

NO. 48

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

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TUESDAY, APRIL 26, 2016  
(STATEWIDE SESSION)

**Tuesday, April 26, 2016**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 p.m.

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

Our thought for today is from Micah 7:19: "He will again have compassion upon us; he will tread our iniquities under foot. You will cast all our sins into the depths of the sea."

Let us pray. Loving and merciful God, care for these Representatives and staff as they continue to serve the people of this State. Bestow upon them Your wisdom and integrity. May what these Representatives do here have a positive impact on our State. Hold them in the palm of Your hand as they meet and work every day. Bless our Nation, President, State, Governor, Speaker, staff, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord of Grace, 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 Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. HIOTT moved that when the House adjourns, it adjourn in memory of Frances M. Moss, mother of Representative V. Stephen Moss, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 5259 -- Reps. Tinkler, 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,

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Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO EXPRESS THE CONGRATULATIONS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO LORRAINE EVANS, ONE OF THE MOST RECOGNIZED AND BELOVED MEDIA FIGURES IN SOUTH CAROLINA, AT THE CELEBRATION OF HER EIGHTIETH BIRTHDAY AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE DAYS AHEAD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5260 -- Reps. Herbkersman, Bowers and Newton: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE COLLIN SOUCY FOR BEING NAMED THE 2016 REPRESENTATIVE FOR A DAY IN A CONTEST SPONSORED BY THE JASPER COUNTY DELEGATION TO PROMOTE CIVIC ENGAGEMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5261 -- Reps. Ryhal, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown,

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Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, 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 RECOGNIZE AND HONOR ERIN MORAN FOR HER EXCEPTIONAL POISE, TALENT, AND BEAUTY AND TO CONGRATULATE HER FOR BEING CHOSEN AS THE 2016 SOUTH CAROLINA ROSE OF TRALEE TO REPRESENT THE PALMETTO STATE AT THE INTERNATIONAL ROSE OF TRALEE FESTIVAL IN IRELAND.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 5262 -- Reps. Loftis, Burns, Kennedy, J. E. Smith, Finlay, Chumley, Clemmons, Delleney, Hixon, Pope, G. R. Smith and Stringer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 101, TITLE 59 SO AS TO ENACT THE "DISCIPLINARY PROCEDURE DUE PROCESS ACT"; TO DEFINE NECESSARY TERMS; TO ESTABLISH THE REQUIREMENTS OF A PROCEEDING, TO ENUMERATE THE RIGHTS OF A STUDENT WHO IS SUBJECT TO A PROCEEDING, TO ESTABLISH STANDARDS FOR THE DISCLOSURE OF EVIDENCE RELATING TO THE PROCEEDING, TO REQUIRE WRITTEN STATEMENTS ENTERED AS EVIDENCE TO BE NOTARIZED, TO PROHIBIT CERTAIN DOCUMENTS FROM BEING USED AS EVIDENCE WITHOUT THE CONSENT OF BOTH

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PARTIES, TO ALLOW FOR THE INFORMAL DISPOSITION OF A PROCEEDING IN CERTAIN CIRCUMSTANCES, TO PROHIBIT IRRELEVANT, IMMATERIAL, OR UNDULY REPETITIVE EVIDENCE FROM BEING ADMITTED, TO APPLY THE STANDARDS FOR PRIVILEGE OF THE STATE TO A PARTY IN A PROCEEDING, TO ALLOW THE SUBMISSION OF EVIDENCE IN WRITTEN FORM IN CERTAIN CIRCUMSTANCES, TO REQUIRE A RECORD OF THE PROCEEDING BE MADE AND TO ENUMERATE THE REQUIRED CONTENTS OF THE RECORD, TO ALLOW A PARTY TO REQUEST A RECORDING OF THE PROCEEDING FOR TRANSCRIPTION, TO REQUIRE THE PRESIDING PERSON TO BE IMPARTIAL, TO ESTABLISH STANDARDS FOR THE PRESIDING PERSON TO MAKE A DECISION, TO REQUIRE AN INSTITUTION TO PROVIDE A STUDENT THE INTERNAL APPEALS PROCEDURE IF THE DECISION OF THE INSTITUTION IS ADVERSE TO THE STUDENT, TO ALLOW THE STUDENT OR INSTITUTION TO APPEAL TO THE CIRCUIT COURT OR ADMINISTRATIVE LAW COURT, TO ESTABLISH A PRESUMPTION OF NONVIOLATION FOR THE STUDENT AND THE BURDEN OF PROOF FOR THE INSTITUTION, TO REQUIRE ANY PUNISHMENT TO BE REASONABLE AND PROPORTIONATE TO THE VIOLATION, TO ALLOW THE CIRCUIT COURT OR ADMINISTRATIVE LAW COURT TO ISSUE AN INJUNCTION AND ALLOW FOR THE AWARD OF ATTORNEYS FEES AND COSTS; AND TO ALLOW AN INSTITUTION TO IMMEDIATELY SUSPEND A STUDENT FOR ALLEGED MISCONDUCT IN CERTAIN CIRCUMSTANCES.

Referred to Committee on Education and Public Works

S. 777 -- Senators Malloy and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-5-436 SO AS TO PROVIDE ADDITIONAL AND ALTERNATIVE REQUIREMENTS FOR MATTERS INVOLVING PAYMENT OF BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND TO DEFINE RELEVANT TERMS; TO AMEND SECTION 62-1-201, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO DEFINE THE TERM "VA" AND TO MAKE OTHER TECHNICAL CORRECTIONS; TO AMEND SECTION 62-5-404, RELATING TO THE ORIGINAL PETITION FOR APPOINTMENT OR

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PROTECTIVE ORDER, SO AS TO REQUIRE THE PETITION TO SHOW THAT THE PERSON TO BE PROTECTED HAS BEEN RATED INCOMPETENT BY THE VA AND TO PROVIDE THAT THE PETITION SHALL STATE THE NAME AND ADDRESS OF THE PERSON TO BE NOTIFIED ON BEHALF OF THE VA; TO AMEND SECTION 62-5-405, AS AMENDED, RELATING TO SERVICE OF SUMMONS AND PETITIONS, NOTICE OF HEARING, AND WAIVER OF NOTICE BY THE PERSON TO BE PROTECTED, SO AS TO REQUIRE SERVICE UPON THE VA AND NOTICE OF THE HEARING IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 62-5-407, AS AMENDED, RELATING TO PROCEDURES CONCERNING THE HEARING AND ORDER ON ORIGINAL PETITION, SO AS TO CLARIFY CERTAIN PROVISIONS IN CASES INVOLVING PAYMENT OF BENEFITS FROM THE VA; AND TO REPEAL PART 6, ARTICLE 5, CHAPTER 5, TITLE 62 RELATING TO THE UNIFORM VETERANS' GUARDIANSHIP ACT.

Referred to Committee on Judiciary

S. 778 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO TITLE 62 SO AS TO ENACT THE "SOUTH CAROLINA UNIFORM POWER OF ATTORNEY ACT"; TO DEFINE APPLICABLE TERMS; TO OUTLINE THE ARTICLE'S REQUIREMENTS AND APPLICABILITY, AND TO PROVIDE EXCEPTIONS; TO AMEND PART 5, ARTICLE 5, TITLE 62, RELATING TO POWERS OF ATTORNEY, SO AS TO ENACT THE "SOUTH CAROLINA STATUTORY HEALTH CARE POWER OF ATTORNEY ACT"; TO DEFINE APPLICABLE TERMS; TO OUTLINE THE PART'S REQUIREMENTS AND APPLICABILITY; TO PROVIDE EXECUTION AND WITNESS REQUIREMENTS; AND TO SPECIFY THE PROPER FORM OF A HEALTH CARE POWER OF ATTORNEY.

Referred to Committee on Judiciary

### **ROLL CALL**

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

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield

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Bernstein	Bradley	R. L. Brown
Burns	Chumley	Clary
Clyburn	Cobb-Hunter	Cole
Collins	Crosby	Daning
Delleney	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hamilton	Hardee	Hart
Hayes	Henderson	Henegan
Hicks	Hill	Hiott
Hixon	Hodges	Howard
Huggins	Jefferson	Johnson
Jordan	Kennedy	King
Kirby	Limehouse	Long
Lucas	McEachern	McKnight
W. J. McLeod	Merrill	D. C. Moss
Murphy	Nanney	Neal
Newton	Norman	Norrell
Ott	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Tallon
Taylor	Thayer	Tinkler
Toole	Weeks	Whipper
White	Whitmire	Williams
Yow		

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, April 26.

Carl Anderson	Kenny Bingham
William Bowers	Grady Brown
Alan D. Clemmons	Christopher A. Corley
Chandra Dillard	William G. Herbkersman
Jenny A. Horne	Lonnie Hosey
Patsy Knight	Phillip Lowe
Peter McCoy, Jr.	Mia S. McLeod
Anne Parks	Richard "Rick" Quinn

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Leola Robinson-Simpson	Mike Ryhal
Leon Stavrinakis	Tommy Stringer
Mark Willis	James E. Smith

**Total Present--116**

**STATEMENT OF ATTENDANCE**

Reps. PARKS, WHIPPER and RUTHERFORD signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Thursday, April 21.

**LEAVE OF ABSENCE**

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

**STATEMENT FOR THE JOURNAL**

I have a mandatory work related hearing that I must attend in Spartanburg today and I am unable to be present in the House.

Rep. Doug Brannon

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. V. S. MOSS a leave of absence for the day due to family medical reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. H. A. CRAWFORD a temporary leave of absence.

**DOCTOR OF THE DAY**

Announcement was made that Dr. John W. Schaberg of West Columbia was the Doctor of the Day for the General Assembly.

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**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

Bill Number: H. 3084  
Date: ADD:  
04/26/16 W. J. MCLEOD

**CO-SPONSOR ADDED**

Bill Number: H. 4029  
Date: ADD:  
04/26/16 WILLIS

**CO-SPONSOR ADDED**

Bill Number: H. 4330  
Date: ADD:  
04/26/16 PUTNAM

**CO-SPONSOR ADDED**

Bill Number: H. 4387  
Date: ADD:  
04/26/16 WHIPPER

**CO-SPONSOR ADDED**

Bill Number: H. 4393  
Date: ADD:  
04/26/16 GAGNON

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**CO-SPONSOR ADDED**

Bill Number: H. 4546  
Date: ADD:  
04/26/16 BEDINGFIELD

**CO-SPONSORS ADDED**

Bill Number: H. 4546  
Date: ADD:  
04/26/16 JEFFERSON and WILLIS

**CO-SPONSOR ADDED**

Bill Number: H. 4551  
Date: ADD:  
04/26/16 WILLIS

**CO-SPONSOR ADDED**

Bill Number: H. 4776  
Date: ADD:  
04/26/16 WHIPPER

**CO-SPONSOR ADDED**

Bill Number: H. 5006  
Date: ADD:  
04/26/16 W. J. MCLEOD

**CO-SPONSOR ADDED**

Bill Number: H. 5007  
Date: ADD:  
04/26/16 W. J. MCLEOD

**CO-SPONSOR ADDED**

Bill Number: H. 5009  
Date: ADD:  
04/26/16 W. J. MCLEOD

**CO-SPONSOR ADDED**

Bill Number: H. 5037  
Date: ADD:  
04/26/16 WHIPPER

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**CO-SPONSOR REMOVED**

Bill Number: H. 5066  
Date: REMOVE:  
04/26/16 HODGES

**CO-SPONSORS ADDED**

Bill Number: H. 5172  
Date: ADD:  
04/26/16 HENDERSON, DUCKWORTH, DILLARD,  
HUGGINS, ATWATER, HICKS, HENEGAN,  
GILLIARD, G. A. BROWN, WHIPPER, HARDEE,  
GOLDFINCH, LOWE, JORDAN, SANDIFER, YOW,  
HILL, FINLAY, GAGNON, JEFFERSON,  
WILLIAMS, KNIGHT, GOVAN, RIVERS,  
HERBKERSMAN, BALES, RIDGEWAY,  
ERICKSON, LONG, FUNDERBURK, BERNSTEIN,  
ALLISON, NANNEY, ROBINSON-SIMPSON,  
NORRELL, TINKLER, H. A. CRAWFORD, COBB-  
HUNTER, OTT, M. S. MCLEOD, THAYER,  
WHITMIRE, JOHNSON and FELDER

**CO-SPONSORS ADDED**

Bill Number: H. 5216  
Date: ADD:  
04/26/16 LOFTIS, ERICKSON, LONG and BURNS

**CO-SPONSOR REMOVED**

Bill Number: H. 4835  
Date: REMOVE:  
04/26/16 HORNE

**LEAVE OF ABSENCE**

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

**S. 1238--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1238 -- Senators Leatherman and Williams: A BILL TO AMEND ACT 806 OF 1952, AS AMENDED, RELATING TO THE ANNUAL BUDGET FOR FLORENCE COUNTY SCHOOL DISTRICT TWO,

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SO AS TO ONLY REQUIRE A SEPARATE MEETING OF THE CITIZENS IF THE PROPOSED BUDGET REQUIRES A MILLAGE INCREASE.

Rep. KIRBY proposed the following Amendment No. 1 to S. 1238 (COUNCIL\BBM\1238C001.BBM.DG16), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking subsection (B)(1) and inserting:

/ (B)(1) In addition to the citizens' meeting provided in subsection (A), in any year in which the proposed budget for Florence County School District 2 for the upcoming fiscal year requires a millage increase, the board of trustees shall call a separate meeting of the citizens of the district on the proposed ~~district budget millage increase~~ for the next fiscal year, which must be held before June thirtieth of each year. The citizens' meetings must be held within the school district, and the time and place of the meetings must be advertised in a newspaper of general circulation within the district at least once, ten days ~~prior to~~ before the meetings. The advertisement must include the current year's millage, the proposed millage, and the amount of the millage increase. The millage increase only may be adopted by a majority vote of the qualified electors present at the meeting. The tax millage levied must maintain at least the level of per pupil financial effort established in the previous year. The chairman shall keep a correct record of all proceedings and file the records of the proceedings with the district board of trustees. /

Renumber sections to conform.

Amend title to conform.

Rep. KIRBY 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 64; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Bales	Bannister	R. L. Brown
Burns	Clyburn	Cole
Dillard	Douglas	Duckworth

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Erickson	Forrester	Fry
Funderburk	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hart	Henderson
Henegan	Hicks	Hixon
Huggins	Jefferson	Johnson
Jordan	Kennedy	King
Kirby	Knight	Limehouse
Long	Lucas	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Murphy	Nanney
Norrell	Ott	Parks
Pitts	Pope	Putnam
Ridgeway	Rivers	Rutherford
Sandifer	Sottile	Spires
Taylor	Thayer	Toole
Weeks	Whitmire	Williams
Yow		

**Total--64**

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. 5066--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5066 -- Reps. Herbkersman, Erickson, Bowers, Bradley, Newton and Hodges: A BILL TO AMEND ACT 589 OF 1986, AS AMENDED, RELATING TO THE BEAUFORT COUNTY BOARD OF EDUCATION, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SUBMIT SIGNED PETITIONS.

Rep. NEWTON moved to adjourn debate upon the Bill, which was adopted:

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**H. 5021--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5021 -- Reps. Collins, Clary and Felder: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ADULT STUDENTS WITH DISABILITIES EDUCATIONAL RIGHTS CONSENT ACT" BY ADDING ARTICLE 3 TO CHAPTER 33, TITLE 59 SO AS TO PROVIDE PROCEDURES AND POLICIES THROUGH WHICH STUDENTS WHO ARE ELIGIBLE FOR SPECIAL EDUCATION UNDER THE INDIVIDUALS WITH DISABILITIES ACT AND WHO HAVE NOT BEEN DETERMINED TO BE INCAPACITATED IN PROBATE COURT MAY BE IDENTIFIED AS UNABLE TO PROVIDE INFORMED CONSENT WITH RESPECT TO HIS EDUCATIONAL PROGRAM AND DELEGATE THE AUTHORITY TO MAKE SUCH DECISIONS TO AN AGENT OR REPRESENTATIVE; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 33, TITLE 59 AS ARTICLE 1 ENTITLED "GENERAL PROVISIONS".

Rep. COLLINS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 89; Nays 0

Those who voted in the affirmative are:

Alexander	Anthony	Atwater
Bales	Ballentine	Bamberg
Bradley	R. L. Brown	Burns
Clary	Clyburn	Cobb-Hunter
Cole	Collins	Corley
Crosby	Daning	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Hicks	Hill
Hiott	Hixon	Hodges
Huggins	Jefferson	Johnson
Jordan	King	Kirby

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Knight	Limehouse	Loftis
Long	Lucas	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	Murphy
Nanney	Neal	Norman
Norrell	Ott	Parks
Pitts	Pope	Putnam
Ridgeway	Riley	Rivers
Rutherford	Ryhal	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Tallon
Taylor	Thayer	Tinkler
Weeks	Whitmire	Williams
Willis	Yow	

**Total--89**

Those who voted in the negative are:

**Total--0**

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

**H. 5089--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5089 -- Rep. Daning: A BILL TO AMEND SECTION 56-19-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE PROTECTION OF TITLES TO AND INTEREST IN MOTOR VEHICLES, SO AS TO ADD ADDITIONAL TERMS AND THEIR DEFINITIONS TO THIS SECTION; AND TO AMEND SECTION 56-19-265, AS AMENDED, RELATING TO LIENS RECORDED AGAINST MOTOR VEHICLES AND MOBILE HOMES, SO AS TO PROVIDE THAT A LIEN OR ENCUMBRANCE ON A MOTOR VEHICLE OR TITLED MOBILE HOME MUST BE NOTED ON THE PRINTED TITLE OR ELECTRONICALLY THROUGH THE DEPARTMENT OF MOTOR VEHICLES' ELECTRONIC TITLE AND LIEN SYSTEM, TO PROVIDE THAT THE TRANSMITTAL MUST BE DONE ELECTRONICALLY FOR BUSINESS ENTITIES, TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT

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BUSINESS ENTITIES ARE SUBJECT TO CERTAIN FEES, TO PROVIDE THAT THE TRANSMITTAL AND RETRIEVAL OF DATA FEES ARE "OFFICIAL FEES", TO PROVIDE THAT CERTAIN BUSINESSES AND COMMERCIAL LIENHOLDERS MUST UTILIZE THE ELECTRONIC LIEN SYSTEM TO TRANSMIT AND RECEIVE ELECTRONIC LIEN INFORMATION, TO PROVIDE THE EFFECTIVE DATE AND LAPSE DATE FOR CERTAIN LIENS, TO PROVIDE THAT THE DEPARTMENT SHALL PUBLISH FORMS FOR THE PURPOSE OF FILING A LIEN CONTINUATION STATEMENT, AND TO PROVIDE THE PROCESS FOR FILING A LIEN CONTINUATION STATEMENT AND THE PERIOD FOR WHICH THE LIEN REMAINS IN EFFECT.

Rep. FELDER proposed the following Amendment No. 1 to H. 5089 (COUNCIL\GT\5089C001.GT.CM16), which was adopted:

Amend the bill, as and if amended, SECTION 3 on page 5, by deleting SECTION 3, and inserting:

/ SECTION 3. This act takes effect on February 1, 2017. However, this act's implementation shall be one hundred eighty days after its effective date. /

Renumber sections to conform.

Amend title to conform.

Rep. DANING explained the amendment.

The amendment was then adopted.

Rep. DANING explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bradley
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clyburn
Cobb-Hunter	Cole	Collins

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Corley	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Hicks	Hill
Hiott	Hixon	Hodges
Huggins	Jefferson	Johnson
Jordan	Kennedy	King
Kirby	Knight	Limehouse
Loftis	Long	Lucas
McEachern	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	Murphy
Nanney	Neal	Newton
Norman	Norrell	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stringer	Tallon	Taylor
Thayer	Tinkler	Weeks
White	Whitmire	Williams
Yow		

**Total--100**

Those who voted in the negative are:

**Total--0**

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

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**H. 4661--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4661 -- Reps. Forrester, Sandifer, Clemmons, Loftis, Stringer, Norman, Ballentine, Rivers and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 7 TO ARTICLE 9, CHAPTER 35, TITLE 11 SO AS TO PROVIDE REQUIREMENTS CONCERNING ACCEPTABLE PIPING MATERIAL IN THE STATE PROCUREMENT CODE, AND TO DEFINE NECESSARY TERMS.

Reps. FORRESTER, KENNEDY, HIOTT, BINGHAM, HAMILTON, FUNDERBURK, SOTTILE, CLARY, ALLISON, R. L. BROWN, ALEXANDER, KIRBY, COLE, HICKS, CROSBY, WHITMIRE, COBB-HUNTER, OTT, KING, JEFFERSON, DOUGLAS, HART, GAMBRELL, GAGNON, HILL, FINLAY, RYHAL and MERRILL requested debate on the Bill.

**S. 277--DEBATE ADJOURNED**

The following Bill was taken up:

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING ACT" BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF "BASIC LOCAL EXCHANGE TELEPHONE SERVICE" AND "CARRIER OF LAST RESORT"; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER

**TUESDAY, APRIL 26, 2016**

FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO CERTAIN STAND-ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY DEFINITIONS; TO AMEND SECTION 58-9-2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN UNIFORM-RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58-9-2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

Rep. SANDIFER moved to adjourn debate on the Bill until Wednesday, May 4, which was agreed to.

**H. 5218--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5218 -- Reps. Gilliard, Anderson, Limehouse, Mack, Hosey, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-117 SO AS TO PROVIDE THAT THE MONTH OF MAY EVERY YEAR IS DECLARED "WATER SAFETY AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA; TO PROMOTE AN UNDERSTANDING OF WATER SAFETY PRACTICES AND THE CRITICAL IMPORTANCE OF WATER SAFETY IN AN EFFORT TO REDUCE DROWNING DEATHS AMONG CHILDREN IN THIS STATE; TO CREATE THE "WATER SAFETY AWARENESS IN SCHOOLS STUDY COMMITTEE"; TO EXAMINE THE ISSUE OF DROWNING DEATHS AMONG SCHOOL-AGED CHILDREN IN

[HJ]

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SOUTH CAROLINA; AND TO IDENTIFY A CURRICULUM TO PROVIDE SWIMMING INSTRUCTION IN OUR PUBLIC SCHOOLS AS A MEASURE TO HELP PREVENT CHILD DROWNING DEATHS.

Rep. HILL proposed the following Amendment No. 1 to H. 5218 (COUNCIL\NBD\5218C001.NBD.CZ16), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety.

Re-number sections to conform.

Amend title to conform.

Rep. HILL 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 95; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bingham	Bradley	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clyburn	Cole
Collins	Corley	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Hardee	Hayes	Henderson
Henegan	Herbkersman	Hill
Hiott	Hixon	Hodges
Huggins	Jefferson	Johnson
Jordan	Kennedy	King
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McEachern	M. S. McLeod

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W. J. McLeod	Merrill	D. C. Moss
Murphy	Nanney	Neal
Norman	Norrell	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stringer	Tallon	Taylor
Thayer	Tinkler	Weeks
White	Whitmire	Williams
Willis	Yow	

**Total--95**

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. 5218. If I had been present, I would have voted in favor of the Bill.

Rep. Gilda Cobb-Hunter

**H. 4416--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4416 -- Reps. Felder, Pope, Merrill, Burns, V. S. Moss and Pitts: A BILL TO AMEND SECTION 6-1-970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTIONS FROM IMPACT FEES, SO AS TO ADD EXEMPTIONS FOR CERTAIN SCHOOLS AND VOLUNTEER FIRE DEPARTMENTS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4416 (COUNCIL\DKA\4416C001.DKA.SA16), which was adopted:

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

/ SECTION \_\_\_\_\_. Section 6-1-920(18) of the 1976 Code is amended by adding an appropriately lettered subitem to read:

“( ) public education facilities for grades K-12 including, but not limited to, schools, offices, classrooms, parking areas, playgrounds, libraries, cafeterias, gymnasiums, health and music rooms, computer and science laboratories, and other facilities considered necessary for the proper public education of the state’s children.” /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM 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 90; Nays 5

Those who voted in the affirmative are:

Alexander	Anthony	Atwater
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bingham
Bradley	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clyburn	Cobb-Hunter	Cole
Collins	Crosby	Daning
Delleney	Douglas	Duckworth
Felder	Finlay	Fry
Funderburk	Gagnon	Gambrell
Gilliard	Goldfinch	Govan
Hardee	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Hodges	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Limehouse	Loftis	Long
Lowe	Lucas	McEachern
McKnight	M. S. McLeod	W. J. McLeod

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Merrill	D. C. Moss	Murphy
Nanney	Neal	Newton
Norman	Norrell	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Ryhal	Sandifer	Simrill
Sottile	Spires	Stavrinakis
Stringer	Taylor	Thayer
Weeks	Whipper	White
Whitmire	Williams	Yow

**Total--90**

Those who voted in the negative are:

Forrester	G. M. Smith	G. R. Smith
Tallon	Willis	

**Total--5**

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

**H. 5011--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5011 -- Reps. Clemmons, Fry, Johnson, Duckworth, Hardee, Anderson, Goldfinch, George, Hayes, H. A. Crawford and Ryhal: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-10-980 SO AS TO PROVIDE FOR THE REIMPOSITION OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE.

Rep. BINGHAM moved to adjourn debate on the Bill, which was agreed to.

**H. 4765--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4765 -- Reps. G. R. Smith, Parks, D. C. Moss, Cobb-Hunter, Jefferson, Duckworth, Daning, Kirby, R. L. Brown, Burns, Douglas, Brannon, Anthony, Mitchell, Ridgeway, Robinson-Simpson, Clyburn,

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Ryhal, Johnson, Yow, G. A. Brown, Riley, Taylor, Limehouse, Williams, Simrill, Bedingfield, Chumley, Dillard, Herbkersman, Hicks, Hill, Loftis, Long, V. S. Moss, Pope, Rivers, Thayer, Wells, Crosby and King: A BILL TO AMEND SECTION 12-6-5060, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD HABITAT FOR HUMANITY.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4765 (COUNCIL\DKA\4765C002.DKA.SA16), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-5060(A) in its entirety and inserting:

/ “(A) Each taxpayer required to file a state individual income tax return may contribute to the War Between the States Heritage Trust Fund established pursuant to Section 51-18-115, the Nongame Wildlife and Natural Areas Program Fund established pursuant to Section 50-1-280, the Children’s Trust Fund of South Carolina established pursuant to Section 63-11-910, the Eldercare Trust Fund of South Carolina established pursuant to Section 43-21-160, or the First Steps to School Readiness Fund established pursuant to Section 63-11-1750, the South Carolina Military Family Relief Fund established pursuant to Article 3, Chapter 11, Title 25, the Donate Life South Carolina established pursuant to Section 44-43-1310, the Veterans’ Trust Fund of South Carolina established pursuant to Chapter 21, ~~of~~ Title 25, the South Carolina Litter Control Enforcement Program (SCLCEP) and used by the Governor’s Task Force on Litter only for the SCLCEP Program, the South Carolina Law Enforcement Assistance Program (SCLEAP) and used as provided in Section 23-3-65, the South Carolina Department of Parks, Recreation and Tourism for use in the South Carolina State Park Service in the manner the General Assembly provides, the South Carolina Forestry Commission for use in the state forest system, the South Carolina Department of Natural Resources for use in its programs and operations, K-12 public education for use in the manner the General Assembly provides by law, South Carolina Conservation Bank Trust Fund established pursuant to Section 48-59-60, ~~or~~ the Financial Literacy Trust Fund ~~as~~ established pursuant to Section 59-29-510, or the South Carolina Association of Habitat for Humanity Affiliates, by designating the contribution on the return. The contribution may be made by

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reducing the income tax refund or by remitting additional payment by the amount designated.”

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

The amendment was then adopted.

Rep. HUGGINS explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bingham	Bradley	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Corley	Crosby	Delleney
Dillard	Douglas	Duckworth
Erickson	Finlay	Forrester
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hill	Hiott	Hixon
Hodges	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McKnight	M. S. McLeod
W. J. McLeod	Merrill	D. C. Moss
Nanney	Neal	Newton
Norrell	Ott	Parks
Pitts	Putnam	Ridgeway
Riley	Robinson-Simpson	Rutherford

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Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Weeks	White	Whitmire
Williams	Willis	Yow

**Total--93**

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. 5009--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5009 -- Reps. Cole, Tallon, Hicks, Brannon, Allison, Chumley, Clary, Forrester, Mitchell, King and W. J. McLeod: A BILL TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEXTILES COMMUNITIES REVITALIZATION INCOME TAX CREDIT, SO AS TO DELETE A PROVISION THAT LIMITS THE CREDIT TO FIFTY PERCENT OF CERTAIN LIABILITY.

Rep. HUGGINS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bradley
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	Corley	Crosby

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Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Hodges	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Merrill
D. C. Moss	Nanney	Neal
Newton	Norman	Norrell
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Weeks	Whipper	White
Whitmire	Williams	Willis
Yow		

**Total--103**

Those who voted in the negative are:

**Total--0**

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

**H. 5034--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5034 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-4320

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SO AS TO REQUIRE THE DEPARTMENT OF REVENUE TO ESTABLISH AN INFORMATIONAL CHARITABLE BINGO WEBPAGE ON ITS WEBSITE; TO AMEND SECTION 12-21-3920, RELATING TO DEFINITIONS FOR PURPOSES OF THE BINGO TAX ACT, SO AS TO REDEFINE "BUILDING"; TO AMEND SECTION 12-21-3940, RELATING TO APPLICATIONS FOR A BINGO LICENSE BY NONPROFIT ORGANIZATIONS AND PROMOTERS, SO AS TO EXTEND THE TIME BY WHICH THE DEPARTMENT MUST RESPOND; TO AMEND SECTION 12-21-3990, RELATING TO THE MANNER OF PLAYING BINGO, SO AS TO PROVIDE THE MANNER IN WHICH CERTAIN DEVICES MUST BE OPERATED; TO AMEND SECTION 12-21-4000, RELATING TO PROCEDURES APPLICABLE TO THE CONDUCT OF BINGO, SO AS TO INCREASE THE ALLOWANCE FOR PROMOTIONS; TO AMEND SECTION 12-21-4005, RELATING TO THE OPERATION OF BINGO GAMES, SO AS TO EXCLUDE CERTAIN RAFFLES; TO AMEND SECTION 12-21-4090, RELATING TO BINGO CHECKING AND SAVINGS ACCOUNTS, SO AS TO ALLOW THE PROMOTER TO MAKE CERTAIN CONTRIBUTIONS AND TO ALLOW FOR ELECTRONIC PAYMENTS; AND TO AMEND SECTION 12-21-4190 RELATING TO THE DISTRIBUTION OF BINGO REVENUES, SO TO INCREASE THE PERCENTAGE THAT IS DISTRIBUTED TO CHARITY.

