~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 1:00 p.m.

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

Our thought for today is from Psalm 51:10: “Create in me a clean heart, O God, and put a new and right spirit within me.”

Let us pray. Breathe on us, Spirit of God, and enliven these Representatives as leaders in their communities. Breathe on these Representatives and make them bold to do what is right and pleasing to You and their constituents. Help them realize the needs of the people and do all they can, with Your guidance, to achieve it. Bless our leaders both National and State and this Assembly, and help them carry out their responsibilities with wisdom and integrity. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

After corrections to the Journal of the proceedings of Thursday, May 21, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. LOWE moved that when the House adjourns, it adjourn in memory of Senior Trooper Andrew Dallas McInville of Florence, which was agreed to.

**REPORT RECEIVED**

The following was received:

**Joint Transportation Review Committee**

**2009 Report of Candidate Qualifications**

Date Initial Report Issued: Tuesday, June 9, 2009

Date and Time Report Becomes Final\* at Noon on Thursday, June 11, 2009

**Delegation members are not free to pledge their votes until Thursday, June 11, at noon.**

\*Unless members are otherwise notified, report becomes final at noon on Thursday, June 11, 2009.

**INTRODUCTION**

Act 114 of 2007 was enacted to restructure the South Carolina Department of Transportation and the Department of Transportation Commission. Reforms were written to make the department and commission more accountable to the public, more transparent in their operations, and more equitable in their delivery of services.

A key component of Act 114 was the formation of the Joint Transportation Review Committee. The JTRC’s primary responsibility is to consider the qualifications of applicants for the Department of Transportation Commission and to determine whether the applicants meet the statutory criteria for commissioners.

**This report contains the committee’s initial findings regarding the qualifications of applicants for the commission’s Third District seat.**

**Committee Composition and Responsibilities**

The JTRC is comprised of ten members, eight of whom are legislators and two of whom are appointed from the public at-large. To fulfill its mandate, the committee conducts an investigation of each applicant’s professional, personal, and financial affairs, and holds a public hearing during which each applicant may be questioned on a wide variety of issues.

The committee expects each applicant to demonstrate a level of education and/or education commensurate with the duties and responsibilities of a commissioner and to exhibit strong ethical standards. The committee’s investigation focuses on whether the applicant meets the qualifications for service on the commission as established in Section 57-1-310(C):

The qualifications that each commission member must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

The JTRC’s investigation includes (1) a State Law Enforcement Division background check, (2) a credit investigation, (3) a careful study of application materials, including a comprehensive personal data questionnaire, (4) a test of basic knowledge related to the Department of Transportation and the commission, (5) a personal interview with each candidate, and (6) further inquiry as the committee considers appropriate. The interview provides an applicant with the opportunity to discuss the specifics of his or her application and to amend application materials if needed. The interview also provides the JTRC with the opportunity to discuss routine questions related to ethical matters, the applicant’s familiarity with the operations of the commission, the relationship between state, local, and regional transportation authorities, and general transportation issues in South Carolina. The interview also allows the committee to gauge the applicant’s depth of experience and temperament.

**About the Report**

Each member of the General Assembly residing in the Third Congressional District will be provided a copy of this report for review and consideration. The committee believes that this report will help each member make a more fully informed vote.

An applicant has 48 hours after the initial release of this report to request non-substantive corrections. **This report represents the JTRC’s findings, pending any corrections. Corrections, if any, will be distributed immediately upon availability.**

The JTRC will then release the final report of all qualified candidates to resident members of the Third District. **No member of the congressional district delegation may pledge his or her vote to elect a candidate until after noon on Thursday, June 11, 2009.**

Upon release of this report, and any corrections, the JTRC’s responsibilities related to candidate screening are completed.

**Election of Commission Members**

A candidate may withdraw at any stage of the proceedings. **Resident members of the Third District may meet to elect a commissioner to represent their district at any time after noon on Thursday, June 11, 2009.**

**Pursuant to Section 57-1-325 congressional delegations must hold a duly called, public meeting to elect a Department of Transportation Commissioner. Signing a ‘pledge-sheet’ does not constitute a vote in favor of a candidate nor does it replace the statutory requirement for a meeting.**

For purposes of electing a commission member:

* Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district, at a time and place to be designated in the call.
* A majority present, either in person or by written proxy, of the delegation constitutes a quorum for purposes of electing a commissioner.
* No person may be elected commissioner who fails to receive a majority of the vote of the members of the delegation.
* When the election is completed, the chairman and secretary of the delegation shall immediately transmit the name of the elected person to the Secretary of State who will then issue a commission.

**Joint Transportation Review Committee**

|  |  |
| --- | --- |
| **Senate Appointees:** | **House Appointees:** |
| **Senator Lawrence K. Grooms, Ch.** (2007)  Suite 203, Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6400 | **Representative Jay Lucas, Vice Ch.** (2007)  420-A Blatt Building  Columbia, S.C. 29201  803-734-2961 |
| **Senator Hugh K. Leatherman, Jr.** (2007)  Suite 111, Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6640 | **Representative Annette Young** (2007)  308 - C Blatt Building  Columbia, S.C. 29201  803-734-2953 |
| **Senator Glenn F. McConnell** (2007)  Suite 101, Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6610 | **Representative Phillip D. Owens** (2009)  429 Blatt Bldg., Columbia, 29201  Columbia, S.C. 29201  803-734-3053 |
| **Senator Harvey S. Peeler, Jr.** (2009)  Suite 213, Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6430 | **Mr. Robert Harrell, Sr.** (2007)  4708 Gibson Road  Meggett, S.C. 29449  843-889-3917 |
| **Senator Gerald Malloy** (2007)  512 Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6148 | **Mr. Reid Banks** (2007)  Post Office Box 71505  Charleston, S.C. 29415  843-744-8261 |

**Joint Transportation Review Committee**

**Post Office Box 142**

**1101 Pendleton St., Gressette Building – Suite 203**

**Columbia, S.C. 29202**

Chief of Staff: David J. Owens

803-212-6400

Senate Counsel: Kenneth M. Moffitt

803-212-6203

House Counsel: Rick Fulmer

803-734-4799

Executive Assistant: Lily Cogdill

803-212-6400

**OVERVIEW**

The Joint Transportation Review Committee investigated commission applicants for their suitability for service. On June 3, 2009, the committee screened applicants and found that the following individuals meet the qualifications prescribed by law:

**Third District**

**Mr. Roy E. “Eddie” Adams**

**Mr. J. Phillip Bowers**

**Mr. Charles C. Eberhart**

**Mr. C. Douglas Finney**

**Mr. Edward H. “Ed” Martin**

**MR. ROY E. “EDDIE” ADAMS**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Adams is 41 and lives in Seneca. He is President of the Lowry Oil Company, which includes five retail gasoline locations. He is a member of the Board of Directors of the South Carolina Petroleum Marketers Association, and has real estate interests. Mr. Adams is also Chairman of the Oconee County Republican Party. He is married to Christina Theos Adams and has two sons.

**QUALIFICATIONS:**

**Education:** The Citadel, B.S., Business Administration, 1989.

**Areas of expertise:** Mr. Adams claims qualifying experience in the following statutory areas:

**Transportation:** Mr. Adams oversees the transport and distribution of petroleum products for his company, Lowry Oil. He has a commercial driver’s license, drives company trucks and tankers on occasion, and has a general familiarity with the trucking industry.

**Management:** Mr. Adams employs and manages 29 people as president of Lowry Oil. He is a partner in Two Lake Dogs LLP, a real estate management company, and is a partner in Each LLP, a real estate development company. He also worked in a management position with Adams Oil Company from 1990-1991.

**OTHER:**

Mr. Adams demonstrated a general knowledge of transportation issues, particularly related to trucking. He reported a solid background in accounting and claimed to have a strong work ethic.

**CHARACTER:**

Mr. Adams seems to have handled his personal financial affairs responsibly. He answered most questions fully on the personal data questionnaire and gave sufficient responses when asked to elaborate on those questions and others during staff interviews.

**PHYSICAL HEALTH:**

Mr. Adams seems to be physically capable of performing the duties of the office.

**LETTERS OF RECOMMENDATION:**

Mr. John H. Lummus - Tri-County Technical College, Pendleton

Ms. Jeanne L. Ward, R.N., Ed.D. - Oconee Medical Center, Seneca

Dr. Amon A. Martin, Jr. - Seneca

Mr. Rick Beasley - Carolina Bank & Trust Company, Darlington

The Honorable Gresham Barrett - Member of Congress, Westminster

**ADDITIONAL INFORMATION:**

Mr. Adams reported the need to identify long-term, stable sources of funding to meet SCDOT’s needs, noting poor road conditions across the State and the resulting wear and tear on trucks and equipment. He reported he has no day-to-day interaction with the SCDOT or the commission and does not expect any future interaction unless he was to build a new gas station that required permitting. Mr. Adams advised the committee that he owns a seven percent stake in a cement company that does not contract with, or sell to, the DOT. He stated he would recuse himself from voting in the event a conflict arose.

Mr. Adams testified he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. Mr. Adams testified he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Adams qualified and reports him to the resident members of the Third District Delegation for consideration.

**MR. JAMES PHILIP BOWERS**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Bowers is 48 and lives in Pickens. A Technical Support Supervisor for Duke Energy, he holds a Master’s Degree in Human Resources. He has worked for the company since 1981 and currently is responsible for overseeing several large-scale construction projects. Mr. Bowers is married to Marsha Lynn Branham Bowers and has one son.

Mr. Bowers also represents the Thirteenth Judicial Circuit on the State Board of Education, a position he states he would resign if elected to the commission.

**QUALIFICATIONS:**

**Education:** Tri-County Technical College, A.S., Industrial Maintenance, 2004; Limestone College, B.A., Human Resources, 2006; Southern Wesleyan University, B.S., Business Administration, 2006; Clemson University, Master’s Degree, Human Resources Development, 2008.

**Areas of expertise:** Mr. Bowers claims qualifying experience in the following statutory areas:

**Transportation:** Mr. Bowers was a member of the Greenville-Pickens Area Transit Study (GPATS), representing the Pickens County Planning Commission. He noted that work done on the commission related to the approval and planning of infrastructure projects. He serves on the GPATS 2025 Committee.

**Construction:** In the 1980’s Mr. Bowers worked for Southern Construction and Engineering and was involved in the construction of Lake Keowee’s intake structure for the Greenville Water System. Currently, Mr. Bowers oversees a contract organization that does heavy construction for Duke Energy.

**Management:** Mr. Bowers assists in managing 24 direct-report contractors and 200 indirect contractors. He manages technical staff in support of three construction projects at the Oconee Nuclear Site that together total more than $200 million.

**Engineering:** Mr. Bowers has worked in and around engineering organizations for over 20 years. He reports his duties included resolution of complex technical problems associated with operating large power generating facilities.

**OTHER:**

Mr. Bowers serves on the Industrial Maintenance Advisory Board of Tri-County Technical College. He and his wife own various real estate interests. Mr. Bowers is President of the Six Mile Lions Club.

**CHARACTER:**

The committee’s investigation did not reveal anything to call Mr. Bowers’ character into question. He seems to have handled his personal financial affairs responsibly. Mr. Bowers fully answered all questions asked, both on the personal data questionnaire and during staff interviews.

**PHYSICAL HEALTH:**

Mr. Bowers appears to be physically capable of performing

duties of the office.

**LETTERS OF RECOMMENDATION:**

Dr. Stephen Holler - Grace United Methodist Church,

Pickens.

Lt. Col. Rick Simmons - Pickens County Veterans Affairs

Office, Pickens

Chief Butch Womack - City of Easley Fire Department, Easley

Dr. DeWitt Boyd Stone, Jr. - Pickens County Planning

Commission, Pickens

Mrs. Sheree L. Chapman - Pickens County Planning

Commission, Pickens

**ADDITIONAL INFORMATION:**

Mr. Bowers stated that he enjoys structured work and long-term planning and suggested he would bring a measured, methodical work approach to the commission, if elected. He cited bridge safety as an issue that the State must address and stated he had a general familiarity with mass transit proposals on a local level. He suggested the SCDOT needs improved long-range planning.

Mr. Bowers testified he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. He further testified he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Bowers qualified and reports him to the resident members of the Third District Delegation for consideration.

**MR. CHARLES CHRISTOPHER EBERHART**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Eberhart is 39 and lives in Belton. A civil engineer and registered land surveyor, he owns C.E. Property Solutions, LLC, a civil engineering and surveying firm employing five people in Belton. The company offers boundary, topographic, ALTA, GPS, wetland and natural resources surveys, construction staking, and other surveys. Engineering services include the design and permitting and construction management of private residential and mixed-use developments, as well as commercial and industrial projects.

Mr. Eberhart’s company also designs water and sewer systems and construction management services for the projects the company designs. He is also a licensed real estate agent and licensed residential builder. He is married to Sharon Beck Eberhart and has one daughter.

**QUALIFICATIONS:**

**Education:** The Citadel, 1988; Clemson University, B.S., Engineering, 1994; USC Apogee Program, 1996.

**Areas of expertise:** Mr. Eberhart claims qualifying experience in the following statutory areas:

**Transportation:** Mr. Eberhart has previously been involved in planning, designing, and constructing public and private roads. He is also familiar with transportation studies and upgrades of roads and intersections as part of the permitting process.

**Construction:** Mr. Eberhart has been involved in the construction of roads, commercial, municipal and residential projects. His engineering and surveying work includes design, permitting and construction management.

**Environmental:** As a civil engineer, he reports experience in environmental site assessments, as well as the acquisition of various types of environmental regulatory permits since 1994. Mr. Eberhart cites experience in the design of wastewater, stormwater, and drinking water infrastructure, as well as permitting and construction.

**Management:** Mr. Eberhart managed projects and design teams in the design and construction of various projects. He reports that he has responsibility for management of all aspects of C.E. Property Solutions.

**Engineering:** Mr. Eberhart reports experience with a civil engineering and surveying firm on private and municipal projects and further experience in transportation and water resources engineering, land planning and surveying.

**OTHER:**

Mr. Eberhart demonstrated a familiarity with the Council of Government’s process as it relates to SCDOT, having worked with his local Appalachian COG in planning. His continuing education includes courses in construction lien law, stormwater management, FEMA elevation certificates, GPS, copyrights and surveyors, applied low impact development, real estate investment and taxation, and others. He was President of the Northwest Chapter of the S.C. Society of Professional Land Surveyors and is a member of the American Society of Civil Engineers, the S.C. Association of Realtors, and other professional organizations.

**CHARACTER:**

The committee’s investigation did not reveal anything to call Mr. Eberhart’s character into question. He seems to have handled his personal financial affairs responsibly. Mr. Eberhart fully answered all questions asked, both on the personal data questionnaire and during staff interviews.

**PHYSICAL HEALTH:**

Mr. Eberhart appears to be physically capable of performing the duties of the office.

