. The account owner also must be the designated beneficiary; however, a trustee, guardian, or conservator may be appointed as an account owner for a designated beneficiary who is a minor or lacks capacity to enter into an agreement. Also, the agent of the designated beneficiary acting under durable power of attorney may open and manage an account on behalf of and in the name of a designated beneficiary who lacks capacity.

(3) 'Designated beneficiary' means a South Carolina resident whose qualified disability expenses may be paid from the account. The designated beneficiary must be an eligible individual at the time the account is established. The account owner may change the designated beneficiary so long as the new beneficiary is an eligible individual who is a qualified member of the family of the designated beneficiary at the time of the change.

(4) 'Eligible individual', as defined in Section 529A(e)(1) of the federal Internal Revenue Code of 1986, as amended, means:

(a) an individual who is entitled to benefits based on blindness or disability pursuant to 42 U.S.C. Section 401 et seq. or 42 U.S.C. Section 1381, as amended, and the blindness or disability occurred before the date on which the individual attained age twenty-six; or

(b) an individual with respect to which a disability certification, as defined in Section 529(e)(2) of the federal Internal Revenue Code of 1986, as amended, to the satisfaction of the Secretary of the United States Treasury is filed with the Secretary for a taxable year and the blindness or disability occurred before the date on which the individual attained age twenty-six.

(5) 'Financial organization' means an organization authorized to do business in this State and is:

(a) licensed or chartered by the Director of Insurance;

(b) licensed or chartered by the State Commissioner of Banking;

(c) chartered by an agency of the federal government; or

(d) subject to the jurisdiction and regulation of the federal Securities and Exchange Commission.

WEDNESDAY, APRIL 29, 2015

(6) 'Management contract' means a contract executed by the State Treasurer and a program manager selected to act as a depository or manager of the program, or both.

(7) 'Member of the family' has the meaning defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(8) 'Nonqualified withdrawal' means a withdrawal from an account which is not:

(a) a qualified withdrawal; or

(b) a rollover distribution.

(9) 'Program' means the South Carolina ABLE Savings Program established pursuant to this article.

(10) 'Program manager' means a financial organization or an agency or department of another state that has been designated to administer a qualified ABLE Savings Program selected by the State Treasurer to act as a depository or manager of the program, or both.

(11) 'Qualified disability expense' means any qualified disability expense included in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(12) 'Qualified withdrawal' means a withdrawal from an account to pay the qualified disability expenses of the designated beneficiary of the account.

(13) 'Rollover distribution' means a rollover distribution as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(14) 'Savings agreement' means an agreement between the program manager or the State Treasurer and the account owner.

(15) 'Secretary' means the Secretary of the United States Treasury.

Section 11-5-420. (A) The State Treasurer shall implement and administer the program under the terms and conditions established by this article. The State Treasurer has the authority and responsibility to:

(1) develop and implement the program in a manner consistent with the provisions of this article;

(2) engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

(3) seek rulings and other guidance from the Secretary and the federal Internal Revenue Service relating to the program;

(4) make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by section 529A of the federal Internal Revenue Code of 1986, as amended;

WEDNESDAY, APRIL 29, 2015

(5) charge, impose, and collect administrative fees and service charges in connection with any agreement, contract, or transaction relating to the program;

(6) develop marketing plans and promotional materials;

(7) establish the methods by which the funds held in accounts must be dispersed;

(8) establish the method by which funds must be allocated to pay for administrative costs;

(9) do all things necessary and proper to carry out the purposes of this article;

(10) adopt rules and promulgate regulations necessary to effectuate the provisions of this article;

(11) prepare an annual report of the ABLE Savings Program to the Governor, the Senate, and the House of Representatives; and

(12) notify the Secretary when an account has been opened for a designated beneficiary and submit other reports concerning the program required by the Secretary.

(B) The State Treasurer may enter into agreements with other states to either allow South Carolina residents to participate in a plan operated by another state or to allow residents of other states to participate in the South Carolina ABLE Savings Program.

Section 11-5-430. (A) The State Treasurer may implement the program through use of program managers as account depositories or managers, or both. The State Treasurer may solicit proposals from program managers to act as depositories or managers of the program, or both. Program managers submitting proposals shall describe the investment instruments to be held in accounts. The State Treasurer may select more than one program manager and investment instrument for the program. The State Treasurer may select as program depositories or managers the program managers, from among the bidding program managers, that demonstrate the most advantageous combination, both to potential program participants and this State, of the following factors:

(1) financial stability and integrity of the program manager;

(2) the safety of the investment instrument being offered;

(3) the ability of the program manager to satisfy recordkeeping and reporting requirements;

(4) the program manager's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) the fees, if any, proposed to be charged to the account owners;

WEDNESDAY, APRIL 29, 2015

(6) the minimum initial deposit and minimum contributions that the financial organization requires;

(7) the ability of the program manager to accept electronic withdrawals, including payroll deduction plans; and

(8) other benefits to the State or its residents included in the proposal, including fees payable to the State to cover expenses of the operation of the program.

(B) The State Treasurer may enter into contracts with program managers necessary to effectuate the provisions of this article. A management contract must include, at a minimum, terms requiring the program managers to:

(1) take action required to keep the program in compliance with requirements of this article and take actions not contrary to its contract to manage the program to qualify as a 'qualified ABLE Savings Program' as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended;

(2) keep adequate records of each account, keep each account segregated, and provide the State Treasurer with the information necessary to prepare the statements required by Section 11-5-440;

(3) compile and total information contained in statements required to be prepared under Section 11-5-440 and provide compilations to the State Treasurer;

(4) if there is more than one program manager, provide the State Treasurer with information as is necessary to determine compliance with Section 11-5-440;

(5) provide the State Treasurer with access to the books and records of the program manager to the extent needed to determine compliance with the contract, this article, and Section 529A of the federal Internal Revenue Code of 1986, as amended;

(6) hold all accounts for the benefit of the account owner, owners, or the designated beneficiary;

(7) be audited at least annually by a firm of certified public accountants selected by the program manager, with the approval of the State Treasurer, and provide the results of the audit to the State Treasurer;

(8) provide the State Treasurer with copies of all regulatory filings and reports made by the program manager during the term of the management contract or while the program manager is holding any accounts, other than confidential filings or reports that are not part of the program. The program manager shall make available for review by the State Treasurer the results of the periodic examination of the manager

WEDNESDAY, APRIL 29, 2015

by any state or federal banking, insurance, or securities commission, except to the extent that a report or reports may not be disclosed under law; and

(9) ensure that any description of the program, whether in writing or through the use of any media, is consistent with the marketing plan developed pursuant to the provisions of this article.

(C) The State Treasurer may:

(1) enter into contracts as he considers necessary and proper for the implementation of the program;

(2) require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the State Treasurer has any reason to be concerned about the financial position, the recordkeeping practices, or the status of accounts of the program depository and manager; and

(3) terminate or not renew a management agreement. If the State Treasurer terminates or does not renew a management agreement, the State Treasurer shall take custody of accounts held by the program manager and shall seek to promptly transfer the accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

(D) The State Treasurer, the Department of Social Services, the Department of Health and Human Services, and the Department of Disability and Special Needs are authorized to exchange data regarding eligible individuals to carry out the purposes of this article.

Section 11-5-440. (A) An ABLE savings account established pursuant to the provisions of this article must be opened by a designated beneficiary, a designated beneficiary's agent under a durable power of attorney, a trustee holding funds for the benefit of a designated beneficiary, or a court appointed guardian or conservator of a designated beneficiary. Each designated beneficiary may have only one account. The State Treasurer may establish a nonrefundable application fee. An application for an account must be in the form prescribed by the State Treasurer and contain the following:

(1) name, address, and social security number of the account owner;

(2) name, address, and social security number of the designated beneficiary, if the account owner is the beneficiary's trustee or guardian;

(3) certification relating to no excess contributions; and

(4) additional information as the State Treasurer may require.

WEDNESDAY, APRIL 29, 2015

(B) A person may make contributions to an ABLE savings account after the account is opened, subject to the limitations imposed by Section 529A of the federal Internal Revenue Code of 1986, as amended, or any adopted rules and regulations promulgated by the State Treasurer pursuant to this article.