Rep. HUGGINS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 0

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bradley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	Crosby
Delleney	Douglas	Duckworth
Erickson	Felder	Finlay
Fry	Gagnon	Gambrell
George	Gilliard	Goldfinch

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Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hill	Hixon	Hodges
Huggins	Jefferson	Johnson
Kennedy	King	Kirby
Limehouse	Loftis	Long
Lowe	Lucas	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	D. C. Moss
Murphy	Nanney	Neal
Newton	Norman	Norrell
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Weeks	Whipper	White
Whitmire	Williams	Willis
Yow		

**Total--91**

Those who voted in the negative are:

**Total--0**

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

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

**RECURRENCE TO THE MORNING HOUR**

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

**TUESDAY, APRIL 26, 2016**

**INVITATIONS**

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

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the Columbia Museum of Art, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, May 3, 2016, from 6:00 p.m. until 8:00 p.m. at the Columbia Museum of Art.

Sincerely,  
Karen Brosius  
Executive Director, Columbia Museum of Art

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the Piedmont Municipal Power Agency, the Members of the House of Representatives and their Staff are invited to a Legislative Breakfast. This event will be held on Wednesday, May 4, 2016 from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,  
Coleman F. Smoak, Jr.  
General Manager, PMPA

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

[HJ]

**TUESDAY, APRIL 26, 2016**

Dear Chairman Bales:

On behalf of the SC Tire Manufacturers Council, the Members of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, May 4, 2016, from 12:00 p.m. until 2:00 p.m. on the State House Grounds

Sincerely,  
Ted Pitts  
SC Chamber of Commerce

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the SC Association for Justice, the Members of the House of Representatives and their Staff are invited to a Legislative Reception. This event will be held on Wednesday, May 4, 2016, from 6:00 p.m. until 8:00 p.m. at the First Citizens Café.

Sincerely,  
Lena Smith  
Director of Membership and Development  
SC Association for Justice

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the Piedmont Natural Gas, the Members of the House of Representatives and their Staff are invited to a Legislative Breakfast. This event will be held on Thursday, May 5, 2016, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

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Sincerely,  
Hank McCullough  
Senior Manager, Government Relations

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the SC Association of Nurses, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, May 11, 2016, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,  
Amy A. Wood, RN  
SC Association of Nurses

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the Certified South Carolina, "A South Carolina Taste", the Members of the House of Representatives and their Staff are invited to a Legislative Luncheon. This event will be held on Wednesday, May 11, 2016, from 12:00 p.m. until 2:00 p.m. on the State House Grounds.

Sincerely,  
Jackie Moore  
Chairwoman, Certified South Carolina

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

[HJ]

**TUESDAY, APRIL 26, 2016**

Dear Chairman Bales:

On behalf of the Blue Cross Blue Shield of SC, the Members of the House of Representatives and their Staff are invited to a Legislative "Softball Game and Picnic". This event will be held on Wednesday, May 11, 2016, from 6:00 p.m. until 8:00 p.m. at USC Beckham Softball Field.

Sincerely,  
James A. D'Alessio  
VP, Government Affairs

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the SC Association of Community Action Partnerships, the Members of the House of Representatives and their Staff are invited to a Legislative Breakfast. This event will be held on Thursday, May 12, 2016, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,  
Jessica McMoore  
Executive Director, SC Association of Community Action Partnerships

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the SC State Chapter of Zeta Phi Beta Sorority, the Members of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, May 18, 2016, from 12:00 p.m. until 2:00 p.m. in Room 112 of the Blatt Building.

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Sincerely,  
Shirrie B. Miller  
Chairman, Social Action Committee

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the City of Columbia, the Members of the House of Representatives and their Staff are invited to a Legislative Reception. This event will be held on Wednesday, May 18, 2016, from 6:00 p.m. until 8:00 p.m. at Bull Street Ball Stadium, Spirit Communications Park.

Sincerely,  
Ray Borders Gray  
Governmental Affairs and Community Relations

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the SC Campaign to Prevent Teen Pregnancy, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, May 19, 2016, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,  
Ashley Hunter  
McKay Public Affairs

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee

[HJ]

**TUESDAY, APRIL 26, 2016**

503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the SC Emergency Management Association, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, May 25, 2016, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,  
Susanne D. Peeples  
President, SCEMA

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the Jasper County Chamber of Commerce, the Members of the House of Representatives and their Staff are invited to a Legislative Luncheon. This event will be held on Wednesday, May 25, 2016, from 12:00 p.m. until 2:00 p.m. on the State House Grounds.

Sincerely,  
Kendall Malphrus  
Executive Director, Jasper County Chamber of Commerce

Tuesday, April 26, 2016  
The Honorable Jimmy Bales  
Chairman, House Invitations Committee  
503-A Blatt Building  
Columbia, South Carolina 29201

Dear Chairman Bales:

On behalf of the SC Office of the State Treasurer "Future Scholar 529 Plan", the Members of the House of Representatives and their Staff are invited to a Legislative Breakfast. This event will be held on Thursday, May 26, 2016, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

[HJ]

**TUESDAY, APRIL 26, 2016**

Sincerely,  
Jenny McGill  
College Savings Program Director

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 26, 2016

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber today, at a mutually convenient time for the purpose of ratifying Acts.

Very respectfully,  
President

On motion of Rep. STAVRINAKIS the invitation was accepted.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 26, 2016

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators Hutto, Grooms and Cleary of the Committee of Conference on the part of the Senate on H. 3579:

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Dellaney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D. C. Moss, V. S. Moss, Murphy, Pitts, Sandifer, G. M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H. A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G. A. Brown, R. L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT"; TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE

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OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-

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100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12-36-2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11,

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TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12-6-510, 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 PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

Very respectfully,  
President  
Received as information.

**REPORT OF STANDING COMMITTEE**

Rep. BALES, from the Committee on Richland Delegation, submitted a favorable report on:

S. 863 -- Senators Scott and Jackson: A BILL TO AMEND ACT 613 OF 1986, AS AMENDED, RELATING TO SCHOOL DISTRICTS IN RICHLAND COUNTY, SO AS TO REAPPORTION THE FOUR SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE TRUSTEES OF RICHLAND COUNTY SCHOOL DISTRICT ONE ARE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5263 -- 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, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill,

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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 RECOGNIZE AND HONOR THREE NOTABLE VISIONARIES IN THE AFRICAN-AMERICAN ART COMMUNITY, WILLIS "BING" DAVIS, ARTHUR PRIMAS, AND EARLE WANZER, FOR ALL THEY DID TO INSPIRE THE 2016 MAJOR SPRING EXHIBITION, REMIX: THEMES AND VARIATIONS IN AFRICAN-AMERICAN ART, AT THE COLUMBIA MUSEUM OF ART.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5264 -- Reprs. Kennedy, 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, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, 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 RECOGNIZE AND HONOR THE W. WYMAN KING ACADEMY

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GIRLS SPORTING CLAYS TEAM, COACH, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON CAPTURING THE 2016 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5265 -- Reps. Lowe, 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, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkerman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, 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 RECOGNIZE AND HONOR THE LAMAR HIGH SCHOOL FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015 CLASS A DIVISION II SOUTH CAROLINA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

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**HOUSE RESOLUTION**

The following was introduced:

H. 5266 -- Rep. Lowe: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LAMAR HIGH SCHOOL FOOTBALL TEAM OF DARLINGTON COUNTY WITH THE TEAM COACHES, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2015 SOUTH CAROLINA CLASS A DIVISION II STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Lamar High School football team of Darlington County with the team coaches, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2015 South Carolina Class A Division II State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5267 -- Reps. Hart, 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, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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-

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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 ANNIE WASHINGTON REESE OF COLUMBIA ON THE OCCASION OF HER ONE HUNDRED THIRD BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5269 -- Rep. Kennedy: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE W. WYMAN KING ACADEMY GIRLS SPORTING CLAYS TEAM, ITS COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2016 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the W. Wyman King Academy girls sporting clays team, its coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2016 South Carolina Independent School Association State Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5268 -- Reps. Pitts, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown,

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Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, 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 LEWIS JACKSON BEAUBE OF GREENWOOD ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM MUCH HAPPINESS IN THE DAYS AHEAD.

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

#### **INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 5270 -- Reps. Tallon, Bernstein and Pope: A BILL TO AMEND SECTION 8-11-83, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYROLL DEDUCTION FOR STATE EMPLOYEES' ASSOCIATION DUES, SO AS TO ALLOW MEMBERSHIP DUES FOR THE SOCIETY OF FORMER AGENTS OF THE STATE LAW ENFORCEMENT DIVISION TO BE DEDUCTED FROM THE COMPENSATION OF STATE RETIREES AND PAID OVER TO THE ASSOCIATION IN THE SAME MANNER OTHER MEMBERSHIP DUES ARE DEDUCTED AND PAID.

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

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**H. 5066--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5066 -- Reps. Herbkersman, Erickson, Bowers, Bradley, Newton and Hodges: A BILL TO AMEND ACT 589 OF 1986, AS AMENDED, RELATING TO THE BEAUFORT COUNTY BOARD OF EDUCATION, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SUBMIT SIGNED PETITIONS.

Rep. HERBKERSMAN moved to adjourn debate upon the Bill, which was adopted:

**H. 5011--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5011 -- Reps. Clemmons, Fry, Johnson, Duckworth, Hardee, Anderson, Goldfinch, George, Hayes, H. A. Crawford and Ryhal: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-10-980 SO AS TO PROVIDE FOR THE REIMPOSITION OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE.

Rep. CLEMMONS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bradley
G. A. Brown	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	Corley
Crosby	Daning	Delleney
Dillard	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard

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Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hill	Hiott
Hixon	Hodges	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Limehouse	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	Murphy
Nanney	Neal	Newton
Norman	Norrell	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stavrinakis	Tallon
Taylor	Thayer	Tinkler
Weeks	Whipper	White
Whitmire	Williams	Willis
Yow		

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**H. 4762--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4762 -- Reps. Anthony, Yow and W. J. McLeod: A BILL TO AMEND SECTION 6-1-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION ON MILLAGE RATE INCREASES AND EXCEPTIONS TO THIS LIMITATION, SO AS TO REVISE THE EXCEPTION TO THIS

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LIMITATION FOR THE PURCHASE OF CAPITAL EQUIPMENT AND OTHER EXPENDITURES IN A COUNTY HAVING A POPULATION OF LESS THAN ONE HUNDRED THOUSAND PERSONS AND HAVING AT LEAST FORTY THOUSAND ACRES OF STATE FOREST LAND BY CHANGING THE TERM "STATE FOREST LAND" IN THIS EXCEPTION TO THE TERM "STATE OR NATIONAL FOREST LAND".

Rep. ANTHONY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bradley
Burns	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	Corley	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hiott	Hixon
Hodges	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	Murphy
Neal	Newton	Norrell
Ott	Parks	Pitts
Pope	Putnam	Ridgeway
Riley	Rivers	Robinson-Simpson

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Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Tinkler	Weeks	Whipper
White	Whitmire	Williams
Willis	Yow	

**Total--101**

Those who voted in the negative are:

**Total--0**

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

**H. 4776--AMENDED, REQUEST FOR DEBATE AND  
ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4776 -- Reps. Allison, Erickson, Crosby, Yow, Gagnon, Duckworth, Clary, Govan, Neal, George, Anthony, Willis, Bannister, Bingham, R. L. Brown, Daning, Hayes, Henderson, Hixon, Long, Lucas, V. S. Moss, Murphy, Pope, Simrill, Tallon, Wells, W. J. McLeod, Kennedy, White and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 158 TO TITLE 59 SO AS TO ENACT THE "SOUTH CAROLINA EDUCATION FACILITY AUTHORITY ACT" IN ORDER TO PROVIDE ASSISTANCE TO ENABLE SCHOOL DISTRICTS TO PROVIDE SCHOOL FACILITIES, TO ESTABLISH A BOARD OF DIRECTORS, TO PROVIDE THE POWERS AND DUTIES OF THE AUTHORITY, TO PROVIDE FOR FUNDING OF THE AUTHORITY, TO AUTHORIZE THE ISSUANCE OF SOUTH CAROLINA EDUCATION FACILITY REVENUE BONDS, AND TO SPECIFY THE MANNER IN WHICH BOND PROCEEDS ARE ALLOCATED TO SCHOOL DISTRICTS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4776 (COUNCIL\NL\4776C005.NL.SD16), which was adopted:

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

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

“CHAPTER 158

South Carolina Education School Facilities Act

Article 1

School Facilities Assistance

Section 59-158-110. This chapter is known and may be cited as the ‘South Carolina Education School Facilities Act’.

Section 59-158-120. As used in this chapter:

(1) ‘Authority’ means the South Carolina State Fiscal Accountability Authority.

(2) ‘Bonds’ means general obligation bonds, notes, interim certificates, grant or bond anticipation notes, or any other similar types of indebtedness issued by the State of South Carolina.

(3) ‘Facilities plan’ means the report described in Section 59-158-180(B).

(4) ‘Facilities study’ means that study described in Section 59-158-180(A).

(5) ‘Financing agreement’ means an agreement entered into between the state board and a school district pertaining to a loan or other financial assistance. This agreement may contain, in addition to financial terms, provisions relating to the regulation and supervision of a qualified school project, and those other provisions as the state board may determine.

(6) ‘Loan’ means an obligation subject to repayment which is provided by the state board to a school district for all or a part of the eligible cost of a qualified school project. A loan may be disbursed in anticipation of reimbursement for or direct payment of eligible costs of a qualified school project.

(7) ‘Other financial assistance’ means, but is not limited to, grants, contributions, credit enhancement, capital or debt reserves for bonds or debt instrument financing, interest rate subsidies, provision of letters of credit and credit instruments, provision of bond or other debt financing instrument security, and other lawful forms of financing and methods of leveraging funds that are approved by the state board, and in the case of federal funds, as allowed by federal law.

(8) ‘Prioritization report’ means the report described in Section 59-158-180 and which is prepared by the state board.

(9) ‘Qualified school projects’ mean school facilities that are constructed, renovated or equipped with money generated under the

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provisions of this chapter and in accordance with the provisions of this chapter.

(10) 'School district' means a public body corporate and politic operating as a school district under the provisions of Chapter 17, Title 59, and charter schools within the meaning of Chapter 40, Title 59.

(11) 'School facilities' means only facilities necessary for instructional and related supporting purposes including, but not limited to, classrooms, libraries, media centers, laboratories, cafeterias, physical education spaces, related interior and exterior facilities, and the conduit, wiring, and powering of hardware installations for classroom computers or for area network systems. School facilities under this chapter also include:

- (a) health and safety upgrades;
- (b) technology upgrades inside school facilities;
- (c) upgrades associated with career and technology education programs;
- (d) deferred maintenance needs as described in the district's capital improvement plan.

'School facilities' does not include unimproved real property, centralized district administration facilities, or other facilities, including those normally identified with interscholastic sports activities.

(12) 'South Carolina Education School Facilities General Obligation Bonds' means bonds issued under the authority of Article 3 of this chapter.

(13) 'State board' means the State Board of Education.

Section 59-158-130. (A) Consistent with the definition of school facilities in Section 59-158-120(11), funds made available through this chapter must be used for permanent school instructional facilities, health and safety upgrades, technology access inside the school, and fixed building assets including the costs for construction, improvement, enlargement, or renovation of school facilities.

(B) Funds made available under this chapter must be allocated to school districts for school facilities according to priorities established by the Office of School Facilities of the Department of Education as approved by the State Board of Education.

Section 59-158-140. (A) The State Board of Education's responsibilities in regard to this chapter include:

- (1) developing policies and standards for a uniform assessment of facilities' needs and standardized cost allowances for estimating the cost in meeting these needs in order to provide for a systematic reporting of each district's needs to be used in calculating the priority allotment of

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funds under this chapter. Any standardized cost allowances must take into account regional variances that are beyond the control of individual districts. Facilities' needs include, but are not limited to, facility need capacity and condition, space requirements, program standards, and pupil growth. Cost allowances shall be developed to include such measures as costs per square foot, costs per pupil, or costs per teaching unit with such costs adjusted annually to reflect changes in the cost of labor and materials. These standards and cost allowances are to be used only for providing a uniform reporting of districts' needs for allotment and priority purposes and are not intended to limit district options in determining the most appropriate manner in which to meet individual district needs; and

(2) adopting policies and standards to ensure the accuracy of district reporting required under this chapter and the use of funds disbursed under this chapter.

(B) In order to implement the provisions of this chapter, the state board also shall:

(1) establish policies, procedures, and priorities for the making and administering of grants, loans or a combination of these to the various school districts which policies, procedures, and priorities must be established by appropriate regulations of the state board;

(2) enter into agreements with departments, agencies, or instrumentalities of the United States or of this State, including particularly the Offices of State Auditor, State Treasurer, and Comptroller General, for the purposes of administering operations and establishing fiscal controls and accounting procedures that promote financial integrity of the programs contemplated in this chapter;

(3) maintain an application process for school districts to request funding for qualified school projects; and

(4) develop financial and operating conditions to which school districts must agree prior to receiving financial assistance provided for in this chapter.

(C) In order to fulfill its duties set forth in this section, the state board may:

(1) expend funds credited to the state board as the state board determines necessary for the costs of administering the operations of the state board;

(2) establish advisory committees as the state board determines appropriate, which may include individuals from the private sector with banking and financial expertise;

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(3) collect fees and charges in connection with its loans or other financial assistance;

(4) apply for, receive and accept from any source, aid, grants, and contributions of money, property, labor, or other things of value to be used to carry out the purposes of this chapter subject to the conditions upon which the aid, grants, or contributions are made;

(5) enter into contracts or agreements for the servicing and processing of financial agreements;

(6) promulgate regulations considered necessary to effect the responsibilities set forth in this chapter; in order to aid the state board in the performance of its duties, the State Department of Education shall provide staff and technical assistance as necessary; and

(7) do all other things necessary or convenient to exercise powers granted or reasonably implied by this chapter.

Section 59-158-150. The Department of Education's responsibilities under this chapter to assist the state board in the performance of its duties shall include:

(1) providing staffing assistance to the state board in the development of policies and standards, and regulations implementing this chapter;

(2) ensuring compliance with state standards and requirements, inspecting construction projects for education facilities, and approving completed construction pursuant to Chapter 23 of this title for projects financed in whole or in part with funds allocated under this chapter;

(3) defining capital improvement plans that shall include maintenance and construction plans, student growth projections, cross district cooperation, partnership with local technical colleges and information technology needs; and

(4) ranking the projects in priority order according to need and submitting the rankings for approval to the State Board of Education.

Section 59-158-160. All money of the state board received under this chapter, except as otherwise authorized by law or provided in this chapter, must be deposited with and invested by the State Treasurer. Funds of the state board not needed for immediate use or disbursement may be invested by the State Treasurer in obligations or securities which are declared to be legal obligations by the provisions of Section 11-9-660.

Section 59-158-170. Following the close of each state fiscal year, the state board shall submit an annual report of its activities for the preceding year to the Governor and to the General Assembly. An independent certified public accountant shall perform an audit of the

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books and accounts of the state board at least once in each state fiscal year.

Section 59-158-180. (A) The State Department of Education shall conduct a facilities study of all school districts' facilities and physical assets. The facilities study shall provide an assessment of the facilities presently being utilized by the various school districts and outline the required construction, renovation and equipping of facility needs of each school district in order to enable each school district to provide for comparable access to school amenities, educational space and infrastructure, and safety to students regardless of their school district of residence. The facilities study shall be completed by October 1, 2017, and delivered to the state board, and shall be utilized by the state board in the performance of its duties and functions under this chapter. The facilities study shall be updated from time to time by the department as necessary to enable the state board to perform its duties and functions under this chapter.

(B) By October 1, 2017, and the first day of October of each year thereafter, each school district shall provide annually to the department a thorough facilities plan that describes the school facilities in that school district. Each facilities plan shall:

- (1) describe the present facilities being utilized by the school district;
- (2) describe the deficiencies of these facilities; and
- (3) provide the school district's recommendations to remedy these deficiencies, including appropriate designs, and an estimated cost of implementing such recommendations, including a cost estimate of utility and other infrastructure to be provided by public entities necessary to serve each proposed facility.

In doing so, the school districts must undertake a study of future enrollment trends so that both the construction and closing of buildings is considered. Additionally, each school district's facilities plan shall ensure that school districts have a building maintenance plan. Failure on the part of a school district to prepare an annual facility plan and deliver it to the state board shall prohibit that school district from receiving funds as provided in this chapter.

(C) Upon receipt of the facilities study and the facilities plan prepared by the school districts, the department annually shall prepare a prioritization report which ranks the needs of each school district beginning with those most in need of school facilities in accordance with the provisions of this chapter. Factors which must be used by the

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department in creating its ranking within the prioritization report are comprised of the following:

- (1) the current condition of school facilities in each school district;
- (2) school district population trends;
- (3) school district millage and fee levels;
- (4) school district financial health which includes whether the school district has achieved balanced budgets;
- (5) ability of a school district to pay bonded indebtedness; and
- (6) ability of a school district to incur debt, without the necessity of a referendum, under the provisions of Section 15, Article X of the Constitution.

(D) Each annual prioritization report shall list the qualified school projects required by each school district and a recommendation of those qualified school projects which should be undertaken immediately and cost in the aggregate not more than two hundred million dollars. The department also shall provide a recommendation within the prioritization report whether assistance for a specific qualified school project of a particular school district shall be by way of grants, loans or a combination of both.

(E) All designs of qualified school projects are subject to approval by the department, which may periodically amend design standards to improve the efficiency, safety, or effectiveness of each qualified school project.

(F) All facilities studies, facilities plans, prioritization reports, and related material prepared by the department under this section must be submitted to the state board for its approval and implementation.

Section 59-158-190. The state board, with the assistance of the department, by regulation shall develop and implement financial incentives in the form of additional allocations of school facility funding under this chapter to encourage school districts and their governing bodies to combine their purchasing, procurement, accounting, food service, transportation, human resources, or other noninstructional functions with another school district or districts in the county or with an adjoining school district or districts in another county, or to consolidate with one or more other school districts in their county. Nothing in this section prevents a school district from receiving additional allocations in both categories. However, together with the additional allocations authorized by this section, the total allocations for all school districts may not exceed in any year the total amount of general

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obligation bonds authorized to be issued as provided by Section 59-158-310 for that year.

Section 59-158-200. In addition to all other provisions of this chapter, as a condition of receiving funds from the state board as provided in this chapter, the department shall require districts to undergo a thorough energy audit that highlights the operation of school buildings in terms of being energy efficient and as cost effective as possible. Designs for new school facilities to be built in whole or in part with funds provided under this chapter also must be as energy efficient and cost effective as possible. The state board may require recommendations made by the energy audit to be incorporated into existing facilities and into new facilities as a condition of receiving funds under this chapter to the extent funds are available to make these recommended energy improvements.

Section 59-158-210. To qualify for funding under this chapter, each school district shall meet the requirements of this chapter and any regulations promulgated pursuant to this chapter. Funds may be withheld from a school district by the state board when the Department of Education finds inappropriate reporting of facilities' needs, inappropriate use of funds, or other violations of this chapter, including the provisions of this section.

Section 59-158-220. Neither the state board, state department, nor any officer, employee, or committee of the state board or department acting on behalf of it, while acting within the scope of this authority, is subject to any liability resulting from carrying out any of the powers given in this chapter.

Section 59-158-230. By December 1, 2018, the State Board of Education shall recommend to the General Assembly changes to be made to this chapter regarding program objectives, appropriate funding levels, and funding allotments formulas.

Article 3

Process and Procedures

Section 59-158-310. (A) By January first of each year, the facilities study, as originally completed or updated from time to time, each facilities plan, as originally completed or as updated from time to time, and the prioritization report, as originally completed or as updated from time to time, must be submitted by the state board to the following:

- (1) Governor of South Carolina;
- (2) President *Pro Tempore* of the South Carolina Senate;
- (3) Speaker of the South Carolina House of Representatives; and
- (4) State Treasurer of South Carolina;

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- (5) Chairman of the House Ways and Means Committee;
- (6) Chairman of the Senate Finance Committee;
- (7) Chairman of the House Education and Public Works Committee; and
- (8) Chairman of the Senate Education Committee.

The above must be accompanied by a certificate of the state board which contains the following information:

- (1) a description of each qualified school project;
- (2) an estimate of the cost of each qualified school project; and
- (3) certificates of the State Auditor and State Treasurer setting forth the available debt limit under Section 13(6)(c), Article X of the South Carolina Constitution.

(B) Upon the review of the information provided within this section, the General Assembly may by proviso to the budget for the then fiscal year or by joint resolution set the principal amount of the State School Facilities General Obligation Bonds to be considered.

Section 59-158-320. Within thirty days after the effective date of the general appropriations bill or a joint resolution setting forth the amount of general obligation bonds which may be issued as provided in Section 59-158-310, the prioritization report, together with the certificate of the state board, must be submitted to the Joint Bond Review Committee for its review.

Section 59-158-330. Thereafter, the prioritization report must be submitted to the Authority, together with a resolution providing for the issuance of bonds, with a certificate of the state board setting forth the following:

- (1) that it is necessary for bonds to be issued in the amount proposed; and
- (2) that the bonds are being issued in accordance with Section 13(6)(c), Article X of the South Carolina Constitution and Article 3 of this chapter.

Section 59-158-340. Those state entities charged with the responsibility of issuing or approving the issuance of these bonds are directed to synchronize their duties and functions under this chapter so that a continuous stream of revenue will be available to the school districts to defray the costs of qualified school projects.

Article 5

Education School Facilities General Obligation Bonds

Section 59-158-510. Following the receipt of the information presented pursuant to Section 59-158-330, the Authority, upon its approval, by resolution duly adopted, shall effect the issuance of the

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bonds, or pending the issuance of the bonds, effect the issuance of bond anticipation notes pursuant to Chapter 17, Title 11.

Section 59-158-520. In order to effect the issuance of the bonds, the Authority shall adopt a resolution providing for the issuance of the bonds pursuant to the provisions of this chapter. The authorizing resolution must include:

- (1) the list of qualified school projects and the estimated cost of each as set forth in the prioritization report;
- (2) schedules setting forth the aggregate of all general obligation debt of the State, excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes, together with certificates of the State Treasurer and State Auditor evidencing compliance with the provisions of Section 13(6)(c), Article X of the South Carolina Constitution;
- (3) a schedule showing the aggregate of bonds issued, the purposes for which they were issued, the annual payments required to retire the bonds, the interest on the bonds, and the amount of any special funds applicable to the retirement of outstanding bonds;
- (4) the amount of bonds to be issued; and
- (5) a schedule showing future annual principal requirements and estimated annual interest requirements on the bonds to be issued.

Section 59-158-530. The bonds must bear the date and mature at the time that the resolution provides, except that no bond may mature more than thirty years from its date of issue. The bonds may be in the denominations, be payable in the medium of payment, be payable at the place and at the time, and be subject to redemption or repurchase and contain other provisions determined by the Authority before their issuance. The bonds may bear interest payable at the times and at the rates as determined by the Authority.

Section 59-158-540. All bonds issued under this chapter are exempt from taxation as provided in Section 12-2-50.

Section 59-158-550. All bonds issued under this chapter must be signed by the Governor and the State Treasurer. The Governor and the State Treasurer may sign these obligations by a facsimile of their signatures. The Great Seal of the State must be affixed to, impressed on, or reproduced upon each of them and each must be attested by the Secretary of State. The delivery of the bonds executed and authenticated is valid notwithstanding changes in officers or seal occurring after the execution or authentication.

Section 59-158-560. For the payment of the principal and interest on all bonds issued and outstanding pursuant to this chapter there is

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pledged the full faith, credit, and taxing power of the State of South Carolina, and in accordance with the provisions of Section 13(4), Article X of the South Carolina Constitution, the General Assembly hereby allocates on an annual basis sufficient tax revenues to provide for the punctual payment of the principal and interest on the bonds authorized by this chapter.

Section 59-158-570. Bonds must be sold by the Governor and the State Treasurer at public sale, after publication of notice of the sale one or more times at least seven days before the sale, in a financial paper published in New York City which regularly publishes notices of sale of state or municipal bonds. The right is reserved to waive technicalities or to reject all bids and to readvertise the bonds for sale. For the purpose of bringing about successful sales of the bonds, the Authority may do all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sale of the bonds must be paid from the proceeds of the sale of the bonds.

Section 59-158-580. The proceeds of the sale of bonds must be received by the State Treasurer and applied to the purposes for which issued, except that the accrued interest, if any, must be used to discharge in part the first interest to become due on the bonds, but the purchasers of the bonds are not liable for the proper application of the proceeds to the purposes for which they are intended.

Section 59-158-590. It is lawful for all executors, administrators, guardians, and other fiduciaries to invest any monies in their hands in bonds issued pursuant to this chapter.

Section 59-158-600. The proceeds received from the issuance of bonds, after deducting the costs of issuance, must be deposited at the Office of State Treasurer and used to defray the costs of the qualified school projects as provided in the resolution of the Authority.

Section 59-158-610. The financial assistance received for a particular qualified school project must be used by that school district and its governing body for that qualified school project. The state board, together with the Office of State Treasurer, is responsible for establishing a program to ensure that the proceeds are utilized by the receiving school districts in accordance with the requirements of this chapter.

Section 59-158-620. The bonds are legal investments in which all public officers or public bodies of the State, its political subdivisions, all municipalities and political subdivisions, all insurance companies and associations and other persons carrying on insurance business, all banks, bankers, banking associations, trust companies, savings banks, savings

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associations, including savings and loan association investment companies, and other persons carrying on a banking business, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons who are now or may be authorized in the future to invest in bonds or other obligations of the State, may invest funds in their control or belonging to them. The bonds are also securities which may be deposited with and received by all public officers and bodies of the State or any agency or political subdivision of the State and all municipalities and public corporations for any purpose for which the deposit of bonds or other obligations of the State is now or may later be required by law.

Article 7

Nonrecurring Maintenance Grants

Section 59-158-710. The State Board of Education shall establish a revolving fund with such monies as may be appropriated by the General Assembly to operate a grant program to provide nonrecurring aid to school districts for facility maintenance expenses to include roof and heating and air conditioning repairs or replacements. The state board must manage the fund and promulgate regulations setting forth the requirements for a school district to become an aid recipient. In making aid determinations, the state board by regulation must establish a priority system where school districts with the most critical needs shall receive priority funding first, based on the requirements developed by the state board in these regulations.”

SECTION 2. Chapter 146, Title 59 of the 1976 Code is repealed.

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

Renumber sections to conform.

Amend title to read:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 158 TO TITLE 59 SO AS TO ENACT THE “SOUTH CAROLINA EDUCATION SCHOOL FACILITIES ACT” TO PROVIDE FINANCIAL ASSISTANCE TO SCHOOL DISTRICTS IN ORDER TO ACQUIRE SCHOOL FACILITIES BY USING GENERAL OBLIGATION BONDS, AND OTHER FORMS OF ASSISTANCE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL DETERMINE AND SELECT ON A PRIORITY BASIS, QUALIFIED SCHOOL PROJECTS WHICH SHALL RECEIVE FINANCIAL ASSISTANCE FROM THE STATE, TO PROVIDE FOR THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION IN THIS REGARD, AND TO PROVIDE FOR OTHER

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RELATED PROVISIONS IN CONNECTION WITH THE CONSTRUCTION OR RENOVATION OF SCHOOL FACILITIES; AND TO REPEAL CHAPTER 146, TITLE 59 RELATING TO THE STATE SCHOOL FACILITIES BONDS ACT WHICH AUTHORIZED THE ISSUANCE OF SPECIFIC DOLLAR AMOUNTS OF STATE SCHOOL FACILITIES BONDS WITHIN A SPECIFIED TIME PERIOD. /

Rep. WHITE explained the amendment.