**LETTERS OF RECOMMENDATION:**

Mr. Jack Shaw - Shaw Resources, Greenville

Mr. Hugh Durham - Coldwell Banker Hugh Durham and

Associates, Anderson

Mr. T. Walter Brashier - T. Walter Brashier & Associates,

Greenville

Mr. Henry C. Harrison - American Services, Inc., Greenville

Mr. R.D. Garrett - R.D. Garrett & Associates, Anderson

**ADDITIONAL INFORMATION:**

Mr. Eberhart demonstrated a general familiarity with state transportation issues. He stated that he would recuse himself from voting on the commission should any potential conflict of interest arise related to his business.

Mr. Eberhart testified that he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. He further testified that he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Eberhart qualified and reports him to the resident members of the Third District Delegation for consideration.

**MR. C. DOUGLAS FINNEY**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Finney is 64 and lives in Pickens. He retired in 2000 as a Supervisory Readiness Analyst, USAR Readiness Command, Fort Jackson, where he was responsible for evaluating the readiness of US Army Reserve units to mobilize and deploy, performing analysis of personnel, logistics and training systems, and recommending proposals to enhance the readiness of high priority units. He reports he supervised both civilian and military personnel.

Mr. Finney served in the U.S. Army, transferring to the U.S. Army Reserve in 1969, and retiring as a Lieutenant Colonel in 1995. He has two grown children and is married to Margaret Owen Finney. Mr. Finney is active in the American Legion, serving as Local Post Commander. He received the Legion of Merit award upon his retirement from the Reserve.

**QUALIFICATIONS:**

**Education:** Furman University, 1963-1966; Lander College, 1974-1977; University of South Carolina, B.S., Business, 1979; U.S. Army Officer School, commissioned Second Lieutenant, 1967; Command and General Staff College, 1981-1982.

**Areas of expertise:** Mr. Finney claims qualifying experience in the following statutory areas:

**Finance:** As Resource Management Officer for the 120th U.S. Army Reserve Command, he managed the overall command operating budget and Force Structure Program, which included mission and base operations funding. He provided budgeting and ensured internal control systems were developed, and supervised staff in budget analysis, accounting and pay administration.

**Management:** Supervisory duties as resource management officer included management analysis of force structure and force modernization.As supervisory readiness analyst, he assumed administrative duties related to work planning and prioritization of projects. His earlier administrative responsibilities for military also included management duties.Mr. Finney was employed by Alice Manufacturing Company from 1969 to 1973, where he oversaw various employees in the production and manufacturing of cloth.

**OTHER:**

As maintenance officer of a chemical group while in the Army, he stated he supervised operations that included construction of certain roads. Mr. Finney also is a member of the Pickens Rotary Club and the Ambler Elementary School Improvement Council in Pickens.

**CHARACTER:**

The committee’s investigation did not reveal anything to call Mr. Finney’s character into question. He seems to have handled his personal financial affairs responsibly, and he fully answered all questions asked, both on the personal data questionnaire and during staff interviews.

**PHYSICAL HEALTH:**

Mr. Finney appears to be physically capable of performing the

duties of the office.

**LETTERS OF RECOMMENDATION:**

Ms. Brenda T. Brannock - Pickens

Ms. Kathy Brazinski - A.R. Lewis Elementary School,

Pickens

Mr. Kenneth D. Acker - The Acker Firm, P.A., Pickens

Mr. Marion Lawson - Pickens High School, Pickens

Mr. Joseph W. Board - Pickens

**ADDITIONAL INFORMATION:**

Mr. Finney stated a desire to give back to his State and said he would invest a large portion of his time to the DOT Commission if elected. He stated his organizational skills, familiarity with personnel issues, and background in finance would be assets to the commission.

Mr. Finney owns a number of rental and investment properties. He stated he had no current business-related interaction with the SCDOT, and that he would recuse himself should a conflict arise.

Mr. Finney testified that he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. He further testified that he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Finney qualified and reports him to the resident members of the Third District Delegation for consideration.

**MR. EDWARD HENRY MARTIN**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Martin is 46 and lives in Central. He is President of MST Concrete Products, Inc. The 70-employee company manufactures pre-cast concrete products, including manholes, catch basins, wet wells, and utility vaults. He is Chairman of the Pickens County Transportation Committee (CTC), a position he said he would resign if elected to the Commission. Mr. Martin is married to Karen Galloway Alewine and has three children.

**QUALIFICATIONS:**

**Education:** Tri-County Technical College, Associate’s Degree in Civil Engineering Technology, 1982.

**Areas of Expertise:** Mr. Martin claims qualifying experience in the following statutory areas:

**Transportation:** Mr. Martin is Chairman of the Pickens CTC and is a member of the Greenville-Pickens Area Transit Study. He holds a commercial driver’s license.

**Construction:** Mr. Martin has a general contractor’s license, and was active in construction from 1986-1996.

**Management:** As President and Managing Partner of MST Concrete, he manages employees who help run the company’s daily operations.

**Engineering:** Mr. Martin was employed by Dravo-Groves as a field engineer. He also worked as part of a field engineering crew with Duke Power Company.

**OTHER:**

Mr. Martin has taken a number of continuing education courses during the past five years relating to his business as well as service on the Pickens CTC. He serves on the Clemson Area Chamber of Commerce Board of Directors and the Southern Wesleyan University Board of Visitors. He is active in various trade organizations and other civic, religious and fraternal organizations. Mr. Martin was a candidate for Pickens County Council in 2002 and 2006.

**CHARACTER:**

The Committee’s investigation did not reveal anything to call Mr. Martin’s character into question. He seems to have handled his personal financial affairs responsibly and he fully answered all questions asked, both on the personal data questionnaire and during staff interviews.

**PHYSICAL HEALTH:**

Mr. Martin appears to be physically capable of performing the

duties of the office.

**LETTERS OF RECOMMENDATION:**

Mr. Richard E. Cotton - City of Clemson

Mr. David J. Spittal, Ed.D. - Southern Wesleyan University,

Central

Mr. Ronnie L. Booth, Ph.D - Tri-County Technical College, Pendleton

Mr. John W. Ducworth III - First Citizens, Clemson

Mr. Benjamin G. Glunt - Florence & Hutcheson, Inc., Greenville

**ADDITIONAL INFORMATION:**

Mr. Martin advised that his company’s typical customers are private contractors and municipalities. While his products are approved for use by departments of transportation, he stated he does not have any state contracts and does not sell to the SCDOT. He reports that his company sells to contractors who may sometimes use his products in DOT projects.

Mr. Martin said his business background and planning abilities would be an asset to the commission. He stated he would like to help foster better communication between county CTC’s and the SCDOT.

Mr. Martin testified that he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. He further testified that he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Martin qualified and reports him to the resident members of the Third District Delegation for consideration.

Received as information.

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committees for consideration:

Document No. 4072

Agency: Board of Pharmacy

Statutory Authority: 1976 Code Sections 40-1-70 and 40-43-60

Central Fill Pharmacies

Received by Speaker of the House of Representatives

June 9, 2009

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration May 4, 2010

Document No. 4066

Agency: Department of Insurance

Statutory Authority: 1976 Code Sections 1-23-110, et seq., 38-3-110, 38-72-60, and 38-72-70

Long Term Care Insurance

Received by Speaker of the House of Representatives

May 27, 2009

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 3, 2010

Document No. 4067

Agency: South Carolina Criminal Justice Academy

Statutory Authority: 1976 Code Sections 23-23-20, et seq., and 23-47-20

Law Enforcement Officer and E-911 Officer Training & Certification

Received by Speaker of the House of Representatives

June 3, 2009

Referred to Judiciary Committee

Legislative Review Expiration May 10, 2010

**RATIFICATION OF ACTS**

Pursuant to an invitation, the Honorable SPEAKER of the House of Representatives appeared in the Senate Chamber on May 27, 2009, at 4:30 p.m., and the following Acts and Joint Resolutions were ratified:

(R55, S. 116) -- Senators Knotts and McConnell: AN ACT TO AMEND SECTION 11‑35‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR “OFFICE”; TO AMEND SECTION 11‑35‑1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11‑35‑40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11‑35‑3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11‑35‑3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

(R56, S. 126) -- Senators Sheheen and Elliott: AN ACT TO AMEND SECTION 56‑3‑1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM “HANDICAPPED”, DELETE THE TERM “LICENSE TAG” AND REPLACE IT WITH THE TERM “LICENSE PLATE”, AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56‑3‑1950, RELATING TO THE DEFINITION OF THE TERM “HANDICAPPED”, AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON’S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM “HANDICAPPED”, TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED AND TO DEFINE THE TERM “ACCESS AISLE”; TO AMEND SECTION 56‑3‑1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, PROPER USE AND DISPLAY OF HANDICAPPED PLACARDS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISION; TO AMEND SECTION 56‑3‑1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56‑3‑2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS; TO AMEND SECTION 56‑3‑1970, RELATING TO THE UNLAWFUL PARKING OF A VEHICLE IN A PARKING PLACE DESIGNATED FOR HANDICAPPED PERSONS, SO AS TO PROVIDE THAT IT IS ALSO UNLAWFUL FOR CERTAIN PERSONS TO EXERCISE THE PRIVILEGES GRANTED TO A HOLDER OF A LICENSE PLATE OR PLACARD DESIGNATED FOR USE BY A HANDICAPPED PERSON, AND TO INCREASE THE PENALTY FOR A VIOLATION OF THIS PROVISION; AND TO AMEND SECTION 56‑3‑1975, RELATING TO THE IDENTIFICATION AND MAINTENANCE OF HANDICAPPED PARKING PLACES, SO AS TO PROVIDE THAT A HANDICAPPED PARKING PLACE INCLUDES ALL ACCESS AISLES.

(R57, S. 155) -- Senators Campsen, Rose, Hayes and Lourie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 5, TITLE 63 SO AS TO ENACT THE “MILITARY PARENT EQUAL PROTECTION ACT”, TO PROVIDE THAT A MILITARY PARENT’S MILITARY SERVICE SHALL NOT BE CONSIDERED A CHANGE IN CIRCUMSTANCE FOR PURPOSES OF CHILD CUSTODY AND VISITATION, TO PROVIDE THAT THE CUSTODIAL NONMILITARY PARENT MUST REASONABLY ACCOMMODATE THE MILITARY PARENT’S LEAVE SCHEDULE, TO PROVIDE THAT THE FAMILY COURT MAY HOLD AN EXPEDITED TEMPORARY HEARING TO ENSURE THAT THE MILITARY PARENT HAS ACCESS TO A MINOR CHILD, AND TO PROVIDE THAT AN INCREASE OR DECREASE IN EARNING CAPACITY DUE TO MILITARY SERVICE IS NOT CONSIDERED A PERMANENT CHANGE; AND BY ADDING SECTION 15‑1‑340 SO AS TO PROVIDE THAT A SERVICE MEMBER ENTITLED TO A STAY PURSUANT TO THE SERVICE MEMBERS CIVIL RELIEF ACT MAY SEEK RELIEF AND PROVIDE TESTIMONY BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS.

(R58, S. 166) -- Senator Campsen: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT AN OUTDOOR ADVERTISING CONTROL PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE, AND TO ALLOW THE DEPARTMENT TO CHARGE CERTAIN FEES FOR THE IMPLEMENTATION AND MAINTENANCE OF THE PROGRAM.

(R59, S. 184) -- Senators McConnell and Ford: AN ACT TO AMEND SECTION 16‑11‑523, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CAUSING INJURY TO REAL PROPERTY FOR THE PURPOSE OF OBTAINING NONFERROUS METALS, SO AS TO REVISE THE DEFINITION OF “NONFERROUS METALS” TO INCLUDE THE TERM “COPPER CLAD STEEL WIRE” AND “CATALYTIC CONVERTERS”, TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO CAUSING INJURY TO PERSONAL PROPERTY FOR THE PURPOSE OF OBTAINING NONFERROUS METALS, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 16‑17‑680, AS AMENDED, RELATING TO THE UNLAWFUL PURCHASE OF NONFERROUS METALS, SO AS TO REVISE THE DEFINITION OF THE TERM “NONFERROUS METALS” TO INCLUDE “COPPER CLAD STEEL WIRE” AND “CATALYTIC CONVERTERS”; BY ADDING SECTION 16‑17‑685 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TRANSPORT OR HAVE IN HIS POSSESSION CERTAIN QUANTITIES OF NONFERROUS METALS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 40‑27‑10, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO PROVIDE THAT A PERSON WHO BUYS JUNK THAT CONSISTS OF NONFERROUS METALS MUST COMPLY WITH THE PROVISIONS CONTAINED IN SECTION 16‑17‑680; TO REPEAL SECTION 40‑27‑30 RELATING TO THE PURCHASE OF JUNK OUTSIDE OF THE COUNTY IN WHICH THE PLACE OF BUSINESS OF ITS BUYER IS LOCATED; TO AMEND SECTION 40‑27‑40, RELATING TO PENALTIES ASSOCIATED WITH THE UNLAWFUL PURCHASE OF JUNK, SO AS TO INCREASE THE PENALTY AND PROVIDE THAT EACH VIOLATION OF THE PROVISIONS RELATING TO THE UNLAWFUL PURCHASE OF JUNK CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56‑5‑5670, RELATING TO THE DUTIES OF A DEMOLISHER WHO ACQUIRES A VEHICLE FOR THE PURPOSE OF WRECKING, DISMANTLING, OR DEMOLITION, SO AS TO PROVIDE THAT A DEMOLISHER WHO ACQUIRES NONFERROUS METALS IS SUBJECT TO THE PROVISIONS CONTAINED IN SECTION 16‑17‑680, TO PROVIDE THAT A DEMOLISHER MUST KEEP RECORDS OF ALL VEHICLE PARTS THAT WEIGH MORE THAN TWENTY‑FIVE POUNDS, TO REVISE THE TYPE OF INFORMATION THAT MUST BE RECORDED REGARDING THE SELLER OF VEHICLES AND VEHICLES PURCHASED BY A DEMOLISHER, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 56‑5‑5850, RELATING TO THE PLACEMENT OF A COLORED TAG ON AN UNATTENDED VEHICLE AS NOTICE THAT THE VEHICLE IS SUBJECT TO FORFEITURE TO THE STATE, SO AS TO PROVIDE THAT A VEHICLE THAT HAS AT LEAST TWO COLORED TAGS PREVIOUSLY PLACED ON IT IS AN ABANDONED VEHICLE AND MAY BE REMOVED BY A LAW ENFORCEMENT AGENCY AND SOLD; TO AMEND SECTION 56‑5‑5945, RELATING TO THE DUTIES OF A DEMOLISHER WHO ACQUIRES A VEHICLE FOR THE PURPOSE OF WRECKING, DISMANTLING, OR DEMOLITION, SO AS TO PROVIDE THAT A DEMOLISHER WHO ACQUIRES NONFERROUS METAL IS SUBJECT TO THE PROVISIONS CONTAINED IN SECTION 16‑17‑680, TO PROVIDE THAT A DEMOLISHER MUST KEEP RECORDS OF ALL VEHICLE PARTS THAT WEIGH MORE THAN TWENTY‑FIVE POUNDS, TO REVISE THE TYPE OF INFORMATION THAT MUST BE RECORDED REGARDING THE SELLER OF VEHICLES AND VEHICLE PARTS PURCHASED BY A DEMOLISHER, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 57‑27‑20, RELATING TO DEFINITION OF TERMS CONTAINED IN THE JUNKYARD CONTROL ACT, SO AS TO REVISE THE DEFINITION OF THE TERM “JUNK”; AND BY ADDING SECTION 57‑27‑57 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A JUNKYARD OWNER TO ALLOW MOTOR VEHICLES TO BE PARKED ON A HIGHWAY ADJACENT TO ITS PROPERTY.