(C) Contributions to an ABLE savings account may be made only in cash. The State Treasurer or program manager shall reject or withdraw contributions promptly:

(1) in excess of the limits established pursuant to subsection (B); or

(2) the total contributions if the:

(a) value of the account is equal to or greater than the account maximum established by the State Treasurer. The account maximum must be equal to the account maximum for postsecondary education savings accounts; or

(b) designated beneficiary is not an eligible individual in the current calendar year.

(D)(1) An account owner may:

(a) change the designated beneficiary of an account to an individual who is a qualified member of the family of the prior designated beneficiary in accordance with procedures established by the State Treasurer; and

(b) transfer all or a portion of an account to another ABLE savings account, the designated beneficiary of which is a member of the family as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(2) An account owner may not use an interest in an account as security for a loan. A pledge of an interest in an account is of no effect.

(E)(1) If there is any distribution from an account to an individual or for the benefit of an individual during a calendar year, the distribution must be reported to the federal Internal Revenue Service and each account owner, the designated beneficiary, or the distributee to the extent required by state or federal law.

(2) A statement must be provided to each account owner annually and at other increments established by the State Treasurer in the program guidelines. The statement must contain the information the State Treasurer requires to be reported to the account owner.

(3) A statement and information relating to an account must be prepared and filed to the extent required by this article and other state or federal law.

WEDNESDAY, APRIL 29, 2015

(F)(1) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of an account.

(2) Funds held in an ABLE savings account:

(a) are exempt from attachment, execution, or garnishment for claims of creditors of the contributor and the designated beneficiary;

(b) to the fullest extent permissible under state and federal law, will be disregarded for the purposes of determining a designated beneficiary's eligibility to receive, or the amount of, any public assistance available to the designated beneficiary, including Medicaid; and

(c) following the death of a designated beneficiary, may be subject to recovery by the South Carolina Department of Health and Human Services up to an amount equal to the total of Medicaid benefits, if any, paid on behalf of the designated beneficiary by the state Medicaid program, but only to the extent recovery is required by state or federal law. Recovery by the State is subject to regulations imposed by the secretary.

(3) The amount distributed from an ABLE savings account for the purposes of paying qualified disability expenses:

(a) are exempt from attachment, execution, or garnishment for claims of creditors of the contributor and the designated beneficiary; and

(b) to the fullest extent permissible under state and federal law, will be disregarded for the purposes of determining a designated beneficiary's eligibility to receive, or the amount of, any public assistance available to the designated beneficiary, including Medicaid.

(G) To the extent earnings in an ABLE savings account and distributions from an ABLE savings account are not subject to federal income tax, they will not be subject to state income tax.

Section 11-5-450. (A) Nothing in this article may create or be construed to create any obligation of the State Treasurer, the State, or any agency or instrumentality of the State to guarantee for the benefit of an account owner or designated beneficiary with respect to the:

(1) return of principal;

(2) rate of interest or other return on an account; or

(3) payment of interest or other return on an account.

(B) The State Treasurer may adopt rules and promulgate regulations to provide that each contract, application, or other similar document that may be used in connection with opening an account clearly indicates that the account is not insured by the State and that the

WEDNESDAY, APRIL 29, 2015

principal deposited and the investment return are not guaranteed by the State.

Section 11-5-460. (A) The South Carolina ABLE Savings Program Trust Fund is established in the Office of the State Treasurer. The trust fund must be utilized if the State Treasurer elects to accept deposits from contributors rather than have deposits sent directly to the program manager. The trust fund must consist of any monies deposited by account owners and other contributors pursuant to the provisions of this article which are not deposited directly with the program manager. All interest derived from the deposit and investment of monies in the trust fund must be credited to the fund. At the end of each fiscal year, all unexpended and unencumbered monies in the trust fund must remain in the fund and not be credited or transferred to the state general fund or to another fund.

(B)(1) The South Carolina ABLE Savings Expense Fund is established in the Office of the State Treasurer. The expense fund must consist of monies received from the ABLE Savings Program manager or managers, governmental or private grants, and state general fund appropriations, if any, for the program.

(2) All expenses incurred by the State Treasurer in developing and administering the ABLE Savings Program must be payable from the South Carolina ABLE Savings Expense Fund.”

SECTION 2. Section 12-6-1140 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() (a) Contributions made to each investment trust account created pursuant to Article 3, Chapter 5, Title 11, by a resident of this State or a nonresident required to file a State of South Carolina income tax return up to the limit of maximum contributions allowed to such accounts under Section 529A of the federal Internal Revenue Code of 1986, as amended, including funds transferred to an investment trust account from another qualified plan, as allowable under Section 529 of the federal Internal Revenue Code of 1986, as amended.

(b) Any interest, dividends, gains, property, or income accruing on the payments made to an investment trust agreement pursuant to Article 3, Chapter 5, Title 11 or on any account in the South Carolina ABLE Savings Expense Fund must be excluded from the gross income of any such account owner, contributor, or beneficiary for purposes of South Carolina income taxes, to the extent the amounts remain on deposit in the South Carolina ABLE Savings Expense Fund or are withdrawn pursuant to a Qualified Withdrawal.

WEDNESDAY, APRIL 29, 2015

(c) The earnings portion of any withdrawals from an account that are not qualified withdrawals must be included in the gross income of the resident recipient of the withdrawal for purposes of South Carolina income taxes in the year of the withdrawal. Withdrawals of the principal amount of contributions that are not qualified withdrawals must be recaptured into South Carolina income subject to tax to the extent the contributions were previously deducted from South Carolina taxable income.

SECTION 3. Sections 11-5-10 through 11-5-280 of the 1976 Code are designated as Article 1, Chapter 5, Title 11 entitled "General Provisions". The Code Commissioner is directed to change references from "chapter" to "article" as appropriate to reflect the redesignated provisions.

SECTION 4. This act takes effect upon approval by the Governor and applies for tax years beginning after 2015. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH 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 110; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bedingfield	Bingham
Bowers	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	George	Gilliard
Goldfinch	Govan	Hardwick
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill

[HJ]

WEDNESDAY, APRIL 29, 2015

Hixon	Hodges	Horne
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Limehouse	Loftis	Long
Lowe	Lucas	Mack
McCoy	McEachern	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
D. C. Moss	V. S. Moss	Murphy
Nanney	Neal	Newton
Norman	Norrell	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Williams
Willis	Yow	

Total--110

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. 4048--COMMITTED

The following Bill was taken up:

H. 4048 -- Reps. H. A. Crawford, Hamilton, Murphy, Allison, Cobb-Hunter, M. S. McLeod, Bales, Duckworth, Johnson, Hardee, Goldfinch, Kennedy, Clemmons, Dillard, Forrester, Hardwick, Hicks, Lowe, Pope and Riley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-200 SO AS TO DESIGNATE THE SECOND WEEK OF SEPTEMBER OF EACH

WEDNESDAY, APRIL 29, 2015

YEAR AS "GRADUATION AWARENESS WEEK" IN SOUTH CAROLINA.

Rep. H. A. CRAWFORD moved to commit the Bill to the Committee on Invitations and Memorial Resolutions, which was agreed to.

S. 168--COMMITTED

The following Joint Resolution was taken up:

S. 168 -- Senator Kimpson: A JOINT RESOLUTION TO DECLARE SEPTEMBER 26, ANNUALLY, AS MESOTHELIOMA AWARENESS DAY.

Rep. COLE moved to commit the Joint Resolution to the Committee on Judiciary, which was agreed to.

S. 673--RECALLED FROM COMMITTEE ON JUDICIARY

On motion of Rep. DELLENEY, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 673 -- Senator Sheheen: A BILL TO AMEND SECTION 4-9-82 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TRANSFER OF ASSETS BY A HOSPITAL PUBLIC SERVICE DISTRICT, SO AS TO SPECIFY THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO ANY TRANSACTION THAT INCLUDES THE HOSPITAL PUBLIC SERVICE DISTRICT'S ENTRY INTO A LEASE OF ANY OR ALL OF ITS REAL PROPERTY ASSOCIATED WITH THE DELIVERY OF HOSPITAL SERVICES REGARDLESS OF THE LENGTH OF THE TERM OF THE REAL PROPERTY LEASE OR WHETHER OR NOT THE TRANSACTION ALSO INCLUDES THE SALE OR LEASE OF OTHER ASSETS OF THE DISTRICT.