Rep. HILL requested debate on the Bill.

Rep. WHITE continued speaking.

Rep. WHITE spoke in favor of 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 98; Nays 5

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bannister	Bernstein	Bingham
Bowers	G. A. Brown	Burns
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hamilton	Hardee	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hiott	Hixon
Hodges	Hosey	Huggins
Jefferson	Johnson	Kennedy
King	Kirby	Knight
Limehouse	Loftis	Long

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Lowe	Lucas	McCoy
McEachern	McKnight	M. S. McLeod
Merrill	D. C. Moss	Murphy
Neal	Newton	Norrell
Ott	Parks	Pitts
Pope	Quinn	Ridgeway
Riley	Rivers	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Weeks	Whipper
White	Whitmire	Williams
Willis	Yow	

**Total--98**

Those who voted in the negative are:

Bedingfield	Hill	Nanney
Norman	Putnam	

**Total--5**

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

**STATEMENT FOR HOUSE JOURNAL**  
Abstention from Voting  
Based on Potential Conflict of Interest

I am notifying you that I will not participate in the debate or votes on H. 4776. In accordance with Section 8-13-700(B) of the S.C. Code, I recuse myself from voting on the Bill because of a potential conflict of interest.

Rep. Jeffrey Bradley

**RECORD FOR VOTING**

I was temporarily out of the Chamber on constituent business during the vote on H. 4776. If I had been present, I would have voted in favor of the Bill. As a co-sponsor of this Bill, I strongly support its enactment.

Rep. Walton J. McLeod

[HJ]

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Rep. DELLENEY moved that the House recede until 2:45 p.m., which was agreed to.

**RATIFICATION OF ACTS**

At 1:30 p.m. the House attended in the Senate Chamber, where the following Acts were duly ratified:

(R. 168, S. 849) -- Senators Cromer, Allen and Scott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE PROCEDURES GOVERNING THE MAXIMUM ALLOWABLE COST REIMBURSEMENTS FOR GENERIC PRESCRIPTION DRUGS BY PHARMACY BENEFIT MANAGERS, TO PROVIDE NECESSARY DEFINITIONS, TO EXEMPT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE PERFORMANCE OF ITS DUTIES IN ADMINISTERING MEDICAID UNDER TITLES XIX AND XXI OF THE SOCIAL SECURITY ACT, TO PROVIDE REQUIREMENTS FOR PLACING DRUGS ON MAXIMUM ALLOWABLE COST LISTS BY PHARMACY BENEFIT MANAGERS, AND TO PROVIDE VARIOUS REQUIREMENTS OF PHARMACY BENEFIT MANAGERS; TO PROVIDE THE ARTICLE IS APPLICABLE TO CONTRACTS BETWEEN PHARMACIES AND PHARMACY BENEFIT MANAGERS THAT ARE ENTERED INTO, RENEWED, OR EXTENDED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2016.

(R. 169, S. 985) -- Senator Leatherman: AN ACT TO AMEND SECTION 4 OF ACT 250 OF 1991, AS AMENDED, RELATING TO ELECTIONS FOR MEMBERS OF THE BOARD OF TRUSTEES FOR FLORENCE COUNTY SCHOOL DISTRICT FIVE, TO PROVIDE THAT THE FLORENCE COUNTY ELECTION COMMISSION SHALL CONDUCT THE ELECTIONS, TO PROVIDE THAT THE ELECTIONS SHALL OCCUR ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH YEAR, AND TO PROVIDE FOR THE LOCATIONS WHERE THE ELECTION COMMISSION SHALL CONDUCT THE ELECTION.

(R. 170, S. 1090) -- Senators Fair, Sheheen, Setzler, Lourie, Malloy and L. Martin: AN ACT TO AMEND THE CODE OF LAWS OF

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SOUTH CAROLINA, 1976, BY ADDING SECTION 24-19-5 SO AS TO PROVIDE THAT CHAPTER 19 OF TITLE 24 MAY BE CITED AS THE “JUDGE WILLIAM R. BYARS YOUTHFUL OFFENDER ACT”.

(R. 171, H. 3768) -- Reps. G.M. Smith, Johnson and Willis: AN ACT 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; TO AMEND SECTION 12-6-1140, AS AMENDED, RELATING TO INDIVIDUAL INCOME TAX DEDUCTIONS, SO AS TO PROVIDE A DEDUCTION FOR CONTRIBUTIONS MADE TO CERTAIN INVESTMENT TRUST ACCOUNTS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 5, TITLE 11 AS ARTICLE 1 AND ENTITLE THEM “GENERAL PROVISIONS”.

(R. 172, H. 4709) -- Reps. Hixon, Hodges, Corley, Burns, Hiott, V.S. Moss, Kirby and Newton: AN ACT TO AMEND SECTION 50-5-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS CONTAINED IN THE SOUTH CAROLINA MARINE RESOURCES ACT OF 2000, SO AS TO PROVIDE A DEFINITION FOR THE TERM “SOUTHERN COBIA MANAGEMENT ZONE”; AND TO AMEND SECTION 50-5-2730, AS AMENDED, RELATING TO CERTAIN FEDERAL FISHING REGULATIONS, SO AS TO PROVIDE THAT THESE REGULATIONS DO NOT APPLY TO COBIA LOCATED IN THE SOUTHERN COBIA MANAGEMENT ZONE.

(R. 173, H. 4712) -- Reps. White, Bannister, Rutherford, G.R. Smith, Lowe, Pitts, Hiott, Erickson, Clemmons, Loftis, G.M. Smith, Hayes, Sandifer, Whitmire, Cole, Simrill, Allison, Cobb-Hunter, Long, Huggins, Delleney, Pope and Bales: AN ACT TO AMEND SECTION 12-43-230, CODE OF LAWS OF SOUTH CAROLINA, 1976,

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RELATING TO THE TREATMENT OF AGRICULTURAL REAL PROPERTY, MOBILE HOME, AND LESSEE IMPROVEMENTS TO REAL PROPERTY, SO AS TO CLASSIFY OFF-PREMISES OUTDOOR ADVERTISING SIGNS AS PERSONAL PROPERTY AND TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES AN OFF-PREMISES SIGN SITE MUST BE TAXED AT ITS VALUE WHICH EXISTED BEFORE THE ERECTION OF THE SIGN.

**THE HOUSE RESUMES**

At 2:45 p.m. the House resumed, Acting SPEAKER SOTTILE in the Chair.

**POINT OF QUORUM**

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

**SPEAKER IN CHAIR**

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

**LEAVE OF ABSENCE**

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

**H. 5118--RECALLED FROM COMMITTEE ON EDUCATION  
AND PUBLIC WORKS**

On motion of Rep. HERBKERSMAN, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 5118 -- Reps. Herbkersman and Newton: A BILL TO AMEND SECTION 56-2-105, AS AMENDED, RELATING TO THE ISSUANCE OF GOLF CART DECALS, THE REGISTRATION OF GOLF CARTS, AND THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE THAT CERTAIN MUNICIPALITIES AND COUNTIES MAY ADOPT ORDINANCES THAT ALLOW GOLF CARTS TO BE OPERATED AT NIGHT.

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**H. 5172--RECALLED FROM COMMITTEE ON JUDICIARY**

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

H. 5172 -- Reps. Fry and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-2110 SO AS TO ENACT THE "SAFE HARBOR FOR EXPLOITED MINORS ACT", TO PROVIDE FOR PROTECTION OF THE IDENTITY OF MINOR VICTIMS OF TRAFFICKING IN PERSONS AND PROVIDE CERTAIN PROTECTIONS TO MINORS CHARGED WITH CERTAIN CRIMES INVOLVING PROSTITUTION AND COERCED INVOLVEMENT IN SUCH CRIMES, AMONG OTHER THINGS.

**H. 3229--RECALLED FROM COMMITTEE ON JUDICIARY**

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

H. 3229 -- Reps. Merrill, Stavrinakis, McCoy and G. R. Smith: A BILL TO AMEND SECTIONS 61-6-1140 AND 61-6-1150, BOTH RELATED TO TASTINGS AND RETAIL SALES OF ALCOHOLIC LIQUORS AT LICENSED PREMISES OF A MICRO-DISTILLERY OR MANUFACTURER, SO AS TO REVISE THE OUNCE AMOUNT OF ALCOHOLIC LIQUORS DISPENSED AT LICENSED PREMISES AND TO REVISE THE SALE AT RETAIL OF ALCOHOLIC LIQUORS AT LICENSED PREMISES AND TO ALLOW MIXERS TO BE USED IN TASTINGS.

**H. 5119--RECALLED FROM COMMITTEE ON  
WAYS AND MEANS**

On motion of Rep. GOLDFINCH, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 5119 -- Reps. Goldfinch, Putnam, Clemmons, Quinn, Fry, H. A. Crawford, Johnson, Burns, Collins, Merrill, Yow, Hamilton, McCoy, Jordan, Robinson-Simpson, Finlay, Kennedy, Spires, Ballentine, Bannister, Bedingfield, R. L. Brown, Delleney, Dillard, Duckworth, Felder, Funderburk, Gambrell, Hardee, Henderson, Hill, Lowe, Lucas, D. C. Moss, Nanney, Pitts, Ryhal, Sandifer, G. R. Smith, J. E. Smith, Stringer, Toole, Williams and Willis: A BILL TO AMEND

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SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, SO AS TO REQUIRE A MEMBER OF THE STATE GUARD TO COMPLETE A MINIMUM OF ONE HUNDRED NINETY-TWO HOURS OF TRAINING OR DRILL EACH YEAR IN ORDER TO QUALIFY FOR THE DEDUCTION; TO AMEND SECTION 25-1-635, AS AMENDED, RELATING TO LEGAL ASSISTANCE SERVICES FOR GUARD MEMBERS AND IMMEDIATE FAMILY MEMBERS, SO AS TO AUTHORIZE SOUTH CAROLINA STATE GUARD JUDGE ADVOCATES TO PROVIDE THESE SERVICES AND TO INCLUDE THEM WITHIN THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTIONS 25-3-20 AND 25-3-130, BOTH RELATING TO THE GOVERNOR'S AUTHORITY TO CALL THE STATE GUARD INTO DUTY, SO AS TO CLARIFY THE CIRCUMSTANCES AUTHORIZING THE GOVERNOR TO CALL THE STATE GUARD INTO DUTY AND TO PROVIDE THAT CIRCUMSTANCES INVOLVING A NATURAL OR MANMADE DISASTER, EMERGENCY, OR EMERGENCY PREPAREDNESS MAY WARRANT CALLING THE STATE GUARD INTO SERVICE; AND TO AMEND SECTION 25-3-140, RELATING TO PAY OF STATE GUARD MEMBERS ON ACTIVE DUTY, SO AS TO PROVIDE THAT STATE GUARD MEMBERS MAY RECEIVE A DAILY STIPEND OR PER DIEM PAY FOR REASONABLE EXPENSES, OR BOTH, IF APPROVED BY THE ADJUTANT GENERAL.

**OBJECTION TO RECALL**

Rep. HILL asked unanimous consent to recall H. 4330 from the Committee on Education and Public Works.

Rep. ALLISON objected.

**S. 950--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 950 -- Senators Grooms and Thurmond: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 162 AND SOUTH CAROLINA HIGHWAY 165 IN CHARLESTON COUNTY "CHARLESTON COUNTY POLICEMAN STEVEN BUIST HIOTT,

[HJ]

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JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CHARLESTON COUNTY POLICEMAN STEVEN BUIST HIOTT, JR. MEMORIAL HIGHWAY".

Rep. MERRILL moved to adjourn debate on the Concurrent Resolution until Wednesday, April 27, which was agreed to.

**S. 1191--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1191 -- Senators Hembree and Kimpson: A CONCURRENT RESOLUTION TO DISAPPROVE AMENDMENTS TO THE SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE, AS PROMULGATED BY THE SUPREME COURT OF SOUTH CAROLINA AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

Rep. BANNISTER explained the Concurrent Resolution.

The yeas and nays were taken resulting as follows:

Yeas 85; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bradley
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Goldfinch
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hiott	Hodges	Hosey

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Howard	Jefferson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lucas
McKnight	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	Nanney
Norman	Norrell	Ott
Putnam	Quinn	Ridgeway
Riley	Rivers	Sandifer
Simrill	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Tinkler	Whipper
Whitmire	Williams	Willis
Yow		

**Total--85**

Those who voted in the negative are:

**Total--0**

The Concurrent Resolution was adopted and sent to the Senate.

**RECORD FOR VOTING**

I was temporarily out of the Chamber on Legislative Oversight Committee business during the vote on S. 1191. If I had been present, I would have voted in favor of the Concurrent Resolution.

Rep. Wm. Weston J. Newton

**S. 40--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 40 -- Senators Bryant, Grooms, Davis, Campsen, Cleary, Alexander, Kimpson and Young: A CONCURRENT RESOLUTION TO JOIN THE SOUTH CAROLINA AND GEORGIA JOINT WATER CAUCUS TO ENCOURAGE STATE AGENCIES, IN CONJUNCTION WITH THE U.S. ARMY CORPS OF ENGINEERS, TO IMPLEMENT A WATER MANAGEMENT PROGRAM FOR THE SAVANNAH RIVER BASIN TO ENSURE CONTINUOUS OPTIMIZATION OF WATER QUALITY AND QUANTITY MANAGEMENT OF THE WATER RESOURCES SHARED BY

[HJ]

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SOUTH CAROLINA AND GEORGIA THROUGHOUT THE SAVANNAH RIVER BASIN.

Rep. HIOTT moved to adjourn debate on the Concurrent Resolution until Tuesday, May 3, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. D. C. MOSS.

**H. 3868--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3868 -- Reps. Pitts, White, Goldfinch, Hardee, Bales, Gambrell and Gagnon: 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 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

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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. WHITE moved to adjourn debate on the Bill until Wednesday, April 27, which was agreed to.

**H. 3878--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes, Kirby, Bradley, Newton, Erickson and Long: 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 PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

Rep. WHITE moved to adjourn debate on the Bill until Wednesday, April 27, which was agreed to.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

[HJ]

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**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 4029--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4029 -- Reps. Norman, Govan, King, Corley, Hixon, Simrill, Thayer, Alexander and Willis: A BILL TO AMEND SECTION 20-3-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALIMONY AWARDS, SO AS TO CREATE A PRESUMPTION FOR THE AWARD OF LUMP-SUM OR REIMBURSEMENT ALIMONY AND AGAINST THE AWARD OF PERIODIC OR REHABILITATIVE ALIMONY, TO ESTABLISH GUIDELINES FOR AWARDING ALIMONY BASED ON THE DURATION OF THE MARRIAGE, TO PROVIDE THAT THE COURT MAY FIND COHABITATION EVEN IF A PARTY MAINTAINS A RESIDENCE OR DWELLING IN ADDITION TO THE RESIDENCE OR DWELLING WHERE THE PARTY IS COHABITING, TO PROHIBIT THE COURT FROM TAKING INTO CONSIDERATION CERTAIN EARNINGS OR PROPERTIES WHEN DETERMINING A SUPPORTING SPOUSE'S ABILITY TO PAY, TO ALLOW THE COURT TO CONSIDER THE EXTENT TO WHICH ALIMONY PAID TO A PARTY WHO IS COHABITING IS USED TO CONTINUE OR SUPPORT THE COHABITATION, TO REQUIRE THE COURT TO CONSIDER SOCIAL SECURITY SPOUSAL RETIREMENT BENEFITS AND OTHER RETIREMENT INCOME TO WHICH A SUPPORTED SPOUSE IS ENTITLED WHEN MAKING OR MODIFYING AN ALIMONY AWARD, TO PROHIBIT THE COURT FROM TAKING INTO CONSIDERATION INCOME OR BENEFITS RELATED TO AN INJURY OR DISABILITY OF THE SUPPORTING SPOUSE WHEN DETERMINING THE SUPPORTING SPOUSE'S ABILITY TO PAY; AND TO AMEND SECTION 20-3-170, RELATING TO MODIFICATION, CONFIRMATION, AND TERMINATION OF ALIMONY, SO AS TO CREATE A PRESUMPTION THAT RETIREMENT IS A CHANGE OF CIRCUMSTANCE JUSTIFYING TERMINATION OF ALIMONY WHEN THE SUPPORTING SPOUSE IS ELIGIBLE TO RECEIVE SOCIAL SECURITY RETIREMENT BENEFITS, TO PROVIDE THAT THE COURT SHOULD DECREASE AN ALIMONY AWARD IF A SUPPORTED SPOUSE IS ENTITLED TO RECEIVE CERTAIN SPOUSAL SOCIAL SECURITY RETIREMENT BENEFITS, AND TO PROVIDE THAT THE COURT HAS THE DISCRETION TO

[HJ]

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MODIFY AN ALIMONY AWARD AT WHATEVER AGE THE SUPPORTING SPOUSE RETIRES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4029 (COUNCIL\BH\4029C001.BH.VR16), which was adopted:

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

/SECTION 1. Section 20-3-130(A), (B), and (H) of the 1976 Code is amended to read:

“(A) In proceedings for divorce from the bonds of matrimony, and in actions for separate maintenance and support, the court may grant alimony or separate maintenance and support in such amounts and for such term as the court considers appropriate as from the circumstances of the parties and the nature of case may be just, pendente lite, and ~~permanently~~ as otherwise allowed by statute. No alimony may be awarded a spouse who commits adultery before the earliest of these two events: (1) the formal signing of a written property or marital settlement agreement or (2) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties.

(B) Alimony and separate maintenance and support awards may be granted pendente lite and ~~permanently~~ as otherwise allowed by statute in such amounts and for periods of time subject to conditions as the court considers just including, but not limited to:

(1) Transitional alimony, payable by one party to the other party for a determinable period of time. Transitional alimony is awarded when the court finds that rehabilitation is not required, but that the economically disadvantaged spouse needs financial assistance in adjusting to the economic consequences of the divorce. Transitional alimony is designed to aid a spouse who already possesses the capacity for self-sufficiency but needs financial assistance in adjusting to the economic consequences of establishing and maintaining a household without the benefit of the other spouse’s income. As such, transitional alimony is a form of short-term support. Transitional alimony may be modified only when:

- (a) the parties agree that it may be modified;
- (b) the court provides for modification in the divorce decree;

or

(c) the supported spouse commits continued cohabitation as defined by law.

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~~(2)~~(3) Periodic alimony to be paid but terminating on the remarriage or continued cohabitation of the supported spouse or upon the death of either spouse (except as secured in subsection (D)) and terminable and modifiable based upon changed circumstances occurring in the future. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it appropriate to order the payment of alimony on an ongoing basis where it is desirable to make a current determination and requirement for the ongoing support of a spouse to be reviewed and revised as circumstances may dictate in the future.

~~(2)~~(3) Lump-sum alimony in a finite total sum to be paid in one installment, or periodically over a period of time, terminating only upon the death of the supported spouse, but not terminable or modifiable based upon remarriage or changed circumstances in the future. The purpose of this form of support may include, but not be limited to, circumstances where the court finds alimony appropriate but determines that such an award be of a finite and nonmodifiable nature.

~~(3)~~(4) Rehabilitative alimony in a finite sum to be paid in one installment or periodically, terminable upon the remarriage or continued cohabitation of the supported spouse, the death of either spouse (except as secured in subsection (D)) or the occurrence of a specific event to occur in the future, or modifiable based upon unforeseen events frustrating the good faith efforts of the supported spouse to become self-supporting or the ability of the supporting spouse to pay the rehabilitative alimony. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it appropriate to provide for the rehabilitation of the supported spouse, but to provide modifiable ending dates coinciding with events considered appropriate by the court such as the completion of job training or education and the like, and to require rehabilitative efforts by the supported spouse.

~~(4)~~(5) Reimbursement alimony to be paid in a finite sum, to be paid in one installment or periodically, terminable on the remarriage or continued cohabitation of the supported spouse, or upon the death of either spouse (except as secured in subsection (D)) but not terminable or modifiable based upon changed circumstances in the future. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it necessary and desirable to reimburse the supported spouse from the future earnings of the payor spouse based upon circumstances or events that occurred during the marriage.

~~(5)~~(6) Separate maintenance and support to be paid periodically, but terminating upon the continued cohabitation of the supported spouse,

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upon the divorce of the parties, or upon the death of either spouse (except as secured in subsection (D)) and terminable and modifiable based upon changed circumstances in the future. The purpose of this form of support may include, but is not limited to, circumstances where a divorce is not sought, but it is necessary to provide for support of the supported spouse by way of separate maintenance and support when the parties are living separate and apart.

~~(6)~~(7) Such other form of spousal support, under terms and conditions as the court may consider just, as appropriate under the circumstances without limitation to grant more than one form of support.

For purposes of this subsection and unless otherwise agreed to in writing by the parties, ‘continued cohabitation’ means the supported spouse resides with another person in a romantic relationship ~~for a period of ninety or more consecutive days. The court may determine that a continued cohabitation exists if there is evidence that the supported spouse resides with another person in a romantic relationship for periods of less than ninety days and the two periodically separate in order to circumvent the ninety day requirement.~~ If a marriage lasts less than ten years, the court must first consider alternate forms of alimony before awarding periodic alimony and make findings as to why alternate forms are not awarded when periodic alimony is awarded.

(H) The court, from time to time after considering the financial resources and marital fault of both parties, may order one party to pay a reasonable amount to the other for attorney fees, expert fees, investigation fees, costs, and suit money incurred in maintaining an action for divorce from the bonds of matrimony, as well as in actions for separate maintenance and support, including sums for services rendered and costs incurred before the commencement of the proceeding and after entry of judgment, pendente lite and ~~permanently~~ as otherwise allowed by statute.”

SECTION 2. Section 20-3-150 of the 1976 Code is amended to read:

“Section 20-3-150. If the court awards the custody of the children to the spouse receiving alimony the court, by its decree, unless good cause to the contrary be shown, shall allocate any award for ~~permanent~~ alimony and support between the supported spouse and the children and upon the remarriage or continued cohabitation of the supported spouse the amount fixed in the decree for his or her support shall cease, and no further alimony payments may be required from the supporting spouse.

For purposes of this section and unless otherwise agreed to in writing by the parties, ‘continued cohabitation’ means the supported spouse resides with another person in a romantic relationship ~~for a period~~

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~~of ninety or more consecutive days. The court may determine that a continued cohabitation exists if there is evidence that the supported spouse resides with another person in a romantic relationship for periods of less than ninety days and the two periodically separate in order to circumvent the ninety-day requirement.”~~

SECTION 3. Section 20-3-170 of the 1976 Code is amended to read:

“Section 20-3-170. (A) Whenever any husband or wife, pursuant to a judgment of divorce from the bonds of matrimony, has been required to make his or her spouse any periodic payments of alimony and the circumstances of the parties or the financial ability of the spouse making the periodic payments shall have changed since the rendition of such judgment, either party may apply to the court which rendered the judgment for an order and judgment decreasing or increasing the amount of such alimony payments or terminating such payments and the court, after giving both parties an opportunity to be heard and to introduce evidence relevant to the issue, shall make such order and judgment as justice and equity shall require, with due regard to the changed circumstances, the supported spouse’s efforts to become self-sufficient, or the supported spouse’s retention or diminution of assets received through equitable distribution through Article 5, Chapter 3, Title 20, and the financial ability of the supporting spouse, decreasing or increasing or confirming the amount of alimony provided for in such original judgment or terminating such payments. Thereafter the supporting spouse shall pay and be liable to pay the amount of alimony payments directed in such order and judgment and no other or further amount and such original judgment, for the purpose of all actions or proceedings of every nature and wherever instituted, whether within or without this State, shall be deemed to be and shall be modified accordingly, subject in every case to a further proceeding or proceedings under the provisions of this section in relation to such modified judgment.

(B) Retirement by the supporting spouse is sufficient grounds to warrant a hearing, if so moved by a party, to evaluate whether there has been a change of circumstances for alimony. The court shall consider the following factors:

- (1) whether retirement was contemplated when alimony was awarded;
- (2) the age of the supporting spouse;
- (3) the health of the supporting spouse;
- (4) whether the retirement is mandatory or voluntary;
- (5) whether retirement would result in a decrease in the supporting spouse’s income; ~~and~~

[HJ]

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(6) any other factors the court sees fit; and

(7) social security received by the supported spouse as a result of the supporting spouse's social security benefit."

SECTION 4. Section 63-3-530(A)(38) of the 1976 Code is amended to read:

"(38) to hear and determine an action where either party in his or her complaint, answer, counterclaim, or motion for pendente lite relief prays for the allowance of suit money pendente lite and permanently for a judicially determined period of time. In this action the court shall allow a reasonable sum for the claim if it appears well-founded. Suit money, including attorney's fees, may be assessed for or against a party to an action brought in or subject to the jurisdiction of the family court. An award of temporary attorney's fees or suit costs must not be stayed by an appeal of the award;"

SECTION 5. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Rep. BANNISTER spoke in favor of the amendment.

The amendment was then adopted.

Rep. BANNISTER proposed the following Amendment No. 2 to H. 4029 (COUNCIL\GT\4029C001.GT.CM16), which was adopted:

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

/ SECTION 1. Section 20-3-130(A), (B), and (H) of the 1976 Code is amended to read:

"(A) In proceedings for divorce from the bonds of matrimony, and in actions for separate maintenance and support, the court may grant alimony or separate maintenance and support in such amounts and for such term as the court considers appropriate as from the circumstances of the parties and the nature of case may be just, pendente lite, and permanently, or as otherwise allowed by statute. No alimony may be awarded a spouse who commits adultery before the earliest of these two events: (1) the formal signing of a written property or marital settlement agreement or (2) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties.

(B) Alimony and separate maintenance and support awards may be granted pendente lite and permanently, or as otherwise allowed by

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statute in such amounts and for periods of time subject to conditions as the court considers just including, but not limited to:

(1) Transitional alimony, payable by one party to the other party for a determinable period of time. Transitional alimony is awarded when the court finds that rehabilitation is not required, but that the economically disadvantaged spouse needs financial assistance in adjusting to the economic consequences of the divorce. Transitional alimony is designed to aid a spouse who already possesses the capacity for self-sufficiency but needs financial assistance in adjusting to the economic consequences of establishing and maintaining a household without the benefit of the other spouse's income. As such, transitional alimony is a form of short-term support. Transitional alimony may be modified only when:

- (a) the parties agree that it may be modified;
- (b) the court provides for modification in the divorce decree;

or

(c) the supported spouse commits continued cohabitation as defined by law.

(2) Periodic alimony to be paid but terminating on the remarriage or continued cohabitation of the supported spouse or upon the death of either spouse (except as secured in subsection (D)) and terminable and modifiable based upon changed circumstances occurring in the future. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it appropriate to order the payment of alimony on an ongoing basis where it is desirable to make a current determination and requirement for the ongoing support of a spouse to be reviewed and revised as circumstances may dictate in the future.

~~(2)~~(3) Lump-sum alimony in a finite total sum to be paid in one installment, or periodically over a period of time, terminating only upon the death of the supported spouse, but not terminable or modifiable based upon remarriage or changed circumstances in the future. The purpose of this form of support may include, but not be limited to, circumstances where the court finds alimony appropriate but determines that such an award be of a finite and nonmodifiable nature.

~~(3)~~(4) Rehabilitative alimony in a finite sum to be paid in one installment or periodically, terminable upon the remarriage or continued cohabitation of the supported spouse, the death of either spouse (except as secured in subsection (D)) or the occurrence of a specific event to occur in the future, or modifiable based upon unforeseen events frustrating the good faith efforts of the supported spouse to become

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self-supporting or the ability of the supporting spouse to pay the rehabilitative alimony. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it appropriate to provide for the rehabilitation of the supported spouse, but to provide modifiable ending dates coinciding with events considered appropriate by the court such as the completion of job training or education and the like, and to require rehabilitative efforts by the supported spouse.

~~(4)~~(5) Reimbursement alimony to be paid in a finite sum, to be paid in one installment or periodically, terminable on the remarriage or continued cohabitation of the supported spouse, or upon the death of either spouse (except as secured in subsection (D)) but not terminable or modifiable based upon changed circumstances in the future. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it necessary and desirable to reimburse the supported spouse from the future earnings of the payor spouse based upon circumstances or events that occurred during the marriage.

~~(5)~~(6) Separate maintenance and support to be paid periodically, but terminating upon the continued cohabitation of the supported spouse, upon the divorce of the parties, or upon the death of either spouse (except as secured in subsection (D)) and terminable and modifiable based upon changed circumstances in the future. The purpose of this form of support may include, but is not limited to, circumstances where a divorce is not sought, but it is necessary to provide for support of the supported spouse by way of separate maintenance and support when the parties are living separate and apart.

~~(6)~~(7) Such other form of spousal support, under terms and conditions as the court may consider just, as appropriate under the circumstances without limitation to grant more than one form of support.

For purposes of this subsection and unless otherwise agreed to in writing by the parties, ‘continued cohabitation’ means the supported spouse resides with another person in a romantic relationship ~~for a period of ninety or more consecutive days. The court may determine that a continued cohabitation exists if there is evidence that the supported spouse resides with another person in a romantic relationship for periods of less than ninety days and the two periodically separate in order to circumvent the ninety day requirement.~~ If a marriage lasts less than ten years, the court must first consider alternate forms of alimony before awarding periodic alimony and make findings as to why alternate forms are not awarded when periodic alimony is awarded.

(H) The court, from time to time after considering the financial resources and marital fault of both parties, may order one party to pay a

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reasonable amount to the other for attorney fees, expert fees, investigation fees, costs, and suit money incurred in maintaining an action for divorce from the bonds of matrimony, as well as in actions for separate maintenance and support, including sums for services rendered and costs incurred before the commencement of the proceeding and after entry of judgment, pendente lite and permanently, or as otherwise allowed by statute.”

SECTION 2. Section 20-3-150 of the 1976 Code is amended to read:

“Section 20-3-150. If the court awards the custody of the children to the spouse receiving alimony the court, by its decree, unless good cause to the contrary be shown, shall allocate any award for ~~permanent~~ alimony and support between the supported spouse and the children and upon the remarriage or continued cohabitation of the supported spouse the amount fixed in the decree for his or her support shall cease, and no further alimony payments may be required from the supporting spouse.