(R60, S. 278) -- Senator Alexander: A JOINT RESOLUTION TO ALLOW THE GOVERNING BODY OF A COUNTY BY RESOLUTION ADOPTED BY MAJORITY VOTE TO ALLOW COUNTY OFFICIALS CHARGED WITH COLLECTING TAXES ON REAL PROPERTY FOR PROPERTY TAX YEARS 2008 AND 2009 TO WAIVE OR REDUCE THE PENALTIES FOR LATE PAYMENTS, TO PROVIDE THAT THE RESOLUTION MUST PROVIDE THE TERMS AND CONDITIONS UNDER WHICH THE WAIVER OR REDUCTION APPLIES, TO REQUIRE WAIVERS OR REDUCTIONS TO BE GRANTED UNIFORMLY, TO REQUIRE THE APPROVAL OF LOCAL TAXING ENTITIES BEFORE THE RESOLUTION MAY BE PROPOSED, AND TO PROVIDE FOR REFUNDS WHERE APPLICABLE.

(R61, S. 301) -- Senator Malloy: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 38‑9‑225 AND 38‑9‑230 SO AS TO ENACT PROVISIONS REQUIRING CERTAIN INSURERS TO FILE A STATEMENT OF ACTUARIAL OPINION AND ACTUARIAL OPINION SUMMARY ANNUALLY AND PROVIDE FOR THE CONFIDENTIALITY OF THESE DOCUMENTS; TO AMEND SECTION 38‑5‑120, RELATING TO THE REVOCATION OR SUSPENSION OF LICENSE OF AN INSURER AND ITS OFFICERS AND AGENTS FOR THE PUBLICATION OF THE NOTICE, SO AS TO PROVIDE A PROCEDURE FOR AN AGGRIEVED INSURER TO REQUEST A HEARING BEFORE THE DIRECTOR OR HIS DESIGNEE AND PROVIDE RECOURSE THROUGH JUDICIAL REVIEW; TO AMEND SECTION 38‑9‑330, RELATING TO THE DEFINITION OF “COMPANY ACTION LEVEL EVENT”, SO AS TO REDEFINE THE TERM; AND TO AMEND SECTION 38‑21‑95, RELATING TO APPROVAL FOR ACQUISITION OF A DOMESTIC INSURER BY A CONTROLLING PRODUCER IN ANOTHER STATE, SO AS TO DELETE THE APPLICABILITY TO FOREIGN PRODUCERS AND CORRECT INCORRECT REFERENCES.

(R62, S. 323) -- Senator Thomas: AN ACT TO AMEND SECTION 38‑90‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING OF A CAPTIVE INSURANCE COMPANY, SO AS TO PROHIBIT A CAPTIVE INSURANCE COMPANY FROM WRITING WORKERS’ COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE APPLICATION BEING INVESTIGATED; TO AMEND SECTION 38‑90‑40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO AUTHORIZE A REDUCTION IN REQUIRED TRUST FUNDS FOR A BRANCH CAPTIVE INSURANCE COMPANY THAT POSTS SECURITY FOR LOSS RESERVES ON BRANCH BUSINESS TO A FRONT COMPANY; TO AMEND SECTION 38‑90‑55, RELATING TO INCORPORATION OF A CAPTIVE REINSURANCE COMPANY, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38‑90‑60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS OF CERTAIN TYPES OF CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38‑90‑70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO AUTHORIZE THE DIRECTOR TO GRANT AN EXTENSION OR WAIVE THE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 38‑90‑75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO PROVIDE THE SECTION APPLIES TO A CAPTIVE INSURANCE COMPANY, DELETE THE MANNER IN WHICH THE RESERVES WERE DISCOUNTED, AND PROVIDE THAT THIS PROCESS MAY BE ACCOMPLISHED WITH PRIOR WRITTEN APPROVAL BY THE DIRECTOR; TO AMEND SECTION 38‑90‑80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL OF THE INSPECTIONS AND EXAMINATIONS AND AUTHORIZE THE DIRECTOR TO WAIVE THE REQUIREMENT FOR A VISIT TO CERTAIN COMPANIES; TO AMEND SECTION 38‑90‑90, RELATING TO SUSPENSION OR REVOCATION OF THE LICENSE OF A CAPTIVE INSURANCE COMPANY, SO AS TO AUTHORIZE THE DIRECTOR TO IMPOSE A FINE INSTEAD OF REVOKING OR SUSPENDING A LICENSE; TO AMEND SECTION 38‑90‑130, RELATING TO THE PROHIBITION OF A CAPTIVE INSURANCE COMPANY FROM PARTICIPATING IN A PLAN, POOL, ASSOCIATION, OR GUARANTY OR INSOLVENCY FUND, SO AS TO AUTHORIZE A COMPANY TO PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38‑90‑180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE THE PROVISIONS OF CHAPTERS 26 AND 27 APPLICABLE TO CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38‑90‑440, AS AMENDED, RELATING TO LICENSING OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO PROVIDE THE BASIS FOR CALCULATING A PROCESSING FEE, AND CLARIFY THAT SIX THOUSAND DOLLARS BASED ON A MINIMUM FEE OF TWELVE THOUSAND DOLLARS IS PAYABLE UPON FILING OF THE APPLICATION; TO AMEND SECTION 38‑90‑450, AS AMENDED, RELATING TO THE ORGANIZATION REQUIREMENTS OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO CHANGE FROM MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR WHEN ISSUING A CERTIFICATE; AND TO AMEND SECTION 38‑90‑560, RELATING TO EXAMINATIONS BY THE DIRECTOR OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL THAT A COMPANY MUST BE INSPECTED AND DELETE THE AUTHORITY OF THE DIRECTOR TO ENLARGE THE PERIOD OF INSPECTION UNDER CERTAIN CIRCUMSTANCES.

(R63, S. 345) -- Senator Leatherman: AN ACT TO AMEND SECTION 8‑11‑65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, SO AS TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS MUST BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; TO AMEND SECTION 8‑11‑120, AS AMENDED, RELATING TO THE POSTING OF STATE AGENCY JOB VACANCIES WITH THE EMPLOYMENT SECURITY COMMISSION AND THE STATE BUDGET AND CONTROL BOARD BEFORE THE VACANCY IS FILLED, SO AS TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR PROVIDING NOTICE OF THE VACANCY, INCLUDING, BUT NOT LIMITED TO, REQUIRING POSTING AT LEAST FIVE DAYS BEFORE THE JOB IS FILLED; BY ADDING SECTION 8‑11‑33 SO AS TO PROVIDE CERTAIN CIRCUMSTANCES UNDER WHICH A STATE EMPLOYEE’S PAY MAY BE WITHHELD; TO AMEND SECTION 8‑11‑196, AS AMENDED, RELATING TO HIRING EMPLOYEES TO FILL TEMPORARY GRANT POSITIONS, SO AS TO APPLY CERTAIN PROVISIONS OF THIS SECTION TO ALL STATE AGENCIES RATHER THAN ONLY TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AND TO AUTHORIZE THE STATE OFFICE OF HUMAN RESOURCES TO AMEND POLICIES, REGULATIONS, AND PROCESSES AS NEEDED TO IMPLEMENT AND TRANSITION TO THE SOUTH CAROLINA ENTERPRISE INFORMATIONAL SYSTEM.

(R64, S. 351) -- Senators Grooms, McConnell and Ford: AN ACT TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 54 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54‑3‑140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG‑RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54‑3‑1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; BY ADDING SECTION 54‑3‑1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; BY ADDING ARTICLE 13 TO CHAPTER 3, TITLE 54 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54‑3‑155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54‑3‑110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54‑3‑130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54‑3‑115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54‑3‑117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54‑3‑118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13‑1‑1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12‑6‑3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1‑3‑240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54‑3‑700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE PORT ROYAL REAL PROPERTY SHALL BE SOLD; BY ADDING SECTION 54‑3‑119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54‑3‑700 SHOULD BE USED TO BUILD THE BOAT LANDING.

(R65, S. 360) -- Senator Hayes: AN ACT TO AMEND SECTION 4‑10‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECT SALES AND USE TAX BY A COUNTY GOVERNING BODY, SO AS TO DELETE A REQUIREMENT THAT THE TAX IS TO COLLECT A LIMITED AMOUNT OF MONEY; TO AMEND SECTION 4‑10‑330, AS AMENDED, RELATING TO THE COUNTY ORDINANCE AND BALLOT QUESTION FOR THE REFERENDUM REQUIRED, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE ORDINANCE AND THE DATES AND PURPOSES OF THE REFERENDUM; TO AMEND SECTION 4‑10‑340, AS AMENDED, RELATING TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO FURTHER PROVIDE FOR THE TERMINATION OF A NEWLY IMPOSED AND A REIMPOSED TAX, AND TO PROVIDE FOR THE USE OF THE FUNDS REMAINING AFTER THE PROJECT IS COMPLETED IF THE TAX IS REIMPOSED AND IF THE TAX IS NOT REIMPOSED; TO AMEND SECTION 4‑10‑350, RELATING TO THE ADMINISTRATION AND COLLECTION OF THE TAX BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE THAT UNPREPARED FOOD ELIGIBLE FOR PURCHASE WITH USDA FOOD COUPONS IS EXEMPT FROM THE TAX, AND TO PROVIDE FOR WHEN THESE PROVISIONS TAKE EFFECT.

(R66, S. 363) -- Senator Alexander: AN ACT TO AMEND SECTION 23‑41‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARSON REPORTING‑IMMUNITY ACT, SO AS TO ADD CERTAIN PUBLIC SAFETY OFFICIALS TO THE LIST OF AGENCIES AUTHORIZED TO RECEIVE INFORMATION FROM AN INSURANCE COMPANY.

(R67, S. 364) -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑9‑25 SO AS TO ENACT THE “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM” (V‑SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

(R68, S. 388) -- Senator Leatherman: A JOINT RESOLUTION TO DIRECT THE STATE TREASURER’S OFFICE TO PROVIDE FINANCING ARRANGEMENTS THROUGH THE MASTER LEASE PROGRAM FOR ANY AGENCY THAT HAS NOT PAID IN FULL FOR ITS SOUTH CAROLINA ENTERPRISE INFORMATION SYSTEM (SCEIS) IMPLEMENTATION COSTS AND HAS NOT UTILIZED THE AGENCY’S SET‑ASIDE ACCOUNT TO MEET ITS OBLIGATIONS, TO PROVIDE THAT THE AMOUNTS AND TIMING OF LEASE PAYMENTS BY AN AGENCY SHALL BE DETERMINED BY THE STATE TREASURER’S OFFICE IN COOPERATION WITH THE SCEIS EXECUTIVE OVERSIGHT COMMITTEE, TO REQUIRE AN AGENCY TO MEET ALL OF ITS SCEIS FINANCIAL OBLIGATIONS, AND TO PROVIDE WHEN AN AGENCY MAY WITHDRAW FUNDS FROM ITS SCEIS SET‑ASIDE ACCOUNT.

(R69, S. 390) -- Senator Hayes: AN ACT TO ENACT THE “MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2009”; TO AMEND SECTION 38‑71‑880, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL AND SURGICAL BENEFITS AND MENTAL BENEFITS COVERAGE, SO AS TO ADD PROVISIONS RELATING TO SUBSTANCE USE DISORDER COVERAGE, FINANCIAL REQUIREMENTS, AND TREATMENT LIMITATIONS AND TO PROVIDE FOR DEFINITIONS; AND TO AMEND SECTION 38-71-290, RELATING TO COVERAGE FOR A MENTAL HEALTH INSURANCE PLAN, SO AS TO CHANGE THE DEFINITION OF “HEALTH INSURANCE PLAN”, TO PROVIDE FOR THE EXCLUSION OF A HEALTH INSURANCE PLAN THAT IS INDIVIDUALLY UNDERWRITTEN OR A PLAN PROVIDED TO A SMALL EMPLOYER FROM THE PROVISIONS OF THIS SECTION, AND TO PROVIDE HOW THIS SECTION APPLIES TO THE PROVISIONS OF SECTION 38-71-880.

(R70, S. 453) -- Senators Verdin and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑4‑160 SO AS TO PROVIDE THAT UNITS OF LOCAL GOVERNMENT MAY NOT ENACT ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT LOCAL LAWS AND ORDINANCES PERTAINING TO THE REGULATION OF AND ENFORCEMENT OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED BY STATE LAW AND STATE AGENCY REGULATIONS, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 6‑1‑330, RELATING TO LOCAL FEE IMPOSITION LIMITATIONS, SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY MAY NOT IMPOSE A FEE ON AGRICULTURAL LANDS, FORESTLANDS, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM UNLESS CHAPTER 14 OF TITLE 48 ALLOWS FOR THE IMPOSITION OF THIS FEE ON THESE LANDS, AND TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 47‑9‑60 SO AS TO PROVIDE THAT ONLY PROPERTY OWNERS AND RESIDENTS WITHIN A TWO‑MILE RADIUS OF A PERMITTED LIVESTOCK AND POULTRY FACILITY, WITH THE EXCEPTION OF A SWINE FACILITY, MAY APPEAL A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PERTAINING TO THE FACILITY; AND BY ADDING SECTION 47‑9‑65 SO AS TO PROVIDE THE COMPOUNDING PHARMACIST WHO FILLS AN ORDER FOR PERFORMANCE ENHANCING MINERAL OR DRUG COMPOUNDS WHICH ARE NOT FDA APPROVED FOR POLO HORSES PRIOR TO A POLO MATCH MUST CERTIFY THE COMPOUND WITH HIS SIGNATURE ACCOMPANIED BY A COMPLETE LISTING OF THE COMPONENTS CONTAINED IN THE COMPOUND AND TO PROVIDE PENALTIES FOR VIOLATIONS.