OBJECTION TO RECALL

Rep. BALES asked unanimous consent to recall H. 3008 from the Committee on Judiciary.

Rep. MURPHY objected.

WEDNESDAY, APRIL 29, 2015

OBJECTION TO RECALL

Rep. W. J. MCLEOD asked unanimous consent to recall H. 4080 from the Committee on Judiciary.

Rep. HILL objected.

OBJECTION TO RECALL

Rep. W. J. MCLEOD asked unanimous consent to recall H. 4078 from the Committee on Judiciary.

Rep. MERRILL objected.

**H. 4056--RECALLED FROM COMMITTEE ON LABOR,
COMMERCE AND INDUSTRY**

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

H. 4056 -- Reps. Funderburk, Norrell, King, Knight, Brannon, Cobb-Hunter, Daning, Henderson, Herbkersman, Hicks, Kennedy, Newton, Simrill, Thayer and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-5-1655 SO AS TO PROVIDE THAT A DEPARTMENT OF TRANSPORTATION CONTRACTOR OR CONTRACTING FIRM SHALL NOT BE QUALIFIED TO PARTICIPATE IN DEPARTMENT CONTRACTS AS A PRIME CONTRACTOR OR SUBCONTRACTOR UNDER CERTAIN CIRCUMSTANCES.

OBJECTION TO RECALL

Rep. PITTS asked unanimous consent to recall H. 4038 from the Committee on Judiciary.

Rep. TAYLOR objected.

OBJECTION TO RECALL

Rep. RUTHERFORD asked unanimous consent to recall H. 3376 from the Committee on Labor, Commerce and Industry.

Rep. ERICKSON objected.

OBJECTION TO RECALL

Rep. MCKNIGHT asked unanimous consent to recall H. 3214 from the Committee on Judiciary.

Rep. MERRILL objected.

WEDNESDAY, APRIL 29, 2015

H. 3980--ADOPTED

The following House Resolution was taken up:

H. 3980 -- Reps. Hicks, Chumley, Burns, Allison, Forrester, Brannon, Cole and Tallon: A HOUSE RESOLUTION MEMORIALIZING THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES TO PROVIDE INFORMATION REGARDING THE RESETTLEMENT OF REFUGEES IN SPARTANBURG, SOUTH CAROLINA TO ENSURE ACCOUNTABILITY AND TRANSPARENCY OF THE EXPENDITURE OF PUBLIC FUNDS AND OTHER COSTS OF PROVIDING GOVERNMENT SERVICES.

The Resolution was adopted.

MOTION PERIOD

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

SPEAKER *PRO TEMPORE* IN CHAIR

**H. 3203--AMENDED AND COMMITTED TO
AGRICULTURE, NATURAL RESOURCES AND
ENVIRONMENTAL AFFAIRS COMMITTEE**

The following Bill was taken up:

H. 3203 -- Rep. Bernstein: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-245 SO AS TO DEFINE THE TERM "UTILITY TRAILER" AND TO PROVIDE FOR THE EQUIPMENT THAT MUST BE USED TO ATTACH A TOWING VEHICLE TO A UTILITY TRAILER.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3203 (COUNCIL\SWB\3203C002.SWB.CM15), which was tabled:

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

/ SECTION 1. This act may be cited as "Charlie's Law".

SECTION 2. Section 56-5-5150 of the 1976 Code is amended to read:

"Section 56-5-5150. (A) As used in this section, a 'vehicle' includes, but is not limited to a utility trailer. When a vehicle is towing another vehicle on a public road or highway, the towing vehicle must be

WEDNESDAY, APRIL 29, 2015

attached to the towed vehicle by a two safety chain, chains or cable devices, or equivalent device in addition to the regular drawbar, tongue, trailer hitch, ~~or other connection~~ trailer coupler with trailer ball and hinch pin.

(B) The safety connections or attachments must be of sufficient strength to maintain connection of the towed vehicle to the pulling vehicle under all conditions while the towed vehicle is being pulled by the towing vehicle.

(C) The provisions of this section do not apply to vehicles using a hitch known as a fifth wheel and kingpin assembly. No part of this section shall conflict with the requirements of a vehicle subject to the Federal Motor Carrier Safety Regulations.

(D) A violation of this section is subject to a penalty not to exceed five hundred dollars or thirty days imprisonment.”

SECTION 3. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

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

Rep. PUTNAM proposed the following Amendment No. 4 to H. 3203 (COUNCIL\AGM\3203C001.AGM.AB15), which was adopted:

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

/ SECTION 1. This act may be cited as “Charlie’s Law”.

SECTION 2. Section 56-5-5150 of the 1976 Code is amended to read:

“Section 56-5-5150. (A) As used in this section, a ‘vehicle’ includes, but is not limited to a utility trailer. When a vehicle is towing another vehicle on a public road or highway, the towing vehicle must be attached to the towed vehicle by a two safety chain, chains or cable devices, or equivalent device in addition to the regular drawbar, tongue, trailer hitch, ~~or other connection~~ trailer coupler with trailer ball and hinch pin.

(B) The safety connections or attachments must be of sufficient strength to maintain connection of the towed vehicle to the pulling vehicle under all conditions while the towed vehicle is being pulled by the towing vehicle.

(C) The provisions of this section do not apply to vehicles using a hitch known as a fifth wheel and kingpin assembly. No part of this

WEDNESDAY, APRIL 29, 2015

section shall conflict with the requirements of a vehicle subject to the Federal Motor Carrier Safety Regulations.”

SECTION 3. This act takes effect upon approval by the Governor. /
Renummer sections to conform.
Amend title to conform.

Rep. PUTNAM explained the amendment.
The amendment was then adopted.

Rep. LOFTIS proposed the following Amendment No. 5 to H. 3203 (COUNCIL\BH\3203C001.BH.VR15), which was ruled out of order:

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

/ SECTION ____ . Section 56-19-10(10) of the 1976 Code is amended to read:

“(10) ‘House trailer’ means:

(a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is ~~designed and constructed for use as a house trailer, as defined in subitem (a) of this item, but which~~ is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for another commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.” /

Renummer sections to conform.
Amend title to conform.

POINT OF ORDER

Rep. BERNSTEIN raised the Point of Order that under Rule 9.3, Amendment No. 5 to H. 3203 is not germane.

Rep. LOFTIS spoke against the Point of Order.

SPEAKER *PRO TEMPORE* POPE sustained the Point of Order and ruled Amendment No. 5 to H. 3203 not to be germane to the Bill.

Reps. HARDEE and YOW proposed the following Amendment No. 3 to H. 3203 (COUNCIL\NBD\3203C001.NBD.CZ15), which was adopted:

[HJ]

WEDNESDAY, APRIL 29, 2015

Amend the bill, as and if amended, by striking SECTION 2, on page 1, and inserting:

/ SECTION 2. Section 56-5-5150 of the 1976 Code is amended to read:

“Section 56-5-5150. (A) As used in this section, a ‘vehicle’ includes, but is not limited to a utility trailer. When a vehicle is towing another vehicle on a public road or highway, the towing vehicle must be attached to the towed vehicle by a two safety chain, chains or cable devices, or equivalent device in addition to the regular drawbar, tongue, trailer hitch, ~~or other connection~~ trailer coupler with trailer ball and hitch pin.

(B) The safety connections or attachments must be of sufficient strength to maintain connection of the towed vehicle to the pulling vehicle under all conditions while the towed vehicle is being pulled by the towing vehicle.

(C) The provisions of this section do not apply to vehicles using a hitch known as a fifth wheel and kingpin assembly. No part of this section shall conflict with the requirements of a vehicle subject to the Federal Motor Carrier Safety Regulations.

(D) A violation of this section is subject to a penalty not to exceed five hundred dollars or thirty days imprisonment.

(E) The provisions of this section do not apply to vehicles or utility trailers:

(1) used for farming purposes; or

(2) that utilize a chain that is adequate for the weight capacity of the trailer.” /

Re-number sections to conform.

Amend title to conform.

Rep. YOW explained the amendment.