For purposes of this section and unless otherwise agreed to in writing by the parties, ‘continued cohabitation’ means the supported spouse resides with another person in a romantic relationship ~~for a period of ninety or more consecutive days. The court may determine that a continued cohabitation exists if there is evidence that the supported spouse resides with another person in a romantic relationship for periods of less than ninety days and the two periodically separate in order to circumvent the ninety day requirement.~~”

SECTION 3. Section 20-3-170 of the 1976 Code is amended to read:

“Section 20-3-170. (A) Whenever any husband or wife, pursuant to a judgment of divorce from the bonds of matrimony, has been required to make his or her spouse any periodic payments of alimony and the circumstances of the parties or the financial ability of the spouse making the periodic payments shall have changed since the rendition of such judgment, either party may apply to the court which rendered the judgment for an order and judgment decreasing or increasing the amount of such alimony payments or terminating such payments and the court, after giving both parties an opportunity to be heard and to introduce evidence relevant to the issue, shall make such order and judgment as justice and equity shall require, with due regard to the changed circumstances, the supported spouse’s efforts to become self-sufficient, or the supported spouse’s retention or diminution of assets received through equitable distribution through Article 5, Chapter 3, Title 20, and the financial ability of the supporting spouse, decreasing or increasing or confirming the amount of alimony provided for in such original

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judgment or terminating such payments. Thereafter the supporting spouse shall pay and be liable to pay the amount of alimony payments directed in such order and judgment and no other or further amount and such original judgment, for the purpose of all actions or proceedings of every nature and wherever instituted, whether within or without this State, shall be deemed to be and shall be modified accordingly, subject in every case to a further proceeding or proceedings under the provisions of this section in relation to such modified judgment.

(B) Retirement by the supporting spouse is sufficient grounds to warrant a hearing, if so moved by a party, to evaluate whether there has been a change of circumstances for alimony. The court shall consider the following factors:

- (1) whether retirement was contemplated when alimony was awarded;
- (2) the age of the supporting spouse;
- (3) the health of the supporting spouse;
- (4) whether the retirement is mandatory or voluntary;
- (5) whether retirement would result in a decrease in the supporting spouse's income; ~~and~~
- (6) any other factors the court sees fit; and
- (7) social security received by the supported spouse as a result of the supporting spouse's social security benefit."

SECTION 4. Section 63-3-530(A)(38) of the 1976 Code is amended to read:

“(38) to hear and determine an action where either party in his or her complaint, answer, counterclaim, or motion for pendente lite relief prays for the allowance of suit money pendente lite and permanently, or for a judicially determined period of time. In this action the court shall allow a reasonable sum for the claim if it appears well-founded. Suit money, including attorney's fees, may be assessed for or against a party to an action brought in or subject to the jurisdiction of the family court. An award of temporary attorney's fees or suit costs must not be stayed by an appeal of the award;”

SECTION 5. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

[HJ]

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The yeas and nays were taken resulting as follows:

Yeas 91; Nays 8

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bingham	Bowers	G. A. Brown
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Goldfinch	Govan
Hamilton	Hardee	Hayes
Henegan	Hicks	Hiott
Hixon	Hodges	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Loftis	Long
Lowe	Lucas	McKnight
W. J. McLeod	Merrill	D. C. Moss
Neal	Newton	Norman
Norrell	Ott	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Rivers	Rutherford	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Tinkler	Weeks
Whitmire	Williams	Willis
Yow		

**Total--91**

Those who voted in the negative are:

[HJ]

80

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Bernstein	Gilliard	Hill
McEachern	M. S. McLeod	Nanney
J. E. Smith	Whipper	

**Total--8**

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

**H. 4394--RECOMMENDED**

The following Bill was taken up:

H. 4394 -- Reps. Chumley, Burns and Yow: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-1539 SO AS TO PROVIDE THAT A DRIVER OF A MOTOR VEHICLE APPROACHING A WRECKER OR A TOW TRUCK THAT IS DISPLAYING WARNING SIGNALS MUST PROCEED WITH CAUTION AND, IF POSSIBLE, YIELD THE RIGHT OF WAY BY MAKING A LANE CHANGE INTO A LANE THAT IS NOT ADJACENT TO THE WRECKER OR TOW TRUCK, AND TO PROVIDE PENALTIES.

Rep. PUTNAM moved to recommit the Bill to the Committee on Education and Public Works, which was agreed to.

**H. 3039--REJECTED**

The following Bill was taken up:

H. 3039 -- Reps. Daning, Cobb-Hunter, George, D. C. Moss, J. E. Smith, Weeks, W. J. McLeod, Rivers and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE "DILAPIDATED BUILDINGS ACT", TO PROVIDE DEFINITIONS, TO PROVIDE THAT A COUNTY OR MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL OR COUNTY ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT-APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT-APPOINTED RECEIVER, TO ESTABLISH REPORTING

[HJ]

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REQUIREMENTS OF THE COUNTY OR MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE COUNTY OR MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3039 (COUNCIL\BBM\3039C002.BBM.DG16), which was tabled:

Amend the bill, as and if amended, by adding:

/SECTION 1. Title 6 of the 1976 Code is amended by adding:

“CHAPTER 38

Dilapidated Buildings Act

Section 6-38-10. For purposes of this chapter:

(1) A building, structure, condition, or property is ‘dilapidated’ if it is not in substantial compliance with one or more municipal ordinances regarding:

(a) prevention of substantial risk of injury to a person; or

(b) condition of the property constituting an imminent danger to the public health or safety.

(2) ‘Imminent danger’ means a condition that could cause serious or life-threatening injury or death at any time.

(3) ‘Owner of record’ means a person who is the owner of property according to the most recently approved county tax roll.

(4) ‘Unsafe structures’ means commercial buildings that are found to be unoccupied and dangerous to the life, health, property, or safety of the public.

(5) ‘Substantial compliance’ means compliance that satisfies the purpose or objective of the basic or essential requirements of the local ordinance relating to unsafe structures even though the compliance failed to meet some specifics of the ordinance.

(6) ‘Substantial risk’ means a strong possibility, as contrasted with a remote or even a significant possibility, that a particular result may occur or that a particular circumstance may exist. It is risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.

Section 6-38-20. (A) The rules of equity govern an action as provided by this chapter unless inconsistent with this chapter or general law.

[HJ]

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(B) In applying this chapter, the court shall operate with the presumption that private property should not have a receiver and, therefore, given this presumption:

(1) a receiver shall be viewed as a special, extraordinary equitable remedy to be used sparingly and a receiver must not be appointed unless there is clear and convincing evidence that the appointment is necessary to address an immediate threat to public health or safety;

(2) all feasible efforts must be made to protect and preserve the property rights of existing property owners and lien holders of record; and

(3) the order appointing a receiver shall recite specifically the evidence that permits the court to exercise its extraordinary authority pursuant to this chapter.

(C) In applying this chapter, a court is explicitly authorized to exercise its inherent equitable discretion and, in so doing, take into account reasonable steps that might be taken, such as the following:

(1) avoiding judicial actions immediately after a state or national disaster, such as a hurricane, so as to give owners or lien holders additional time to respond, to make repairs, or to otherwise maintain the status quo in light of such highly unusual exceptional situations;

(2) phasing in necessary repairs that are most appropriate for the situation and direct incremental repairs to portions of a building where necessary to preserve public safety or to ameliorate imminent danger.

Section 6-38-30. (A) Before filing an action as provided by this chapter, the municipality must have:

(1) developed and followed its locally adopted procedures to deal with the abatement of unsafe structures by measures up to, but not including, demolition pursuant to authority granted to municipalities in Sections 31-15-20 and 5-7-80;

(2) given the owner of record proper notice as required and reasonable time under the circumstances for the correction of a condition pursuant to Section 5-25-390 or codes properly adopted by a municipality pursuant to Sections 6-9-50 or 6-9-60;

(3) by resolution of the governing body declared the property or structure unsafe for human occupancy; and

(4) given written notice by certified mail to the owner of record and all lien holders of:

(a) an ordinance violation, and

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(b) reasons the municipality believes there is a serious, present, and imminent public health harm or safety hazard, alleged to exist on the property.

(B) The notice required in subsection (A)(4) must be served in accordance to the rules of South Carolina Civil Procedure and by posting of the property in accordance with Section 6-29-760.

Section 6-38-40. (A) After at least sixty days have passed since the notice required by Section 6-38-30(A)(4), a municipality may bring an action against an owner of record and name any lien holder of record.

(B) After the action is filed, a potential receiver may request the court to authorize the potential receiver to enter the property in order to assess the condition of the property and to make a preliminary determination of measures necessary to address the problems with the property. Limitations may be imposed on the authorization in terms of the time and manner of entry and assessment.

(C) Before granting the authorization pursuant to subsection (B), at least seven days notice must be served:

- (1) to the physical address of the property, with one copy addressed to the owner and one copy addressed to occupant, and
- (2) to the best available address in accordance with Section 12-51-40(a), and
- (3) to any lien holder of record.

Section 6-38-50. (A) Within seven days of filing a receivership action as provided by this chapter, a municipality bringing the action shall serve notice of the proceedings to each owner of record, lien holder, and holder of recorded property interests in accordance with the South Carolina Rules of Civil Procedure and by posting of the property in accordance with Section 6-29-760. An owner of record, lien holder, or holder of a recorded property interest who is not available after due diligence may be served by alternative means, including publication, as prescribed by the South Carolina Rules of Civil Procedure. Actual service or service by publication on an owner of record or a lien holder of record constitutes notice to each owner of record, lien holder of record, or others with a recorded property interest of the same ownership interest, lien, or property interest. Copies of names and addresses of those given notice must be supplied to the court at the time notice is given.

(B) Within seven days of filing an action, a municipality bringing action as provided by this chapter shall file a notice of lis pendens to provide constructive notice of the pending action.

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Section 6-38-60. An owner of record, lien holder of record, or other person with a recorded property interest in a property that is the subject of an action as provided by this chapter may:

- (1) intervene in the action; and
- (2) request appointment as a receiver pursuant to this chapter if the lien holder or other person with a recorded property interest demonstrates to the court an ability and willingness to repair the property.

Section 6-38-70. The following may serve as a court-appointed receiver:

- (1) an entity not including a municipality that the court determines has sufficient capacity, resources, and experience repairing properties and abating code violations, or both;
- (2) an individual the court determines to have sufficient capacity, resources, and experience repairing properties and abating code violations, or both;
- (3) in the case of historic properties, an entity not including a municipality, a nonprofit organization, or an individual the court determines to have sufficient capacity, experience, and demonstrated record of repairing historical buildings to comply with the guidelines for repairing historic properties established by the United States Secretary of the Interior pursuant to 16 U.S.C. Section 470, et seq., or the historic preservation ordinance of the municipality, if applicable;
- (4) a licensed and bonded contractor in the State of South Carolina;
- (5) a lien holder requesting appointment pursuant to Section 6-38-60; or
- (6) an owner of record requesting appointment pursuant to Section 6-38-60.

Section 6-38-80. (A) The court may appoint a receiver for the property for a term:

- (1) not to exceed two years; or
- (2) for a time determined appropriate by the court based on the nature of the work to be done.

(B) The court may determine by specific facts noted in a written order:

- (1) the evidence which permits the court to exercise its extraordinary authority as provided by this chapter, and
- (2) the time period for receivership. In addition to the facts relevant to this extraordinary exercise of the equitable power of the court, the findings of the court must include the following:

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- (a) structures on the property are in substantial violation of one or more ordinances of the municipality pursuant to Section 6-38-30;
- (b) the property is not a single-family residence;
- (c) the property does not have one to four family residences where at least one unit is occupied;
- (d) the property is not currently in a probate, foreclosure, or bankruptcy proceeding; and
- (e) the property is not classified as agricultural real property pursuant to Section 12-43-220(d)

Section 6-38-90. Subject to control of the court and the rights of any prior lien holder of record, a court-appointed receiver has all powers necessary and customary to the powers of a receiver as provided by the laws of equity and may:

- (1) take possession and control of the property;
- (2) operate and manage the property;
- (3) establish and collect rents and income on the property;
- (4) lease the property;
- (5) make repairs necessary to bring the property into compliance with local codes, ordinances, and state laws, including:
  - (a) performing and entering into contracts for the performance of work and the furnishing of materials for repairs; and
  - (b) entering into loan and grant agreements for repairs to the property;
- (6) pay expenses, including paying for utilities and paying current taxes, taxes in arrears and current assessments and assessments in arrears, insurance premiums, and reasonable compensation to a property management agent;
- (7) enter into contracts for operating and maintaining the property;
- (8) exercise all other authority of an owner of the property other than the authority to sell the property; and
- (9) perform other acts regarding the property as authorized by the court.

Section 6-38-95. (A) In exercising the powers pursuant to Section 6-38-90, and in submitting the reports required by Section 6-38-100, and in completing any work as a receiver, the receiver must plan and execute his duties with honesty, good faith, reasonable diligence, and in the most economically prudent manner possible, utilizing measures to minimize costs and seeking competitive bids for services.

(B) If a receiver's exercise of powers, submission of reports, and completion of work do not meet the standard set forth in subsection (A),

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the receiver is liable for economic damages and, at the discretion of the court, treble damages.

Section 6-38-100. (A) Before beginning any work the receiver shall submit to the court for its approval a detailed report describing the problems associated with the property and a detailed plan for abating the problems. The receiver shall provide a copy of the report and estimate to the owner of record, lien holders, and others with a recorded property interest.

(B) This report required by subsection (A) must be accompanied by a performance bond or performance bond binder as well as a detailed timeline for completion of the work.

(C) The receiver shall submit progress reports every forty-five days or as the court determines to demonstrate compliance with the time schedules established for commencement and performance of the work.

Section 6-38-110. A receiver shall have a lien on the property for all of the unreimbursed costs and expenses of the receiver, plus a receivership fee, the amounts of which are subject to the discretion of the court pursuant to Sections 6-38-140 and 6-38-150.

Section 6-38-120. (A) If a loss occurs to the property entrusted to the receiver as a result of the receiver's negligence, the receiver shall be liable for economic damages.

(B) If the loss occurs as a result of fraudulent execution of trust, the receiver shall be liable for economic damages and, at the discretion of the court, treble damages.

Section 6-38-130. (A) A receiver appointed pursuant to this chapter may demolish a structure only after a hearing.

(B) Before the hearing, the receiver shall prepare a detailed report which establishes:

(1) it is not economically feasible to bring the structure into compliance with local codes, local ordinances, and state laws; and

(2) the structure:

(a) is unfit for human habitation; or

(b) is a hazard to public health or safety.

(C) At least ninety days before the hearing, notice must be sent, along with the report, to all owners of record, all lien holders, and all others with a recorded property interest. In addition, the property must have been posted in accordance with Section 6-29-760(A) for at least ninety days before the hearing.

(D) At the hearing, the court shall determine whether demolition is appropriate. In making this determination, the court shall consider:

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(1) whether any owner, lien holder, or other person with a recorded interest has appeared to explain to the court's satisfaction why the property has been left in its current state, and

(2) the factors listed in subsection (B). In considering these factors, the court also may consider whether the property is unsecured from unauthorized entry to the extent that it can be entered or used by vagrants or other uninvited persons as a place of harborage or can be entered or used by children. If the property is boarded, fenced, or otherwise secured, the court may consider whether:

(a) the structure constitutes a danger to the public even though secured from entry; or

(b) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

Section 6-38-140. A receiver who completes repairs to a structure or demolishes a structure, upon or before petitioning a court for termination of the receivership, shall file with the court a full accounting of:

(1) all costs and expenses incurred in the repairs or demolition, including reasonable costs for labor and supervision;

(2) all income received from the property; and

(3) at the discretion of the court, a receivership fee not to exceed ten percent of the costs and the expenses in item (1).

Section 6-38-150. (A) Subject to the provisions of subsection (E), a receiver appointed as provided by this chapter shall be terminated in accordance with Section 6-38-80. In addition, a receiver may petition the court to terminate the receivership and order the sale of the property, as provided in subsection (B) if:

(1) the work has been successfully completed; and

(2) at least ninety days before filing for termination, the owners of record, lien holders, and others holding recorded property interests have been served notice as provided in Section 6-38-60 of a summary accounting of costs and expenses paid by the receiver and of a receivership fee, which must not exceed ten percent of reasonable costs and expenses.

(B) The court may order the sale of the property at public auction if the court finds that:

(1) notice as required by subsection (A) was given to each owner of record, lien holder, and holder of a recorded property interest;

(2) the receiver's costs and fees are reasonable based on:

(a) nature, extent, and difficulty of the services rendered;

(b) time and labor devoted to the case;

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- (c) professional standing of the receiver;
- (d) contingency of compensation;
- (e) fee customarily charged in the locality for similar services; and
- (f) beneficial results obtained;

(3) the receiver has been in control of the property and the owner has failed to repay all the receiver's outstanding costs and expenses of rehabilitation plus a reasonable receivership fee; and

(4) a lien holder of record or other holder of a recorded property interest has not intervened in the action and tendered the costs and expenses of the receiver, plus a receivership fee which must not exceed ten percent of reasonable costs and expenses, and assumed control of the property.

(C) Where demolition of the structure is involved, the court may authorize the sale of the property to an individual or organization that will bring the property into productive use so long as the requirements of subsections (A) and (B) are satisfied.

(D) If the revenue from the sale exceeds the total of the costs and expenses listed in Section 6-38-160(A), any net overage belongs to the owner pursuant to Section 6-38-160(B).

(E) If the total of the costs and expenses incurred by the receiver plus a receivership fee, not to exceed ten percent of reasonable costs and expenses, exceeds the combined value of the likely possible revenue from a sale and the income produced during the receivership, the court may permit the receiver to maintain control of the property until the following are recovered: all rehabilitation and maintenance costs plus a fee, which must not exceed ten percent of reasonable costs and expenses.

Section 6-38-160. (A) The court shall confirm a sale as provided by this chapter and order a distribution of the proceeds of the sale in the following order:

- (1) court costs;
- (2) costs and expenses, plus a reasonable receivership fee, and any lien held by the receiver; and
- (3) other valid liens.

(B) Any remaining overage belongs to the owner of record. These sums are payable ninety days after execution of the deed unless a judicial action is instituted during that time by another claimant. If neither claimed nor assigned within five years of date of public auction sale, the overage must escheat to the general fund of the governing body to be set aside for the purposes of this chapter. Before the escheat date unclaimed overages must be kept in a separate account and must be invested so as

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not to be idle; the governing body of political subdivision is entitled to the earnings for keeping the overage. On escheat date the overage must be transferred to the general funds of the governing body.

Section 6-38-170. (A) The court shall award fee title to the purchaser after the proceeds are distributed. If proceeds from the sale are insufficient to pay all liens, claims, and encumbrances on the property, the court shall extinguish all unpaid liens, claims, and encumbrances on the property and award title to the purchaser free and clear.

(B) This chapter does not foreclose any right or remedy that may be available pursuant to other state law or the laws of equity.”

SECTION 2. This act takes effect upon approval by the Governor. /  
Renummer sections to conform.  
Amend title to conform.

Rep. HORNE explained the amendment.

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

Rep. DANING proposed the following Amendment No. 2 to H. 3039 (COUNCIL\BBM\3039C005.BBM.DG16), which was rejected:

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

/SECTION 1. Title 6 of the 1976 Code is amended by adding:

“CHAPTER 38

Dilapidated Buildings Act

Section 6-38-10. For purposes of this chapter:

(1) A building, structure, condition, or property is ‘dilapidated’ if it is not in substantial compliance with one or more municipal ordinances regarding:

(a) prevention of substantial risk of injury to a person; or  
(b) condition of the property constituting an imminent danger to the public health or safety.

(2) ‘Imminent danger’ means a condition that could cause serious or life-threatening injury or death at any time.

(3) ‘Owner of record’ means a person who is the owner of property according to the most recently approved county tax roll.

(4) ‘Unsafe structures’ means commercial buildings that are found to be unoccupied and dangerous to the life, health, property, or safety of the public.

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(5) ‘Substantial compliance’ means compliance that satisfies the purpose or objective of the basic or essential requirements of the local ordinance relating to unsafe structures even though the compliance failed to meet some specifics of the ordinance.

(6) ‘Substantial risk’ means a strong possibility, as contrasted with a remote or even a significant possibility, that a particular result may occur or that a particular circumstance may exist. It is risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.

Section 6-38-20. (A) The rules of equity govern an action as provided by this chapter unless inconsistent with this chapter or general law.

(B) In applying this chapter, the court shall operate with the presumption that private property should not have a receiver and, therefore, given this presumption:

(1) a receiver shall be viewed as a special, extraordinary equitable remedy to be used sparingly and a receiver must not be appointed unless there is clear and convincing evidence that the appointment is necessary to address an immediate threat to public health or safety;

(2) all feasible efforts must be made to protect and preserve the property rights of existing property owners and lien holders of record; and

(3) the order appointing a receiver shall recite specifically the evidence that permits the court to exercise its extraordinary authority pursuant to this chapter.

(C) In applying this chapter, a court is explicitly authorized to exercise its inherent equitable discretion and, in so doing, take into account reasonable steps that might be taken, such as the following:

(1) avoiding judicial actions immediately after a state or national disaster, such as a hurricane, so as to give owners or lien holders additional time to respond, to make repairs, or to otherwise maintain the status quo in light of such highly unusual exceptional situations;

(2) phasing in necessary repairs that are most appropriate for the situation and direct incremental repairs to portions of a building where necessary to preserve public safety or to ameliorate imminent danger.

Section 6-38-30. (A) Before filing an action as provided by this chapter, the municipality must have:

(1) developed and followed its locally adopted procedures to deal with the abatement of unsafe structures by measures up to, but not

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including, demolition pursuant to authority granted to municipalities in Sections 31-15-20 and 5-7-80;

(2) given the owner of record proper notice as required and reasonable time under the circumstances for the correction of a condition pursuant to Section 5-25-390 or codes properly adopted by a municipality pursuant to Sections 6-9-50 or 6-9-60;

(3) by resolution of the governing body declared the property or structure unsafe for human occupancy; and

(4) given written notice by certified mail to the owner of record and all lien holders of:

(a) an ordinance violation, and

(b) reasons the municipality believes there is a serious, present, and imminent public health harm or safety hazard, alleged to exist on the property.

(B) The notice required in subsection (A)(4) must be served in accordance to the rules of South Carolina Civil Procedure and by posting of the property in accordance with Section 6-29-760.

Section 6-38-40. (A) After at least sixty days have passed since the notice required by Section 6-38-30(A)(4), a municipality may bring an action against an owner of record and name any lien holder of record.

(B) After the action is filed, a potential receiver may request the court to authorize the potential receiver to enter the property in order to assess the condition of the property and to make a preliminary determination of measures necessary to address the problems with the property. Limitations may be imposed on the authorization in terms of the time and manner of entry and assessment.

(C) Before granting the authorization pursuant to subsection (B), at least seven days notice must be served:

(1) to the physical address of the property, with one copy addressed to the owner and one copy addressed to occupant, and

(2) to the best available address in accordance with Section 12-51-40(a), and

(3) to any lien holder of record.

Section 6-38-50. (A) Within seven days of filing a receivership action as provided by this chapter, a municipality bringing the action shall serve notice of the proceedings to each owner of record, lien holder, and holder of recorded property interests in accordance with the South Carolina Rules of Civil Procedure and by posting of the property in accordance with Section 6-29-760. An owner of record, lien holder, or holder of a recorded property interest who is not available after due diligence may be served by alternative means, including publication, as

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prescribed by the South Carolina Rules of Civil Procedure. Actual service or service by publication on an owner of record or a lien holder of record constitutes notice to each owner of record, lien holder of record, or others with a recorded property interest of the same ownership interest, lien, or property interest. Copies of names and addresses of those given notice must be supplied to the court at the time notice is given.

(B) Within seven days of filing an action, a municipality bringing action as provided by this chapter shall file a notice of lis pendens to provide constructive notice of the pending action.

Section 6-38-60. An owner of record, lien holder of record, or other person with a recorded property interest in a property that is the subject of an action as provided by this chapter may:

- (1) intervene in the action; and
- (2) request appointment as a receiver pursuant to this chapter if the lien holder or other person with a recorded property interest demonstrates to the court an ability and willingness to repair the property.

Section 6-38-70. The following may serve as a court-appointed receiver:

- (1) an entity not including a municipality that the court determines has sufficient capacity, resources, and experience repairing properties and abating code violations, or both;
- (2) an individual the court determines to have sufficient capacity, resources, and experience repairing properties and abating code violations, or both;
- (3) in the case of historic properties, an entity not including a municipality, a nonprofit organization, or an individual the court determines to have sufficient capacity, experience, and demonstrated record of repairing historical buildings to comply with the guidelines for repairing historic properties established by the United States Secretary of the Interior pursuant to 16 U.S.C. Section 470, et seq., or the historic preservation ordinance of the municipality, if applicable;
- (4) a licensed and bonded contractor in the State of South Carolina;
- (5) a lien holder requesting appointment pursuant to Section 6-38-60; or
- (6) an owner of record requesting appointment pursuant to Section 6-38-60.

Section 6-38-80. (A) The court may appoint a receiver for the property for a term:

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- (1) not to exceed two years; or
- (2) for a time determined appropriate by the court based on the nature of the work to be done.

(B) The court may determine by specific facts noted in a written order:

(1) the evidence which permits the court to exercise its extraordinary authority as provided by this chapter, and

(2) the time period for receivership. In addition to the facts relevant to this extraordinary exercise of the equitable power of the court, the findings of the court must include the following:

(a) structures on the property are in substantial violation of one or more ordinances of the municipality pursuant to Section 6-38-30;

(b) the property is not a single-family residence;

(c) the property does not have one to four family residences where at least one unit is occupied;

(d) the property is not currently in a probate, foreclosure, or bankruptcy proceeding; and

(e) the property is not classified as agricultural real property pursuant to Section 12-43-220(d)

Section 6-38-90. Subject to control of the court and the rights of any prior lien holder of record, a court-appointed receiver has all powers necessary and customary to the powers of a receiver as provided by the laws of equity and may:

(1) take possession and control of the property;

(2) operate and manage the property;

(3) establish and collect rents and income on the property;

(4) lease the property;

(5) make repairs necessary to bring the property into compliance with local codes, ordinances, and state laws, including:

(a) performing and entering into contracts for the performance of work and the furnishing of materials for repairs; and

(b) entering into loan and grant agreements for repairs to the property;

(6) pay expenses, including paying for utilities and paying current taxes, taxes in arrears and current assessments and assessments in arrears, insurance premiums, and reasonable compensation to a property management agent;

(7) enter into contracts for operating and maintaining the property;

(8) exercise all other authority of an owner of the property other than the authority to sell the property; and

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(9) perform other acts regarding the property as authorized by the court.

Section 6-38-95. (A) In exercising the powers pursuant to Section 6-38-90, and in submitting the reports required by Section 6-38-100, and in completing any work as a receiver, the receiver must plan and execute his duties with honesty, good faith, reasonable diligence, and in the most economically prudent manner possible, utilizing measures to minimize costs and seeking competitive bids for services.

(B) If a receiver's exercise of powers, submission of reports, and completion of work do not meet the standard set forth in subsection (A), the receiver is liable for economic damages and, at the discretion of the court, treble damages.

Section 6-38-100. (A) Before beginning any work the receiver shall submit to the court for its approval a detailed report describing the problems associated with the property and a detailed plan for abating the problems. The receiver shall provide a copy of the report and estimate to the owner of record, lien holders, and others with a recorded property interest.

(B) This report required by subsection (A) must be accompanied by a performance bond or performance bond binder as well as a detailed timeline for completion of the work.

(C) The receiver shall submit progress reports every forty-five days or as the court determines to demonstrate compliance with the time schedules established for commencement and performance of the work.

Section 6-38-110. A receiver shall have a lien on the property for all of the unreimbursed costs and expenses of the receiver, plus a receivership fee, the amounts of which are subject to the discretion of the court pursuant to Sections 6-38-140 and 6-38-150.

Section 6-38-120. (A) If a loss occurs to the property entrusted to the receiver as a result of the receiver's negligence, the receiver shall be liable for economic damages.

(B) If the loss occurs as a result of fraudulent execution of trust, the receiver shall be liable for economic damages and, at the discretion of the court, treble damages.

Section 6-38-130. (A) A receiver appointed pursuant to this chapter may demolish a structure only after a hearing.

(B) Before the hearing, the receiver shall prepare a detailed report which establishes:

- (1) it is not economically feasible to bring the structure into compliance with local codes, local ordinances, and state laws; and
- (2) the structure:

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- (a) is unfit for human habitation; or
- (b) is a hazard to public health or safety.

(C) At least ninety days before the hearing, notice must be sent, along with the report, to all owners of record, all lien holders, and all others with a recorded property interest. In addition, the property must have been posted in accordance with Section 6-29-760(A) for at least ninety days before the hearing.

(D) At the hearing, the court shall determine whether demolition is appropriate. In making this determination, the court shall consider:

(1) whether any owner, lien holder, or other person with a recorded interest has appeared to explain to the court's satisfaction why the property has been left in its current state, and

(2) the factors listed in subsection (B). In considering these factors, the court also may consider whether the property is unsecured from unauthorized entry to the extent that it can be entered or used by vagrants or other uninvited persons as a place of harborage or can be entered or used by children. If the property is boarded, fenced, or otherwise secured, the court may consider whether:

(a) the structure constitutes a danger to the public even though secured from entry; or

(b) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

Section 6-38-140. A receiver who completes repairs to a structure or demolishes a structure, upon or before petitioning a court for termination of the receivership, shall file with the court a full accounting of:

(1) all costs and expenses incurred in the repairs or demolition, including reasonable costs for labor and supervision;

(2) all income received from the property; and

(3) at the discretion of the court, a receivership fee not to exceed ten percent of the costs and the expenses in item (1).

Section 6-38-150. (A) Subject to the provisions of subsection (E), a receiver appointed as provided by this chapter shall be terminated in accordance with Section 6-38-80. In addition, a receiver may petition the court to terminate the receivership and order the sale of the property, as provided in subsection (B) if:

(1) the work has been successfully completed; and

(2) at least ninety days before filing for termination, the owners of record, lien holders, and others holding recorded property interests have been served notice as provided in Section 6-38-60 of a summary accounting of costs and expenses paid by the receiver and of a

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receivership fee, which must not exceed ten percent of reasonable costs and expenses.

(B) The court may order the sale of the property at public auction if the court finds that:

- (1) notice as required by subsection (A) was given to each owner of record, lien holder, and holder of a recorded property interest;
- (2) the receiver's costs and fees are reasonable based on:
  - (a) nature, extent, and difficulty of the services rendered;
  - (b) time and labor devoted to the case;
  - (c) professional standing of the receiver;
  - (d) contingency of compensation;
  - (e) fee customarily charged in the locality for similar services; and
  - (f) beneficial results obtained;
- (3) the receiver has been in control of the property and the owner has failed to repay all the receiver's outstanding costs and expenses of rehabilitation plus a reasonable receivership fee; and
- (4) a lien holder of record or other holder of a recorded property interest has not intervened in the action and tendered the costs and expenses of the receiver, plus a receivership fee which must not exceed ten percent of reasonable costs and expenses, and assumed control of the property.

(C) Where demolition of the structure is involved, the court may authorize the sale of the property to an individual or organization that will bring the property into productive use so long as the requirements of subsections (A) and (B) are satisfied.