(R71, S. 463) -- Senators Peeler and Rose: AN ACT TO AMEND SECTION 44‑36‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE AND FUNCTIONS OF THE ALZHEIMER’S DISEASE REGISTRY, SO AS TO EXPAND THE TYPES OF DATA COLLECTED BY THE ALZHEIMER’S DISEASE REGISTRY, AND TO PROVIDE FOR THE AUTHORIZATION OF STUDIES ABOUT ALZHEIMER’S DISEASE AND THE CAREGIVERS OF PERSONS WITH ALZHEIMER’S DISEASE.

(R72, S. 491) -- Senator Hayes: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN WESTERN YORK COUNTY AS THE WESTERN YORK COUNTY SCENIC BYWAY, AND TO MAKE IT SUBJECT TO THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

(R73, S. 583) -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION, RELATING TO USE AND DISSEMINATION OF TEST RESULTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4049, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R74, S. 593) -- Senator S. Martin: AN ACT TO AMEND SECTION 16‑23‑430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON THE CARRYING OF WEAPONS ON SCHOOL PROPERTY, SO AS TO PROVIDE AN EXCEPTION FOR PERSONS WHO ARE AUTHORIZED TO CARRY A CONCEALED WEAPON WHEN THE WEAPON IS INSIDE A MOTOR VEHICLE AND SECURED; AND TO AMEND SECTION 16‑23‑420, AS AMENDED, RELATING TO THE PROHIBITION ON THE CARRYING OR DISPLAYING OF FIREARMS IN PUBLIC BUILDINGS AND ADJACENT AREAS, SO AS TO PROVIDE AN EXCEPTION ON SCHOOL PROPERTY FOR PERSONS WHO ARE AUTHORIZED TO CARRY A CONCEALED WEAPON WHEN THE WEAPON IS INSIDE A MOTOR VEHICLE AND SECURED.

(R75, S. 630) -- Senators Land, Setzler, L. Martin, Ford, Nicholson, Lourie, Sheheen, Massey, Reese, Elliott, Peeler, Leatherman, Knotts, Hayes, Verdin, Leventis, Coleman, Matthews, Fair, Scott, Hutto, McGill, Williams, O’Dell, Campbell, Thomas, Rankin, Rose, Davis, Alexander, Shoopman, Anderson, S. Martin, Bright, Grooms, Jackson and Malloy: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑15‑65 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR, FACTORY REPRESENTATIVE, OR DISTRIBUTOR REPRESENTATIVE TO REQUIRE OR COERCE A MOTOR VEHICLE DEALER TO CHANGE THE LOCATION OF HIS DEALERSHIP OR MAKE SUBSTANTIAL ALTERATIONS TO THE DEALER’S PREMISES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 56‑15‑75 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A MOTOR VEHICLE MANUFACTURER, FACTORY BRANCH, DISTRIBUTOR BRANCH, FACTORY REPRESENTATIVE OR DISTRIBUTOR REPRESENTATIVE TO REQUIRE OR COERCE A MOTOR VEHICLE DEALER TO REFRAIN FROM PARTICIPATION IN THE MANAGEMENT OF, INVESTMENT IN, OR ACQUISITION OF ANOTHER MAKE OR LINE OF NEW MOTOR VEHICLES OR RELATED PRODUCTS UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56‑15‑90, RELATING TO A MANUFACTURER’S, WHOLESALER’S, DISTRIBUTOR’S OR FRANCHISOR’S UNLAWFUL FAILURE TO RENEW, TERMINATE, OR RESTRICT THE TRANSFER OF A FRANCHISE, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE FACTORS TO BE CONSIDERED IN CALCULATING THE FAIR AND REASONABLE COMPENSATION FOR THE VALUE OF A DEALERSHIP FRANCHISE.

(R76, S. 668) -- Senators Courson, Knotts, Cromer, Setzler, Jackson, Scott, Lourie and Rose: AN ACT TO AMEND SECTION 53‑5‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEGAL HOLIDAYS, SO AS TO INCLUDE THE TWENTY-FOURTH DAY OF DECEMBER AS A LEGAL HOLIDAY; AND TO REPEAL SECTION 53-5-20 RELATING TO CHRISTMAS EVE DECLARED AS A HOLIDAY FOR STATE EMPLOYEES.

(R77, S. 673) -- Senators Thomas and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA MORTGAGE LENDING ACT”, BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD‑KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34‑1‑20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34‑1‑110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37‑1‑301, 37‑3‑105, 37‑3‑501, AND 37‑23‑20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH‑COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO INCLUDE CERTAIN ADJUSTABLE RATE MORTGAGES AS A HIGH-COST HOME LOAN AND TO DEFINE “ADJUSTABLE RATE MORTGAGE”; TO AMEND SECTIONS 37‑23‑40, 37‑23‑45, AND 37‑23‑75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH‑COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29‑4‑20, RELATING TO THE DEFINITION OF “REVERSE MORTGAGE”, SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

(R78, S. 696) -- Senator Matthews: AN ACT TO AMEND SECTION 59‑18‑930, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED ADVERTISEMENT OF THE RESULTS OF A SCHOOL’S REPORT CARD IN A LOCAL NEWSPAPER, SO AS TO ALLOW THE REQUIRED ADVERTISEMENT TO BE WAIVED IF AN AUDITED NEWSPAPER OF GENERAL CIRCULATION IN A SCHOOL DISTRICT’S GEOGRAPHIC AREA HAS PREVIOUSLY PUBLISHED THE ENTIRE SCHOOL REPORT CARD RESULTS AS A NEWS ITEM.

(R79, S. 700) -- Senator Leatherman: A JOINT RESOLUTION TO AUTHORIZE THE UNIVERSITY OF SOUTH CAROLINA TO DEVELOP AND CONSTRUCT A NEW FACILITY FOR THE MOORE SCHOOL OF BUSINESS IN THE INNOVISTA DISTRICT ON ITS COLUMBIA CAMPUS.

(R80, S. 704) -- Senators McGill and Cleary: AN ACT TO AMEND SECTION 7‑7‑270, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD AND TO CORRECT ARCHAIC REFERENCES.

(R81, S. 727) -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY STATE CROP PEST COMMISSION, RELATING TO PHYTOPHTHORA RAMORUM QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4062, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R82, S. 756) -- Senator Hayes: AN ACT TO AMEND SECTION 7‑7‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF YORK COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

(R83, S. 758) -- Senator Land: AN ACT TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW REVENUES OF THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009‑2010 AND 2010‑2011 SCHOOL YEARS.

(R84, S. 774) -- Senator Reese: AN ACT TO AMEND SECTION 7‑7‑490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SPARTANBURG COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

(R85, S. 793) -- Senators Pinckney and Davis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 37 TO TITLE 6 SO AS TO PROVIDE FOR THE BEAUFORT‑JASPER WATER AND SEWER AUTHORITY, TO REMOVE CERTAIN RESTRICTIONS ON THE AREAS IN WHICH THE AUTHORITY PROVIDES SERVICES, TO FURTHER PRESCRIBE THE AUTHORITY’S FUNCTIONS AND POWERS REGARDING WATER AND WASTEWATER SERVICES, TO PRESCRIBE THE CONDITIONS AND TERMS UPON WHICH MUNICIPAL CORPORATIONS AND OTHER PUBLIC BODIES OR AGENCIES OPERATING WATER DISTRIBUTION AND WASTEWATER SYSTEMS IN BEAUFORT, JASPER, HAMPTON, AND COLLETON COUNTIES MAY ACQUIRE SERVICES FROM THE AUTHORITY, AND TO CHANGE THE NAME OF THE AUTHORITY TO THE BEAUFORT‑JASPER WATER AND SEWER AUTHORITY.

(R86, S. 795) -- Senator Fair: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON APRIL 30, 2009, AND MAY 1, 2009, BY THE STUDENTS OF MAULDIN HIGH SCHOOL WHEN THE SCHOOL WAS CLOSED DUE TO POTENTIAL FLU‑LIKE ILLNESS ARE EXEMPT FROM THE MAKE‑UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

(R87, H. 3013) -- Reps. Limehouse, Parker and Toole: AN ACT TO AMEND SECTION 16‑11‑650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE, INCREASE PENALTIES FOR VIOLATIONS, PROVIDE FOR THE RIGHTS OF EASEMENT HOLDERS, AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.

(R88, H. 3018) -- Reps. E.H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G.M. Smith, Lowe, Vick, H.B. Brown, R.L. Brown, Viers, Clemmons, Ballentine, Mitchell and M.A. Pitts: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS SOLD OR OTHERWISE OCCUPIED, OR THE SIXTH PROPERTY TAX YEAR ENDING DECEMBER THIRTY‑FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED AND TO PROVIDE THE METHOD OF APPLYING FOR THE EXEMPTION; AND TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO CLASSIFICATIONS AND VALUATION OF PROPERTY FOR PURPOSES OF PROPERTY TAX, SO AS TO REVISE AN ELIGIBILITY REQUIREMENT TO RECEIVE THE FOUR PERCENT ASSESSMENT RATIO FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY.

(R89, H. 3022) -- Reps. Kirsh, Wylie, G.M. Smith, Weeks and Mitchell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS ACT” BY ADDING ARTICLE 9 TO CHAPTER 22, TITLE 17 SO AS TO PROVIDE A PROCEDURE FOR THE UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS, TO PROVIDE THAT APPLICATIONS FOR EXPUNGEMENT OF CRIMINAL RECORDS MUST BE ADMINISTERED BY THE SOLICITOR’S OFFICE IN EACH CIRCUIT, TO PROVIDE FOR THE DEVELOPMENT OF AN EXPUNGEMENT FORM, AND TO CREATE A UNIFORM FEE FOR EXPUNGMENT; TO AMEND SECTION 17‑1‑40, AS AMENDED, RELATING TO THE REQUIREMENT FOR THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND NOT GUILTY OF THE CHARGE, SO AS TO ALLOW CERTAIN DETENTION AND CORRECTIONAL FACILITIES TO RETAIN THOSE RECORDS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THE CIRCUMSTANCES UNDER WHICH THOSE RECORDS MAY BE RELEASED, AND TO PROVIDE A PENALTY FOR THE UNLAWFUL RELEASE OF THOSE RECORDS; BY ADDING SECTION 17‑1‑45 SO AS TO REQUIRE SOUTH CAROLINA COURT ADMINISTRATION TO INCLUDE NOTICE ON ALL BOND PAPERWORK AND COURTESY SUMMONS WHEN A PERSON MAY HAVE HIS RECORD EXPUNGED; TO AMEND SECTION 22‑5‑910, RELATING TO THE EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO CLARIFY THAT FIRST OFFENSE CRIMES CARRYING A PENALTY OF NOT MORE THAN THIRTY DAYS IMPRISONMENT OR A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, ARE ELIGIBLE TO BE EXPUNGED; TO AMEND SECTION 22‑5‑920, RELATING TO CONVICTION AS A YOUTHFUL OFFENDER, SO AS TO CHANGE THE WAITING PERIOD BEFORE A YOUTHFUL OFFENDER MAY APPLY TO HAVE HIS CRIMINAL ARREST AND CONVICTION EXPUNGED FROM FIFTEEN YEARS OF THE CONVICTION TO FIVE YEARS FROM THE COMPLETION OF THE SENTENCE; TO AMEND SECTION 44‑53‑450, RELATING TO CONDITIONAL DISCHARGE OF A PERSON FOUND GUILTY OF CERTAIN FIRST OFFENSE CONTROLLED SUBSTANCES OFFENSES, SO AS TO DELETE THE REQUIREMENT THAT THE PERSON MAY NOT BE OVER THE AGE OF TWENTY‑FIVE TO HAVE HIS RECORD EXPUNGED PURSUANT TO THIS SECTION; AND TO DELAY THE IMPLEMENTATION OF THE TRAFFIC EDUCATION PROGRAM AS PROVIDED IN ACT 176 OF 2008.

(R90, H. 3042) -- Reps. Merrill, Parker, Huggins, H.B. Brown, Anderson, J.E. Smith, Miller, M.A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, D.C. Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield, Ott, Hutto, G.R. Smith, Millwood, Whipper and Bannister: AN ACT TO AMEND SECTIONS 40‑81‑20, 40‑81‑50, 40‑81‑70, 40‑81‑230, 40‑81‑280, 40‑81‑430, AND 40‑81‑480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION, SO AS TO PROVIDE FOR THE REGULATION OF MIXED MARTIAL ARTS COMPETITIONS BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40‑81‑445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40‑81‑530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

(R91, H. 3087) -- Reps. Brady and M.A. Pitts: AN ACT TO AMEND SECTION 23‑3‑535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN THIS SECTION; AND TO AMEND ACT 333 OF 2008, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS AND PENALTIES FOR FAILURE TO REGISTER AS A SEX OFFENDER, SO AS TO PROVIDE AN EFFECTIVE DATE FOR VARIOUS PORTIONS OF THIS ACT.

(R92, H. 3118) -- Reps. Kirsh, J.E. Smith, Funderburk, Weeks and Hutto: AN ACT TO AMEND SECTION 63‑11‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF GUARDIANS AD LITEM IN CHILD ABUSE AND NEGLECT CASES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM, OR A COUNTY GUARDIAN AD LITEM PROGRAM, HAS THE RIGHT TO INTERVENE IN A PROCEEDING TO PETITION TO HAVE THE VOLUNTEER GUARDIAN AD LITEM REMOVED AND TO SPECIFY GROUNDS FOR REMOVAL; AND TO AMEND SECTION 63‑11‑550, RELATING TO CONFIDENTIALITY OF REPORTS AND INFORMATION MAINTAINED BY THE GUARDIAN AD LITEM PROGRAM, SO AS TO ALSO PROVIDE THAT REPORTS AND INFORMATION MAINTAINED BY A GUARDIAN AD LITEM IS CONFIDENTIAL.

(R93, H. 3123) -- Reps. J.E. Smith, H.B. Brown, McLeod, Horne, Weeks, Hutto and T.R. Young: AN ACT TO AMEND SECTION 40‑5‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT A PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR PURSUANT TO APPLICABLE COURT RULES, OR OTHERWISE AUTHORIZED TO PERFORM PRESCRIBED LEGAL ACTIVITIES BY ACTION OF THE SUPREME COURT OF SOUTH CAROLINA IN ORDER TO EITHER PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THAT THE TYPE OF CONDUCT THAT IS THE SUBJECT OF ANY CHARGE FILED PURSUANT TO THIS SECTION MUST HAVE BEEN DEFINED AS THE UNAUTHORIZED PRACTICE OF LAW BY THE SUPREME COURT OF SOUTH CAROLINA PRIOR TO ANY CHARGE BEING FILED.