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

Yeas 61; Nays 32

Those who voted in the affirmative are:

Anthony	Atwater	Ballentine
Bedingfield	Bernstein	Bowers
G. A. Brown	Burns	Chumley
Clemmons	Clyburn	H. A. Crawford
Delleney	Duckworth	Erickson

[HJ]

WEDNESDAY, APRIL 29, 2015

Finlay	Forrester	Funderburk
George	Hardwick	Hayes
Henegan	Hill	Hiott
Hixon	Hodges	Hosey
Huggins	Jefferson	Johnson
Kennedy	Kirby	Knight
Loftis	Lucas	McEachern
McKnight	W. J. McLeod	V. S. Moss
Nanney	Norman	Norrell
Ott	Pitts	Pope
Putnam	Quinn	Ridgeway
Riley	Sandifer	Simrill
G. R. Smith	Spires	Stringer
Taylor	Toole	Wells
Whipper	White	Willis
Yow		

Total--61

Those who voted in the negative are:

Alexander	Allison	Bales
Bamberg	Bradley	Brannon
R. L. Brown	Clary	Cole
Collins	Dillard	Douglas
Felder	Gilliard	Hicks
Horne	Limehouse	Mack
McCoy	M. S. McLeod	D. C. Moss
Murphy	Neal	Parks
Robinson-Simpson	G. M. Smith	Sottile
Southard	Stavrinakis	Tallon
Tinkler	Weeks	

Total--32

The amendment was then adopted.

Rep. TOOLE moved to commit the Bill to the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. BERNSTEIN moved to table the motion.

[HJ]

WEDNESDAY, APRIL 29, 2015

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

Yeas 35; Nays 67

Those who voted in the affirmative are:

Anthony	Bamberg	Bernstein
Bingham	G. A. Brown	Clemmons
Clyburn	Douglas	Duckworth
Felder	Finlay	George
Henegan	Howard	Johnson
Kennedy	Lucas	Mack
McEachern	M. S. McLeod	W. J. McLeod
Neal	Norrell	Parks
Pitts	Pope	Quinn
Ridgeway	Rivers	Ryhal
Stavrinakis	Taylor	Weeks
Whipper	Yow	

Total--35

Those who voted in the negative are:

Alexander	Allison	Atwater
Bales	Ballentine	Bedingfield
Bowers	Brannon	Burns
Chumley	Clary	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Erickson	Forrester
Funderburk	Gambrell	Hardwick
Hayes	Henderson	Hicks
Hill	Hiott	Hixon
Horne	Hosey	Huggins
Jefferson	Kirby	Knight
Limehouse	Loftis	Long
Lowe	McCoy	McKnight
D. C. Moss	V. S. Moss	Murphy
Nanney	Norman	Ott
Putnam	Riley	Robinson-Simpson
Rutherford	Simrill	G. M. Smith
G. R. Smith	Sottile	Southard
Spires	Stringer	Tallon
Thayer	Tinkler	Toole

WEDNESDAY, APRIL 29, 2015

Wells
Willis

White

Whitmire

Total--67

So, the House refused to table the motion.

The question then recurred to the motion to commit the Bill to Agriculture, Natural Resources and Environmental Affairs Committee.

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

Yeas 66; Nays 28

Those who voted in the affirmative are:

Alexander	Allison	Atwater
Ballentine	Bedingfield	Bowers
Bradley	Brannon	G. A. Brown
Burns	Chumley	Clary
Cole	Collins	Crosby
Delleney	Dillard	Erickson
Forrester	Funderburk	Gambrell
Hardwick	Hayes	Henderson
Hicks	Hill	Hiott
Hixon	Hodges	Horne
Hosey	Howard	Huggins
Kennedy	Kirby	Knight
Limehouse	Loftis	Long
Lowe	McCoy	D. C. Moss
V. S. Moss	Murphy	Neal
Norman	Ott	Putnam
Riley	Robinson-Simpson	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Southard	Spires
Stringer	Tallon	Taylor
Tinkler	Toole	Wells
White	Whitmire	Willis

Total--66

[HJ]

WEDNESDAY, APRIL 29, 2015

Those who voted in the negative are:

Anthony	Bales	Bamberg
Bernstein	Bingham	Clemmons
Clyburn	Daning	Douglas
Duckworth	Felder	Finlay
George	Jefferson	Johnson
Jordan	Lucas	Mack
McEachern	M. S. McLeod	W. J. McLeod
Norrell	Parks	Pitts
Pope	Ridgeway	Weeks
Yow		

Total--28

So, the Bill was committed.

SPEAKER IN CHAIR

H. 3512--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3512 -- Reps. Sandifer and G. R. Smith: 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.

Rep. STRINGER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bamberg	Bedingfield

[HJ]

138

WEDNESDAY, APRIL 29, 2015

Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Chumley	Clary	Clemmons
Clyburn	Cole	Collins
H. A. Crawford	Delleney	Dillard
Douglas	Duckworth	Erickson
Finlay	Forrester	Funderburk
Gambrell	George	Gilliard
Goldfinch	Govan	Hardwick
Hayes	Henderson	Henegan
Herbkersman	Hill	Hiott
Hixon	Hodges	Horne
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Lowe	Lucas	Mack
McCoy	McEachern	M. S. McLeod
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Neal
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Putnam	Quinn
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	White
Whitmire	Willis	Yow

Total--99

Those who voted in the negative are:

Total--0

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

WEDNESDAY, APRIL 29, 2015

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3512. If I had been present, I would have voted in favor of the Bill.

Rep. Raye Felder

H. 3348--DEBATE ADJOURNED

The following Bill was taken up:

H. 3348 -- Reps. Spires and Toole: A BILL TO AMEND SECTION 40-43-83, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE FACILITIES DEALING WITH PRESCRIPTION DRUGS IN A CERTAIN CAPACITY, SO AS TO APPLY NOTICE PROVISIONS TO OUT-OF-STATE FACILITIES THAT SIMILARLY DEAL WITH PRESCRIPTION DRUGS, TO PROVIDE ALL SUCH FACILITIES PERMITTED IN THIS STATE MUST PROVIDE NOTICE OF DISCIPLINARY ACTION TO THE PHARMACY BOARD, TO REQUIRE INSPECTIONS OF OUT-OF-STATE FACILITIES BY THE BOARD, TO PROVIDE AN OUT-OF-STATE FACILITY SHALL PAY CERTAIN FEES RELATED TO INSPECTIONS, TO PROVIDE FOR THE USE OF OUT-OF-STATE FACILITY INSPECTION FEES COLLECTED BY THE BOARD, TO PROVIDE THE BOARD MAY ENTER INTO MEMORANDUM OF UNDERSTANDING AGREEMENTS WITH THE REGULATORY AUTHORITY OF THE STATE IN WHICH AN OUT-OF-STATE FACILITY IS LOCATED TO CONDUCT INSPECTIONS OF THESE FACILITIES, AND TO PROVIDE THE BOARD MAY CONTRACT WITH A THIRD-PARTY TO INSPECT FACILITIES OF A LICENSEE; AND TO AMEND SECTION 40-43-89, RELATING TO WHOLESALE DISTRIBUTOR PERMITS, SO AS TO REQUIRE A MINIMUM SURETY BOND OR LETTER OF CREDIT, TO REQUIRE A CRIMINAL BACKGROUND CHECK OF THE APPLICANT, TO PROVIDE REQUIREMENTS FOR THE CERTIFICATION AND CONDUCT OF A DESIGNATED REPRESENTATIVE OF A WHOLESALE DISTRIBUTOR.