(D) If the revenue from the sale exceeds the total of the costs and expenses listed in Section 6-38-160(A), any net overage belongs to the owner pursuant to Section 6-38-160(B).

(E) If the total of the costs and expenses incurred by the receiver plus a receivership fee, not to exceed ten percent of reasonable costs and expenses, exceeds the combined value of the likely possible revenue from a sale and the income produced during the receivership, the court may permit the receiver to maintain control of the property until the following are recovered: all rehabilitation and maintenance costs plus a fee, which must not exceed ten percent of reasonable costs and expenses.

Section 6-38-160. (A) The court shall confirm a sale as provided by this chapter and order a distribution of the proceeds of the sale in the following order:

- (1) court costs;

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(2) costs and expenses, plus a reasonable receivership fee, and any lien held by the receiver; and

(3) other valid liens.

(B) Any remaining overage belongs to the owner of record. These sums are payable ninety days after execution of the deed unless a judicial action is instituted during that time by another claimant. If neither claimed nor assigned within five years of date of public auction sale, the overage must escheat to the general fund of the governing body to be set aside for the purposes of this chapter. Before the escheat date unclaimed overages must be kept in a separate account and must be invested so as not to be idle; the governing body of political subdivision is entitled to the earnings for keeping the overage. On escheat date the overage must be transferred to the general funds of the governing body.

Section 6-38-170. (A) The court shall award fee title to the purchaser after the proceeds are distributed. If proceeds from the sale are insufficient to pay all liens, claims, and encumbrances on the property, the court shall extinguish all unpaid liens, claims, and encumbrances on the property and award title to the purchaser free and clear.

(B) This chapter does not foreclose any right or remedy that may be available pursuant to other state law or the laws of equity.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HORNE explained the amendment.

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

Yeas 41; Nays 54

Those who voted in the affirmative are:

Alexander	Anthony	Bales
Bamberg	Bernstein	Bowers
G. A. Brown	Clyburn	Cobb-Hunter
Crosby	Daning	Dillard
Douglas	Funderburk	Gambrell
George	Gilliard	Govan
Hayes	Henegan	Horne
Hosey	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Neal

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Norrell	Ott	Parks
Pope	Ridgeway	Rutherford
G. M. Smith	J. E. Smith	Stavrinakis
Tinkler	Weeks	Whipper
Williams	Willis	

**Total--41**

Those who voted in the negative are:

Allison	Atwater	Ballentine
Bannister	Bedingfield	Bingham
Chumley	Clary	Clemmons
Cole	Collins	H. A. Crawford
Delleney	Duckworth	Finlay
Forrester	Fry	Gagnon
Goldfinch	Hamilton	Hardee
Henderson	Hicks	Hill
Hiott	Hixon	Huggins
Johnson	Jordan	Kennedy
Kirby	Loftis	Long
Lowe	Merrill	D. C. Moss
Nanney	Norman	Pitts
Putnam	Quinn	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	Sottile	Spires
Tallon	Taylor	Thayer
White	Whitmire	Yow

**Total--54**

So, the amendment was rejected.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 35; Nays 63

Those who voted in the affirmative are:

Alexander	Anthony	Bales
Bamberg	Bernstein	Bowers
G. A. Brown	Clyburn	Cobb-Hunter

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Crosby	Daning	Dillard
Funderburk	Gagnon	Gambrell
George	Gilliard	Hayes
Hosey	Lucas	M. S. McLeod
W. J. McLeod	Norrell	Parks
Pope	Ridgeway	Rutherford
G. M. Smith	J. E. Smith	Sottile
Stavrinakis	Tinkler	Weeks
Whipper	Willis	

**Total--35**

Those who voted in the negative are:

Allison	Atwater	Ballentine
Bannister	Bedingfield	Bingham
Chumley	Clary	Clemmons
Cole	Collins	H. A. Crawford
Delleney	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Goldfinch
Hamilton	Hardee	Henderson
Hill	Hiott	Hixon
Hodges	Horne	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
McEachern	Merrill	D. C. Moss
Nanney	Neal	Norman
Ott	Putnam	Quinn
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
G. R. Smith	Spires	Tallon
Taylor	Thayer	White
Whitmire	Williams	Yow

**Total--63**

So, the Bill was rejected.

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**H. 3167--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3167 -- Reps. Tallon, Long, G. R. Smith, Pitts, Toole, Pope, Simrill, Johnson, Felder, Kennedy, Jordan, Goldfinch, Clemmons, Duckworth, Fry, Hardee, Ryhal, Yow, Gagnon, Willis, Rutherford, Hixon, Taylor, Hill, Howard, Williams, Douglas, Dillard, Hayes, Daning, Crosby, George, Bales, Bradley, Murphy, Bannister, Delleney, Bingham, McKnight and Kirby: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACCEPTABLE FORMS OF IDENTIFICATION REQUIRED OF A PERSON WHEN HE PRESENTS HIMSELF TO VOTE, SO AS TO INCLUDE A VALID AND CURRENT SOUTH CAROLINA RESIDENT CONCEALED WEAPON PERMIT AS AN AUTHORIZED FORM OF IDENTIFICATION.

The yeas and nays were taken resulting as follows:

Yeas 88; Nays 7

Those who voted in the affirmative are:

Alexander	Anthony	Atwater
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bowers	G. A. Brown
Chumley	Clary	Clemmons
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	George
Goldfinch	Hamilton	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hill	Hiott
Hixon	Horne	Hosey
Huggins	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	McEachern
M. S. McLeod	W. J. McLeod	Merrill
D. C. Moss	Nanney	Newton

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Norman	Ott	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Rivers	Ryhal	Sandifer
Simrill	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Tallon	Taylor	Thayer
Tinkler	Whipper	White
Whitmire	Williams	Willis
Yow		

**Total--88**

Those who voted in the negative are:

Cobb-Hunter	Dillard	Gilliard
Hodges	Neal	Robinson-Simpson
Weeks		

**Total--7**

So, the Bill 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. 3167. If I had been present, I would have voted in favor of the Bill. As a co-sponsor of this Bill, I strongly support its enactment.

Rep. Craig Gagnon

**RECORD FOR VOTING**

I inadvertently voted in favor of H. 3167. I had meant to vote no on H. 3167.

Rep. Terry Alexander

**H. 4845--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4845 -- Reps. King and Parks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-19-105 SO AS TO PROVIDE A FUNERAL HOME, FUNERAL DIRECTOR, OR EMBALMER MAY REFUSE TO RELEASE A DEAD HUMAN BODY TO THE CUSTODY OF THE PERSON OR

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ENTITY WHO HAS THE LEGAL RIGHT TO EFFECT A RELEASE UNTIL ALL FINANCIAL OBLIGATIONS RELATED TO SERVICES PROVIDED BY THE FUNERAL HOME, FUNERAL DIRECTOR, OR EMBALMER WITH RESPECT TO THE DEAD HUMAN BODY HAVE BEEN FULLY SATISFIED; AND TO AMEND SECTION 40-19-110, RELATING TO UNPROFESSIONAL CONDUCT OF A FUNERAL DIRECTOR OR EMBALMER, SO AS TO PROVIDE THAT REFUSING TO PROPERLY RELEASE A DEAD HUMAN BODY TO THE CUSTODY OF THE PERSON OR ENTITY WHO HAS THE LEGAL RIGHT TO EFFECT A RELEASE CONSTITUTES UNPROFESSIONAL CONDUCT EXCEPT WHEN THE REFUSAL IS FOR FAILURE TO SATISFY RELATED FINANCIAL OBLIGATIONS.

Rep. SANDIFER proposed the following Amendment No. 3 to H. 4845 (COUNCIL\AGM\4845C007.AGM.AB16), which was adopted:

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

/ SECTION 1. Chapter 19, Title 40 of the 1976 Code is amended by adding:

“Section 40-19-105. When a funeral home, funeral director, or embalmer (‘transferor provider’) provides services for a dead human body and the body subsequently is transferred to another funeral home, funeral director, or embalmer (‘transferee provider’) for additional services, the transferor provider has a cause of action against the transferee provider if the transferee fails to compensate the transferor for the services provided by the transferor. The transferor may recover its usual fee plus reasonable attorney fees and costs. An action brought pursuant to this section may be brought and tried in magistrate’s court regardless of the amount of money involved, and the monetary jurisdictional limits of magistrate’s court do not apply.”

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

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

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The yeas and nays were taken resulting as follows:

Yeas 85; Nays 10

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	G. A. Brown
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Douglas
Duckworth	Erickson	Finlay
Forrester	Fry	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hayes	Henderson	Henegan
Herbkersman	Hill	Hiott
Hixon	Hodges	Horne
Hosey	Jefferson	Johnson
Jordan	Kirby	Knight
Long	Lowe	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	D. C. Moss	Nanney
Neal	Newton	Norrell
Ott	Parks	Ridgeway
Riley	Rivers	Robinson-Simpson
Rutherford	Ryhal	Sandifer
G. M. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Tallon
Taylor	Thayer	Tinkler
Weeks	Whipper	White
Whitmire	Williams	Willis
Yow		

**Total--85**

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Those who voted in the negative are:

Atwater	Ballentine	Felder
Funderburk	Huggins	Kennedy
Pope	Putnam	Quinn
Simrill		

**Total--10**

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. 4845. If I had been present, I would have voted in favor of the Bill.

Rep. Donna Hicks

#### **H. 4661--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4661 -- Reps. Forrester, Sandifer, Clemmons, Loftis, Stringer, Norman, Ballentine, Rivers and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 7 TO ARTICLE 9, CHAPTER 35, TITLE 11 SO AS TO PROVIDE REQUIREMENTS CONCERNING ACCEPTABLE PIPING MATERIAL IN THE STATE PROCUREMENT CODE, AND TO DEFINE NECESSARY TERMS.

Rep. FORRESTER moved to adjourn debate on the Bill until Wednesday, April 27, which was agreed to.

#### **RECURRENCE TO THE MORNING HOUR**

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

#### **HOUSE RESOLUTION**

The following was introduced:

H. 5272 -- Reps. J. E. Smith, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown,

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Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE KATHLEEN MAE WADE OF COLUMBIA, DATABASE SPECIALIST FOR HAND MIDDLE SCHOOL, ON THE OCCASION OF HER RETIREMENT AND TO EXTEND BEST WISHES FOR MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5273 -- Reprs. Henegan, 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, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, 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,

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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 RECOGNIZE AND HONOR FIREFIGHTERS ALEX MCGOVERN, SR., AND HIS SON ALEX MCGOVERN, JR., WITH THE BRIGHTSVILLE FIRE DEPARTMENT AND TO COMMEND THEIR HEROISM AND COURAGEOUS RESCUE OF A MOTHER AND HER THREE CHILDREN.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5274 -- Reps. Quinn, Atwater, Alexander, 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, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, 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 RECOGNIZE AND HONOR THE MEMBERS OF THE FIRST GRADUATING CLASS OF NORTHSIDE CHRISTIAN ACADEMY IN LEXINGTON COUNTY AND TO CONGRATULATE THEM AND WISH THEM WELL AS THEY BEGIN THE NEXT PHASE OF THEIR LIFE'S JOURNEYS.

The Resolution was adopted.

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**HOUSE RESOLUTION**

The following was introduced:

H. 5280 -- Reps. Clemmons, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Dellaney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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 RECOGNIZE AND HONOR SERGEANT BRYAN MURPHY OF THE MYRTLE BEACH POLICE DEPARTMENT FOR OUTSTANDING SERVICE TO HIS FORCE AND HIS SURROUNDING COMMUNITY AND TO CONGRATULATE HIM UPON RECEIVING THE MYRTLE BEACH ROTARY CLUB 2016 LIFETIME ACHIEVEMENT AWARD.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5271 -- Reps. J. E. Smith, 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, Dellaney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman,

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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, 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 HONOR JENNIFER WISE, A MATH TEACHER AT HAND MIDDLE SCHOOL, AND TO COMMEND HER FOR BEING CHOSEN AS SOUTH CAROLINA'S 2015-2016 TEACHER OF THE YEAR.

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

**INTRODUCTION OF BILLS**

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

H. 5275 -- Rep. Whipper: A BILL RELATING TO THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO REALIGN THE BOUNDARY BETWEEN CHARLESTON COUNTY CONSTITUENT DISTRICTS 4 AND 20.

Referred to Charleston Delegation

H. 5276 -- Reps. Dillard, Robinson-Simpson, Funderburk and Norrell: A BILL TO AMEND SECTIONS 31-21-40, 31-21-50, AND 31-21-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO HOUSING DISCRIMINATION, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY NOT BE DISCRIMINATED AGAINST DUE TO SOURCE OF INCOME.

Referred to Committee on Judiciary

H. 5277 -- Reps. Horne, Ott and J. E. Smith: A BILL TO AMEND SECTION 59-111-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC COLLEGE TUITION WAIVERS FOR THE CHILDREN OF CERTAIN VETERANS, SO AS TO PROVIDE PUBLIC COLLEGE TUITION WAIVERS TO CERTAIN WARTIME

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VETERANS, SUBJECT TO LIMITATIONS FOR GRADUATE STUDY USE.

Referred to Committee on Education and Public Works

H. 5278 -- Rep. Bingham: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF EDUCATION TO CARRY FORWARD CERTAIN FUNDS APPROPRIATED IN THE 2015-2016 GENERAL APPROPRIATIONS ACT REGARDING SUPPLEMENTAL SUPPORT OF PROGRAMS AND SERVICES FOR STUDENTS WITH DISABILITIES SO AS TO MEET THE ESTIMATED MAINTENANCE OF EFFORT FOR THE INDIVIDUALS WITH DISABILITIES ACT (IDEA).

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

H. 5279 -- Reps. Stavrinakis, McCoy, Merrill, Sottile, Daning, Gilliard, Limehouse, Crosby, Tinkler and Whipper: A BILL TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO REVISE PROCEDURES CONCERNING THE ANNUAL DISTRICT BUDGET BY PROVIDING THE SCHOOL BOARD SHALL OBTAIN CERTIFICATION OF PROPERTY TAX REVENUE EXPECTED FOR THE BUDGET FROM THE COUNTY AUDITOR BEFORE THE BOARD MAY GIVE THE BUDGET SECOND READING, TO PROVIDE THAT WITHIN SIXTY DAYS FOLLOWING ENACTMENT OF THE ANNUAL STATE BUDGET, THE BOARD SHALL REVIEW AND, IF NEEDED TO AVOID OPERATING WITH A DEFICIT, AMEND THE ANNUAL DISTRICT BUDGET TO REFLECT FUNDS ACTUALLY APPROPRIATED BY THE GENERAL ASSEMBLY, TO PROVIDE THAT BEFORE JANUARY FIRST ANNUALLY THE BOARD SHALL REVIEW THE STATUS OF ITS FISCAL YEAR REVENUES AND EXPENDITURES TO DETERMINE THE EXTENT TO WHICH, IF ANY, THE DISTRICT IS OPERATING WITH A DEFICIT, AND TO PROVIDE IF THE DISTRICT DETERMINES THAT IT IS OPERATING WITH A DEFICIT, IT MUST AMEND ITS BUDGET TO ELIMINATE THE DEFICIT WITHIN SIXTY DAYS.

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

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SPEAKER IN CHAIR

**H. 5066--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5066 -- Reps. Herbkersman, Erickson, Bowers, Bradley, Newton and Hodges: A BILL TO AMEND ACT 589 OF 1986, AS AMENDED, RELATING TO THE BEAUFORT COUNTY BOARD OF EDUCATION, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SUBMIT SIGNED PETITIONS.

The yeas and nays were taken resulting as follows:

Yeas 83; Nays 0

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Bales	Ballentine	Bannister
Bernstein	Bingham	G. A. Brown
Clemmons	Clyburn	Cole
H. A. Crawford	Crosby	Daning
Dillard	Douglas	Duckworth
Erickson	Finlay	Forrester
Fry	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hixon	Hodges	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Loftis
Long	Lowe	Lucas
McCoy	McEachern	McKnight
M. S. McLeod	D. C. Moss	Nanney
Neal	Newton	Norrell
Ott	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Robinson-Simpson	Rutherford	Ryhal
Sandifer	J. E. Smith	Sottile
Spires	Stavrinakis	Tallon

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Taylor	Thayer	Tinkler
Weeks	White	Whitmire
Willis	Yow	

**Total--83**

Those who voted in the negative are:

**Total--0**

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

**H. 5077--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5077 -- Rep. White: A BILL TO AMEND SECTION 6-25-113, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF BONDS BY A JOINT AUTHORITY WATER AND SEWER SYSTEM, SO AS TO ALLOW A LIEN TO BE PLACED ON THE AUTHORITY'S PROPERTY IN ACCORDANCE WITH THE REVENUE BOND ACT FOR UTILITIES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 5077 (COUNCIL\NL\5077C003.NL.SD16), which was adopted:

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

/ SECTION 1. Section 6-25-113 of the 1976 Code, as last amended by Act 59 of 2007, is further amended to read:

“Section 6-25-113. The bonds are special obligations of the joint system issuing them. The principal of, premium, if any, and interest on the bonds are not payable from the general funds of the joint system, nor do they constitute a legal or equitable pledge, charge, lien, or encumbrance upon any of its property, except as permitted by Sections 6-21-330 through 6-21-360 of the Revenue Bond Act for Utilities, or upon any of its income, receipts, or revenues, except the funds which are pledged under the resolution authorizing the bonds or the trust agreement securing the bonds. Neither the faith and credit nor the taxing power of the State or an authority is, or may be, pledged for the payment of the

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principal of or interest on the bonds, and no holder of the bonds has the right to compel the exercise of the taxing power by the State or an authority or the forfeiture of any of its property in connection with any default. However, the provisions of this section do not affect the ability of any member county or authority from providing a pledge of all or part of any revenues derived as payments in lieu of taxes with respect to a project. Every bond must recite in substance that the principal of and interest on the bond is payable solely from the revenues and other funds pledged to its payment and that the joint system is not obligated to pay the principal or interest except from such revenues and funds so pledged.”

SECTION 2. Section 11-51-40 of the 1976 Code is amended to read:

“Section 11-51-40. To obtain funds for allocation to the research universities for the financing of research infrastructure projects, and for the other purposes set forth in Section 11-51-125, there may be issued general obligation debt pursuant to the conditions prescribed by this chapter; ~~provided, however, that the amount of the general obligation debt issued pursuant to this chapter that may be outstanding at any one time shall not exceed two hundred fifty million dollars.~~”

SECTION 3. Paragraph 2. of Section 11-27-30 of the 1976 Code is deleted. /

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

Renumber sections to conform.

Amend title to conform.

Rep. WHITE 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 96; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	G. A. Brown	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Daning

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Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hayes	Henderson	Henegan
Hicks	Hiott	Hixon
Hodges	Hosey	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	McEachern
W. J. McLeod	D. C. Moss	Nanney
Neal	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
Spires	Stavrinakis	Tallon
Taylor	Thayer	Tinkler
Weeks	White	Whitmire
Williams	Willis	Yow

**Total--96**

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 Legislative Oversight Committee business during the vote on H. 5077. If I had been present, I would have voted in favor of the Bill.

Rep. Wm. Weston J. Newton

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**H. 5078--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5078 -- Reps. White and Cobb-Hunter: A BILL TO AMEND SECTION 4-10-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS LOCAL SALES AND USE TAXES, SO AS TO DEFINE "GENERAL ELECTION"; TO AMEND SECTIONS 4-10-330 AND 4-10-340, BOTH AS AMENDED, RELATING TO THE CAPITAL PROJECTS SALES TAX ACT, SO AS TO PROVIDE THAT THE TAX MUST TERMINATE ON APRIL THIRTIETH OF AN ODD- OR EVEN-NUMBERED YEAR.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 5078 (COUNCIL\BBM\5078C001.BBM.DG16), which was adopted:

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

/ SECTION 1. Section 4-10-10 of the 1976 Code, as added by Act 317 of 1990, is amended by adding an appropriately numbered item to read:

“( ) ‘General election’ means the Tuesday following the first Monday in November in any year.” /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE 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 94; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bernstein
G. A. Brown	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney

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Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hamilton	Hardee	Hayes
Henderson	Herbkersman	Hicks
Hiott	Hixon	Hodges
Horne	Hosey	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Lowe	Lucas
McCoy	McEachern	M. S. McLeod
W. J. McLeod	D. C. Moss	Nanney
Neal	Newton	Norman
Norrell	Ott	Parks
Pitts	Putnam	Quinn
Ridgeway	Riley	Rivers
Robinson-Simpson	Rutherford	Ryhal
Sandifer	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Tinkler	Whipper
White	Whitmire	Willis
Yow		

**Total--94**

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 voted in favor of H. 5078, as amended, however, technical issues caused the voting board to be restarted, during which time I was meeting with the Senators on the road funding conference committee and missed the re-vote.

Rep. Gary Simrill

[HJ]

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**H. 3767--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3767 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-221 SO AS TO PROHIBIT THE LEVY OF CERTAIN PROPERTY TAXES ON REAL PROPERTY OWNED OR LEASED TO CERTAIN CHILDCARE PROVIDERS; TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, SO AS TO CLARIFY THE TYPES OF DAYTIME PROGRAMS AND DAY CAMPS TO WHICH THE DEFINITION APPLIES; BY ADDING SECTION 63-13-220 SO AS TO PROHIBIT USE OF ABC VOUCHERS BY CERTAIN CHILDCARE FACILITIES AND TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS ANNUALLY; AND BY ADDING SECTION 63-13-470 SO AS TO PROVIDE FOR LICENSING AND APPROVAL REQUIREMENTS FOR PRIVATE CHILDCARE CENTERS AND GROUP CHILDCARE HOMES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3767 (COUNCIL\GGS\3767C009.GGS.VR16):

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

/ SECTION 1. Section 63-13-20(4) of the 1976 Code is amended to read:

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

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

(b) five-year-old kindergarten programs;

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

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

(e) ~~school vacation or school holiday day camps for children operating in distinct sessions running less than three with sessions lasting two weeks per session unless the day camp permits children to enroll in successive sessions so that their total attendance may exceed three weeks.~~ This chapter prohibits any business from operating any school vacation or school holiday camp or education program that cares for children for more than two weeks without having a childcare license or registration. This includes programs that run multiple week programs consecutively so that children can attend for more than two weeks by stacking programs/themes throughout the summer. Programs lasting more than two weeks must comply with this chapter before opening, including the requirement to be licensed or registered by the department;

(f) summer resident camps for children;

(g) bible schools normally conducted during vacation periods;

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

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

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

(k) certain childcare facilities defined in subitems (c) and (e) that elect not to become licensed according to the process set forth in Article 3, Chapter 13, Title 63 and Sections 63-13-30, 63-13-40, 63-13-70, 63-13-80, 63-13-90, 63-13-100, 63-13-160, and 63-13-170, if the facility charges less than twenty-five dollars per child per month

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inclusive of any associated fees. Any childcare facility electing not to become licensed must:

(i) comply with the requirements of Sections 63-13-30, 63-13-40, 63-13-70, 63-13-110, and 63-13-185 and any child safety training requirements; and

(ii) facilitate the annual inspection by the department pursuant to Section 63-13-80(A) to ensure compliance with the requirements of subitem (k)(i);

(l) any facility open to the general public that does not charge fees and where open play time, not part of a scheduled program, is available such as in community centers, playgrounds, sports fields, and gymnasiums; and

(m) any half-day 4K programs required by Section 59-5-65(8) and summer reading camps required by Section 59-155-160.”

SECTION 2. Section 63-13-210 of the 1976 Code is amended to read:

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

~~(B) If an owner or operator of a childcare center, group childcare home, or family childcare home, as defined by Section 63-13-20, has liability insurance for the operation of his childcare business that lapses or is canceled and not reinstated or replaced, the owner or operator shall obtain and maintain statements in accordance with subsection (A) from~~

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~~the custodial parent or parents or guardian or guardians of each child enrolled in the childcare center, group childcare home, or family childcare home no later than thirty days after the liability insurance lapses or is canceled.~~

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

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

“Section 63-13-220. The department’s childcare facility licensing division administers the ABC Childcare Program which makes payments to childcare providers to care for children from low income families so their parents can work. The department may issue ABC Childcare Program vouchers only to childcare facilities that are licensed or registered by the department’s childcare facility licensing division and that are in compliance with regulations promulgated by the department pursuant to this section or by another provision of law.”

SECTION 4. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63-13-230. For any childcare facility defined by Section 63-13-20(4)(c) or (e), the following conditions apply:

(1) A teacher/caregiver who is sixteen or seventeen years of age may be employed and may be counted as adult staff for purposes of staff/child ratio as long as that teacher/caregiver is continuously supervised by a fully qualified teacher/caregiver, as defined by South Carolina Regulation 114-503(K)(4), who is in the room at all times. One adult staff person may supervise no more than two teachers/caregivers who are sixteen or seventeen years of age.

(2) A volunteer employee, who is at least sixteen years of age, may work in the facility; however, the volunteer is not permitted to be counted for purposes of meeting the child/staff ratio requirements. In addition, the volunteer must be continuously supervised by a fully qualified teacher/caregiver, as defined by South Carolina Regulation

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114-503(K)(4), who is in the room at all times, and the volunteer must have a completed approved SLED check. One adult staff person may supervise no more than two volunteers.

(3) For seasonal employees or after school employees the training criteria required by regulation shall be pro-rated according to the department policy on regulations.

(4) If a childcare facility is part of a multi-site facility, the employee records required under the law and regulation may be kept on site or in a central location, or must be available electronically at each site.

(5) The education degrees required in South Carolina Regulation 114-503(K)(3)(c)(i) also must include any other bachelors' degrees such as a recreation, sports management, elementary education, and family and social sciences.

(6) The childcare facility must have hot and cold water under pressure in at least the kitchen or food preparation area. Hot water must be between one hundred to one hundred twenty-five degrees Fahrenheit. There must be at least one sink with running water under pressure to every twenty children over two years of age. Sinks must be located in or near each toilet area.

(7) Outdoor recreation fields are exempt from any department regulations concerning bathroom and water requirements.

(8) Background check fees related to employees and volunteers of a governmental agency pursuant to Chapter 13, Title 63 must be the same as the fees charged to non-profit/charitable fees.”

SECTION 5. Article 3, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63-13-470. A regular license or regular approval issued by the department to private childcare centers or group childcare homes is valid for two years from the date of issuance, unless revoked by the department or voluntarily surrendered by the director of the private childcare center or the director of the group childcare home; provided, however, that a change in location, ownership, or sponsorship of the facility automatically voids the license or approval. After the private childcare center or group childcare home has been in business for two years, the renewal license is valid for three years from the date of issuance.”

SECTION 6. A. Except as provided in SECTION 6.B, this act takes effect upon approval of the Governor.

B. The new requirements in SECTION 2 and SECTION 4 of this act take effect ninety days after approval of the Governor. The changes in

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this act that relate to experience and education requirements do not apply to staff employed on or before the effective date of the act. However, those staff must comply with any changes to background checks, training, and any other requirements. A teacher/caregiver employed on or before the effective date of this act who has more than a twelve-month break in service after the effective date of this act must meet the regulations and guidelines for reemployment. /

Renumber sections to conform.

Amend title to conform.

Rep. ANTHONY explained the amendment.

Reps. WHITE, HILL, PITTS, GAMBRELL, FRY, CLEMMONS, WHITMIRE, SANDIFER, FINLAY, JEFFERSON, WILLIAMS, COBB-HUNTER, GOVAN, RIVERS, NEAL, HAYES, DANING, CROSBY, OTT, W. J. MCLEOD, BAMBERG, HOSEY, CLYBURN, CLARY, ANTHONY, BEDINGFIELD, HIOTT, HENEGAN, LOFTIS and FORRESTER requested debate on the Bill.

**H. 5006--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5006 -- Reps. Lucas, Pope, Merrill, Bradley, Finlay, Stringer, Norman, Ballentine, Felder, Mitchell, King and W. J. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9-16-100 SO AS TO PROHIBIT LOBBYISTS AND PLACEMENT AGENTS FROM CONTACTING CERTAIN INDIVIDUALS CONNECTED WITH THE RETIREMENT SYSTEM INVESTMENT COMMISSION; TO AMEND SECTION 9-4-10, RELATING TO THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, SO AS TO CLARIFY THE BOARD OF THE AUTHORITY IS THE SOLE GOVERNING BODY OF THE AUTHORITY, TO PROVIDE FOR A FIVE-YEAR TERM AND STAGGERED TERMS OF BOARD MEMBERS, TO PRESCRIBE MEETING REQUIREMENTS, TO PROVIDE FOR AN EXECUTIVE DIRECTOR, AND TO PROVIDE CERTAIN FIDUCIARY DUTIES; TO AMEND SECTION 9-16-10, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 9-16-315, AS AMENDED, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO ADD A GUBERNATORIAL APPOINTMENT TO THE COMMISSION, TO

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LIMIT A MEMBER TO TWO TERMS, TO PROVIDE FURTHER QUALIFICATIONS FOR MEMBERS, TO PROVIDE FOR AN EXECUTIVE DIRECTOR, AND TO ALLOW THE COMMISSION TO ENGAGE ATTORNEYS ON A FEE BASIS; TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO REQUIRE THE AUDIT FIRM BE SELECTED USING THE PROCUREMENT CODE; TO AMEND SECTION 9-16-340, AS AMENDED, RELATING TO THE INVESTMENT OF RETIREMENT SYSTEM FUNDS, SO AS TO REQUIRE A REDUCTION IN THE TOTAL AMOUNT OF FEES PAID; BY ADDING ARTICLE 4 TO CHAPTER 16, TITLE 9 SO AS TO ESTABLISH THE REVIEW AND OVERSIGHT COMMISSION ON THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO PROVIDE FOR ITS MEMBERSHIP, AND TO PROVIDE FOR ITS SCREENING DUTIES; TO AMEND SECTION 9-1-1310, AS AMENDED, RELATING TO THE ASSETS OF THE RETIREMENT SYSTEM AND INVESTMENT OF RETIREMENT SYSTEM FUNDS, SO AS TO REQUIRE THE PUBLIC EMPLOYEE BENEFIT AUTHORITY TO HOLD THE ASSETS OF THE RETIREMENT SYSTEM IN A GROUP TRUST, AND TO PROHIBIT INVESTMENTS IN CERTAIN MONEY MORTGAGES AND REAL ESTATE INVESTMENT TRUSTS; AND TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE MEMBERS OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 5006 (COUNCIL\BBM\5006C006.BBM.DG16), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 9-4-10(G) and inserting:

/ (G) Minimally, the board shall meet ~~monthly~~ quarterly and at other times set by the board. If the chairman considers it more effective, the board may meet by teleconferencing or video conferencing. However, if the agenda of the meeting consists of items that are not exempt from disclosure or the meeting may not be closed to the public

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pursuant to Chapter 4, Title 30, the provisions of Chapter 4, Title 30 apply, and the meeting must be open to the public.” /

Amend the bill further, as and if amended, SECTION 4, by striking Section 9-16-315(A)(6) and inserting:

/ (6) ~~one member who is a retired member of the retirement system. This representative member must be appointed by unanimous vote of the voting members of the commission appointed by the Governor, who is an active or retired member of the South Carolina Retirement System, Police Officers Retirement System, the Judges and Solicitors Retirement System, or the National Guard Retirement System;~~ and /

Amend further by deleting SECTION 7 in its entirety.