(R94, H. 3131) -- Reps. Toole, M.A. Pitts and Umphlett: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑711 SO AS TO DESIGNATE THE “WOOD DUCK” AS THE OFFICIAL STATE DUCK; BY ADDING SECTION 1-1-712 SO AS TO DESIGNATE THE “BOTTLENOSE DOLPHIN” AS THE OFFICIAL STATE MARINE MAMMAL; BY ADDING SECTION 1-1-713 SO AS TO DESIGNATE THE “NORTHERN RIGHT WHALE” AS THE OFFICIAL STATE MIGRATORY MARINE MAMMAL; AND TO AMEND SECTION 50-11-840, RELATING TO PROTECTION OF WILD BIRD NESTS AND EGGS, SO AS TO DEFINE A WILD BIRD NEST AS A NEST WITH BIRDS OR EGGS PRESENT AND TO PROVIDE FOR THE ISSUANCE OF A PERMIT TO POSSESS SUCH NEST OR EGGS OR TO REMOVE AN ACTIVE NEST OR EGGS THAT CONSTITUTE A PUBLIC SAFETY THREAT OR WHEN CAUSING PROPERTY DAMAGE.

(R95, H. 3134) -- Reps. Bowers and Long: AN ACT TO AMEND SECTION 56‑3‑9910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF GOLD STAR FAMILY SPECIAL LICENSE PLATES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE ISSUANCE, PRODUCTION AND FEE FOR THIS SPECIAL LICENSE PLATE.

(R96, H. 3148) -- Reps. Clyburn, G.M. Smith, H.B. Brown, Branham, Ott, Agnew, R.L. Brown, Hayes, Battle, Miller, Weeks, J.R. Smith, D.C. Smith, Parks, Rice, Littlejohn, Hosey, Jefferson, Cobb‑Hunter, Howard, Cooper, Gunn, McLeod, T.R. Young, Kennedy, Vick, Edge, J.E. Smith, Harrell, A.D. Young, Alexander, Neilson, Lucas, Merrill, Barfield, Bales, Allen, Hodges, Knight and Funderburk: AN ACT TO ENACT THE “FEDERAL EDUCATIONAL TAX‑CREDIT BOND IMPLEMENTATION ACT”, INCLUDING PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-3-100 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH ALLOCATIONS OF QUALIFIED SCHOOL CONSTRUCTION BONDS AUTHORIZED BY THE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 SHALL BE MADE AMONG THE SCHOOL DISTRICTS OF THIS STATE, AND TO PROVIDE FOR OTHER RELATED MATTERS IN REGARD TO THESE ALLOCATIONS; TO AMEND SECTION 11‑15‑460, AS AMENDED, RELATING TO THE INTEREST RATE ON REFUNDING BOND OBLIGATIONS OF POLITICAL SUBDIVISIONS, SO AS TO EXEMPT QUALIFIED SCHOOL CONSTRUCTION BONDS FROM THIS PROVISION; AND TO AMEND SECTION 11‑27‑50, AS AMENDED, RELATING TO THE EFFECT OF THE PROVISIONS OF ARTICLE X OF THE CONSTITUTION OF THIS STATE ON BONDS OF SCHOOL DISTRICTS, SO AS TO PROVIDE THAT QUALIFIED SCHOOL CONSTRUCTION BONDS UP TO A CERTAIN AMOUNT MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE AS DETERMINED BY THE GOVERNING BODY OF THE ISSUER.

(R97, H. 3187) -- Reps. Chalk and Willis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29‑5‑26 SO AS TO PROVIDE A PERSON WHO PROVIDES CERTAIN LANDSCAPE SERVICES MAY HAVE A MECHANICS’ LIEN ON THE REAL ESTATE WHERE THE LANDSCAPE SERVICES WERE PROVIDED, AND TO DEFINE LANDSCAPE SERVICES; BY ADDING SECTION 29‑5‑15 SO AS TO PROVIDE THE MANNER BY WHICH A CONTRACTOR MUST FILE A MECHANICS’ LIEN AND A PENALTY FOR FILING A FRIVOLOUS MECHANICS’ LIEN; TO AMEND SECTION 29‑5‑120, RELATING TO THE DISSOLUTION OF LIENS NOT TIMELY BROUGHT, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A MECHANICS’ LIEN MAY BE RELEASED BY A COURT; AND TO AMEND SECTION 40‑59‑30, AS AMENDED, RELATING TO LICENSE REQUIREMENTS, ENFORCEMENT OF CONTRACTS, AND RESTRAINING ORDERS, SO AS TO PROVIDE A PENALTY FOR FAILING TO REGISTER WITH THE COMMISSION BEFORE ENGAGING OR OFFERING TO ENGAGE IN THE BUSINESS OF RESIDENTIAL BUILDING, AMONG OTHER THINGS.

(R98, H. 3301) -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J.R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G.A. Brown, H.B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E.H. Pitts, M.A. Pitts, Scott, Simrill, Skelton, D.C. Smith, G.R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34‑39‑175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL‑TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34‑39‑270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34‑39‑280 SO AS TO ALLOW A DEFERRED PRESENTMENT TRANSACTION CUSTOMER WHO IS UNABLE TO REPAY A TRANSACTION WHEN DUE TO ENTER ONE EXTENDED PAYMENT PLAN DURING A TWELVE MONTH PERIOD; TO AMEND SECTION 34‑39‑130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED FIVE HUNDRED DOLLARS; TO AMEND SECTION 24‑39‑150, RELATING TO THE APPLICATION FOR LICENSURE, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEES AND TO DESIGNATE THE RECIPIENTS AND PERMITTED USES OF RENEWAL FEE COLLECTIONS; BY ADDING SECTION 34‑39‑290 SO AS TO REQUIRE THE BOARD OF FINANCIAL ADVISORS TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING CERTAIN DEFERRED PRESENTMENT TRANSACTION DATA PROVIDED BY THE DATABASE VENDOR; TO AMEND SECTION 34‑39‑200, RELATING TO LIMITATIONS ON ACTIVITIES BY PERSONS REQUIRED TO BE LICENSED, SO AS TO IDENTIFY CERTAIN LIMITED EXCEPTIONS; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT A LICENSEE SHALL NOT CHARGE A FEE IN EXCESS OF FIFTEEN PERCENT OF THE PRINCIPAL AMOUNT OF THE TRANSACTION FOR ACCEPTING A CHECK FOR DEFERRED PRESENTMENT OR DEPOSIT; AND TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO IDENTIFY A LICENSEE’S CIVIL REMEDIES IF A CHECK IS RETURNED DUE TO INSUFFICIENT FUNDS, CLOSED ACCOUNT, OR STOP PAYMENT ORDER.

(R99, H. 3311) -- Reps. Brady, Harrison, Erickson, Umphlett, A.D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan, Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G.M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G.R. Smith, Hamilton, Jennings, T.R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens, Bannister and Bedingfield: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD; TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES AN IMPLIED IRREVOCABLE WAIVER OF THE FATHER’S RIGHT TO NOTICE OF PROCEEDINGS FOR THE TERMINATION OF HIS PARENTAL RIGHTS AND FOR THE CHILD’S ADOPTION; TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER’S PREGNANCY; AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63‑9‑730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63‑7‑2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63‑7‑2550, RELATING TO PERSONS AND ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

(R100, H. 3347) -- Reps. Clemmons, McLeod and Harrell: AN ACT TO AMEND SECTION 56‑1‑143, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES GIVING APPLICANTS FOR CERTAIN SERVICES THE OPTION TO MAKE A VOLUNTARY CONTRIBUTION TO DONATE LIFE OF SOUTH CAROLINA, SO AS TO INCREASE THE AMOUNT THAT MAY BE DONATED; AND TO AMEND SECTION 56‑1‑130, AS AMENDED, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES’ EXAMINATION TO OBTAIN A DRIVER’S LICENSE, SO AS TO DELETE THE PROVISIONS THAT RELATE TO THE THREE‑WHEEL VEHICLE EXAMINATION AND THE NONCOMMERCIAL ENDORSEMENT TO THE MOTORCYCLE CLASSIFICATION, AND TO PROVIDE THAT A BASIC DRIVER’S LICENSE AUTHORIZES THE LICENSEE TO OPERATE CERTAIN MOTORCYCLE THREE‑WHEEL VEHICLES.

(R101, H. 3377) -- Reps. D.C. Moss, Vick, Simrill, Anthony, Bedingfield, H.B. Brown, Duncan, Gambrell, Gullick, Jennings and A.D. Young: AN ACT TO AMEND SECTION 23‑1‑212, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENFORCEMENT OF STATE CRIMINAL LAWS BY FEDERAL LAW ENFORCEMENT OFFICERS, SO AS TO PROVIDE THAT NATIONAL PARK SERVICE RANGERS ARE FEDERAL LAW ENFORCEMENT OFFICERS WHO ARE AUTHORIZED TO ENFORCE THE STATE’S CRIMINAL LAWS.

(R102, H. 3413) -- Rep. Harrison: AN ACT TO AMEND SECTION 61‑4‑1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING BEER KEG REGISTRATION REQUIREMENTS, SO AS TO REVISE THE DEFINITION OF “KEG”.

(R103, H. 3482) -- Reps. Harrell, Cooper, Mack and Bannister: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL PERSONAL PROPERTY, INCLUDING AIRCRAFT, OF A COMPANY ENGAGED IN AIR TRANSPORT OF SPECIALIZED CARGO.

(R104, H. 3483) -- Reps. White, M.A. Pitts, Toole, Willis, Barfield, Clemmons, Hardwick and Hearn: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE’S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE; TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PROMOTING SOUND WILDLIFE CONSERVATION AND MANAGEMENT AS PRESCRIBED BY THE GENERAL ASSEMBLY; AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE’S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

(R105, H. 3550) -- Reps. Cato, Herbkersman, Agnew, Merrill, Stavrinakis, Funderburk, Brady, Anderson, R.L. Brown, Kelly, Limehouse, J.E. Smith, Whipper, Hutto, Allison, Parker, Sottile, Erickson and Bales: AN ACT TO AMEND CHAPTER 10, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING ENERGY EFFICIENCY STANDARD ACT, SO AS TO REVISE THE TITLE OF THE ACT TO THE “ENERGY STANDARD ACT”; TO REVISE DEFINITIONS; TO ADOPT THE 2006 EDITION INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD AND TO PROVIDE THAT ALL NEW AND RENOVATED BUILDINGS AND ADDITIONS MUST COMPLY WITH THIS STANDARD, TO PROVIDE THAT LOCAL BUILDING OFFICIALS SHALL ENFORCE THE ENERGY STANDARD AND TO PROVIDE ALTERNATIVE ENFORCERS IN AREAS WITHOUT A BUILDING OFFICIAL; TO PROVIDE THAT BUILDING OFFICIALS SHALL ISSUE AND REVOKE BUILDING PERMITS AND INSPECT CONSTRUCTION OF BUILDINGS PURSUANT TO THE PERMITS ISSUED, TO REQUIRE LOCAL JURISDICTIONS TO PROVIDE AN APPEALS BOARD AND PROCESS FOR GRANTING OF CERTAIN VARIANCES, TO PROVIDE AN EXCEPTION, AND TO ALLOW CERTAIN APPEALS TO BE HEARD BY THE SOUTH CAROLINA BUILDING CODES COUNCIL; AND TO PROVIDE THAT THE BUILDING OFFICIAL MAY OBTAIN INJUNCTIVE RELIEF; AND TO AMEND SECTION 6‑9‑50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONAL BUILDING CODES, BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO CODE DOCUMENTS, AND THREE STORY HOMES, SO AS TO DELETE PROVISIONS RELATING TO WHAT CONSTITUTES COMPLIANCE WITH THE BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO DOCUMENTS CONTAINING CODES ADOPTED BY THE BUILDING CODES COUNCIL, AND BUILDING PERMITS FOR THREE STORY HOMES.

(R106, H. 3562) -- Reps. Brady and Sandifer: AN ACT TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF “GENERAL APPOINTMENT”, “LOCAL APPOINTMENT”, “SPECIAL APPOINTMENT”, “CROP INSURANCE”, AND “TRAVEL INSURANCE”, CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38‑39‑20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38‑43‑80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY‑FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY‑FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38‑43‑106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE’S MONTH AND YEAR OF BIRTH; TO AMEND SECTION 38‑43‑110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER’S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALLY BASED ON THE LICENSEE’S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38‑43‑200, AS AMENDED, RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38‑45‑10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38‑45‑20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

(R107, H. 3572) -- Rep. Umphlett: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50‑5‑1707 RELATING TO SHARK CATCH LIMITS; BY ADDING SECTION 50‑13‑400 SO AS TO ESTABLISH CREEL AND SIZE LIMITS FOR CRAPPIE TAKEN IN LAKE MURRAY; AND BY ADDING SECTION 50‑5‑2017 SO AS TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, AND TO ESTABLISH THE DURATION OF THE PROGRAM.

(R108, H. 3615) -- Reps. Sandifer, Parks, King and Weeks: AN ACT TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40‑19‑290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS PLACING PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE IN A TRUST ACCOUNT, SO AS TO CHANGE “STATE BOARD OF FINANCIAL INSTITUTIONS” TO “SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS” AND TO PROVIDE THAT THESE PAYMENTS MUST BE HELD UNTIL THE MERCHANDISE IS DELIVERED FOR USE OR IN THE POSSESSION OF THE PURCHASER.

(R109, H. 3651) -- Reps. Duncan, Umphlett, Anthony, Knight, Forrester and Hayes: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑23‑205 SO AS TO PROVIDE CERTAIN DEFINITIONS, TO LIMIT THE AUTHORITY OF COUNTIES AND MUNICIPALITIES TO RESTRICT OR REGULATE CERTAIN FORESTRY ACTIVITIES, TO PROVIDE THE TERMS AND CONDITIONS OF CERTAIN PERMITTED REGULATIONS, AND TO PROVIDE EXEMPTIONS.

(R110, H. 3653) -- Rep. McLeod: A JOINT RESOLUTION TO DELAY IMPLEMENTATION OF THE PROVISIONS OF ACT 270 OF 2008, RELATING TO THE REQUIREMENT THAT MUNICIPAL COURT JURY LISTS INCLUDE OTHERWISE QUALIFIED RESIDENTS OF THE MUNICIPALITY WHO HOLD A VALID SOUTH CAROLINA DRIVER’S LICENSE OR IDENTIFICATION CARD, SO AS TO POSTPONE THIS EXPANSION OF THE MUNICIPAL COURT JURY LIST UNTIL DECEMBER 31, 2009.