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

WEDNESDAY, APRIL 29, 2015

H. 3997--DEBATE ADJOURNED

The following Bill was taken up:

H. 3997 -- Reps. Gilliard, Anderson, King, Lucas, Mack, Clyburn, Stavrinakis, Govan, M. S. McLeod, Alexander, Merrill, Williams, Parks, Jefferson, Erickson, Kirby, Norrell, Ott, Horne, George, Bannister, Bernstein, R. L. Brown, Clary, Funderburk, Gagnon, Gambrell, Hayes, Hodges, Long, V. S. Moss, Ridgeway, Weeks, Wells, Willis, Henegan, Whipper, Robinson-Simpson, Hart and G. A. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-90, SO AS TO DIRECT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) TO DEVELOP CRITERIA AND DETERMINE AN APPROPRIATE METHOD TO IMPLEMENT THE STATEWIDE USE OF BODY-WORN CAMERAS BY LOCAL AND STATE LAW ENFORCEMENT OFFICERS, TO DIRECT SLED TO DESIGN AND OPERATE A PILOT PROJECT INCLUDING CERTAIN COUNTIES AND MUNICIPALITIES IN THE STATE, AND TO AUTHORIZE SLED TO DEVELOP AND PROPOSE REGULATIONS WHICH WOULD SET THE CRITERIA AND PROVIDE A METHOD FOR IMPLEMENTATION FOR THE STATEWIDE USE OF BODY-WORN CAMERAS BY LOCAL AND STATE LAW ENFORCEMENT OFFICERS AFTER THE PILOT PROJECT IS COMPLETED.

Rep. RUTHERFORD moved to adjourn debate on the Bill until Thursday, April 30, which was agreed to.

H. 3784--COMMITTED

The following Bill was taken up:

H. 3784 -- Reps. Erickson, Herbkersman, Hodges, Bowers, Kirby, Lowe, Weeks and Whipper: 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 MASTERS-IN-EQUITY IN THE DEFINITION OF "JUDGE"; AND TO AMEND SECTION 9-8-40, AS AMENDED, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO ALLOW MASTERS-IN-EQUITY SERVING ON JULY 1, 2015, TO ELECT TO BECOME A MEMBER.

[HJ]

WEDNESDAY, APRIL 29, 2015

Reps. W. J. MCLEOD and NORRELL proposed the following Amendment No. 1 to H. 3784 (COUNCIL\NBD\3784C001.NBD.CZ15):

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

/ SECTION 1. Section 9-8-10(16) of the 1976 Code, as last amended by Act 263 of 2014, is further amended to read:

“(16) ‘Judge’ means a justice of the Supreme Court or a judge of the court of appeals, circuit or family court of the State of South Carolina. Subject to the provisions of Section 9-8-40, ‘judge’ also means an administrative law judge, a probate judge, and a master-in-equity.”

/

Amend the bill, further, as and if amended, by deleting SECTION 2 in its entirety and inserting:

/ SECTION 2. Section 9-8-40(1) of the 1976 Code, as last amended by Act 263 of 2014, is further amended to read:

“(1) All persons who are judges or solicitors on July 1, 1979, and who have not attained age seventy-two shall become members of the system as of that date. All administrative law judges on July 1, 2014, all probate judges and all masters-in-equity on July 1, 2015, who have not retired may elect to become a member of the system. Administrative law judges, probate judges and masters-in-equity making that election may transfer prior service into the system as provided in Section 9-8-50, and to the extent the service thus transferred occurred after the member took office as an administrative law judge, probate judge, or master-in-equity, that service is deemed earned service in the system. All other persons become members of the system on taking office as judge, solicitor, or circuit public defender before attaining age seventy-two.” /

Re-number sections to conform.

Amend title to conform.

Rep. W. J. MCLEOD explained the amendment.

Rep. PITTS moved to commit the Bill to the Committee on Ways and Means.

Rep. MURPHY moved to table the motion.

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

Yeas 30; Nays 76

[HJ]

WEDNESDAY, APRIL 29, 2015

Those who voted in the affirmative are:

Bamberg	Bowers	H. A. Crawford
Crosby	Daning	Douglas
Erickson	George	Goldfinch
Herbkersman	Hodges	Horne
Jefferson	Jordan	Knight
Lowe	McKnight	W. J. McLeod
Murphy	Newton	Norrell
Parks	Ridgeway	Riley
Rutherford	Southard	Stavrinakis
Tallon	Weeks	Whitmire

Total--30

Those who voted in the negative are:

Alexander	Allison	Anderson
Anthony	Atwater	Ballentine
Bedingfield	Bernstein	Bingham
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Cobb-Hunter
Cole	Collins	Delleney
Dillard	Duckworth	Felder
Finlay	Forrester	Funderburk
Gambrell	Gilliard	Govan
Hayes	Henegan	Hicks
Hill	Hiott	Hixon
Hosey	Howard	Huggins
Johnson	Kennedy	Kirby
Limehouse	Loftis	Long
Lucas	Mack	McEachern
M. S. McLeod	Merrill	Mitchell
D. C. Moss	V. S. Moss	Nanney
Neal	Norman	Ott
Pitts	Putnam	Quinn
Robinson-Simpson	Ryhal	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stringer	Taylor
Thayer	Toole	Wells

WEDNESDAY, APRIL 29, 2015

Whipper
Yow

White

Willis

Total--76

So, the House refused to table the motion.

The question then recurred to the motion to commit the Bill to the Ways and Means Committee, which was agreed to.

H. 4012--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

Rep. FUNDERBURK proposed the following Amendment No. 1 to H. 4012 (COUNCIL\NBD\4012C001.NBD.CZ15), which was adopted:

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

/ SECTION 1. Section 4-9-82 of the 1976 Code, as last amended by Act 94 of 1999, is further amended by adding an appropriately numbered subsection at the end to read:

“() Notwithstanding any other provision of law, the provisions of this section do not apply to any transaction that includes the hospital public service district’s entry into a lease of any or all of its real property associated with the delivery of hospital services regardless of:

(a) the length of the term of the real property lease, or

(b) whether or not the transaction also includes the sale or lease of other assets of the district.”

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

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

[HJ]

WEDNESDAY, APRIL 29, 2015

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bamberg	Bedingfield
Bernstein	Bingham	Bowers
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clemmons	Clyburn	Cobb-Hunter
Cole	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	Gambrell	George
Gilliard	Goldfinch	Govan
Hardwick	Hayes	Henegan
Herbkersman	Hicks	Hill
Hixon	Hodges	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	Mack	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
D. C. Moss	V. S. Moss	Nanney
Neal	Newton	Norman
Norrell	Ott	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Williams
Willis	Yow	

Total--110

WEDNESDAY, APRIL 29, 2015

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. 3431--RECOMMITTED

The following Bill was taken up:

H. 3431 -- Rep. Sandifer: A BILL TO AMEND SECTION 6-1-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCOPE OF AUTHORITY OF A POLITICAL SUBDIVISION TO SET MINIMUM WAGE RATES, SO AS TO PROVIDE A POLITICAL SUBDIVISION OF THIS STATE MAY NOT MANDATE OR OTHERWISE REQUIRE AN EMPLOYEE BENEFIT, AND TO DEFINE NECESSARY TERMINOLOGY.

Rep. SANDIFER moved to recommit the Bill to the Committee on Labor, Commerce and Industry, which was agreed to.

SPEAKER *PRO TEMPORE* IN CHAIR

H. 3027--DEBATE ADJOURNED

The following Bill was taken up:

H. 3027 -- Reps. Clemmons, Long, G. R. Smith, Erickson, Putnam, Bedingfield, Loftis and McCoy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-65-140 SO AS TO REQUIRE THAT BY OCTOBER THIRTY-FIRST OF EACH YEAR, EACH STATE AGENCY SHALL SUBMIT A REPORT DETAILING ITS FEDERAL RECEIPTS AND DEVELOPING A PLAN SHOULD ITS FEDERAL RECEIPTS BE REDUCED, TO REQUIRE THAT BY FEBRUARY FIFTEENTH OF EACH YEAR, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE MUST PLACE THE MOST RECENTLY RECEIVED REPORT ON THE AGENDA FOR REVIEW AND CONSIDERATION.

WEDNESDAY, APRIL 29, 2015

The House Ways and Means Committee proposed the following Amendment No. 1 to H. 3027 (COUNCIL\GGS\3027C002.GGS.ZW15):

Amend the bill, as and if amended, Section 2-65-140(B), as contained in SECTION 1, page 1, by striking lines 38 and 39 and inserting:

/ (B) By October thirty-first of each year, each agency shall submit a report to the Executive Budget Office that: /

Amend the bill further, Section 2-65-140(D), as contained in SECTION 1, page 2, by striking lines 19-22 and inserting:

/ (D) By November thirtieth of each year, the Executive Budget Office shall submit a report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee that: /

Re-number sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. NEAL spoke against the amendment.