Re-number sections to conform.

Amend title to conform.

Rep. ANTHONY explained the amendment.

The amendment was then adopted.

Rep. WHITE proposed the following Amendment No. 2 to H. 5006 (COUNCIL\BBM\5006C007.BBM.DG16), which was adopted:

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

/ SECTION \_\_. Chapter 16, Title 9 of the 1976 Code is amended by adding:

“Article 4

The Review and Oversight Commission on the Retirement System  
Investment Commission

Section 9-16-400. (A)(1) There is established the Review and Oversight Commission on the Retirement System Investment Commission which must exercise the powers and fulfill the duties described in this article.

(2) For purposes of this article, ‘commission’ means the Review and Oversight Commission on the Retirement System Investment Commission.

(B) The commission is composed of the following nine members:

(1) from the Senate:

- (a) the Chairman of the Finance Committee or his designee;
- (b) two members of the Senate appointed by the President

*Pro Tempore*;

(2) from the House of Representatives:

- (a) the Chairman of the Ways and Means Committee or his designee;

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(b) two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(3) three members appointed by the Governor from the state at large. One member must be an active member of the South Carolina Retirement System and one member must be an active member of the South Carolina Police Officers Retirement System.

(C) In making appointments to the commission, race, gender, and other demographic factors, such as residence in rural or urban areas, must be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State.

(D) The commission must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and electing any other officers the commission considers necessary. After the organizational meeting, the commission must meet as necessary to screen candidates for appointment and at the call of the chairman or by a majority of the members. A quorum consists of six members.

Section 9-16-410. The commission has the following powers and duties:

(1)(a) to screen each person appointed to serve on the Retirement System Investment Commission;

(b) in screening candidates and making its findings, the commission must give due consideration to:

(i) ability, area of expertise, dedication, compassion, common sense, and integrity of each candidate; and

(ii) the impact that each candidate would have on the racial and gender composition of the commission, and each candidate's impact on other demographic factors represented on the commission, such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State;

(c) to determine if each candidate is qualified and meets the requirements provided by law to serve as a member of the Retirement System Investment Commission, make findings concerning whether each candidate is qualified, and deliver its findings to the President *Pro tempore* of the Senate and the Speaker of the House of Representatives;

(2) to receive, annually, in public session, the results of all audits, experience studies or other required analysis conducted by the Retirement System Investment Commission;

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(3) to conduct an oversight review of the Retirement System Investment Commission and its operations at least once every two years; and

(4) undertake any additional reviews, studies, or evaluations as it considers necessary.

Section 9-16-420. Each state agency must fully cooperate with requests from the commission for assistance in carrying out its responsibilities and duties as established in this article.

Section 9-16-430. The oversight report required by this article must at least contain:

(1) a performance review of each member of the board for the previous two years;

(2) a performance review of the Executive Director of the Retirement System Investment Commission; and

(3) an evaluation of the actions of the Retirement System Investment Commission, sufficient to allow the members of the General Assembly to better judge whether these actions serve the best interests of the citizens of South Carolina, both individual and corporate.

Section 9-16-440. Commission members are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid by the Retirement System Investment Commission.

Section 9-16-450. The commission must use clerical and professional employees of the General Assembly and the Office of the Governor for its staff, who must be made available to the commission. The commission may employ or retain other professional staff, upon the determination of the necessity for other staff by the commission and as may be funded in the legislative appropriation of the annual general appropriations act.” /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE 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 102; Nays 0

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Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bernstein
G. A. Brown	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hamilton	Hardee	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hill	Hiott
Hixon	Hodges	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Loftis
Long	Lowe	Lucas
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	D. C. 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
J. E. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Tinkler	Weeks
Whipper	White	Whitmire
Williams	Willis	Yow

**Total--102**

Those who voted in the negative are:

**Total--0**

[HJ]

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

**H. 5007--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5007 -- Reps. Lucas, Pope, Merrill, Bradley, Finlay, Stringer, Norman, Ballentine, Felder, Mitchell, King and W. J. McLeod: A BILL TO AMEND SECTION 9-16-335, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSUMED RATE OF RETURN FOR RETIREMENT SYSTEM FUNDS, SO AS TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS UNLESS ACTION IS TAKEN BY THE GENERAL ASSEMBLY, AND IF NOT, THE RATE IS SET BY THE STATE FISCAL ACCOUNTABILITY AUTHORITY; AND TO AMEND SECTION 9-1-1085, RELATING TO EMPLOYER AND EMPLOYEE CONTRIBUTION RATES FOR PURPOSES OF THE RETIREMENT SYSTEM, SO AS TO REDUCE THE AMORTIZATION SCHEDULE FROM THIRTY YEARS TO TWENTY YEARS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 5007 (COUNCIL\BBM\5007C003.BBM.DG16), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 2 in its entirety.

Re-number sections to conform.

Amend title to conform.

Rep. ANTHONY 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 101; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bernstein

[HJ]

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Bingham	G. A. Brown	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hiott	Hixon	Hodges
Horne	Hosey	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	McEachern
M. S. McLeod	W. J. McLeod	D. C. 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
J. E. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Tinkler	Weeks
White	Whitmire	Williams
Willis	Yow	

**Total--101**

Those who voted in the negative are:

**Total--0**

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

[HJ]

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**H. 4547--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4547 -- Reps. Rutherford, Hosey and Alexander: A BILL TO AMEND SECTION 63-19-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "CHILD" AND "JUVENILE" IN THE JUVENILE JUSTICE CODE, SO AS TO CHANGE THE AGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE, WITH EXCEPTIONS; TO AMEND SECTIONS 63-19-1030, 63-19-1210, 63-19-1410, 63-19-1420, 63-19-1440, AS AMENDED, 63-19-1650, AND 63-19-2050, AS AMENDED, ALL RELATING TO JUVENILE JUSTICE, SO AS TO MAKE CONFORMING CHANGES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4547 (COUNCIL\BH\4547C001.BH.VR16), which was adopted:

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

/Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63-3-510 of the 1976 Code is amended to read:

“Section 63-3-510. (A) Except as otherwise provided herein, the court shall have exclusive original jurisdiction and shall be the sole court for initiating action:

(1) Concerning any child living or found within the geographical limits of its jurisdiction:

(a) who is neglected as to proper or necessary support or education as required by law, or as to medical, psychiatric, psychological, or other care necessary to his well-being, or who is abandoned by his parent or other custodian;

(b) whose occupation, behavior, condition, environment, or associations are such as to injure or endanger his welfare or that of others;

(c) who is beyond the control of his parent or other custodian;

(d) who is alleged to have violated or attempted to violate any state or local law or municipal ordinance, regardless of where the violation occurred except as provided in Section 63-3-520;

(e) whose custody is the subject of controversy, except in those cases where the law now gives other courts concurrent jurisdiction. In the consideration of these cases, the court shall have concurrent jurisdiction to hear and determine the issue of custody and support.

[HJ]

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(2) For the treatment or commitment to any mental institution of a mentally defective or mentally disordered or emotionally disturbed child. Provided, that nothing herein is intended to conflict with the authority of probate courts in dealing with mental cases.

(3) Concerning any ~~child-seventeen~~ person eighteen years of age or over, living or found within the geographical limits of the court's jurisdiction, alleged to have violated or attempted to violate any state or local law or municipal ordinance prior to having become ~~seventeen~~ eighteen years of age and such person shall be dealt with under the provisions of this title relating to children.

(4) For the detention of a juvenile in a juvenile detention facility who is charged with committing a criminal offense when detention in a secure facility is found to be necessary pursuant to the standards set forth in Section 63-19-820 and when the facility exists in, or is otherwise available to, the county in which the crime occurred.

(B) Whenever the court has acquired the jurisdiction of any child under ~~seventeen~~ eighteen years of age, jurisdiction continues so long as, in the judgment of the court, it may be necessary to retain jurisdiction for the correction or education of the child, but jurisdiction shall terminate when the child attains the age of ~~twenty-one~~ twenty-two years. Any child who has been adjudicated delinquent and placed on probation by the court remains under the authority of the court only until the expiration of the specified term of his probation. This specified term of probation may expire before but not after the ~~eighteenth~~ twentieth birthday of the child."

SECTION 2. Section 63-19-20(1) of the 1976 Code is amended to read:

"(1) 'Child' or 'juvenile' means a person less than ~~seventeen~~ eighteen years of age. 'Child' or 'juvenile' does not mean a person ~~sixteen~~ seventeen years of age or older who is charged with a Class A, B, C, or D felony as defined in Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more. However, a person ~~sixteen~~ seventeen years of age who is charged with a Class A, B, C, or D felony as defined in Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more may be remanded to the family court for disposition of the charge at the discretion of the solicitor. An additional or accompanying charge associated with the charges contained in this item must be heard by the court with jurisdiction over the offenses contained in this item."

SECTION 3. Section 63-19-1030(B) of the 1976 Code is amended to read:

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“(B) The petition and all subsequent court documents must be entitled:

‘In the Family Court of \_\_\_\_\_ County.

In the Interest of \_\_\_\_\_, a child under ~~seventeen~~ eighteen years of age.’

The petition must be verified and may be upon information and belief. It shall set forth plainly:

(1) the facts which bring the child within the purview of this chapter;

(2) the name, age, and residence of the child;

(3) the names and residences of the child’s parents;

(4) the name and residence of a legal guardian, if there is one, of the person or persons having custody of or control of the child, or of the nearest known relative if no parent or guardian can be found. If any of these facts are not known by the petitioner, the petition shall state that.”

SECTION 4. Section 63-19-1210 of the 1976 Code is amended to read:

“Section 63-19-1210. In accordance with the jurisdiction granted to the family court pursuant to Sections 63-3-510, 63-3-520, and 63-3-530, jurisdiction over a case involving a child must be transferred or retained as follows:

(1) If, during the pendency of a criminal or quasi-criminal charge against a child in a circuit court of this State, it is ascertained that the child was under the age of ~~seventeen~~ eighteen years at the time of committing the alleged offense, it is the duty of the circuit court immediately to transfer the case, together with all the papers, documents, and testimony connected with it, to the family court of competent jurisdiction, except in those cases where the Constitution gives to the circuit court exclusive jurisdiction or in those cases where jurisdiction has properly been transferred to the circuit court by the family court under the provisions of this section. The court making the transfer shall order the child to be taken immediately to the place of detention designated by the court or to that court itself, or shall release the child to the custody of some suitable person to be brought before the court at a time designated. The court then shall proceed as provided in this chapter. The provisions of this section are applicable to all existing offenses and to offenses created in the future unless the General Assembly specifically directs otherwise.

(2) Whenever a child is brought before a magistrate or city recorder and, in the opinion of the magistrate or city recorder, the child

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should be brought to the family court of competent jurisdiction under the provisions of this section, the magistrate or city recorder shall transfer the case to the family court and direct that the child involved be taken there.

(3) When an action is brought in a circuit court which, in the opinion of the judge, falls within the jurisdiction of the family court, he may transfer the action upon his own motion or the motion of any party.

(4) If a child ~~sixteen~~ seventeen years of age or older is charged with an offense which, if committed by an adult, would be a misdemeanor, a Class E or F felony as defined in Section 16-1-20, or a felony which provides for a maximum term of imprisonment of ten years or less, and if the court, after full investigation, considers it contrary to the best interest of the child or of the public to retain jurisdiction, the court, in its discretion, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offense if committed by an adult.

(5) If a child ~~fourteen, or fifteen,~~ or sixteen years of age is charged with an offense which, if committed by an adult, would be a Class A, B, C, or D felony as defined in Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more, the court, after full investigation and hearing, may determine it contrary to the best interest of the child or of the public to retain jurisdiction. The court, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offenses if committed by an adult.

(6) Within thirty days after the filing of a petition in the family court alleging the child has committed the offense of murder or criminal sexual conduct, the person executing the petition may request in writing that the case be transferred to the court of general sessions with a view to proceeding against the child as a criminal rather than as a child coming within the purview of this chapter. The judge of the family court is authorized to determine this request. If the request is denied, the petitioner may appeal within five days to the circuit court. Upon the hearing of the appeal, the judge of the circuit court is vested with the discretion of exercising and asserting the jurisdiction of the court of general sessions or of relinquishing jurisdiction to the family court. If the circuit judge elects to exercise the jurisdiction of the general sessions court for trial of the case, he shall issue an order to that effect, and then the family court has no further jurisdiction in the matter.

(7) Once the family court relinquishes its jurisdiction over the child and the child is bound over to be treated as an adult, Section

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63-19-2020 dealing with the confidentiality of identity and fingerprints does not apply.

(8) When jurisdiction is relinquished by the family court in favor of another court, the court shall have full authority and power to grant bail, hold a preliminary hearing and any other powers as now provided by law for magistrates in such cases.

(9) If a child fourteen years of age or older is charged with a violation of Section 16-23-430(1), Section 16-23-20, ~~assault and battery of a high and aggravated nature~~, or Section 44-53-445, the court, after full investigation and hearing, if it considers it contrary to the best interest of the child or the public to retain jurisdiction, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offenses if committed by an adult.

(10) If a child fourteen years of age or older is charged with an offense which, if committed by an adult, provides for a term of imprisonment of ten years or more and the child previously has been adjudicated delinquent in family court or convicted in circuit court for two prior offenses which, if committed by an adult, provide for a term of imprisonment of ten years or more, the court, after full investigation and hearing, if it considers it contrary to the best interest of the child or the public to retain jurisdiction, acting as committing magistrate, ~~shall~~ may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offense if committed by an adult. For the purpose of this item, an adjudication or conviction is considered a second adjudication or conviction only if the date of the commission of the second offense occurred subsequent to the imposition of the sentence for the first offense.”

SECTION 5. Section 63-19-1410(A) of the 1976 Code is amended to read:

“(A) When a child is found by decree of the court to be subject to this chapter, the court shall in its decree make a finding of the facts upon which the court exercises its jurisdiction over the child. Following the decree, the court by order may:

(1) cause a child concerning whom a petition has been filed to be examined or treated by a physician, psychiatrist, or psychologist and for that purpose place the child in a hospital or other suitable facility;

(2) order care and treatment as it considers best, except as otherwise provided in this section and may designate a state agency as the lead agency to provide a family assessment to the court. The assessment shall include, but is not limited to, the strengths and

weaknesses of the family, problems interfering with the functioning of the family and with the best interests of the child, and recommendations for a comprehensive service plan to strengthen the family and assist in resolving these issues.

The lead agency shall provide the family assessment to the court in a timely manner, and the court shall conduct a hearing to review the proposed plan and adopt a plan as part of its order that will best meet the needs and best interest of the child. In arriving at a comprehensive plan, the court shall consider:

- (a) additional testing or evaluation that may be needed;
- (b) economic services including, but not limited to, employment services, job training, food stamps, and aid to families with dependent children;
- (c) counseling services including, but not limited to, marital counseling, parenting skills, and alcohol and drug abuse counseling; and
- (d) any other programs or services appropriate to the child's and family's needs.

The lead agency is responsible for monitoring compliance with the court-ordered plan and shall report to the court as the court requires. In support of an order, the court may require the parents or other persons having custody of the child or any other person who has been found by the court to be encouraging, causing, or contributing to the acts or conditions which bring the child within the purview of this chapter to do or omit to do acts required or forbidden by law, when the judge considers the requirement necessary for the welfare of the child. In case of failure to comply with the requirement, the court may proceed against those persons for contempt of court;

(3) place the child on probation or under supervision in the child's own home or in the custody of a suitable person elsewhere, upon conditions as the court may determine. A child placed on probation by the court remains under the authority of the court only until the expiration of the specified term of the child's probation. This specified term of probation may expire before but not after the ~~eighteenth~~ twentieth birthday of the child. Probation means casework services during a continuance of the case. Probation must not be ordered or administered as punishment but as a measure for the protection, guidance, and well-being of the child and the child's family. Probation methods must be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. As a condition of probation, the court may order the child

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to participate in a community mentor program as provided for in Section 63-19-1430. The court may impose monetary restitution or participation in supervised work or community service, or both, as a condition of probation. The Department of Juvenile Justice, in coordination with local community agencies, shall develop and encourage employment of a constructive nature designed to make reparation and to promote the rehabilitation of the child. When considering the appropriate amount of monetary restitution to be ordered, the court shall establish the monetary loss suffered by the victim and then weigh and consider this amount against the number of individuals involved in causing the monetary loss, the child's particular role in causing this loss, and the child's ability to pay the amount over a reasonable period of time. The Department of Juvenile Justice shall develop a system for the transferring of court-ordered restitution from the child to the victim or owner of property injured, destroyed, or stolen. As a condition of probation the court may impose upon the child a fine not exceeding two hundred dollars when the offense is one in which a magistrate, municipal, or circuit court judge has the authority to impose a fine. A fine may be imposed when commitment is suspended but not in addition to commitment;

(4) order the child to participate in a community mentor program as provided in Section 63-19-1430;

(5) commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children or to place them in family homes or under the guardianship of a suitable person. Commitment must be for an indeterminate period but in no event beyond the child's ~~twenty-first~~ twenty-second birthday;

(6) require that a child under twelve years of age who is adjudicated delinquent for an offense listed in Section 23-3-430(C) be given appropriate psychiatric or psychological treatment to address the circumstances of the offense for which the child was adjudicated; and

(7) dismiss the petition or otherwise terminate its jurisdiction at any time on the motion of either party or on its own motion."

SECTION 6. Section 63-19-1420 of the 1976 Code is amended to read:

"Section 63-19-1420. (A) If a child is adjudicated delinquent for a status offense or is found in violation of a court order relating to a status offense, the court may suspend or restrict the child's driver's license until the child's ~~seventeenth~~ eighteenth birthday.

(B) If a child is adjudicated delinquent for violation of a criminal offense or is found in violation of a court order relating to a criminal

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offense or is found in violation of a term or condition of probation, the court may suspend or restrict the child's driver's license until the child's ~~eighteenth~~ twentieth birthday.

(C) If the court suspends the child's driver's license, the child must submit the license to the court, and the court shall forward the license to the Department of Motor Vehicles for license suspension. However, convictions not related to the operation of a motor vehicle shall not result in increased insurance premiums.

(D) If the court restricts the child's driver's license, the court may restrict the child's driving privileges to driving only to and from school or to and from work or as the court considers appropriate. Upon the court restricting a child's driver's license, the child must submit the license to the court and the court shall forward the license to the Department of Motor Vehicles for reissuance of the license with the restriction clearly noted.

(E) Notwithstanding the definition of a 'child' as provided for in Section 63-19-20, the court may suspend or restrict the driver's license of a child under the age of seventeen until the child's eighteenth birthday if subsection (B) applies.

(F) Upon suspending or restricting a child's driver's license under this section, the family court judge shall complete a form provided by and which must be remitted to the Department of Motor Vehicles."

SECTION 7. Section 63-19-1440 of the 1976 Code, as last amended by Act 227 of 2012, is further amended to read:

"Section 63-19-1440. (A) A child, after the child's twelfth birthday and before the ~~seventeenth~~ eighteenth birthday or while under the jurisdiction of the family court for disposition of an offense that occurred prior to the child's ~~seventeenth~~ eighteenth birthday, may be committed to the custody of the Department of Juvenile Justice which shall arrange for placement in a suitable corrective environment. Children under the age of twelve years may be committed only to the custody of the department which shall arrange for placement in a suitable corrective environment other than institutional confinement. No child under the age of ~~seventeen~~ eighteen years may be committed or sentenced to any other penal or correctional institution of this State.

(B) All commitments to the custody of the Department of Juvenile Justice for delinquency as opposed to the conviction of a specific crime may be made only for the reasons and in the manner prescribed in Sections 63-3-510, 63-3-520, 63-3-580, 63-3-600, 63-3-650, and this chapter, with evaluations made and proceedings conducted only by the judges authorized to order commitments in this section. When a child is

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committed to the custody of the department, commitment must be for an indeterminate sentence, not extending beyond the ~~twenty-first~~ twenty-second birthday of the child unless sooner released by the department, or for a determinate commitment sentence not to exceed ninety days.

(C) The court, before committing a child as a delinquent or as a part of a sentence including commitments for contempt, shall order a community evaluation or temporarily commit the child to the Department of Juvenile Justice for not more than forty-five days for evaluation. A community evaluation is equivalent to a residential evaluation, but it is not required to include all components of a residential evaluation. However, in either evaluation the department shall make a recommendation to the court on the appropriate disposition of the case and shall submit that recommendation to the court before final disposition. The department is authorized to allow any child adjudicated delinquent for a status offense, a misdemeanor offense, or violation of probation or contempt for any offense who is temporarily committed to the department's custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child must not be conducted because the child presents an unreasonable flight or public safety risk to his home community. The court may waive in writing the evaluation of the child and proceed to issue final disposition in the case if the child:

(1) has previously received a residential evaluation or a community evaluation and the evaluation is available to the court;

(2) has been within the past year temporarily or finally discharged or conditionally released for parole from a correctional institution of the department, and the child's previous evaluation or other equivalent information is available to the court; or

(3) receives a determinate commitment sentence not to exceed ninety days.

(D) When a juvenile is adjudicated delinquent or convicted of a crime or has entered a plea of guilty or nolo contendere in a court authorized to commit to the custody of the Department of Juvenile Justice, the juvenile may be committed for an indeterminate period until the juvenile has reached age ~~twenty-one~~ twenty-two or until sooner released by the releasing entity or released by order of a judge of the Supreme Court or the circuit court of this State, rendered at chambers or otherwise, in a proceeding in the nature of an application for a writ of

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habeas corpus. A juvenile who has not been paroled or otherwise released from the custody of the department by the juvenile's nineteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. If not sooner released by the releasing entity, the juvenile must be released by age ~~twenty-one~~ twenty-two according to the provisions of the juvenile's commitment; however, notwithstanding the above provision, any juvenile committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.

(E) A juvenile committed to the Department of Juvenile Justice following an adjudication for a violent offense contained in Section 16-1-60 or for the offense of assault and battery of a high and aggravated nature, who has not been paroled or released from the custody of the department by his ~~seventeenth~~ eighteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. A juvenile who has not been paroled or released from the custody of the department by his nineteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections at age nineteen. If not released sooner by the Board of Juvenile Parole, a juvenile transferred pursuant to this subsection must be released by his ~~twenty-first~~ twenty-second birthday according to the provisions of his commitment. Notwithstanding the above provision, a juvenile committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.

(F) Notwithstanding subsections (A) and (E), a child may be committed to the custody of the Department of Juvenile Justice or to a secure evaluation center operated by the department for a determinate period not to exceed ninety days when:

- (1) the child has been adjudicated delinquent by a family court judge for a status offense, as defined in Section 63-19-20, excluding truancy, and the order acknowledges that the child has been afforded all due process rights guaranteed to a child offender;
- (2) the child is in contempt of court for violation of a court order to attend school or an order issued as a result of the child's adjudication of delinquency for a status offense, as defined in Section 63-19-20; or
- (3) the child is determined by the court to have violated the conditions of probation set forth by the court in an order issued as a result

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of the child's adjudication of delinquency for a status offense, as defined in Section 63-19-20 including truancy.

Orders issued pursuant to this subsection must acknowledge:

(a) that the child has been advised of all due process rights afforded to a child offender; and

(b) that the court has received information from the appropriate state or local agency or public entity that has reviewed the facts and circumstances causing the child to be before the court.

(G) A child committed under this section may not be confined with a child who has been determined by the department to be violent.

(H) After having served at least two-thirds of the time ordered by a court, a child committed to the Department of Juvenile Justice for a determinate period pursuant to this section may be released by the department prior to the expiration of the determinate period for 'good behavior' as determined by the department. The court, in its discretion, may state in the order that the child is not to be released prior to the expiration of the determinate period ordered by the court.

(I) Juveniles detained in any temporary holding facility or juvenile detention center or who are temporarily committed for evaluation to a Department of Juvenile Justice evaluation center for the offense for which they were subsequently committed by the family court to the custody of the Department of Juvenile Justice shall receive credit toward their parole guidelines, if indeterminately sentenced, or credit toward their date of release, if determinately sentenced, for each day they are detained in or temporarily committed to any secure pre-dispositional facility, center, or program."

SECTION 8. Section 63-19-1850(A) of the 1976 Code, as last amended by Act 151 of 2010, is further amended to read:

"(A) A juvenile who shall have been conditionally released from a correctional facility shall remain under the authority of the releasing entity until the expiration of the specified term imposed in the juvenile's conditional aftercare release. The specified period of conditional release may expire before but not after the ~~twenty-first~~ twenty-second birthday of the juvenile. Each juvenile conditionally released is subject to the conditions and restrictions of the release and may at any time on the order of the releasing entity be returned to the custody of a correctional institution for violation of aftercare rules or conditions of release. The conditions of release must include the requirement that the juvenile parolee must permit the search or seizure, without a search warrant, with or without cause, of the juvenile parolee's person, any vehicle the

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juvenile parolee owns or is driving, and any of the juvenile parolee's possessions by:

- (1) his aftercare counselor;
- (2) any probation agent employed by the Department of Probation, Parole and Pardon Services; or
- (3) any other law enforcement officer.

However, the conditions of release of a juvenile parolee who was adjudicated delinquent of a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the juvenile parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile parolee's person, any vehicle the juvenile parolee owns or is driving, or any of the juvenile parolee's possessions.

By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this subsection, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole or probation or that the individual is currently subject to the provisions of his conditional release. A law enforcement officer conducting a search or seizure without a warrant pursuant to this subsection shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this subsection, he is subject to discipline pursuant to the employing agency's policies and procedures."

SECTION 9. Section 63-19-2050(C) of the 1976 Code, as last amended by Act 22 of 2015, is further amended to read:

"(C)(1) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a status offense, the court shall grant the expungement order. If the person has been taken

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into custody for, charged with, or adjudicated delinquent for having committed multiple status offenses, the court may grant an expungement order for the multiple status offenses.

(2) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a nonviolent crime, as defined in Section 16-1-70, the court may grant the expungement order.

(3) The court shall not grant the expungement order unless the court finds that the person is at least ~~seventeen~~ eighteen years of age, has successfully completed any dispositional sentence imposed, has not been subsequently adjudicated for or convicted of any criminal offense, and does not have any criminal charges pending in family court or general sessions court. If the person was found not guilty in an adjudicatory hearing in the family court, the court shall grant the expungement order regardless of the person's age and the person must not be charged a fee for the expungement. An adjudication for a violent crime, as defined in Section 16-1-60, must not be expunged."

SECTION 10. South Carolina Court Administration shall consult with the South Carolina Commission on Indigent Defense, South Carolina Commission on Prosecution Coordination, South Carolina Department of Corrections, South Carolina Department of Juvenile Justice, and South Carolina Department of Probation, Parole and Pardon Services to determine data and statistics that should be collected relevant to determining the fiscal and revenue impact of this act. All state and local agencies and courts shall collect the relevant data and statistics from July 1, 2016, through June 30, 2017, and transmit the data and statistics to court administration pursuant to court administration's instructions. Court Administration shall collect the relevant data and statistics and make a report to the General Assembly by September 1, 2017.

SECTION 11. 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.

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SECTION 12. Section 10 of this act takes effect upon approval by the Governor. Sections 1 through 9 and Section 11 of this act take effect on July 1, 2019. /

Renumber sections to conform.  
Amend title to conform.

Rep. WEEKS 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 94; Nays 1

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bernstein
G. A. Brown	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Goldfinch
Govan	Hamilton	Hardee
Hayes	Henderson	Henegan
Herbkersman	Hill	Hiott
Hixon	Hodges	Horne
Hosey	Huggins	Johnson
Jordan	Kirby	Knight
Loftis	Long	McCoy
McEachern	M. S. McLeod	W. J. McLeod
Mitchell	D. C. Moss	Nanney
Neal	Newton	Norman
Norrell	Ott	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Robinson-Simpson	Rutherford	Ryhal
Sandifer	Simrill	G. M. Smith

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G. R. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Tallon
Taylor	Thayer	Tinkler
Weeks	Whipper	White
Whitmire	Williams	Willis
Yow		

**Total--94**

Those who voted in the negative are:

Lowe

**Total--1**

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

**H. 4387--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4387 -- Reps. Bamberg, Henegan, Clyburn, Pitts, Cobb-Hunter and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-245 SO AS TO PROVIDE THAT A LAW ENFORCEMENT AGENCY, DEPARTMENT, OR DIVISION MAY NOT REQUIRE ITS OFFICERS TO ISSUE A SPECIFIC AMOUNT OR MEET A QUOTA FOR THE NUMBER OF CITATIONS THEIR OFFICERS ISSUE DURING A DESIGNATED PERIOD OF TIME, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY, DEPARTMENT, OR DIVISION MAY NOT COMPARE THE NUMBER OF CITATIONS ISSUED BY ITS OFFICERS FOR THE PURPOSE OF EVALUATING AN OFFICER'S JOB PERFORMANCE, TO PROVIDE THAT "POINT OF CONTACT" MAY BE USED TO EVALUATE AN OFFICER'S PERFORMANCE, TO PROVIDE THAT AN EMPLOYEE WHO FILES A REPORT THAT ALLEGES A VIOLATION OF THIS SECTION IS PROTECTED BY THE "WHISTLE BLOWER ACT", AND TO PROVIDE DEFINITIONS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4387 (COUNCIL\GT\4387C001.GT.CM16), which was adopted:

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

/SECTION 1. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23-1-245. (A) A law enforcement agency, department, or division may not require a law enforcement officer employed by the agency, department, or division to issue a specific amount or meet a quota for the number of citations he issues during a designated period of time.

(B) Nothing in this section shall prohibit a law enforcement agency, department, or division from evaluating an officer’s performance based on the officer’s points of contact.

(C) An employee of a law enforcement agency, department, or division who files a report with an appropriate authority alleging a violation of the provisions contained in this section is protected by the provisions contained in Chapter 27, Title 8.

(D) As contained in this section:

(1) ‘law enforcement agency, department, or division’ includes, but is not limited to, municipal police departments, sheriff departments, the Highway Patrol, SLED, and other agencies that enforce state and local laws;

(2) ‘quota’ means any system that tracks the number of citations issued by a law enforcement officer; and

(3) ‘points of contact’ means a law enforcement officer’s interaction with citizens who live, work, and commute within their jurisdictions and the law enforcement officer’s involvement in community-oriented initiatives.”

SECTION 2. This act takes effect upon approval by the Governor. /  
Re-number sections to conform.

Amend title to conform.