(R111, H. 3677) -- Rep. Cobb‑Hunter: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “VIOLENCE AGAINST WOMEN FEDERAL COMPLIANCE ACT” SO AS TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS; TO AMEND SECTION 16‑3‑740, RELATING TO TESTING CERTAIN CRIMINALS FOR HEPATITIS B AND THE HUMAN IMMUNODEFICIENCY VIRUS AT THE REQUEST OF A VICTIM, SO AS TO REVISE THE DEFINITION OF “OFFENDER” TO INCLUDE ADULTS AND JUVENILES, TO REVISE PROCEDURES FOR DISCLOSING TEST RESULTS, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL ADVISE THE VICTIM OF AVAILABLE TREATMENT OPTIONS AND, UPON REQUEST OF THE VICTIM, TEST THE VICTIM AND PROVIDE POST‑TESTING COUNSELING; BY ADDING SECTION 16‑3‑750 SO AS TO PROVIDE THAT LAW ENFORCEMENT AND PROSECUTING OFFICERS MAY REQUEST A VICTIM OF AN ALLEGED CRIMINAL SEXUAL CONDUCT OFFENSE TO SUBMIT TO A POLYGRAPH EXAMINATION IF THE CREDIBILITY OF THE VICTIM IS AT ISSUE AND TO PROHIBIT LAW ENFORCEMENT OR SUCH OFFICERS FROM REQUIRING A VICTIM TO SUBMIT TO SUCH EXAMINATION AS A CONDITION OF PROCEEDING WITH THE INVESTIGATION, CHARGING, OR PROSECUTION OF THE OFFENSE; TO AMEND SECTION 16‑3‑1350, RELATING TO MEDICOLEGAL EXAMINATIONS OF VICTIMS OF CRIMINAL SEXUAL CONDUCT OR CHILD SEX ABUSE, SO AS TO DELETE THE PROVISION REQUIRING SUCH A VICTIM TO FILE AN INCIDENT REPORT WITH A LAW ENFORCEMENT AGENCY IN ORDER TO RECEIVE A MEDICOLEGAL EXAMINATION WITHOUT CHARGE; AND BY ADDING SECTION 16‑25‑30 SO AS TO PROVIDE THAT A PERSON CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE MUST BE NOTIFIED IN WRITING THAT PURSUANT TO FEDERAL LAW IT IS UNLAWFUL FOR SUCH AN OFFENDER TO SHIP, TRANSPORT, OR POSSESS A FIREARM.

(R112, H. 3678) -- Reps. D.C. Moss, Whipper, Anthony, Herbkersman, Merrill, Nanney, G.M. Smith, Thompson and Weeks: AN ACT TO AMEND SECTION 56‑5‑4140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM ALLOWABLE GROSS WEIGHTS OF VEHICLES THAT MAY BE OPERATED ALONG THE STATE’S HIGHWAYS, SO AS TO MAKE A TECHNICAL CHANGE.

(R113, H. 3749) -- Reps. J.E. Smith and Williams: AN ACT TO AMEND SECTION 25‑1‑380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSISTANT ADJUTANT GENERAL FOR THE ARMY, SO AS TO PROVIDE UPON NATIONAL GUARD BUREAU AUTHORIZATION, AN ADDITIONAL ASSISTANT ADJUTANT GENERAL WITH THE RANK OF MAJOR GENERAL.

(R114, H. 3761) -- Rep. Cooper: AN ACT TO AMEND SECTION 44‑53‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FORFEITURE PROCEDURES RELATED TO DRUG PROCEEDS, SO AS TO ALLOW THE USE OF FORFEITED MONIES AND PROCEEDS FROM THE SALE OF PROPERTY FOR TRAINING AND EDUCATION BY LAW ENFORCEMENT IN ADDITION TO OTHER USES PREVIOUSLY DELINEATED.

(R115, H. 3762) -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D.C. Moss, Parker, Stringer, Vick, Hodges and Knight: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “OUR FARMS‑OUR FUTURE” SPECIAL LICENSE PLATES; TO AMEND ARTICLE 45, CHAPTER 3, TITLE 56, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF “SPECIAL COMMEMORATIVE LICENSE PLATES”, SO AS TO CHANGE THE NAME OF THESE LICENSE PLATES TO THE “SOUTH CAROLINA WILDLIFE LICENSE PLATES”, TO PROVIDE THE PROCEDURES WHEREBY THE DEPARTMENT SHALL ISSUE THESE LICENSE PLATES, AND TO PROVIDE THAT THE “GAME PROTECTION FUND” IS RENAMED THE “FISH AND WILDLIFE PROTECTION FUND”; TO AMEND SECTION 56-3-9910, AS AMENDED, RELATING TO THE ISSUANCE OF “GOLD STAR FAMILY SPECIAL LICENSE PLATES”, SO AS TO REVISE THE PROCEDURES REGARDING THE ISSUANCE AND COST OF THESE SPECIAL LICENSE PLATES; AND BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “RECYCLING SPECIAL LICENSE PLATES”.

(R116, H. 3794) -- Rep. Umphlett: AN ACT TO AMEND SECTION 50‑11‑2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50‑11‑2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50‑11‑2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; BY ADDING SECTION 50‑11‑2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL; AND BY ADDING SECTION 50‑11‑2215 SO AS TO PROVIDE THAT NOTHING CONTAINED IN SECTION 50‑11‑2200 OR 50‑11‑2210 SHALL INTERFERE WITH AGENCY DUTIES OR LANDOWNER RIGHTS.

(R117, H. 3804) -- Reps. Bedingfield, Wylie, Cato, Allen, Bannister, Hamilton and Stringer: AN ACT TO AMEND SECTION 7‑7‑280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENVILLE COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

(R118, H. 3919) -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J.R. Smith, King, Kirsh, Littlejohn, J.M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb‑Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J.H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑1‑250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS ON AN ANNUAL BASIS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

(R119, H. 3944) -- Reps. Jennings and Neilson: AN ACT TO AMEND SECTION 56‑3‑8710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF NASCAR SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT A PORTION OF THE FEES COLLECTED FROM THE SALE OF THESE LICENSE PLATES MUST BE DISTRIBUTED TO THE SOUTH CAROLINA ASSOCIATION OF CHILDREN’S HOMES AND FAMILY SERVICES AND NO LONGER TO THE SOUTH CAROLINA CHILDREN’S EMERGENCY SHELTER FOUNDATION.

(R120, H. 4023) -- Reps. Daning, Jefferson, Merrill and Umphlett: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑23‑815 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE HIGHWAY 26 AT EXIT 199 IN BERKELEY COUNTY.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 32 to 13:

Veto 40. Part IB; Section 89.118; Part 471-472; General Provisions; ARRA Oversight.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 37 to 8:

Veto 49. Part IB; Section 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item S; USC Rural Health Clinics; $3,000,000.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 36 to 9:

Veto 48. Part IB; Proviso 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item R; Rural Hospital Equipment and Facilities; $2,000,000.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 39 to 6:

Veto 47. Part IB; Section 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item BB; MUSC Rural Dentist Program; $250,000.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 37 to 8:

Veto 46. Part IB; Section 90.13; Page 477; Statewide Revenue; Health and Human Services FMAP Funding; Item X; MUSC Transplant Services; $100,000.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 31 to 12:

Veto 45. Part IB; Section 90.19; Pages 480-481; Statewide Revenue; Nonrecurring Revenue.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 34 to 11:

Veto 44. Part IB; Section 90.16; Page 480; Statewide Revenue; ARRA Fund Authorization.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 34 to 11:

Veto 43. Part IB; Section 90.15; Page 479; Statewide Revenue; State Budget Stabilization Fund.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 0 to 46:

Veto 41. Part IB; Section 89.136; Page 474; General Provisions; Economic Activity Web-Based Applications.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 49, H. 3560 by a vote of 24 to 20:

Veto 32. Part IB; Section 80A.7; Pages 427-428; Budget and Control Board; Compensation – Agency Head Salary.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 43 to 3:

Veto 33. Part IB; Section 80A.25; Page 430; Budget and Control Board; Lawsuit Funding.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 30 to 14:

Veto 29. Part IB; Section 65.14; Page 406; Department of Labor, Licensing and Regulation; Transfer to General Fund.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 30 to 14:

Veto 28. Part IB; Section 65.3; Page 405; Department of Labor, Licensing and Regulation; POLA – 110%, Other Funds.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 46 to 0:

Veto 39. Part IB; Section 89.96; Pages 468-469; General Provisions; Flexibility.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 21, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 49, H. 3560 by a vote of 31 to 14:

Veto 38. Part IB; Section 86.6; Page 442; Aid to Subdivisions, State Treasurer; Legislative Delegations.

(R49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 3, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on S. 116 and has ordered the Bill enrolled for ratification:

S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 51, H. 3616 by a vote of 37 to 3:

(R51, H3616) -- Rep. Simrill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE “STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION ACT”; TO CREATE THE AIKEN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE ORANGEBURG‑CALHOUN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY, AND THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY; TO PROVIDE THAT EACH AUTHORITY MUST BE GOVERNED BY A BOARD, AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE BOARD; TO PROVIDE FOR LEASE AND LEASE PURCHASE AGREEMENT APPROVAL; TO PROVIDE THAT THE POWERS GRANTED TO AN AUTHORITY MUST COMPLY WITH THE PROCUREMENT CODE; TO PROVIDE FOR THE ISSUANCE OF BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS BY AN AUTHORITY; TO PROVIDE REPORTING REQUIREMENTS; TO PROVIDE THAT AN AUTHORITY IS NOT REQUIRED TO PAY TAXES AND ASSESSMENTS, AND THAT BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS ISSUED BY AN AUTHORITY MAY NOT BE TAXED; TO REQUIRE A COMMISSION TO DESIGNATE THE AREA THAT COMPRISES THE ENTERPRISE CAMPUS, AND TO FURTHER PROVIDE COMMISSION POWERS AND DUTIES WITH RESPECT TO ENTERPRISE CAMPUS PROPERTY.

Very respectfully,

President

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 4123 -- Reps. T. R. Young, Stewart, Clyburn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie and A. D. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE SOUTH AIKEN HIGH SCHOOL BOYS SOCCER TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS AAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4124 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Howard, Kirsh, Littlejohn, Owens, Sandifer, J. R. Smith, White, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Crawford, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE CLEVELAND BROWN, SECURITY OFFICER FOR THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS YEARS OF COMMITTED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

Whereas, for fifteen years, the State of South Carolina has enjoyed the benefit of the dedication and experience of Cleveland Brown, first as a law enforcement officer with the State Museum and, most recently, as a security officer for the South Carolina House of Representatives; and

Whereas, when he began his work as part of the House of Representatives Sergeant at Arms’ office in February 2005, Cleve brought with him eleven years of prior service in law enforcement with other state agencies, as well as valuable experience with the United States Air Force, from which he retired after twenty‑six years of service; and

Whereas, he has served the House faithfully and has been a true asset to the Sergeant at Arms’ office, always going above and beyond his normal duties to assist the sergeant and the members of the House; and

Whereas, Cleve is now planning a well‑deserved retirement, and he will be sorely missed. The House trusts he will enjoy the additional time he will be able to spend with family, especially his wife, Sadie, and the members only hope he can keep up with “Miss Sadie’s” honey‑do list; and

Whereas, having done his duty with dignity and professionalism, Cleveland Brown will be remembered with affection and gratitude by colleagues and legislative friends for years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, congratulate Cleveland Brown, security officer for the South Carolina House of Representatives, upon the occasion of his retirement, commend him for his years of committed service, and wish him much happiness and fulfillment in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to Cleveland Brown.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4125 -- Reps. Loftis, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND JAMES R. "JIM" STARNES OF GREENVILLE COUNTY FOR HIS MANY YEARS OF OUTSTANDING COMMUNITY SERVICE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4126 -- Reps. Brantley and Howard: A HOUSE RESOLUTION TO CONGRATULATE MR. GASSIE FERRELL, JR., FORMERLY OF RIDGELAND, SOUTH CAROLINA, ON THE OCCASION OF HIS NINETIETH BIRTHDAY, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4127 -- Reps. Brantley and Howard: A CONCURRENT RESOLUTION TO RECOGNIZE DENMARK TECHNICAL COLLEGE AND PALMETTO GREEN, LLC, HOSTS OF THE FIRST PALMETTO GREENWAY JOBS SUMMIT, AND TO COMMEND THEM FOR THEIR EFFORTS IN PROMOTING GREEN JOB CREATION ALONG THE I-95 CORRIDOR.

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

**INTRODUCTION OF BILLS**

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

H. 4128 -- Rep. Funderburk: A BILL TO AMEND SECTION 12-6-3610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR PLACING IN SERVICE PROPERTY USED FOR THE DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL AND THE TAX CREDIT FOR PLACING IN SERVICE A COMMERCIAL FACILITY FOR THE PRODUCTION OF RENEWABLE FUEL, SO AS TO MAKE THE TAX CREDIT FOR PLACING IN SERVICE PROPERTY USED FOR THE DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL APPLICABLE INSTEAD TO ALTERNATIVE FUEL, TO FURTHER DEFINE ALTERNATIVE FUEL FOR PURPOSES OF THE TAX CREDIT, AND TO PERMIT THE ENTIRE CREDIT OR ANY PORTION OF IT TO BE TAKEN IN ONE TAXABLE YEAR.

Referred to Committee on Ways and Means

H. 4129 -- Rep. Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-780 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO WILFULLY, KNOWINGLY, OR MALICIOUSLY ENTER UPON THE POSTED LANDS OF ANOTHER OR THE STATE AND INVESTIGATE, DISTURB, OR EXCAVATE A PREHISTORIC OR HISTORIC SITE FOR THE PURPOSE OF DISCOVERING, UNCOVERING, MOVING, REMOVING, OR ATTEMPTING TO REMOVE AN ARCHAEOLOGICAL RESOURCE; TO PROVIDE PENALTIES AND CIVIL REMEDIES; AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4130 -- Rep. J. R. Smith: A BILL TO AMEND SECTION 34-11-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OVER FRAUDULENT CHECK OFFENSES AND PENALTIES, SO AS TO INCREASE THE PENALTIES FOR SECOND OR SUBSEQUENT OFFENSES.

Referred to Committee on Judiciary

H. 4146 -- Reps. Limehouse, D. C. Moss, Spires, Bingham, Sottile, Wylie, Chalk, Parker, Cato, Allison, Duncan, Forrester, Harrell, M. A. Pitts, Rice, Stringer and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-7-125 SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY CHARGE A PERSON CONFINED IN A LOCAL CORRECTIONAL FACILITY A FEE FOR HEALTH CARE SERVICES PROVIDED TO HIM WHILE HE IS CONFINED IN THE FACILITY.

Referred to Committee on Ways and Means

H. 4147 -- Reps. Limehouse, Sottile and H. B. Brown: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE NEED TO REGULATE THE SALE OF POTENTIALLY HIGHLY FLAMMABLE FURNITURE IN THIS STATE, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 20, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Referred to Committee on Labor, Commerce and Industry

H. 4149 -- Reps. Gilliard, Whipper, H. B. Brown, Mack and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-75 SO AS TO REQUIRE A PUBLIC SCHOOL DISTRICT TO OFFER SWIMMING LESSONS TO STUDENTS ENROLLED IN THE DISTRICT IF THE DISTRICT HAS WITHIN A TEN-MILE RADIUS OF ITS BOUNDARIES A PUBLIC SWIMMING POOL, TO REQUIRE STUDENTS ENROLLED IN THE DISTRICT TO COMPLETE TWO YEARS OF SWIMMING INSTRUCTION IN ORDER TO GRADUATE FROM A HIGH SCHOOL WITHIN THE SCHOOL DISTRICT, AND TO DEFINE CERTAIN TERMS.