Rep. BRANNON moved to adjourn debate on the Bill until Tuesday, May 5.

Rep. G. R. SMITH moved to table the motion.

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

Yeas 61; Nays 42

Those who voted in the affirmative are:

Allison	Atwater	Ballentine
Bedingfield	Bingham	Bradley
Burns	Chumley	Clary
Clemmons	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	Gagnon	Gambrell
Goldfinch	Hardwick	Henderson
Hill	Hiott	Huggins
Johnson	Jordan	Kennedy
Loftis	Long	Lowe

[HJ]

WEDNESDAY, APRIL 29, 2015

Lucas	McCoy	V. S. Moss
Nanney	Newton	Norman
Pitts	Pope	Putnam
Quinn	Rivers	Ryhal
Simrill	G. M. Smith	G. R. Smith
Southard	Spires	Stringer
Taylor	Thayer	Toole
Wells	White	Willis
Yow		

Total--61

Those who voted in the negative are:

Anderson	Anthony	Bales
Bamberg	Bernstein	Bowers
Brannon	G. A. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Dillard
Douglas	Gilliard	Govan
Henegan	Hicks	Hodges
Hosey	Howard	Jefferson
Kirby	Knight	Limehouse
Mack	McEachern	McKnight
M. S. McLeod	W. J. McLeod	D. C. Moss
Neal	Norrell	Ott
Parks	Robinson-Simpson	Rutherford
Sottile	Stavrinakis	Tinkler
Weeks	Whipper	Williams

Total--42

So, the motion to adjourn debate was tabled.

Rep. NEAL spoke against the amendment.

LEAVE OF ABSENCE

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

Rep. NEAL continued speaking.

Rep. WEEKS moved to table the Bill.

[HJ]

WEDNESDAY, APRIL 29, 2015

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

Yeas 31; Nays 66

Those who voted in the affirmative are:

Anderson	Anthony	Bales
Bamberg	Bernstein	Bowers
Clyburn	Cobb-Hunter	Dillard
Douglas	Funderburk	Gilliard
Govan	Henegan	Hodges
Hosey	Jefferson	Kirby
Mack	McEachern	M. S. McLeod
W. J. McLeod	Neal	Norrell
Ott	Parks	Robinson-Simpson
Rutherford	Weeks	Whipper
Williams		

Total--31

Those who voted in the negative are:

Allison	Atwater	Ballentine
Bedingfield	Bingham	Bradley
Burns	Chumley	Clary
Clemmons	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Duckworth	Erickson
Felder	Finlay	Forrester
Gagnon	Goldfinch	Hardwick
Henderson	Hicks	Hill
Hiott	Hixon	Huggins
Johnson	Jordan	Kennedy
Limehouse	Loftis	Long
Lowe	Lucas	McCoy
Merrill	D. C. Moss	V. S. Moss
Newton	Norman	Pitts
Pope	Putnam	Quinn
Riley	Rivers	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Southard
Spires	Stringer	Taylor

WEDNESDAY, APRIL 29, 2015

Thayer	Toole	Wells
White	Willis	Yow

Total--66

So, the House refused to table the Bill.

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

Rep. CLEMMONS moved to table the motion.

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

Yeas 66; Nays 40

Those who voted in the affirmative are:

Allison	Atwater	Ballentine
Bedingfield	Bingham	Bradley
Burns	Chumley	Clary
Clemmons	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Duckworth	Erickson
Finlay	Forrester	Gagnon
Gambrell	Goldfinch	Hardwick
Henderson	Herbkersman	Hicks
Hill	Hiott	Hixon
Huggins	Johnson	Jordan
Kennedy	Limehouse	Loftis
Long	Lowe	Lucas
McCoy	Merrill	V. S. Moss
Newton	Norman	Pitts
Pope	Putnam	Quinn
Riley	Rivers	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Southard
Spires	Stringer	Taylor
Thayer	Toole	Wells
White	Willis	Yow

Total--66

[HJ]

150

WEDNESDAY, APRIL 29, 2015

Those who voted in the negative are:

Anderson	Anthony	Bales
Bamberg	Bernstein	Bowers
Brannon	G. A. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Dillard
Douglas	Felder	Funderburk
Gilliard	Govan	Hart
Hodges	Hosey	Howard
Jefferson	Kirby	Mack
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Mitchell	D. C. Moss
Neal	Norrell	Ott
Parks	Robinson-Simpson	Rutherford
Tinkler	Weeks	Whipper
Williams		

Total--40

So, the motion to recommit the Bill was tabled.

Rep. BEDINGFIELD spoke in favor of the amendment.

Rep. WHIPPER spoke against the amendment.

Rep. CLEMMONS moved to adjourn debate on the Bill until Thursday, April 30, which was agreed to.

SPEAKER IN CHAIR

H. 3868--DEBATE ADJOURNED

The following Bill was taken up:

H. 3868 -- Reps. Pitts and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "WETLANDS CONSERVATION ACT"; TO AMEND SECTION 12-24-95, RELATING TO DEED RECORDING FEES, SO AS TO INCREASE THE PORTION OF A STATE DEED RECORDING FEE THAT MUST BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND FROM TWENTY-FIVE CENTS TO THIRTY CENTS; TO AMEND SECTION 48-59-60, RELATING TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, SO AS TO REQUIRE THAT ANY FUNDS

[HJ]

WEDNESDAY, APRIL 29, 2015

COLLECTED BY THE SOUTH CAROLINA CONSERVATION BANK IN EXCESS OF THE AMOUNT AUTHORIZED IN THE ANNUAL APPROPRIATIONS BILL MUST BE TRANSFERRED TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-59-70, RELATING TO TRUST FUND GRANTS AND CONSERVATION CRITERIA, SO AS TO ADD ISOLATED WETLANDS AND CAROLINA BAYS TO THE CONSERVATION CRITERIA, TO ADD THE VALUE OF A PROPOSAL ON WILDLIFE MANAGEMENT AREAS OWNED AND MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES TO THE CONSERVATION CRITERIA, AND TO ALLOW THE BOARD TO AUTHORIZE UP TO EIGHT AND THIRTY-THREE ONE HUNDREDTHS PERCENT OF THE MONIES CREDITED TO THE TRUST FUND TO APPLICATIONS THAT SOLELY MEET THE NEW CONSERVATION CRITERIA AND LIMIT THE AWARD OF MONEY TO APPLICATIONS FOR ACQUISITION OF INTERESTS IN LAND SOLELY FOR THE SITES OF HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE; TO AMEND SECTION 48-59-75, RELATING TO RESTRICTIONS ON THE TRANSFER OF DEED RECORDING FEES TO THE TRUST FUND, SO AS TO PROVIDE THE TRANSFER OF RECORDING FEES AND OTHER APPROPRIATED FUNDS TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND MUST BE DECREASED BY TWICE THE AVERAGE PERCENTAGE REDUCTION OF APPROPRIATIONS TO EACH AGENCY AND DEPARTMENT IN A FISCAL YEAR WHEN THE GENERAL ASSEMBLY PROVIDES LESS APPROPRIATIONS THAN WHAT WAS PROVIDED FOR IN THE PREVIOUS YEAR TO AT LEAST ONE-HALF OF ALL STATE AGENCIES OR DEPARTMENTS.

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

H. 3794--DEBATE ADJOURNED

The following Bill was taken up:

H. 3794 -- Reps. Forrester, Burns, Sottile, Spires, V. S. Moss, Gambrell, Bales, Kennedy, Tallon, Allison, Bedingfield, Daning, Henderson, Hicks, Hixon, G. R. Smith and Thayer: A BILL TO AMEND SECTION 56-1-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND

[HJ]

WEDNESDAY, APRIL 29, 2015

RENEWAL OF A DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT A FIVE YEAR DRIVER'S LICENSE MUST BE ISSUED TO A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE WHEN HE RENEWS HIS LICENSE; AND TO AMEND SECTION 56-1-220, RELATING TO VISION SCREENINGS THAT ARE REQUIRED FOR A PERSON TO RENEW HIS DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT REQUIRES A PERSON TO SUBMIT A VISION SCREENING CERTIFICATE TO THE DEPARTMENT OF MOTOR VEHICLES DURING THE FIFTH YEAR OF A TEN YEAR DRIVER'S LICENSE, AND THE PROVISION THAT ALLOWS A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE TO OBTAIN A DRIVER'S LICENSE THAT IS VALID FOR FIVE YEARS.