Rep. WEEKS 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 0

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Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	G. A. Brown	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
H. A. Crawford	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hamilton	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hiott	Hixon	Hodges
Horne	Hosey	Howard
Huggins	Jefferson	Johnson
Jordan	Kennedy	Kirby
Knight	Loftis	Long
Lowe	Lucas	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Mitchell	D. C. Moss
Nanney	Neal	Newton
Norman	Norrell	Ott
Parks	Pitts	Putnam
Quinn	Ridgeway	Riley
Rivers	Rutherford	Ryhal
Sandifer	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Tinkler	Weeks
Whipper	White	Whitmire
Williams	Willis	Yow

**Total--99**

Those who voted in the negative are:

**Total--0**

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

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

**RECURRENCE TO THE MORNING HOUR**

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

**S. 338--DEBATE ADJOURNED**

The following Bill was taken up:

S. 338 -- Senators S. Martin and Bryant: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS REGARDING PRISONERS, BY ADDING SECTION 24-13-180 TO PROVIDE THAT ANY PUBLIC, PRIVATE, OR NONPROFIT ENTITY WHICH IS ENGAGED IN HELPING TO REHABILITATE AND REINTRODUCE PAROLED PRISON INMATES INTO THE COMMUNITY AND WHICH AS A PART OF ITS PROGRAM PROVIDES RESIDENTIAL HOUSING IN THE COMMUNITY TO THESE PAROLEES MUST PROVIDE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITY OF THE ADDRESSES WHERE THESE RESIDENTIAL HOUSING FACILITIES WILL BE LOCATED, AND ALSO MUST CONDUCT A PUBLIC HEARING REGARDING THE PROGRAM AND THE LOCATION OF THESE RESIDENTIAL HOUSING FACILITIES IN THE COMMUNITY WHERE THEY WILL BE LOCATED.

Rep. HIOTT moved to adjourn debate on the Bill until Tuesday, May 3, which was agreed to.

**H. 5037--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 5037 -- Reps. Quinn, Jefferson, Brannon and Whipper: A BILL TO AMEND SECTION 7-15-385, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ABSENTEE VOTING AND MARKING OF BALLOTS, SO AS TO ELIMINATE THE AUTHORIZATION ALLOWING ANOTHER PERSON TO RETURN

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THE ABSENTEE BALLOT APPLICANT'S BALLOT FOR HIM, AND TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT'S OATH ON THE RETURN ENVELOPE BE WITNESSED.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 5037 (COUNCIL\GGS\5037C001.GGS.ZW16):

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

/ SECTION 1. Section 7-15-385 of the 1976 Code, as last amended by Act 416 of 1996, is further amended to read:

“Section 7-15-385. Upon receipt of the ballot or ballots, the absentee ballot applicant ~~must~~ shall mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’<sub>2</sub> which in turn must be placed in the return-addressed envelope. The applicant ~~must~~ shall then return the return-addressed envelope to the board of voter registration and elections by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of voter registration and elections at the time the envelope is returned. The voter ~~must~~ shall sign the form, or in the event the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~ shall make his mark and have the mark witnessed by someone designated by the voter. The authorization must be preserved as part of the record of the election, and the board of voter registration and elections must note the authorization and the name of the authorized returnee in the record book required by Section 7-15-330. A candidate or a member of a candidate’s paid campaign staff<sub>2</sub> including volunteers reimbursed for time expended on campaign activity<sub>2</sub> is not permitted to serve as an authorized returnee for ~~any~~ a person unless the person is a member of the voter’s immediate family as defined in Section 7-15-310. The oath set forth in Section 7-15-380 must be signed ~~and witnessed on each returned envelope~~. The board of voter registration and elections ~~must~~ shall record in the record book ~~required by~~ pursuant to Section 7-15-330 the date the return-addressed envelope ~~with witnessed oath~~ and enclosed ballot or ballots is received by the board. The board ~~must~~ shall securely store the envelopes in a locked box within the office of the board of voter registration and elections.”

SECTION 2. Section 7-15-220 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

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“Section 7-15-220. ~~(A)~~ The oath, a copy of which is required by Section 7-15-200(2) to be sent each absentee ballot applicant and which is required by Section 7-15-230 to be returned with the absentee ballot applicant’s ballot, ~~shall~~ must be signed by the absentee ballot applicant ~~and witnessed~~. The oath ~~shall~~ must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_  
Signature of Voter  
Dated on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_  
~~Signature of Witness~~

\_\_\_\_\_  
Address of Witness

~~(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).”~~

SECTION 3. Section 7-15-380 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7-15-380. ~~(A)~~ The oath, ~~which~~ that is required by Section 7-15-370 to be imprinted on the return-addressed envelope, furnished each absentee ballot applicant, ~~must~~ shall be signed by the absentee ballot applicant ~~and witnessed~~. ~~The address of the witness shall appear on the oath~~. In the event the voter cannot write because of a physical handicap or illiteracy, the voter ~~must~~ shall make his mark and have the mark witnessed by someone designated by the voter. The oath must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_  
Signature of Voter  
Dated on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_

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Signature of Witness

~~(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A)."~~

SECTION 4. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Rep. QUINN explained the amendment.

Reps. CLEMMONS, GOLDFINCH, FRY, H. A. CRAWFORD, YOW, FINLAY, DANING, CROSBY, HIOTT, LOFTIS and TAYLOR requested debate on the Bill.

### H. 3084--DEBATE ADJOURNED

The following Bill was taken up:

H. 3084 -- Reps. Jefferson, Southard, McKnight, Weeks, Whipper, Robinson-Simpson, Mitchell and W. J. McLeod: A BILL TO AMEND SECTION 7-15-380, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OATH OF THE ABSENTEE BALLOT APPLICANT, SO AS TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT'S OATH BE WITNESSED.

The Committee On Judiciary proposed the following Amendment No. 1 to H. 3084 (COUNCILAGGS\3084C005.GGS.ZW16):

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

/ SECTION 1. Section 7-13-35 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7-13-35. The authority charged by law with conducting an election ~~must~~ shall publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day ~~persons~~ a person may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing

[HJ]

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absentee ballots may begin at ~~2:00 p.m. on~~ 9:00 a.m. on the day immediately prior to election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.”

SECTION 2. Section 7-15-420 of the 1976 Code, as last amended by Act 284 of 2006, is further amended to read:

“Section 7-15-420. The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. ~~on election day~~ on the calendar day immediately preceding election day, the managers appointed pursuant to Section 7-5-10, and in the presence of any watchers who have been appointed pursuant to Section 7-13-860, may begin the process of examining the return-addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed ~~and witnessed and includes the address of the witness~~. All return-addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed ~~and witnessed~~ nor may ~~any~~ a ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7-15-370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return-addressed envelope must be opened by the managers, and the enclosed envelope marked ‘Ballot Herein’ removed and placed in a locked box or boxes. After all return-addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked ‘Ballot Herein’, placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. ~~on election day~~ the calendar day immediately preceding election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If ~~any~~ a ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth ~~in~~ pursuant to Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed.”

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

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Renumber sections to conform.  
Amend title to conform.

Rep. QUINN explained the amendment.

Rep. FINLAY moved to adjourn debate on the Bill until Wednesday, April 27, which was agreed to.

**H. 4546--AMENDED AND ORDERED TO THIRD READING**  
The following Bill was taken up:

H. 4546 -- Reps. Putnam, Clyburn, Robinson-Simpson, Thayer, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Jordan, Hicks, McCoy, M. S. McLeod, Douglas, Henegan, Allison, Quinn, Funderburk, Finlay, Jefferson, Willis and Bedingfield: A BILL TO AMEND SECTION 63-7-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN THE CHILDREN'S CODE, SO AS TO ADD DEFINITIONS FOR "AGE-APPROPRIATE ACTIVITY", "CAREGIVER", AND "STANDARD OF CARE OF A REASONABLE AND PRUDENT PARENT"; TO AMEND SECTION 63-7-1700, AS AMENDED, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR COURT CONSIDERATION OF LOCAL FOSTER CARE REVIEW BOARD RECOMMENDATIONS, TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION RECOMMENDATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, THE LOCAL FOSTER CARE REVIEW BOARD, AND THE GUARDIAN AD LITEM BEFORE APPROVING A PLACEMENT PLAN, AND TO REQUIRE THE COURT TO REVIEW THE DEPARTMENT'S EFFORTS TO ENSURE A FOSTER CHILD HAS THE OPPORTUNITY TO ENGAGE IN AGE-APPROPRIATE ACTIVITIES; TO AMEND SECTION 63-7-2310, RELATING TO THE FOSTER CARE SYSTEM, SO AS TO REQUIRE THE DEPARTMENT TO MAKE EFFORTS TO NORMALIZE THE LIVES OF CHILDREN IN FOSTER CARE BY ENABLING PARTICIPATION IN AGE-APPROPRIATE ACTIVITIES; TO AMEND SECTION 63-11-720, RELATING TO FUNCTIONS AND POWERS OF LOCAL FOSTER CARE REVIEW BOARDS, SO AS TO CHANGE THE FREQUENCY WITH WHICH THESE BOARDS MUST REVIEW CASES OF CHILDREN IN FOSTER CARE AND CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 63-11-750, RELATING

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THE FOSTER CARE REVIEW BOARD'S RIGHT TO PARTICIPATE IN CHILD ABUSE AND NEGLECT JUDICIAL PROCEEDINGS, SO AS TO ALLOW THE BOARD TO INTRODUCE, EXAMINE, AND CROSS-EXAMINE WITNESSES; AND FOR OTHER PURPOSES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4546 (COUNCIL\BH\4546C001.BH.VR16), which was adopted:

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

/SECTION 1. Section 63-7-20 of the 1976 Code is amended to read:

“Section 63-7-20. When used in this chapter or Chapter 9 or 11 and unless the specific context indicates otherwise:

(1) ‘Abandonment of a child’ means a parent or guardian wilfully deserts a child or wilfully surrenders physical possession of a child without making adequate arrangements for the child’s needs or the continuing care of the child.

(2) ‘Affirmative determination’ means a finding by a preponderance of evidence that the child was abused or neglected by the person who is alleged or determined to have abused or neglected the child and who is mentioned by name in a report or finding. This finding may be made only by:

(a) the court;

(b) the Department of Social Services upon a final agency decision in its appeals process; or

(c) waiver by the subject of the report of his right to appeal. If an affirmative determination is made by the court after an affirmative determination is made by the Department of Social Services, the court’s finding must be the affirmative determination.

(3) ‘Age or developmentally appropriate’ means (i) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and (ii) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

(4) ‘Caregiver’ means a foster parent, kinship foster parent, or employee of a group home who is designated to make decisions

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regarding age-appropriate activities or experiences on behalf of a child in the custody of the department.

~~(3)~~(5) 'Child' means a person under the age of eighteen.

~~(4)~~(6) 'Child abuse or neglect' or 'harm' occurs when the parent, guardian, or other person responsible for the child's welfare:

(a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:

(i) is administered by a parent or person in loco parentis;

(ii) is perpetrated for the sole purpose of restraining or correcting the child;

(iii) is reasonable in manner and moderate in degree;

(iv) has not brought about permanent or lasting damage to the child; and

(v) is not reckless or grossly negligent behavior by the parents.

(b) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;

(c) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate. For the purpose of this chapter 'adequate health care' includes any medical or nonmedical remedial health care permitted or authorized under state law;

(d) abandons the child;

(e) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; or

(f) has committed abuse or neglect as described in subsections (a) through (e) such that a child who subsequently becomes part of the

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person's household is at substantial risk of one of those forms of abuse or neglect.

~~(5)~~(7) 'Child protective investigation' means an inquiry conducted by the department in response to a report of child abuse or neglect made pursuant to this chapter.

~~(6)~~(8) 'Child protective services' means assistance provided by the department as a result of indicated reports or affirmative determinations of child abuse or neglect, including assistance ordered by the family court or consented to by the family. The objectives of child protective services are to:

(a) protect the child's safety and welfare; and

(b) maintain the child within the family unless the safety of the child requires placement outside the home.

~~(7)~~(9) 'Court' means the family court.

~~(8)~~(10) 'Department' means the Department of Social Services.

~~(9)~~(11) 'Emergency protective custody' means the right to physical custody of a child for a temporary period of no more than twenty-four hours to protect the child from imminent danger.

Emergency protective custody may be taken only by a law enforcement officer pursuant to this chapter.

~~(10)~~(12) 'Guardianship of a child' means the duty and authority vested in a person by the family court to make certain decisions regarding a child, including:

(a) consenting to a marriage, enlistment in the armed forces, and medical and surgical treatment;

(b) representing a child in legal actions and to make other decisions of substantial legal significance affecting a child; and

(c) rights and responsibilities of legal custody when legal custody has not been vested by the court in another person, agency, or institution.

~~(11)~~(13) 'Indicated report' means a report of child abuse or neglect supported by facts which warrant a finding by a preponderance of evidence that abuse or neglect is more likely than not to have occurred.

~~(12)~~(14) 'Institutional child abuse and neglect' means situations of known or suspected child abuse or neglect where the person responsible for the child's welfare is the employee of a public or private residential home, institution, or agency.

~~(13)~~(15) 'Legal custody' means the right to the physical custody, care, and control of a child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care.

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The court may in its order place other rights and duties with the legal custodian. Unless otherwise provided by court order, the parent or guardian retains the right to make decisions of substantial legal significance affecting the child, including consent to a marriage, enlistment in the armed forces, and major nonemergency medical and surgical treatment, the obligation to provide financial support or other funds for the care of the child, and other residual rights or obligations as may be provided by order of the court.

~~(14)~~(16) 'Mental injury' means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

~~(15)~~(17) 'Party in interest' includes the child, the child's attorney and guardian ad litem, the natural parent, an individual with physical or legal custody of the child, the foster parent, and the local foster care review board.

~~(16)~~(18) 'Person responsible for a child's welfare' includes the child's parent, guardian, foster parent, an operator, employee, or caregiver, as defined by Section 63-13-20, of a public or private residential home, institution, agency, or childcare facility or an adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child. A person whose only role is as a caregiver and whose contact is only incidental with a child, such as a babysitter or a person who has only incidental contact but may not be a caretaker, has not assumed the role or responsibility of a parent or guardian. An investigation pursuant to Section 63-7-920 must be initiated when the information contained in a report otherwise sufficient under this section does not establish whether the person has assumed the role or responsibility of a parent or guardian for the child.

~~(17)~~(19) 'Physical custody' means the lawful, actual possession and control of a child.

~~(18)~~(20) 'Physical injury' means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

~~(19)~~(21) 'Preponderance of evidence' means evidence which, when fairly considered, is more convincing as to its truth than the evidence in opposition.

~~(20)~~(22) 'Probable cause' means facts and circumstances based upon accurate and reliable information, including hearsay, that would

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justify a reasonable person to believe that a child subject to a report under this chapter is abused or neglected.

~~(21)~~(23) ‘Protective services unit’ means the unit established within the Department of Social Services which has prime responsibility for state efforts to strengthen and improve the prevention, identification, and treatment of child abuse and neglect.

(24) ‘Reasonable and prudent parent standard’ means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the growth and development of the child, that a caregiver shall use when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.

~~(22)~~(25) ‘Subject of the report’ means a person who is alleged or determined to have abused or neglected the child, who is mentioned by name in a report or finding.

~~(23)~~(26) ‘Suspected report’ means all initial reports of child abuse or neglect received pursuant to this chapter.

~~(24)~~(27) ‘Unfounded report’ means a report made pursuant to this chapter for which there is not a preponderance of evidence to believe that the child is abused or neglected. For the purposes of this chapter, it is presumed that all reports are unfounded unless the department determines otherwise.”

SECTION 2. Section 63-7-1700 of the 1976 Code is amended to read:

“Section 63-7-1700. (A) The family court shall review the status of a child placed in foster care upon motion filed by the department to determine a permanent plan for the child. The permanency planning hearing must be held no later than one year after the date the child was first placed in foster care. At the initial permanency planning hearing, the court shall review the status of the child and the progress being made toward the child’s return home or toward any other permanent plan approved at the removal hearing. The court’s order shall make specific findings in accordance with this section. An action for permanency planning must be brought for a child who enters the custody of the department by any mechanism, including subarticle 3 or Section 63-7-1660 or 63-9-330. If the child enters the custody of the department pursuant to Section 63-9-330 and no action is pending in the family court concerning the child, the department may initiate the permanency planning hearing with a summons and petition for review. All parties

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must be served with the motion or the summons and petition at least ten days before the hearing, and no responsive pleading is required.

(B) The department shall attach a supplemental report to the motion or summons and petition which must contain at least:

(1) that information necessary to support findings required in subsections (C) through (H), as applicable;

(2) the recommended permanent plan and suggested timetable for attaining permanence;

(3) a statement of whether or not the court has authorized the department to forego or terminate reasonable efforts pursuant to Section 63-7-1640; and

(4) ~~any reports of the local foster care review board which pertain to the child.~~ the most recent written report of the local foster care review board;

(5) results of consultation with the child for those children under age fourteen or older who are in foster care, to include the placement request of the child; and

(6) steps the department is taking to facilitate the caregiver's compliance with the reasonable and prudent parent standard and the department's efforts to determine whether the child has regular, ongoing opportunities to engage in age-appropriate activities.

The department may use the same form for the supplemental report, reports from the department to the local foster care review board, and reports compiled for internal department reviews.

(C) At the permanency planning hearing, the court shall ~~review the department's~~ approve a plan for achieving permanence for the child.

(1) The court shall review the proposed plan(s) of the department, the guardian ad litem, and the local foster care review board and shall address the recommendations of each in the record.

(2) If At each permanency planning hearing where the department's plan is not reunification with the parents, custody or guardianship with a fit and willing relative, or termination of parental rights and adoption, the department must show compelling reasons for the selection of another permanent plan provide documentation of the department's intensive, ongoing, yet unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent. If the court approves a plan that is not reunification with the parents, custody or guardianship with a fit and willing relative, or termination of parental rights of another planned permanent living arrangement (APPLA), the court must find compelling reasons for approval of the plan, including compelling

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reasons why reunification with the parents, custody, or guardianship with a fit and willing relative, or termination of parental rights and adoption is not in the best interests, and that the plan is and continues to be in the child's best interests. The court shall not approve or order another APPLA pursuant to this item for children under the age of sixteen. At each hearing in which the court approves or renews APPLA for a child over the age of sixteen, the court must ask the child about the child's wishes as to the placement plan.

(3) In addition to the requirements in items (1) and (2), at each permanency planning hearing, the court shall review the department's efforts to facilitate the caregiver's compliance with the 'reasonable and prudent parent standard' and the department's efforts to determine whether the child has regular, ongoing opportunities to engage in age-appropriate activities.

(D) If the court determines at the permanency planning hearing that the child may be safely maintained in the home in that the parent has remedied the conditions that caused the removal and the return of the child to the child's parent would not cause an unreasonable risk of harm to the child's life, physical health, safety, or mental well-being, the court shall order the child returned to the child's parent. The court may order a specified period of supervision and services not to exceed twelve months. When determining whether the child should be returned, the court shall consider all evidence; if the removal of the child from the family was due to drug use by one or both parents, then a drug test must be administered to the parent or both parents, as appropriate, and the results must be considered with all other evidence in determining whether the child should be returned to the parents' care; and the supplemental report including whether the parent has substantially complied with the terms and conditions of the plan approved pursuant to Section 63-7-1680.

(E) Unless subsection (C), (F), or (G) applies, if the court determines at the permanency planning hearing that the child should not be returned to the child's parent at that time, the court's order shall require the department to file a petition to terminate parental rights to the child not later than sixty days after receipt of the order. If a petition to terminate parental rights is to be filed, the department shall exercise and document every reasonable effort to promote and expedite the adoptive placement and adoption of the child, including a thorough adoption assessment and child-specific recruitment. Adoptive placements must be diligently sought for the child and failure to do so solely because a child is classified as 'special needs' is expressly prohibited. An adoption may

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not be delayed or denied solely because a child is classified as ‘special needs’. For purposes of this subsection:

(1) ‘thorough adoption assessment’ means conducting and documenting face-to-face interviews with the child, foster care providers, and other significant parties; and

(2) ‘child specific recruitment’ means recruiting an adoptive placement targeted to meet the individual needs of the specific child including, but not be limited to, use of the media, use of photo listings, and any other in-state or out-of-state resources which may be utilized to meet the specific needs of the child, unless there are extenuating circumstances that indicate that these efforts are not in the best interest of the child.

(F) If the court determines that the criteria in subsection (D) are not met but that the child may be returned to the parent within a specified reasonable time not to exceed eighteen months after the child was placed in foster care, the court may order an extension of the plan approved pursuant to Section 63-7-1680 or may order compliance with a modified plan, but in no case may the extension for reunification continue beyond eighteen months after the child was placed in foster care. An extension may be granted pursuant to this section only if the court finds:

(1) that the parent has demonstrated due diligence and a commitment to correcting the conditions warranting the removal so that the child could return home in a timely fashion;

(2) that there are specific reasons to believe that the conditions warranting the removal will be remedied by the end of the extension;

(3) that the return of the child to the child’s parent would not cause an unreasonable risk of harm to the child’s life, physical health, safety, or mental well-being;

(4) that, at the time of the hearing, initiation of termination of parental rights is not in the best interest of the child; and

(5) that the best interests of the child will be served by the extended or modified plan.

(G) If after assessing the viability of adoption, the department demonstrates that termination of parental rights is not in the child’s best interests, the court may award custody or legal guardianship, or both, to a suitable, fit, and willing relative or nonrelative if the court finds this to be in the best interest of the child; however, a home study on the individual whom the department is recommending for custody of the child must be submitted to the court for consideration before custody or legal guardianship, or both, are awarded. The court may order a specified period of supervision and services not to exceed twelve months, and the

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court may authorize a period of visitation or trial placement prior to receiving a home study.

(H) If at the initial permanency planning hearing the court does not order return of the child pursuant to subsection (D), in addition to those findings supporting the selection of a different plan, the court shall specify in its order:

(1) what services have been provided to or offered to the parents to facilitate reunification;

(2) the compliance or lack of compliance by all parties to the plan approved pursuant to Section 63-7-1680;

(3) the extent to which the parents have visited or supported the child and any reasons why visitation or support has not occurred or has been infrequent;

(4) whether previous services should continue and whether additional services are needed to facilitate reunification, identifying the services, and specifying the expected date for completion, which must be no longer than eighteen months from the date the child was placed in foster care;

(5) whether return of the child can be expected and identification of the changes the parent must make in circumstances, conditions, or behavior to remedy the causes of the child's placement or retention in foster care;

(6) whether the child's foster care is to continue for a specified time and, if so, how long;

(7) if the child has attained the age of sixteen, the services needed to assist the child to make the transition to independent living;

(8) whether the child's current placement is safe and appropriate;

(9) whether the department has made reasonable efforts to assist the parents in remedying the causes of the child's placement or retention in foster care, unless the court has previously authorized the department to terminate or forego reasonable efforts pursuant to Section 63-7-1640; and

(10) the steps the department is taking to promote and expedite the adoptive placement and to finalize the adoption of the child, including documentation of child specific recruitment efforts.

(I) If after the permanency planning hearing, the child is retained in foster care, future permanency planning hearings must be held as follows:

(1) If the child is retained in foster care and the agency is required to initiate termination of parental rights proceedings, the termination of parental rights hearing may serve as the next permanency planning

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hearing, but only if it is held no later than one year from the date of the previous permanency planning hearing.

(2) If the court ordered extended foster care for the purpose of reunification with the parent, the court must select a permanent plan for the child other than another extension for reunification purposes at the next permanency planning hearing. The hearing must be held on or before the date specified in the plan for expected completion of the plan; in no case may the hearing be held any later than six months from the date of the last court order.

(3) After the termination of parental rights hearing, the requirements of Section 63-7-2580 must be met. Permanency planning hearings must be held annually, starting with the date of the termination of parental rights hearing. No further permanency planning hearings may be required after filing a decree of adoption of the child.

(4) If the court places custody or guardianship with the parent, extended family member, or suitable nonrelative and a period of services and supervision is authorized, services and supervision automatically terminate on the date specified in the court order. Before the termination date, the department or the guardian ad litem may file a petition with the court for a review hearing on the status of the placement. Filing of the petition stays termination of the case until further order from the court. If the court finds clear and convincing evidence that the child will be threatened with harm if services and supervision do not continue, the court may extend the period of services and supervision for a specified time. The court's order must specify the services and supervision necessary to reduce or eliminate the risk of harm to the child.

(5) If the child is retained in foster care pursuant to a plan other than one described in items (1) through (4), future permanency planning hearings must be held at least annually.

(J) A named party, the child's guardian ad litem, or the local foster care review board may file a motion for review of the case at any time. Any other party in interest may move to intervene in the case pursuant to the rules of civil procedure and if the motion is granted, may move for review. Parties in interest include, but are not limited to, the individual or agency with legal custody or placement of the child and the foster parent. The notice of motion and motion for review must be served on the named parties at least ten days before the hearing date. The motion must state the reason for review of the case and the relief requested.

(K) The pendency of an appeal concerning a child in foster care does not deprive the court of jurisdiction to hear a case pursuant to this

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section. The court shall retain jurisdiction to review the status of the child and may act on matters not affected by the appeal.”

SECTION 3. Section 63-7-2310 of the 1976 Code is amended to read:

“Section 63-7-2310. (A) To protect and nurture children in foster care, the Department of Social Services and its employees shall:

(1) use its best efforts to normalize the lives of children in foster care by allowing a caregiver, without the department’s prior approval, to make decisions similar to those a parent would be entitled to make regarding a child’s participation in age or developmentally appropriate activities. In determining whether to allow a child in foster care to participate in an activity, a caregiver must exercise the reasonable and prudent parent standard;

(2) adhere strictly to the prescribed number of personal contacts, pursuant to Section 63-7-1680(B)(3). These contacts must be personal, face-to-face visits between the caseworker or member of the casework team and the foster child. These visits may be conducted in the foster home and in the presence of other persons who reside in the foster home; however, if the caseworker suspects that the child has been abused or neglected during the placement with the foster parent, the caseworker must observe and interview the child outside the presence of other persons who reside in the foster home;

~~(2)~~(3) ensure that a caseworker interviews the foster parent, either in person or by telephone, at least once each month. No less frequently than once every two months, ensure that a caseworker or member of the casework team interviews the foster parent face-to-face during a visit in the foster home;

~~(3)~~(4) ensure that a caseworker interviews other adults residing in the foster home, as defined in Section 63-1-40, face-to-face at least once each quarter. A foster parent must notify the department if another adult moves into the home, and the caseworker must interview the adult face-to-face within one month after receiving notice. Interviews of foster parents pursuant to item ~~(2)~~ (3) and of other adults residing in the home pursuant to this item may be conducted together or separately at the discretion of the department;

~~(4)~~(5) ensure that its staff visit in the foster home and interview the foster parent or other adults in the home more frequently when conditions in the home, circumstances of the foster children, or other reasons defined in policy and procedure suggest that increased oversight or casework support is appropriate. When more than one caseworker is responsible for a child in the foster home, the department may assign one

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caseworker to conduct the required face-to-face interview with the other adults residing in the foster home;

~~(5)(6)~~ provide to the foster child, if age appropriate, a printed card containing a telephone number the child may use to contact a designated unit or individual within the Department of Social Services and further provide an explanation to the child that the number is to be used if problems occur which the child believes his or her caseworker cannot or will not resolve and provide to the foster child a document describing the rights of the child regarding education, health, visitation, court participation, and the right to stay safe and avoid exploitation, and a signed acknowledgement from the child upon receipt;

~~(6)(7)~~ strongly encourage by letter of invitation, provided at least three weeks in advance, the attendance of foster parents to all Foster Care Review Board proceedings held for children in their care. If the foster parents are unable to attend the proceedings, they must submit a progress report to the ~~Office of the Governor, Division of Foster Care Review Board~~, at least three days prior to the proceeding. Failure of a foster parent to attend the Foster Care Review Board proceeding or failure to submit a progress report to the ~~Division of Foster Care Review Board~~ does not require the board to delay the proceeding. The letter of invitation and the progress report form must be supplied by the agency;

~~(7)(8)~~ be placed under the full authority of sanctions and enforcement by the family court pursuant to Section 63-3-530(30) and Section 63-3-530(36) for failure to adhere to the requirements of this subsection.

(B) If the department places a child in foster care in a county which does not have jurisdiction of the case, the department may designate a caseworker in the county of placement to make the visits required by subsection (A).

(C) In fulfilling the requirements of subsection (A), the Department of Social Services shall reasonably perform its tasks in a manner which is least intrusive and disruptive to the lives of the foster children and their foster families.

(D) The Department of Social Services, in executing its duties under subsection (A)~~(4)(6)~~, must provide a toll free telephone number which must operate twenty-four hours a day.

(E) Any public employee in this State who has actual knowledge that a person has violated any of the provisions of subsection (A) must report those violations to the state office of the Department of Social Services; however, the ~~Governor's Division of Foster Care Review Board~~ must report violations of subsection (A)~~(4)(6)~~ in their regular

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submissions of advisory decisions and recommendations which are submitted to the family court and the department. Any employee who knowingly fails to report a violation of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(F) Foster parents have a duty to make themselves reasonably available for the interviews required by subsection (A)(2)(3) and to take reasonable steps to facilitate caseworkers' interviews with other adults who reside in the home as required by subsection (A)(3)(4). Failure to comply with either the duties in this subsection or those in subsection (A)(3)(4) constitutes grounds for revocation of a foster parent's license or other form of approval to provide care to children in the custody of the department. Revocation would depend on the number of instances of noncompliance, the foster parents' wilfulness in noncompliance, or other circumstances indicating that noncompliance by the foster parents significantly and unreasonably interferes with the department's ability to carry out its protective functions under this section.

~~(G) To further this state's long term goals and objectives on behalf of children in foster care, the Department of Social Services shall give to the General Assembly by January 15, 2000, a report of the status of the foster care system which includes improvements the department has made to ensure the safety and quality of life of South Carolina's foster children. This report must include:~~

~~(1) specific standards for the training of foster parents, including the type of training which is provided;~~

~~(2) standards which address emergency situations affecting the maximum number of children placed in each foster home;~~

~~(3) standards which provide for the periodic determination of the medical condition of a child during his stay in foster care; and~~

~~(4) methods the department has developed to encourage the receipt of information on the needs of children in foster care from persons who have been recently emancipated from the foster care system.~~

The department shall adopt and implement any policies consistent with this section that are necessary to promote a caregiver's ability to make decisions described by subsection (A)(1). The department shall make efforts to identify and review any department policy or procedure that may impede a caregiver's ability to make such decisions.

The department shall incorporate into its training for caregivers as defined in Section 63-7-20(4) and agency personnel, the importance of a child's participation in age or developmentally appropriate activities,

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the benefits of such activities to a child's well-being, and decision-making under the reasonable and prudent parent standard.

A caregiver is not liable for harm cause to or by a child in foster care who participates in an activity insofar as the caregiver acted in accordance with the reasonable and prudent parent standard."