Referred to Committee on Education and Public Works

H. 4151 -- Rep. Gunn: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 3 OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO PROVIDE MEMBERS OF THE SUPREME COURT MUST BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE HOUSE JUDICIARY COMMITTEE AND SENATE JUDICIARY COMMITTEE; PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 8 SO AS TO PROVIDE JUDGES OF THE COURT OF APPEALS MUST BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE HOUSE JUDICIARY COMMITTEE AND SENATE JUDICIARY COMMITTEE; PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 13 SO AS TO PROVIDE CIRCUIT COURT JUDGES MUST BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE HOUSE JUDICIARY COMMITTEE AND SENATE JUDICIARY COMMITTEE; AND PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 27 SO AS TO PROVIDE THE GOVERNOR MUST APPOINT JUDGES AND JUSTICES FROM AMONG THE NOMINEES OF THE JUDICIAL MERIT SELECTION COMMISSION AND THAT THE COMMISSION MUST NOMINATE ALL QUALIFIED CANDIDATES.

Referred to Committee on Judiciary

H. 4152 -- Reps. Clyburn, Cooper, Ott and Hosey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE "SOUTH CAROLINA RURAL INFRASTRUCTURE ACT", TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

Referred to Committee on Ways and Means

H. 4153 -- Rep. T. R. Young: A BILL TO AMEND SECTION 2-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-25, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYIST'S PRINCIPALS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST PRINCIPAL MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-50, RELATING TO THE AUTHORITY OF THE STATE ETHICS COMMISSION TO ENFORCE FILING REQUIREMENTS AND ASSESS PENALTIES FOR FAILURE TO FILE, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 8-13-100, RELATING TO THE DEFINITION OF "FAMILY MEMBER" FOR THE PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991, SO AS TO INCLUDE BROTHERS-IN-LAW AND SISTERS-IN-LAW; TO AMEND SECTION 8-13-700, RELATING TO USE OF ONE'S OFFICIAL POSITION FOR OFFICIAL GAIN, SO AS TO REPLACE CERTAIN REFERENCES TO "IMMEDIATE FAMILY" WITH THE BROADER TERM "FAMILY MEMBER"; AND TO AMEND SECTION 8-13-1510, AS AMENDED, RELATING TO PENALTIES FOR EITHER LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT.

Referred to Committee on Judiciary

H. 4156 -- Rep. Harrison: A BILL TO AMEND SECTION 23-3-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEX OFFENDER REGISTRY AND PENALTIES FOR FAILURE TO REGISTER OR PROVIDE REQUIRED NOTIFICATIONS, SO AS TO INCREASE THE PENALTY FOR A FIRST OFFENSE FROM THIRTY TO NINETY DAYS AND REQUIRE THE OFFENSE TO BE TRIED IN MAGISTRATES COURT.

Referred to Committee on Judiciary

**HOUSE RESOLUTION**

The following was introduced:

H. 4131 -- Reps. Sandifer, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE MANY OUTSTANDING ELECTRIC LINE WORKERS IN SOUTH CAROLINA AND TO THANK THEM FOR THEIR SERVICE TO OUR STATE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4132 -- Reps. Bowers, R. L. Brown and Hodges: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND MR. JOHNNIE THOMPSON OF WALTERBORO FOR HIS TWENTY-EIGHT YEARS OF DEDICATED SERVICE AS A MEMBER OF WALTERBORO CITY COUNCIL, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4133 -- Reps. Bowers, R. L. Brown and Hodges: A HOUSE RESOLUTION TO RECOGNIZE MARY ANNE CANNADY OF WALTERBORO COUNTY FOR HER EXCEPTIONAL YEARS OF SERVICE TO HER PROFESSION AND COMMUNITY, AND TO

HONOR HER FOR HER TWENTY-FOUR YEAR TENURE ON THE WALTERBORO CITY COUNCIL.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4134 -- Rep. Bowers: A HOUSE RESOLUTION TO RECOGNIZE AND THANK MRS. MATTIE JEANNINE O'QUINN CANNINGTON FOR HER DISTINGUISHED SERVICE AS MAYOR OF THE TOWN OF VARNVILLE AND FOR HER OTHER CONTRIBUTIONS TO VARNVILLE AND HAMPTON COUNTY THROUGH THE YEARS ON THE HAMPTON COUNTY COUNCIL AND IN OTHER CAPACITIES.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4135 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE ROSALIND JAMISON HARRIOT, GENERAL DESK CLERK TO THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, UPON BEING NAMED THE 2009 SOUTH CAROLINA STATE EMPLOYEE ASSOCIATION FEMALE EMPLOYEE OF THE YEAR.

Whereas, it is with great pleasure that the House of Representatives honors individuals who give tirelessly of themselves to our State; and

Whereas, Rosalind Jamison Harriot, general desk clerk to the South Carolina House of Representatives since 1988, stands highly respected among their number as a hard‑working woman of integrity, committed to the people she serves; and

Whereas, in acknowledgement of that respect, this wonderful and talented lady has been named the 2009 South Carolina State Employee Association Female Employee of the Year; and

Whereas, during her long career of service to the State of South Carolina, Rosalind has taught in the public schools and at Midlands Technical College and has acted as a consultant to the Department of Education, in addition to her years as general desk clerk to the House; and

Whereas, known for going above and beyond the call of duty, she was recognized as the 2009 South Carolina State Employee Association Female Employee of the Year at the association’s annual meeting and banquet luncheon, held at Seawell’s Restaurant on Saturday, June 13, 2009, where she was joined by several members of her family, including her son, Jeremy; and

Whereas, grateful for her many years of outstanding service, the House of Representatives is pleased to join with the South Carolina State Employee Association in honoring Rosalind Jamison Harriot as the 2009 South Carolina State Employee Association Female Employee of the Year, a fitting tribute to an exemplary state worker with a high dedication to her calling equaling the eminence of the award. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, congratulate Rosalind Jamison Harriot, general desk clerk to the South Carolina House of Representatives, upon being named the 2009 South Carolina State Employee Association Female Employee of the Year.

Be it further resolved that a copy of this resolution be presented to Rosalind Jamison Harriot.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4136 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE SUSAN MARIE EPPES, LIBRARIAN FOR THE LEGISLATIVE COUNCIL, UPON THE OCCASION OF HER WELL-DESERVED RETIREMENT, TO COMMEND HER FOR THIRTY-ONE YEARS OF OUTSTANDING MERITORIOUS SERVICE TO THE COUNCIL AND THE ENTIRE SOUTH CAROLINA GENERAL ASSEMBLY, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL OF HER FUTURE ENDEAVORS.

Whereas, Susan (Susie) Marie Eppes joined the staff of the Legislative Council in January, 1978, as a page. She soon rose to the position of chief page and served in that capacity for several years; and

Whereas, upon Susie’s arrival, the management and staff of the Legislature immediately noted her work ethic and persistence in performing assigned tasks, stopping at nothing to achieve her objective; and

Whereas, that work ethic and persistence, coupled with a “get it done” attitude, made such a favorable impression upon the members and staff with whom she worked that she was made research clerk in 1982 and eventually became Director of Research; and

Whereas, in 2006, she assumed the position of librarian of the Legislative Council; and

Whereas, her job of keeping track of the myriad of books that flow into and out of the Council’s library is a task of unbelievable proportions requiring much recordkeeping and back‑breaking effort; and

Whereas, her ability to work with the wide range of personalities both in and out of the office gained her much admiration by her colleagues; and

Whereas, she served under the leadership of three directors, Thomas S. Linton, Peden B. McLeod, and Stephen T. Draffin; and

Whereas, Susie has come to that junction in her life when she should take a deep breath and reflect on her accomplishments as she retires from the only full‑time job she’s ever had; and

Whereas, with her husband, Ronnie, and daughter, Courtney, she deserves this period to rest and appreciate all that she has undertaken in life and reflect upon a sense of accomplishment; and

Whereas, it is appropriate for the members of the South Carolina House of Representatives to pause in their deliberations to express their appreciation for her service to the Legislative Council and to the entire General Assembly as she embarks upon her retirement. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives congratulate Susan Marie Eppes, librarian for the Legislative Council, upon the occasion of her well‑deserved retirement, commend her for thirty‑one years of outstanding meritorious service to the council and the entire South Carolina General Assembly, and wish her much happiness and fulfillment in all of her future endeavors.

Be it further resolved that a copy of this resolution be forwarded to Mrs. Susie Eppes.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4137 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE MR. GEORGE F. CAHILL ON THE OCCASION OF HIS EIGHTY-FOURTH BIRTHDAY, AND WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HEALTH AND HAPPINESS IN THE DAYS TO COME.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4138 -- Rep. Hodges: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF GLADYS J. CLARK OF LOBECO, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4139 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JOHN "JAY' WILLIAMS OF LEE COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4140 -- Rep. Harrison: A HOUSE RESOLUTION TO CONGRATULATE SARAH CRAIG "SALLY" ALDRIDGE OF RICHLAND COUNTY UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER FORTY YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4141 -- Reps. G. A. Brown, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION RECOGNIZING BARBARA MOORE COLEMAN AND HER SEVENTEEN YEARS OF INVALUABLE SERVICE TO THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND TO THE GENERAL ASSEMBLY UPON THE OCCASION OF HER RETIREMENT AS EXECUTIVE SECRETARY TO THE MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE, AND WISHING HER CONTINUED GOOD HEALTH AND HAPPINESS.

Whereas, Barbara Moore Coleman, born to Doris and the late Harvey Moore of Bennettsville, South Carolina, graduated as salutatorian from Bennettsville High School. She then attended Limestone College and graduated from Winthrop College with a degree in Business Administration; and

Whereas, before embarking on her career in state government, Barbara, devoted wife of Charles Coleman, Jr. for forty-three blissful years, dedicated the first half of her married life to motherhood and nurturing to successful adults, three lovely daughters born to this union: Caroline, Ansley, and English; and

Whereas, after being employed with the University of South Carolina College of Business Administration and subsequently with the South Carolina Land Resources Commission, Barbara Coleman began her tenure with the South Carolina House of Representatives as the Executive Secretary for the Medical, Military, Public and Municipal Affairs Committee; and

Whereas, throughout her service to the committee, Barbara has been exemplary in carrying out her myriad responsibilities always performing with the utmost dependability and professionalism; and

Whereas, her office management and organizational skills, have served the committee very well, as she has processed and tracked all legislation and regulations referred to the committee; prepared subcommittee and full committee agendas; provided numerous communications and notifications to legislators, staff, and the public; attended and transcribed minutes of committee meetings; supervised and coordinated committee pages; procured and maintained committee and office supplies; coordinated committee and member invitations and appointments; and processed, maintained, and prepared for archives all committee records; and

Whereas, during her seventeen years of dedicated public service Barbara Coleman has been a wonderful ambassador for the Medical, Military, Public and Municipal Affairs Committee, as she greeted all visitors, whether by phone or in person, with enthusiasm, kindness, and helpfulness; and

Whereas, Barbara’s retirement is well earned, and she deserves the happy anticipation of spending more time with her family, enjoying her hobbies of gardening and exercise, participating with the Hampton Garden Club and Main Street United Methodist Church, where she is a faithful member, and continuing to delight in and dote on her beloved grandchildren Coleman, Anna Young, William, Newton, Liddy, Drew, and Eliza; and

Whereas, it is proper and fitting for the members of the House of Representatives to pause in their deliberations to recognize this outstanding daughter of South Carolina. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize Barbara Moore Coleman and her seventeen years of invaluable service to the House of Representatives and to the General Assembly upon the occasion of her retirement as Executive Secretary to the Medical, Military, Public and Municipal Affairs Committee, and wish her continued good health and happiness.

Be it further resolved that a copy of this resolution be presented to Barbara Moore Coleman.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4142 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JOSEPH EDWARD "JOE" ATKINSON, JR., OF ST. CHARLES AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4143 -- Rep. Bannister: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE MAULDIN HIGH SCHOOL GIRLS SOCCER TEAM FOR CAPTURING THE 2009 CLASS AAAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4144 -- Rep. Bannister: A HOUSE RESOLUTION TO CONGRATULATE THE MAULDIN HIGH SCHOOL GIRLS SWIM TEAM ON ITS MOST IMPRESSIVE CAPTURE OF THE CLASS AAAA STATE CHAMPIONSHIP TITLE, AND TO RECOGNIZE THE SWIMMERS AND THEIR COACHES ON A SENSATIONAL SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4145 -- Reps. M. A. Pitts, Duncan and Willis: A HOUSE RESOLUTION TO CONGRATULATE OTIS THOMAS NEELY, SR., AND MARY DIAL NEELY OF LAURENS ON THE OCCASION OF THEIR FIFTIETH WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILLMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4148 -- Reps. Limehouse, Sottile, R. L. Brown, Crawford, Merrill and Harrell: A HOUSE RESOLUTION TO COMMEND THE HONORABLE WALLACE B. SCARBOROUGH OF CHARLESTON COUNTY FOR HIS EIGHT YEARS OF DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES AND TO WISH HIM SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, Wallace B. Scarborough represented the citizens of House District 115 in Charleston County beginning with the 2001 legislative session for four terms with energy and enthusiasm; and

Whereas, born in 1959, the son of Robert B. and Elizabeth M. Scarborough, he earned a bachelor of science degree from The Citadel in 1981; and

Whereas, he is the proud father of two fine sons, Sam and Ross, and in his professional career serves as Vice President and Secretary of Atlantic Coast Life Insurance Company, serving on the board of that company from 1988 through 2004 and has, during his career with it, been active in professional activities and organizations; and

Whereas, active in community work and a dedicated Citadel alumnus, he has served as President of the Exchange Club of Charleston and District Director of the South Carolina Exchange Club, Chairman of the Coastal Carolina Fair Entertainment Committee, Chairman of Charleston County Adopt‑a‑Highway, is a life member of The Citadel Alumni Association, and served on that organization’s board; and

Whereas, in his career in the House of Representatives, he served as chairman of the Freshman Caucus in his initial term and served with diligence and distinction as a member of the committee on Labor, Commerce and Industry; and

Whereas, in the eight years he represented the citizens of House District 115 in Charleston County he served them well and similarly did his best to make his service count for the good of all South Carolinians regardless of region; and

Whereas, it is appropriate for the members of the House of Representatives to pause in their deliberations so that they might honor his service to this institution and the people of South Carolina. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable Wallace B. Scarborough of Charleston County for his eight years of dedicated service in the House of Representatives and wish him success in all his future endeavors.