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

H. 3430--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3430 -- Reps. Simrill, G. M. Smith, Felder, Pope, Weeks, Taylor, Hixon, Corley, Norrell, Ridgeway, Henderson, G. A. Brown, Long, Lucas, Pitts, Atwater, Gagnon, Gambrell, Wells and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO SELL OR INSTALL AN UNMOUNTED, UNSAFE USED TIRE ONTO A PASSENGER CAR OR LIGHT TRUCK, TO DEFINE "UNSAFE" FOR THE PURPOSES OF THE CHAPTER, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT INSPECTIONS, TO PROVIDE A CIVIL FINE FOR EACH VIOLATION, TO PROVIDE THAT THIS CHAPTER DOES NOT LIMIT A BUSINESS OR INDIVIDUAL'S LIABILITY UNDER THE STATE'S PRODUCTS LIABILITY LAWS, AND TO EXEMPT A BUSINESS OR PERSON WHO IS SELLING TIRES FOR RETREADING.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3430 (COUNCIL\BBM\3430C002.BBM.SA15), which was adopted:

[HJ]

WEDNESDAY, APRIL 29, 2015

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

/ SECTION 1. Title 39 of the 1976 Code is amended by adding:

“CHAPTER 77

Sale of Unsafe Used Tires

Section 39-77-10. It is unlawful for a person to install an unsafe used tire onto a passenger car or light truck or sell or offer for sale an unsafe used tire that the person knew or should have known would be installed onto a passenger car or light truck or offered for resale to be installed onto a passenger car or light truck.

Section 39-77-20. For the purposes of this chapter, ‘unsafe’ means, upon an inspection of the exterior or inner lining of a tire, that the tire reveals:

(1) tread depth is worn to two thirty-seconds of an inch or less on any area of the tire;

(2) damage exposing the reinforcing plies of the tire, including cuts, cracks, bulges, punctures, scrapes, or other wear;

(3) an improper repair that includes any repair to the tire in the tread shoulder or belt edge area, a puncture that has not been both sealed with a patch on the inside and repaired with a cured rubber stem plugging that runs to the outside, a repair to the sidewall or bead area of the tire, or a puncture repair of damage that is larger than one quarter of an inch in size;

(4) evidence of prior use of a temporary tire sealant without evidence of a subsequent properly performed repair;

(5) a defaced or removed United States Department of Transportation tire identification number located on the sidewall of the tire;

(6) a recalled tire whose sale is prohibited by federal law;

(7) inner liner or bead damage; or

(8) indication of internal separation, such as bulges or local areas of irregular tread wear indicating possible tread or belt separation.

Section 39-77-30. The provisions of this chapter do not apply to:

(1) a business selling used tires for retreading;

(2) a business or individual buying and selling motor vehicles or its parts, when the tires were mounted on the motor vehicle at the time the motor vehicle was bought, unless they are also engaged in the business of installing unmounted used tires onto a passenger car or light truck; or

(3) tires intended solely for agricultural use or for off the road industrial use.

WEDNESDAY, APRIL 29, 2015

Section 39-77-40. The provisions contained in this chapter do not limit the liability pursuant to Chapter 73, Title 15 for businesses that sell used tires in violation of this chapter.

Section 39-77-50. Nothing in this chapter may be construed to create a private cause of action for negligence per se nor may it be construed to impair, limit, or affect common law rights or other statutory theories.

Section 39-77-60. A person who violates this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars.”

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. NORRELL explained the amendment.
Rep. SIMRILL spoke in favor of the amendment.
The amendment was then adopted.

Rep. HILL spoke against the Bill.

Reps. HENDERSON and LOFTIS proposed the following Amendment No. 3 to H. 3430 (COUNCIL\DKA\3430C002.DKA.SD15), which was adopted:

Amend the bill, as and if amended, by striking Section 39-77-10, as contained in SECTION 1, and inserting:

/ Section 39-77-10. It is unlawful for a person to install an unsafe used tire onto a passenger car or light truck or sell or offer for sale an unsafe used tire in this State that the person knew or should have known would be installed onto a passenger car or light truck or offered for resale to be installed onto a passenger car or light truck. /

Renumber sections to conform.
Amend title to conform.

Rep. HENDERSON explained the amendment.
The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:
Yeas 56; Nays 48

WEDNESDAY, APRIL 29, 2015

Those who voted in the affirmative are:

Anderson	Anthony	Atwater
Ballentine	Bamberg	Bernstein
Bingham	G. A. Brown	Clyburn
Collins	H. A. Crawford	Felder
Finlay	Forrester	Gagnon
Goldfinch	Govan	Hardwick
Hart	Henderson	Hixon
Hodges	Hosey	Huggins
Jefferson	Kennedy	Knight
Loftis	Long	Lucas
Mack	McCoy	McKnight
M. S. McLeod	Merrill	Neal
Newton	Norrell	Ott
Pope	Quinn	Rutherford
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Tallon	Taylor	Tinkler
Toole	Weeks	Wells
Whipper	White	

Total--56

Those who voted in the negative are:

Allison	Bales	Bradley
Brannon	R. L. Brown	Clary
Clemmons	Cole	Crosby
Daning	Delleney	Dillard
Duckworth	Erickson	Funderburk
Gambrell	George	Gilliard
Henegan	Hicks	Hill
Hiott	Howard	Johnson
Jordan	Kirby	Lowe
McEachern	W. J. McLeod	Mitchell
D. C. Moss	V. S. Moss	Norman
Parks	Pitts	Putnam
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Southard

WEDNESDAY, APRIL 29, 2015

Stringer
Williams

Thayer
Willis

Whitmire
Yow

Total--48

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

H. 3151--DEBATE ADJOURNED

The following Bill was taken up:

H. 3151 -- Rep. G. R. Smith: A BILL TO AMEND SECTION 59-29-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUISITE STUDY OF THE UNITED STATES CONSTITUTION AND OTHER TEXTS REFLECTING THE HISTORY OF THE UNITED STATES IN PUBLIC HIGH SCHOOLS AND PUBLICLY-SUPPORTED COLLEGES AND UNIVERSITIES, SO AS TO PROVIDE THAT PUBLIC COLLEGES AND UNIVERSITIES MAY SATISFY THE INSTRUCTIONAL COMPONENT OF THIS REQUIREMENT BY PROVIDING AND ASSIGNING CERTAIN RELATED READING; TO AMEND SECTION 59-29-130, RELATING TO THE REQUIREMENT THAT THESE SUBJECTS BE GIVEN FOR AT LEAST ONE YEAR, SO AS TO REVISE THE REQUIREMENT FOR COLLEGES AND UNIVERSITIES; AND TO AMEND SECTION 59-29-140, RELATING TO THE ROLE OF THE STATE SUPERINTENDENT OF EDUCATION TO ENFORCE THESE STUDY REQUIREMENTS AND PRESCRIBE SUITABLE TEXTS, SO AS TO TRANSFER THESE FUNCTIONS, WITH RESPECT TO COLLEGES AND UNIVERSITIES, TO THE COMMISSION OF HIGHER EDUCATION.

Rep. G. R. SMITH moved to adjourn debate on the Bill until Tuesday, May 5, which was agreed to.

H. 3062--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3062 -- Reps. Goldfinch, G. R. Smith and Pitts: A BILL TO AMEND SECTION 12-36-2120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE

[HJ]

WEDNESDAY, APRIL 29, 2015

STATE SALES AND USE TAX, SO AS TO EXEMPT FROM THESE TAXES GROSS PROCEEDS OF SALES OR SALES PRICE OF CHILDREN'S CLOTHING SOLD TO A PRIVATE CHARITABLE ORGANIZATION FOR THE SOLE PURPOSE OF DISTRIBUTION AT NO COST TO NEEDY CHILDREN AND TO DEFINE "CLOTHING" AND "NEEDY CHILDREN".