SECTION 4. Section 63-11-720 of the 1976 Code is amended to read:

"Section 63-11-720. (A) The functions and powers of local foster care review boards are:

(1) to review at least every six months but no less frequently than once every six months the cases of children who have resided in public foster care for a period of more than four consecutive months ~~and to review every six months the cases of children who have resided in private foster care for a period of more than six consecutive months~~ to determine what efforts have been made by the supervising agency or child caring facility to acquire a permanent home for the child. The local review board shall have the discretion to review the case of any child who has been subjected to aggravated circumstances as set forth in Section 63-7-1640(C) once probable cause has been established to retain the child in foster care. Under no circumstances shall the local foster care review board review a child's case more than three times in a twelve month period;

(2) following review of a case pursuant to this section, the local foster care review board shall submit a written report and recommendations to the court concerning the case, which shall be addressed on the record by the court at the next permanency planning hearing pursuant to Section 63-7-1700(C)(1). In order for the report and recommendations of the foster care review board to be easily identifiable and accessible by the judge, the report and recommendations must be visually distinct from other documents in the case file in their coloring or other prominent aspect. A child's return home for temporary placements, trial placements, visits, holidays, weekend visits, or changes from one foster care placement to another must not be construed to mean a break or lapse in determination of a consecutive four-month period for children in public foster care ~~or six-month period for children in private foster care;~~

(2) ~~to recommend continued placement of a child in the child caring facility, unless the parent is able to resume care, in at least those instances when:~~

~~(a) children are privately placed in privately-owned facilities or group homes;~~

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~~(b) a notarized affidavit of summary review is executed by the child caring facility and is valid on its face. The affidavit of summary review must be submitted to the board every six months and accepted by the board if it is valid on its face. The affidavit must attest to the following conditions:~~

~~(i) the person who placed the child has legal custody of the child;~~

~~(ii) no court has ordered or approved the placement of the child in the care of the child caring facility except as a part of an order granting legal custody of the child to a parent or legal guardian;~~

~~(iii) the facility has no knowledge that a child has ever been abused, neglected, or abandoned while under the care of the person who placed the child in the facility;~~

~~(iv) the person who placed the child contributes regularly to the support of the child to the level of his ability and has done so for a period of six months immediately prior to the date of the affidavit;~~

~~(v) the person who placed the child has maintained contact and visitation with the child to the best of his ability under existing circumstances.~~

~~(3) to encourage the return of children to their natural parents, except as provided in item (2) of this section, or, upon determination during a case review of the local review board that this return is not in the best interest of the child, to recommend to the appropriate agency action be taken for a maximum effort to place the child for adoption;~~

~~(4) to promote and encourage all agencies and facilities involved in placing children in foster care to place children with persons suitable and eligible as adoptive parents;~~

~~(5) to advise foster parents of their right to petition the family court for termination of parental rights and for adoption and to encourage these foster parents to initiate these proceedings in an appropriate case when it has been determined by the local review board that return to the natural parent is not in the best interest of the child;~~

~~(6) to recommend that a child caring facility or agency exert all possible efforts to make arrangements for permanent foster care or guardianship for children for whom return to natural parents or adoption is not feasible or possible as determined during a case review by the local review board;~~

~~(7) to report to the state office of the Department of Social Services and other adoptive or foster care agencies any deficiencies in these agencies' efforts to secure permanent homes for children~~

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discovered in the local board's review of these cases as provided for in ~~items item (1) and (2) of this section.~~

(B) Any case findings or recommendations of a local review board are advisory."

SECTION 5. Section 63-11-750 of the 1976 Code is amended to read:

"Section 63-11-750. (A) The Foster Care Review Board may participate through counsel in ~~judicial reviews~~ child abuse and neglect proceedings pursuant to Sections 63-7-1660, 63-7-1700, and 63-7-2520 and in any hearing held pursuant to a motion filed by a named party or party in interest. Participation includes the opportunity to cross-examine witnesses and to present its recommendation to the court. This section does not require notice of any hearing to be served upon the Foster Care Review Board unless it is a party to the case. If the Foster Care Review Board intends to participate in any hearing pursuant to this section, it shall inform the Department of Social Services, the court, and the guardian ad litem coordinator or counsel for the guardian ad litem of its intention to appear and participate in the hearing at least twenty-four hours in advance of the hearing.

(B) If the Foster Care Review Board intends to become a party to the action, it ~~but~~ shall file a motion to intervene if it ~~intends to become a party to the action.~~ There is a rebuttable presumption that the motion to intervene shall be granted, absent a showing that intervention would be unjust or inappropriate in a particular case."

SECTION 6. This act takes effect upon approval by the Governor. /  
Re-number sections to conform.  
Amend title to conform.

Rep. MCCOY 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 96; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bernstein	Bingham
Bradley	G. A. Brown	Clary

[HJ]

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Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Hamilton
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hiott
Hixon	Hodges	Horne
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
Kirby	Knight	Loftis
Long	Lowe	Lucas
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Mitchell
D. C. Moss	Nanney	Neal
Norman	Norrell	Ott
Parks	Pitts	Putnam
Ridgeway	Riley	Rivers
Robinson-Simpson	Rutherford	Ryhal
Sandifer	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Tinkler	Weeks
Whipper	White	Whitmire
Williams	Willis	Yow

**Total--96**

Those who voted in the negative are:

**Total--0**

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

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**H. 4835--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4835 -- Reps. Erickson, Johnson, Delleney, Loftis, Finlay, Brannon, M. S. McLeod, Pope, Thayer, Long, Atwater, Knight, McCoy, Henegan, Douglas, Allison, Goldfinch, Gambrell, Newton, Riley, Collins, Clemmons, Duckworth, Funderburk, Gagnon, Henderson, Hicks, D. C. Moss and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE "SUPPORTING AND STRENGTHENING FAMILIES ACT" TO ALLOW PARENTS AND PERSONS WITH LEGAL CUSTODY OF A CHILD TO DELEGATE CAREGIVING AUTHORITY FOR THE CHILD TEMPORARILY TO AN ADULT BY EXECUTION OF A POWER OF ATTORNEY, TO PROVIDE FOR THE REQUIREMENTS AND LIMITATIONS OF THE DELEGATION OF CAREGIVING AUTHORITY AND THE RIGHT TO REVOKE THE POWER OF ATTORNEY, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-7-920, AS AMENDED, RELATING TO INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE CERTAIN INFORMATION ABOUT COMMUNITY SUPPORTIVE SERVICES TO A PARENT WHEN THE INVESTIGATION DOES NOT RESULT IN PLACEMENT OF THE CHILD OUTSIDE OF THE HOME; AND TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF A CHILDCARE FACILITY, SO AS TO EXCLUDE AN ADULT DESIGNATED AS AN ATTORNEY-IN-FACT FOR A CHILD IN A POWER OF ATTORNEY EXECUTED PURSUANT TO ARTICLE 7, CHAPTER 15, TITLE 63.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4835 (COUNCIL\BH\4835C001.BH.VR16), which was adopted:

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

/SECTION 1. This act may be cited as the "Supporting and Strengthening Families Act".

SECTION 2. Chapter 15, Title 63 of the 1976 Code is amended by adding:

[HJ]

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“Article 7

Supporting and Strengthening Families Act

Section 63-15-710. As used in this article:

(1) ‘Attorney-in-fact’ means an adult to whom a parent or person with legal custody of a child delegates caregiving authority pursuant to this article.

(2) ‘Child’ means a minor child of a parent.

(3) ‘Parent’ means:

(a) both parents if the parents are living together;

(b) the parent who has legal custody if the parents are divorced, separated, or widowed, or both parents if the parents have joint legal custody; or

(c) either parent if the parents are living together but one parent is unavailable because of illness or infirmity or because that parent is not within the boundaries of this State or because physical presence is impossible.

(4) ‘Person with legal custody’ means a person, other than a parent, who has been awarded permanent custody of a child by a court order.

(5) ‘Qualified nonprofit organization’ means a charitable or religious institution that is exempt from federal income taxation pursuant to Section 501(a) of the Internal Revenue Code of 1986, as an organization which assists a parent of a child with the process of delegating temporary caregiving authority pursuant to this article, including identifying and screening an appropriate attorney-in-fact and providing services and resources to support the child, parents, and other persons authorized to provide temporary care for a child under a delegation.

Section 63-15-720. (A) A parent or person with legal custody of a child may, by a properly executed power of attorney, delegate to an adult, as attorney-in-fact, caregiving authority regarding the child for a period not to exceed one year, except as provided in Section 63-15-800. The execution of a power of attorney constitutes a change in circumstances.

(B) The delegated caregiving authority may include any power or authority regarding the care and physical custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, enlistment in the armed forces, major nonemergency medical and surgical treatment, and the termination of parental rights to the minor child.

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(C) The caregiving authority may be delegated without the approval of a court by executing in writing a power of attorney in a form substantially complying with the provisions of Section 63-15-810.

(D) A delegation of caregiving authority pursuant to this article does not deprive the parent or person with legal custody of the child of any parental or legal rights, obligations, or authority established by an existing court order or deprive the parent or person with legal custody of the child of any parental or legal rights, obligations, or authority regarding custody, visitation, or support of the child.

(E) If the parent or person with legal custody of a child chooses to delegate temporary caregiving authority pursuant to this article to another person, a full background check, to include a criminal history record check, child abuse and neglect central registry check, and a sex offender registry check, must be conducted for the prospective attorney-in-fact and any members of the person's household over eighteen years of age. The results of the background check must be kept with the power of attorney establishing the delegation pursuant to this article. A child must not be placed in the home of a prospective attorney-in-fact if the person or anyone eighteen years of age or older has a substantiated history of child abuse or neglect or has pled guilty or nolo contendere or has been convicted of any offense listed in Section 63-7-2350.

Section 63-15-730. (A) Except as otherwise limited by federal law, this article, or the power of attorney executed by the parent or person with legal custody of the child pursuant to this article, the attorney-in-fact has the same rights, duties, and responsibilities that would otherwise be exercised by the parent of a child pursuant to the laws of this State.

(B) An attorney-in-fact under the power of attorney executed pursuant to this article shall act in the best interests of the child. The attorney-in-fact is not liable for consenting or refusing to consent to medical, dental, or mental health care for a child when the decision is made in good faith and is exercised in the best interests of the child.

Section 63-15-740. (A) The attorney-in-fact for a child under a power of attorney executed pursuant to this article has the right to enroll the child in a public school serving the area where the attorney-in-fact resides and may enroll the child in a private school, kindergarten, prekindergarten, home study program, or childcare facility.

(B) A school shall allow the attorney-in-fact, with a properly executed power of attorney that complies with the requirements of Section 63-15-810, to enroll the child and must not delay in the

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enrollment of the child. At the time of enrollment, the attorney-in-fact shall provide to the school the residency documentation required by the school for any parent of a child.

Section 63-15-750. (A) A parent or person with legal custody of a child shall send written notice to any noncustodial parent of the execution of the power of attorney as soon as is reasonably possible.

(B) The provisions of this article do not affect a custodial parent's rights with respect to the modification of custody or child support orders.

Section 63-15-760. (A) A parent or person with legal custody of a child executing a power of attorney pursuant to this article shall certify that the decision to execute the power of attorney is not for the primary purpose of enrolling the child in a school solely to participate in the academic or interscholastic athletic programs provided by that school, except as allowed by federal law, or for any other unlawful propose.

(B) A parent or person with legal custody of a child must not execute a power of attorney pursuant to this article while the South Carolina Department of Social Services is providing any protective services or while there is any open investigation or case by the department relating to the child, the parent, the person with legal custody of the child, or another child in the care of the parent or person with legal custody of the child. However, the department may permit a parent or person with legal custody of a child subject to an ongoing child protection investigation to execute a power of attorney pursuant to this article if the department believes that the temporary delegation of parental and legal authority is in the best interests of the child and will help the parent or person with legal custody of the child to address the issues that led to the department's investigation. Nothing contained in this article affects the power or responsibilities of any court or investigative entity with regard to child abuse and neglect proceedings.

Section 63-15-770. A parent or person with legal custody of a child has the authority to revoke or withdraw a power of attorney authorized pursuant to Section 63-15-720 at any time. Except as provided in Section 63-15-800, the delegation of power and authority may not exceed one year and may not be renewed. If the parent or person with legal custody of the child withdraws or revokes the power of attorney, the child must be returned to the custody of the parent or person with legal custody of the child as soon as reasonably possible. If a parent or person with legal custody of the child revokes a power of attorney while the South Carolina Department of Social Services is providing any protective services or while there is any open investigation or case by the department relating to the child, the parent, the person with legal custody

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of a child, or another child in the care of the parent or person with legal custody of the child, the revocation must be approved by the department.

Section 63-15-780. Unless a parent or person with legal custody of a child revokes or withdraws the power of attorney as allowed pursuant to Section 63-15-770, the attorney-in-fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney.

Section 63-15-790. (A) The execution of a power of attorney by a parent or person with legal custody of a child pursuant to this article does not constitute abandonment of a child or child abuse or neglect, unless the parent or person with legal custody fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed.

(B) A child subject to a power of attorney executed pursuant to this article is not considered to be placed in foster care or in another placement outside of the home pursuant to Chapter 7, Title 63.

(C) An attorney-in-fact of a child designated in the power of attorney executed pursuant to this article is not subject to licensing regulations or other requirements applicable to foster parents, foster homes, other placements outside of the home, or childcare facilities, for exercising the parental or legal authority delegated in the power of attorney.

Section 63-15-800. A member of the armed forces of the United States, including a reserve component of the armed forces or a commissioned corps of the National Oceanic and Atmospheric Administration or the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the armed forces of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the President of the United States or to serve on state active duty who is a parent or person with legal custody of a child may delegate caregiving authority to an attorney-in-fact for a period longer than one year if on active duty service. The term of delegation, however, may not exceed the term of active duty service plus thirty days.

Section 63-15-810. The form to be used by a parent or person with legal custody of a child to delegate powers regarding the care and physical custody of the child to an attorney-in-fact pursuant to Section 63-15-720 must comply substantially with the following form:

Power of Attorney

to Delegate Limited Parental or Legal Custodian Powers:

I certify that I am the parent or person with legal custody of:

[HJ]

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\_\_\_\_\_  
(Full name of minor child)                      (Date of birth)

\_\_\_\_\_  
(Full name of minor child)                      (Date of birth)

I designate the following individual as the-attorney-in-fact for each minor child named above:

\_\_\_\_\_  
(Full name of attorney-in-fact)

\_\_\_\_\_  
(Home address, city, state, and zip code)

\_\_\_\_\_  
(Home phone)                      (Work phone)                      (Cell phone)

INITIAL ONE OF THE FOLLOWING STATEMENTS:

\_\_\_\_\_ I delegate to the attorney-in-fact all of my power and authority regarding the care, physical custody, and property of each child named above including, but not limited to, the right to enroll the child in school; the right to inspect and obtain copies of education records and other school records concerning the child; the right to attend school activities and other functions concerning the child and to give or withhold any consent or waiver with respect to school activities; the right to give or withhold consent or waiver with respect to the provision or receipt of health care for the child, including medical, dental, and mental health care; and the right to inspect and obtain copies of health care records concerning the child. This delegation does not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, enlistment in the armed forces, major nonemergency medical and surgical treatment, or the termination of parental rights to the minor child; or

\_\_\_\_\_ I delegate to the attorney-in-fact the following specific powers and authorities listed below:

\_\_\_\_\_. This delegation does not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, enlistment in the armed forces, major nonemergency medical and surgical treatment, or the termination of parental rights to the minor child.

INITIAL THE FOLLOWING STATEMENT:

\_\_\_\_\_ I certify that the decision to execute the power of attorney is not for the primary purpose of enrolling the child in a school solely to participate in the academic or interscholastic athletic programs provided

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by that school, except as allowed by federal law, or for any other unlawful propose.

\_\_\_\_\_ I certify that at the present time, the South Carolina Department of Social Services or other child protection agency is not providing any protective services and that there are no open investigations or cases by the South Carolina Department of Social Services relating to me, the child, or any other child in my household. If I become aware that I may be involved in a case by the South Carolina Department of Social Services or other child protection agency, I will make that agency aware of the existence of this power of attorney.

INITIAL ONE OF THE FOLLOWING STATEMENTS:

\_\_\_\_\_ This power of attorney is effective for a period not to exceed one year, beginning \_\_\_\_\_, 20\_\_\_\_, and ending \_\_\_\_\_, 20\_\_\_\_. I reserve the right to revoke this authority at any time; or

\_\_\_\_\_ I am a member of the armed forces or a person serving in a commissioned corps as provided in Section 63-15-800. My active duty service is scheduled to begin on \_\_\_\_\_, 20\_\_\_\_, and is estimated to end on \_\_\_\_\_, 20\_\_\_\_. I acknowledge that in no event may this delegation of power last more than one year or the term on my active duty plus thirty days, whichever is longer.

By:

\_\_\_\_\_  
(Signature of Parent or Person with Legal Custody)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Parent or Person with Legal Custody)

\_\_\_\_\_  
(Date)

I hereby accept my designation as attorney-in-fact for the minor child(ren) specified in this power of attorney.

By:

\_\_\_\_\_  
(Signature of Attorney-in-Fact)      \_\_\_\_\_  
(Date)

AFFIDAVIT

State of South Carolina

County of \_\_\_\_\_

We, \_\_\_\_\_ and \_\_\_\_\_, the undersigned witnesses to the foregoing power of attorney, dated the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_, at least one of us being first duly sworn, declare to the undersigned authority, on the basis of our best information and belief, that the power of attorney was on that date signed by the parent or person with legal custody of the child and the attorney-in-fact in our presence

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and we, at their request and in their presence, and in the presence of each other, subscribe our names as witnesses on that date.

\_\_\_\_\_ Witness

\_\_\_\_\_ Witness

**ACKNOWLEDGEMENT**

State of South Carolina

\_\_\_\_\_ County

I, \_\_\_\_\_, a notary public for this State and county, certify that \_\_\_\_\_, whose name is signed to the foregoing power of attorney as the parent or legal guardian of the child(ren) listed in this power of attorney, and \_\_\_\_\_, whose name is signed to the foregoing power of attorney as the attorney-in-fact designated by the parent or legal guardian of the child, and who are both known to me, have both acknowledged before me on this day that, being informed of the contents of the power of attorney, the parent or legal guardian of the child and attorney-in-fact executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public (seal)

My commission expires: \_\_\_\_\_.

Section 63-15-820. (A) A child placement agency or qualified nonprofit organization may establish a program to assist parents with providing temporary care for children pursuant to a delegation authorized by this article. The program is not subject to the requirements of any other childcare facility licensing statutes, rules, or regulations or foster care licensing statutes, rules, or regulations, except as provided pursuant to this article.

(B) Prior to the placement of a child under a delegation authorized by this article, the qualified nonprofit organization shall conduct a full background check to include a criminal history record check, child abuse and neglect central registry check, and a sex offenders registry check on the prospective attorney-in-fact and any members of such person's household over eighteen years of age. A child must not be placed in the home of a prospective attorney-in-fact if the person or anyone eighteen years of age or older has a substantiated history of child abuse or neglect or has pled guilty or nolo contendere or has been convicted of any offense listed in Section 63-7-2350. The cost associated with conducting the required background checks must be paid by the qualified nonprofit organization, the parent, or the prospective attorney-in-fact. The

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qualified nonprofit organization shall maintain a record of the background checks conducted with a copy of the power of attorney.”

SECTION 3. Section 63-7-920 of the 1976 Code, as last amended by Act 62 of 2015, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) If an investigation of suspected child abuse or neglect does not result in the placement of the child outside of the home, the department shall provide information to the parent about community resources for families in crisis.”

SECTION 4. Section 63-13-20(4) of the 1976 Code is amended by adding an appropriately lettered subitem at the end to read:

“( ) a person designated as an attorney-in-fact pursuant to Section 63-15-720.”

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.

Amend title to conform.

Rep. MCCOY 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 100; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bradley
G. A. Brown	Clary	Clemmons

[HJ]

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Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hiott
Hixon	Hodges	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Loftis
Long	Lowe	Lucas
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Mitchell
D. C. Moss	Nanney	Neal
Newton	Norrell	Ott
Parks	Pitts	Putnam
Quinn	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Tallon
Taylor	Thayer	Tinkler
Weeks	Whipper	White
Whitmire	Williams	Willis
Yow		

**Total--100**

Those who voted in the negative are:

**Total--0**

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

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**S. 788--DEBATE ADJOURNED**

The following Bill was taken up:

S. 788 -- Senator Campsen: A BILL TO AMEND SECTION 48-39-150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPROVAL OF PERMITS TO ALTER CRITICAL AREAS, SO AS TO ENACT THE "MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT", BY EXEMPTING PROPERTY THAT IS DEEMED ELIGIBLE UNDER A UNITED STATES ARMY CORP OF ENGINEERS' GENERAL PERMIT FROM PERMITTING REQUIREMENTS IN CERTAIN CIRCUMSTANCES AND GRANTING ENFORCEMENT AUTHORITY TO THE COASTAL DIVISION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Rep. HIOTT moved to adjourn debate on the Bill until Tuesday, May 3, which was agreed to.

**H. 3449--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3449 -- Rep. Bales: A BILL TO AMEND SECTION 50-13-675, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NONGAME FISHING DEVICES AND GEAR THAT ARE PERMITTED TO BE USED IN CERTAIN BODIES OF FRESHWATER, SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY ISSUE RECREATIONAL LICENSES FOR THE USE OF HOOP NETS ALONG THE WATEREE RIVER.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 3449 (COUNCIL\GT\3449C001.GT.CM16), which was adopted:

Amend the bill, as and if amended, Section 50-13-675(55)(a), as contained in SECTION 1, by deleting Section 50-13-675(55)(a) and inserting:

/(a) hoop nets:

(i) recreational license - persons sixty-five years of age or older

- one;

(ii) commercial license ~~only~~ - ten;

[HJ]

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Amend the bill further, by striking SECTION 2 in its entirety and inserting:

SECTION 2. This act takes effect upon approval by the Governor. However, Section 50-13-675(55)(a)(i) and Section 50-13-675(a)(ii) are repealed on January 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Rep. HIXON 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 95; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bingham
Bradley	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Hamilton
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hiott
Hixon	Hodges	Horne
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Mitchell	D. C. Moss	Neal
Newton	Norrell	Ott
Parks	Pitts	Putnam

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Ridgeway	Riley	Rivers
Rutherford	Ryhal	Sandifer
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Tallon	Taylor	Thayer
Tinkler	Weeks	Whipper
White	Whitmire	Williams
Willis	Yow	

**Total--95**

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. 4215--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4215 -- Reps. Finlay, McCoy, Delleney, Lucas, Newton, Pitts, Limehouse, Loftis and Burns: A BILL TO AMEND SECTION 48-39-150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPROVAL OF PERMITS TO ALTER CRITICAL AREAS, SO AS TO ENACT THE "MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT", BY EXEMPTING PROPERTY THAT IS DEEMED ELIGIBLE UNDER A UNITED STATES ARMY CORP OF ENGINEERS' GENERAL PERMIT FROM PERMITTING REQUIREMENTS IN CERTAIN CIRCUMSTANCES AND GRANTING ENFORCEMENT AUTHORITY TO THE COASTAL DIVISION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Rep. OTT explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

[HJ]

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Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bingham
Bradley	G. A. Brown	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Delleney
Dillard	Douglas	Duckworth
Erickson	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hiott
Hixon	Hodges	Horne
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Mitchell	D. C. Moss	Neal
Newton	Norman	Norrell
Ott	Parks	Pitts
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thayer	Tinkler	Weeks
Whipper	White	Whitmire
Williams	Willis	Yow

**Total--96**

Those who voted in the negative are:

**Total--0**

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

[HJ]

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**H. 4728--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4728 -- Reps. Long, Erickson, Douglas, Ridgeway, Hixon, Jefferson, Whitmire, Tallon, Daning, Anthony, Hiott, Ballentine, Allison, Bowers, Spires, W. J. McLeod, Williams, Bales, Nanney, Knight, Southard, V. S. Moss, Gagnon, Willis, Huggins, Corley, Taylor, Herbkersman, King, Felder, Hicks, Loftis, Simrill, Pope, Riley, McCoy, Henderson, Hosey, D. C. Moss and Brannon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 45 TO TITLE 44 TO ENACT THE "EYE CARE CONSUMER PROTECTION LAW" SO AS TO ESTABLISH REQUIREMENTS FOR A PERSON WHO SELLS SPECTACLES OR CONTACT LENSES USING REFRACTIVE DATA OR INFORMATION GENERATED BY AN AUTOMATED TESTING DEVICE.

Rep. LONG proposed the following Amendment No. 1 to H. 4728 (COUNCIL\BH\4728C002.BH.VR16), which was adopted:

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

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

“CHAPTER 24

Eye Care Consumer Protection

Section 40-24-10. For purposes of this chapter:

(1) ‘Contact lenses’ means a lens placed directly on the surface of the eye, regardless of whether it is intended to correct a visual defect, and includes, but is not limited to, cosmetic, therapeutic, and corrective lenses.

(2) ‘Dispense’ means the act of providing a pair of spectacles or contact lenses to a patient.

(3) ‘Eye examination’ means an assessment of all or a portion of the ocular health profile, which must include a complete written or electronic medical history, as well as an assessment of the visual status of a patient.

(4) ‘Kiosk’ means automated equipment or an automated application, which is designed to be used on a phone, computer, or internet-based device that can be used in person or remotely to provide refractive data or information.

(5) ‘Patient’ means a person who submits to an eye examination in this State.

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(6) ‘Prescription’ means a provider’s handwritten or electronic order to correct refractive error that is based on an eye examination.

(7) ‘Provider’ means an individual licensed by the South Carolina Board of Examiners in Optometry or the South Carolina Board of Medical Examiners.

(8) ‘Spectacles’ means an optical instrument or device worn or used by an individual that has one or more lenses designed to correct or remediate vision deficits or needs of the individual wearer and are commonly known as glasses, including spectacles that may be adjusted by the wearer to achieve different types or levels of visual correction or enhancement, and excluding over-the-counter spectacles not intended to correct or enhance vision or sold without consideration of the visual status of the individual using the spectacles.

(9) ‘Visual status’ means the assessment of the visual acuity, accommodation amplitudes at the discretion of the provider, and ocular alignment of the eyes in an uncorrected state and the best corrected visual acuity achievable with the aid of a spectacle or contact lens prescription; however, the assessment must not be based solely on objective refractive data or information generated by an automated testing device, including an auto refractor or other electronic refractive-only testing device, to provide a medical diagnosis or to establish a refractive error for a patient as part of an eye examination.

Section 40-24-20. (A) A person in this State may not dispense spectacles or contact lenses to a patient without a valid prescription from a provider.

(B) To be valid, a prescription must contain an expiration date on spectacles or contact lenses of one year from the date of examination by the provider or a statement of the reasons why a shorter time is appropriate based on the medical needs of the patient. The prescription must take into consideration medical findings made and refractive error discovered during the eye examination. If a provider determines a patient is a suitable candidate for a prescription for contact lenses or spectacles, a provider may not thereafter refuse to issue a prescription for spectacles or contact lenses to a patient.

(C) A prescription for spectacles or contact lenses may not be based solely on the refractive eye error of the human eye or be generated by a kiosk.

(D) Violation of this section constitutes misconduct as provided for in Sections 40-37-110 and 40-47-110. A provider who violates this section is subject to the penalties authorized in Chapter 37, Title 40 or Chapter 47, Title 40, as applicable.”

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SECTION 2. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Rep. LONG 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 89; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bingham
Bradley	G. A. Brown	Clary
Clemmons	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Hamilton
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hixon
Hodges	Horne	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
Kirby	Knight	Loftis
Long	Lucas	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Mitchell	D. C. Moss
Newton	Norman	Norrell
Parks	Pitts	Putnam
Ridgeway	Riley	Rivers
Robinson-Simpson	Rutherford	Ryhal
Sandifer	G. M. Smith	J. E. Smith
Sottile	Spires	Stavrinnakis
Tallon	Taylor	Thayer
Tinkler	Weeks	Whipper

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White	Whitmire	Williams
Willis	Yow	

**Total--89**

Those who voted in the negative are:

**Total--0**

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

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

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5281 -- Reps. Jefferson, 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, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, 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 MOTHER PAULINE FELDER OF

[HJ]

**TUESDAY, APRIL 26, 2016**

CHARLESTON COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5282 -- Rep. Allison: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR MARION FINKE FEINSTEIN, FOUNDER OF MISS MARION'S SCHOOL OF DANCE IN SPARTANBURG, AND TO CONGRATULATE HER AND THE TEACHERS OF THE SCHOOL UPON THE OCCASION OF THE SCHOOL'S SEVENTIETH ANNIVERSARY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5283 -- Reps. Neal, 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, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, 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, Stavrinnakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE MR. AND MRS. HARRY LEE WASHINGTON

[HJ]

**TUESDAY, APRIL 26, 2016**

OF SUMTER COUNTY ON THE OCCASION OF THEIR SIXTY-SECOND ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILLMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5284 -- Reps. Clemmons, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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 RECOGNIZE AND HONOR PATROLMAN FIRST CLASS SHON MCCLUSKEY OF THE MYRTLE BEACH POLICE DEPARTMENT FOR OUTSTANDING SERVICE TO THE FORCE AND TO HIS SURROUNDING COMMUNITY AND TO CONGRATULATE HIM ON BEING NAMED THE MYRTLE BEACH ROTARY CLUB 2016 OFFICER JOE MCGARRY MEMORIAL POLICE OFFICER OF THE YEAR.

The Resolution was adopted.

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**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5250 -- Rep. Howard: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR WONDERFUL EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE AND TO RECOGNIZE THE THIRTEEN YOUNG PEOPLE FROM DIFFERENT BOYS & GIRLS CLUBS THROUGHOUT THE STATE WHO HAVE BEEN NAMED 2016 YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS.

H. 5251 -- Reps. Funderburk, Bales, G. A. Brown and Lucas: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE JOYCE MCDONALD, KERSHAW COUNTY CLERK OF COURT, UPON THE OCCASION OF HER RETIREMENT AFTER TWENTY-FOUR YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

H. 5243 -- Reps. Clemmons, Hayes, Goldfinch, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Govan, Hamilton, Hardee, Hart, 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 RECOGNIZE AND HONOR MAJOR WILLIAM POOLE OF FLORENCE UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA DEPARTMENT OF

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NATURAL RESOURCES, TO THANK HIM FOR HIS TWENTY-FIVE YEARS OF OUTSTANDING PUBLIC SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

H. 5085 -- Reprs. Erickson, Collins, M. S. McLeod, 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, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, 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 RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO COMMEND THE IMPORTANT WORK BEING DONE TO COMBAT THIS SERIOUS PROBLEM, AND TO DECLARE TUESDAY, APRIL 26, 2016, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

H. 5214 -- Reprs. Cobb-Hunter, 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, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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,

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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 DECLARE APRIL 28, 2016, AS "WORKERS' MEMORIAL DAY" IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

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

**ADJOURNMENT**

At 5:38 p.m. the House, in accordance with the motion of Rep. HIOTT, adjourned in memory of Frances M. Moss, mother of Representative V. Stephen Moss, to meet at 10:00 a.m. tomorrow.

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