Rep. GOLDFINCH proposed the following Amendment No. 1 to H. 3062 (COUNCIL\BBM\3062C002.BBM.DG15), which was adopted:

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

/ SECTION 1. Section 12-36-2120 of the 1976 Code is amended by adding an appropriately numbered new item at the end to read:

“() children’s clothing sold to a private charitable organization exempt from federal and state income tax, except for private schools, for the sole purpose of distribution by that organization to needy children. For purposes of this item:

(a) ‘clothing’ means those items exempt from sales and use tax pursuant to item (57)(a)(i) and (iii) of this section; and

(b) ‘needy children’ means children eligible for free meals under the National School Lunch Program of the United States Department of Agriculture.” /

Renumber sections to conform.

Amend title to conform.

Rep. GOLDFINCH explained the amendment.

The amendment was then adopted.

Rep. GOLDFINCH proposed the following Amendment No. 3 to H. 3062 (COUNCIL\SWB\3062C001.SWB.AB15), which was adopted:

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

/SECTION _ . The provisions of this act expire on December 31, 2020. /

Renumber sections to conform.

Amend title to conform.

Rep. GOLDFINCH explained the amendment.

The amendment was then adopted.

[HJ]

WEDNESDAY, APRIL 29, 2015

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bedingfield	Bernstein
Bingham	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hardwick	Hart
Hayes	Henegan	Herbkersman
Hicks	Hill	Hiott
Hixon	Hodges	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Long
Lowe	Lucas	Mack
McCoy	McEachern	McKnight
M. S. McLeod	Merrill	Mitchell
D. C. Moss	V. S. Moss	Neal
Newton	Norman	Norrell
Ott	Parks	Pope
Putnam	Quinn	Riley
Rivers	Robinson-Simpson	Rutherford
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Southard
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Tinkler	Toole	Wells

WEDNESDAY, APRIL 29, 2015

Whipper
Williams

White
Willis

Whitmire
Yow

Total--105

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. 3874--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3874 -- Reps. Mitchell, Cobb-Hunter, Merrill, Loftis, Dillard and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3770 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES RENEWABLE ENERGY PROPERTY AND PLACES IT IN SERVICE IN THIS STATE, AND TO PROVIDE A DEFINITION OF "RENEWABLE ENERGY PROPERTY".

The Ways and Means Committee proposed the following Amendment No. 1 to H. 3874 (COUNCILMS\3874C002.MS.SA15), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking 12-6-3770(A) and inserting:

/ (A)A taxpayer that constructs, purchases, or leases renewable energy property located on the Environmental Protection Agency's National Priority List, National Priority List Equivalent Sites, and related removal actions, located in the State of South Carolina and places it in service in this State during the taxable year is allowed an income tax credit equal to thirty-five percent of the cost, including the cost of installation, of the property. A lessor shall give a taxpayer who leases renewable energy property from him a statement that describes the renewable energy property and states the cost of the property upon request. No credit is allowed under this section to the extent the cost of the renewable energy property is provided by public funds. For purposes of this section,

[HJ]

WEDNESDAY, APRIL 29, 2015

‘public funds’ does not include grants made under Section 1603 of the American Recovery and Reinvestment Tax Act of 2009./

Amend the bill further, as and if amended, SECTION 1, page 2, by striking 12-6-3770(D) in its entirety.

Amend the bill further, as and if amended, page 3, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. This act takes effect in income tax years beginning after 2015. The provisions of this act are repealed on December 31, 2016.

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS 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 99; Nays 4

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bernstein	Bingham
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hardwick	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hiott	Hodges
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	Mack	McCoy
McEachern	McKnight	M. S. McLeod

[HJ]

WEDNESDAY, APRIL 29, 2015

W. J. McLeod	Merrill	Mitchell
D. C. Moss	V. S. Moss	Neal
Newton	Norman	Norrell
Ott	Parks	Pope
Quinn	Riley	Rivers
Robinson-Simpson	Ryhal	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrakis
Stringer	Tallon	Taylor
Tinkler	Toole	Wells
Whipper	White	Whitmire
Williams	Willis	Yow

Total--99

Those who voted in the negative are:

Bedingfield	Forrester	Hill
Thayer		

Total--4

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

Rep. HERBKERSMAN 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. 4061 -- Reps. D. C. Moss, Horne, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy,

[HJ]

WEDNESDAY, APRIL 29, 2015

McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND CELEBRATE THE UNIVERSITY OF SOUTH CAROLINA FISHING TEAM FOR ITS EXCEPTIONAL ANGLING SKILL AND TO CONGRATULATE TEAM MEMBERS PATRICK WALTERS AND GETTYS BRANNON ON WINNING THE 2015 FISHING LEAGUE WORLDWIDE COLLEGE FISHING NATIONAL CHAMPIONSHIP.

H. 4073 -- Reprs. Tallon, Allison, Brannon, Chumley, Cole, Forrester, Hicks and Mitchell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR UNIVERSITY OF SOUTH CAROLINA UPSTATE BASKETBALL PLAYER TY GREENE FOR HIS OUTSTANDING SEASON AND TO CONGRATULATE HIM ON BEING NAMED 2015 LOU HENSON NATIONAL PLAYER OF THE YEAR AND 2015 ATLANTIC SUN CONFERENCE PLAYER OF THE YEAR.

H. 4074 -- Reprs. Allison, Alexander, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT

WEDNESDAY, APRIL 29, 2015

RESOLUTION TO RECOGNIZE AND HONOR THE MEMBERS OF THE SUPREME COUNCIL OF SOVEREIGN GRAND INSPECTORS GENERAL OF THE ANCIENT AND ACCEPTED SCOTTISH RITE OF FREEMASONRY UPON THEIR ONE HUNDRED FIFTY-FIRST ANNIVERSARY.

H. 4075 -- Reps. Finlay, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE CARDINAL NEWMAN SCHOOL AND ITS DEDICATED STUDENTS WHO PARTICIPATED IN THE ANNUAL DANCE MARATHON THAT RAISED OVER FIFTY-FOUR THOUSAND DOLLARS TO BENEFIT PALMETTO HEALTH CHILDREN'S HOSPITAL.

ADJOURNMENT

At 7:07 p.m. the House, in accordance with the motion of Rep. CLYBURN, adjourned in memory of Anna Belle Dozier Kelly of Georgetown, to meet at 10:00 a.m. tomorrow.

WEDNESDAY, APRIL 29, 2015

H. 3002	16	H. 3880	9
H. 3008	130	H. 3882	14
H. 3027	7, 147	H. 3891	37, 38, 39
H. 3062	108, 158, 159	H. 3910	10
H. 3083	10	H. 3911	14
H. 3113	19	H. 3917	9
H. 3147	27	H. 3927	15
H. 3149	112	H. 3979	22
H. 3151	44, 157	H. 3980	131
H. 3152	29	H. 3997	141
H. 3154	19	H. 4012	144
H. 3156	11	H. 4038	131
H. 3203	132, 133, 134	H. 4048	129
H. 3214	131	H. 4052	7
H. 3215	13	H. 4055	8
H. 3248	13	H. 4056	130
H. 3250	45, 47, 69, 71	H. 4061	163
H. 3250	92, 94, 103, 105	H. 4073	163
H. 3250	107, 108	H. 4074	163
H. 3259	19	H. 4075	164
H. 3313	6, 114, 116	H. 4078	130
H. 3348	140	H. 4080	130
H. 3376	131	H. 4082	7, 8
H. 3430	7, 43, 153, 154	H. 4083	2
H. 3430	155	H. 4084	3
H. 3431	146	H. 4085	41
H. 3512	139, 140	H. 4086	42
H. 3548	12	H. 4087	97
H. 3549	14	H. 4088	98
H. 3560	14	H. 4089	98
H. 3562	18	H. 4090	100
H. 3568	109, 110, 111	H. 4091	102
H. 3663	96	H. 4092	102
H. 3682	10, 21	H. 4093	103
H. 3710	26	H. 4094	103
H. 3725	18	H. 4095	99
H. 3768	7, 116, 117, 119		
H. 3784	142	S. 11	31
H. 3788	15	S. 168	129
H. 3794	35, 153	S. 358	33
H. 3799	24, 26	S. 391	31
H. 3868	152	S. 673	4, 130
H. 3874	7, 112, 160	S. 726	99
H. 3878	33		