Be it further resolved that a copy of this resolution be forwarded to the Honorable Wallace B. Scarborough.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4150 -- Rep. D. C. Moss: A HOUSE RESOLUTION TO POSTHUMOUSLY RECOGNIZE JAMES WILLIAMS OF LAURENS COUNTY, REVOLUTIONARY WAR HERO, WHO WAS AWARDED THE RANK OF BRIGADIER GENERAL AFTER HIS DEATH AND TO HONOR HIS VALIANT SERVICE TO THE STATE AND NATION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4154 -- Reps. Govan, Ott, Sellers, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. MARY E. CHEESEBORO, ADMINISTRATOR AND PROFESSOR OF ENGLISH AT SOUTH CAROLINA STATE UNIVERSITY, UPON THE OCCASION OF HER RETIREMENT AFTER APPROXIMATELY THIRTY-FIVE YEARS IN EDUCATION AND

TO WISH HER SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4155 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO CONGRATULATE BERNICE MCDUFFIE WRIGHT UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR FORTY-TWO YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4157 -- Reps. Ott, Agnew, Alexander, Allen, Anderson, Anthony, Bales, Battle, Bowers, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Funderburk, Gilliard, Govan, Gunn, Hart, Harvin, Hayes, Hodges, Hosey, Howard, Hutto, Jefferson, Jennings, Kennedy, King, Kirsh, Mack, McEachern, McLeod, Miller, Mitchell, J. M. Neal, J. H. Neal, Neilson, Parks, Rutherford, Sellers, J. E. Smith, Stavrinakis, Vick, Weeks, Whipper, Williams and Ballentine: A HOUSE RESOLUTION TO EXPRESS THE DISMAY AND REGRET OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES ON THE CHOICE OF WORDS USED BY MR. RUSTY DePASS RECENTLY WHICH DISRESPECTED, BOTH PERSONALLY AND PROFESSIONALLY, THE FIRST LADY OF THE UNITED STATES OF AMERICA, MICHELLE OBAMA.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4158 -- Reps. Ott, Agnew, Alexander, Allen, Anderson, Anthony, Bales, Battle, Bowers, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Funderburk, Gilliard, Govan, Gunn, Hart, Harvin, Hayes, Hosey, Howard, Hutto, Jefferson, Jennings, Kennedy, King, Kirsh, Knight, Mack, McEachern, McLeod, Miller, Mitchell, J. H. Neal, J. M. Neal, Neilson, Parks, Rutherford, Sellers, J. E. Smith, Stavrinakis, Vick, Weeks, Whipper, Williams and Ballentine: A HOUSE RESOLUTION TO EXPRESS THE SYMPATHY OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO THE FIRST LADY OF THE UNITED STATES, MICHELLE OBAMA, ON THE CHOICE OF WORDS USED BY MR. RUSTY DePASS RECENTLY WHICH SHOWED DISRESPECT, BOTH PERSONALLY AND PROFESSIONALLY, TO THE FIRST LADY.

Five members objecting to immediate consideration the Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**HOUSE RESOLUTION**

The following was introduced:

H. 4159 -- Reps. Horne, A. D. Young and Knight: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR EDWARD EUGENE SIRES OF DORCHESTER COUNTY FOR HIS EXCEPTIONAL THIRTY-SEVEN YEAR CAREER IN EDUCATION UPON HIS RETIREMENT, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4160 -- Reps. Parks, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE THE REVEREND OSCAR AIKEN KLUGH OF ABBEVILLE, PRESIDING ELDER OF THE ABBEVILLE-GREENWOOD DISTRICT, PIEDMONT CONFERENCE, AFRICAN METHODIST EPISCOPAL CHURCH AND TO HONOR REVEREND KLUGH FOR HIS NEARLY FIFTY YEARS OF DEDICATED SERVICE AS PASTOR AND PRESIDING ELDER.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 890 -- Senator Elliott: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR FIRST RESPONDERS FOR THE CITY OF NORTH MYRTLE BEACH WHO BRAVELY FOUGHT FIRES THAT RAVAGED PARTS OF HORRY COUNTY IN APRIL OF 2009.

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

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, June 16.

|  |  |
| --- | --- |
| Jerry Govan | Dwight Loftis |
| David Mack | Michael A. Pitts |
| Todd Rutherford | Ted Vick |
| Mark Willis | Gilda Cobb-Hunter |

**Total Present--119**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CRAWFORD a leave of absence for the day due to a prior speaking engagement.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. E. H. PITTS a leave of absence for the day due to prior National Guard Training.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Thomas C. Rowland of Columbia was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3397 |
| Date: | ADD: |
| 06/16/09 | COLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3037 |
| Date: | ADD: |
| 06/16/09 | COLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3802 |
| Date: | ADD: |
| 06/16/09 | D. C. MOSS |

**SENT TO THE SENATE**

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

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

**ORDERED TO THIRD READING**

The following Bill was taken up, read the second time, and ordered to a third reading:

H. 4122 -- Rep. Jennings: A BILL TO REQUIRE A TWO-THIRDS VOTE OF THE MARLBORO COUNTY BOARD OF EDUCATION TO HIRE OR FIRE THE MARLBORO COUNTY SUPERINTENDENT OF EDUCATION.

**RECURRENCE TO THE MORNING HOUR**

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

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

S. 834 -- Senator McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 21, 2009, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT *PRO TEMPORE* OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES NO LATER THAN JUNE 30, 2009, FOR A PERIOD NOT TO EXCEED THREE STATEWIDE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS AFTER THIS THREE-DAY PERIOD NOT LATER THAN 5:00 P.M. ON THE THIRD LEGISLATIVE DAY, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT *PRO TEMPORE* OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 12, 2010.

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

Yeas 87; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hearn |
| Hiott | Horne | Hosey |
| Huggins | Jefferson | Jennings |
| King | Knight | Limehouse |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rutherford | Scott |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | A. D. Young |

**Total--87**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Forrester |
| Haley | Hodges | Kennedy |
| Kirsh | Littlejohn | Millwood |
| Nanney | Rice | Simrill |
| Willis | Wylie | T. R. Young |

**Total--15**

The Concurrent Resolution was adopted and sent to the Senate.

**R. 98, H. 3301--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am vetoing and returning without my approval H. 3301, R. 98, which adds significant regulation and limits to payday lending practices. The major new regulations added by this bill include a limit on the number and amount of loans consumers may have at one time, a database to track outstanding payday loans, and a cooling-off period for consumers after they pay off a loan.

I have had any number of lengthy conversations with people who stood both for and against this bill, and in them I have seen firsthand the emotion that surrounds this issue. On the one hand one can go as far back as biblical times to hear insightful words on debt, interest, lenders and borrowers. And though many would see the interest rates charged as unfair, wrong or even unconscionable, there is obviously a real void in the marketplace for these borrowings and, as a consequence, this form of lending has grown tremendously. Human needs will always be met in some form or another, thus the philosophical question raised in this debate lies in whether or not everyone of those needs should be sanctioned, regulated or addressed by government. This administration has always fallen solidly on the side of maximizing individual liberty – so people are able to make both the stupid, and wise, decisions that are the hallmark of a free and market-based society. In this case the bill lumps all payday borrowers into the same spot, though the preponderance of borrowers understand its very high cost and use this costly service without consequence to others. For them the limitation of this available form of credit may come at a still higher cost.

There are a number of people who I admire tremendously who I know I will disappoint with this veto, but it is my hope that in time they see my consistency in pushing for limited government and maximized individual freedom as a good part of the foundation behind our friendship. To simply acquiesce to their view because of personal affinity, while moving counter to the themes this administration has long advanced, would work to undermine the trust of thousands who have supported this administration’s at times lonely stands against government’s creeping growth into our lives and society. I comprehend their frustration with a legal system that does not differentiate between good and bad actors in any industry, but protection from all that is wrong in our legal system should not be the driver for this administration’s action on a bill regarding consumer credit.

This administration has consistently stated that the best form of financial regulation, that is consistent with the liberty of the people, is to provide for full disclosure of the terms and conditions of financial agreements – and let individuals freely choose for themselves whether such agreements are in their best interest. Payday lending customers are well aware of the finance charges and interest rates associated with their payday loans. For instance, a January 2009 study on payday lending consumers conducted by Federal Reserve researcher Gregory Elliehausen found that over 97% of payday lending customers were aware of the finance charges when they took out the loans. Accordingly, we cannot support this bill that would severely limit customers’ choices when the vast preponderance already know fully the terms and consequences of taking out payday loans. In many ways there is, in fact, a greater level of clarity on interest charged with these loans than with other forms of high interest rate debt as is found in overdraft charges with checks, or in many cases with credit cards.

This legislation also creates a government-required database to ensure that customers do not obtain credit beyond the government-imposed limits. Lending companies could voluntarily band together to house and share this same information without a government mandate to do so. The problem with a government sanctioned database lies in the way that government as a sanctioning authority can change database requirements in a way that might jeopardize personal information in the future. Many proponents of this bill have clearly stated their intentions to do just this.

Regardless of the legislation’s effect on individual liberty and privacy rights, we would likely veto it anyway because there is strong evidence indicating that regulation of payday lending has the opposite effect of its intended purpose of protecting lower- and moderate-income consumers. In most cases, payday lending customers choose to take out these loans because they have very few credit options available to pay for unexpected expenses. For example, the Federal Reserve study cited above shows that 86% of payday lending customers took out payday loans because of an unexpected expense that could not be postponed. The same study also found that over 50% of payday lending customers did not believe they had any other credit options besides payday loans and that over 67% either did not have a credit card or they had an insufficient credit limit to pay for their expenses.

Limiting the amount and availability of credit for these consumers, as this legislation does, makes it more difficult for them to find credit, which, consequently, makes it more likely that they will suffer a financially devastating event – such as bankruptcy, eviction, foreclosure, or suspension of certain necessary services like electricity. In fact, a 2008 study conducted by Donald Morgan and Michael Strain of the Federal Reserve Bank of New York found that states that banned payday lending saw a significant increase in the filings of Chapter 7 bankruptcies soon after the ban took place; whereas, Hawaii’s Chapter 7 bankruptcy filings actually decreased after it increased the limits on payday loan sizes. Moreover, the limits in this legislation will likely force many payday lending customers looking to avoid these devastating events to obtain credit from less desirable and more expensive sources like pawnshops, illegal loan sharks, and unregulated internet lenders. In short, this legislation will have unforeseen adverse consequences for the ones whom this bill is meant to protect.

Finally, we are also troubled that this legislation focuses exclusively at the payday lending industry rather than other financial service providers who share blame on expensive credit. The problem of expensive credit is much broader than payday lending. It is well known that one of the primary contributing factors to our current economic troubles is too much personal debt arising from unaffordable mortgages and exorbitant credit card purchases; however, the General Assembly has not sought to place limits on financial services offered by these credit card issuers and banks. For example, this bill provides a cooling off period for payday lending customers, whereas credit card holders are free to amass more personal debt even while they have significant outstanding balances. Similarly, payday lenders can only make one loan at a time to a customer under this legislation, but banks can continue to issue second mortgages to homeowners who are already overleveraged. Government does not determine the appropriate loan value on a home mortgage or credit card debt – the marketplace does, so why single out just one component of that which traps some in debt? Not focusing on the larger issues of personal debt, or still other unregulated ways in which one might borrow money at high cost, ultimately means a bill like this offers a false sense of security toward making a difference in the high cost borrowing that is detrimental to many in our state.

Boiled down, it is this administration’s abiding belief that government’s role is not to protect people from their own actions, unless those actions in substantial form impact the lives of others. Given that the vast preponderance of those who use this costly service do so without complication, to this administration this signals it is not “ripe” for government regulation and control at the level put forth in this bill.

For the foregoing reasons, I am vetoing H. 3301, R. 98.

Sincerely,

Mark Sanford

Governor

**R. 98, H. 3301--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 98) H. 3301 -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J. R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G. A. Brown, H. B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E. H. Pitts, M. A. Pitts, Scott, Simrill, Skelton, D. C. Smith, G. R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-39-175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL-TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34-39-270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34-39-280 SO AS TO ALLOW A DEFERRED PRESENTMENT TRANSACTION CUSTOMER WHO IS UNABLE TO REPAY A TRANSACTION WHEN DUE TO ENTER ONE EXTENDED PAYMENT PLAN DURING A TWELVE MONTH PERIOD; TO AMEND SECTION 34-39-130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED FIVE HUNDRED DOLLARS; TO AMEND SECTION 24-39-150, RELATING TO THE APPLICATION FOR LICENSURE, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEES AND TO DESIGNATE THE RECIPIENTS AND PERMITTED USES OF RENEWAL FEE COLLECTIONS; BY ADDING SECTION 34-39-290 SO AS TO REQUIRE THE BOARD OF FINANCIAL ADVISORS TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING CERTAIN DEFERRED PRESENTMENT TRANSACTION DATA PROVIDED BY THE DATABASE VENDOR; TO AMEND SECTION 34-39-200, RELATING TO LIMITATIONS ON ACTIVITIES BY PERSONS REQUIRED TO BE LICENSED, SO AS TO IDENTIFY CERTAIN LIMITED EXCEPTIONS; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT A LICENSEE SHALL NOT CHARGE A FEE IN EXCESS OF FIFTEEN PERCENT OF THE PRINCIPAL AMOUNT OF THE TRANSACTION FOR ACCEPTING A CHECK FOR DEFERRED PRESENTMENT OR DEPOSIT; AND TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO IDENTIFY A LICENSEE'S CIVIL REMEDIES IF A CHECK IS RETURNED DUE TO INSUFFICIENT FUNDS, CLOSED ACCOUNT, OR STOP PAYMENT ORDER.

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

Yeas 105; Nays 4

Those who voted in the affirmative are:

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

**Total--105**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Hodges | King | McEachern |
| Nanney |  |  |

**Total--4**

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

RECORD FOR VOTING

Due to pending litigation which I have filed against the payday lending industry, I did not participate in the vote concerning the Veto of H. 3301 (Payday Lending Regulation). Had I participated in the vote, I would have voted to override the Governor’s veto.

Rep. James H. Harrison

RECORD FOR VOTING

I recused myself from voting on the veto override of the Payday Lending Bill, H. 3301, due to my involvement in pending litigation against this industry.

Rep. Douglas Jennings, Jr.

RECORD FOR VOTING

Due to my involvement in ongoing litigation involving the Payday Lending industry, and to avoid the appearance of any conflict of interest or impropriety, I have abstained from any votes relating to H. 3301, including the vote to override the Governor’s veto of that bill. Rep. Leon Stavrinakis

**R. 91, H. 3087--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my signature, H. 3087, R. 91. This bill will immediately reduce the penalties for any sex offender who fails to register or moves within 1,000 feet of areas commonly occupied by children. We believe this legislation is flawed, and we would ask the General Assembly to sustain this veto and correct this flawed legislation.

This bill amends legislation, H. 3094 of 2008, that I signed last year with great reservation. The underlying law, Act 333 of 2008, imposed restrictions on where convicted sex offenders could live and at the same time, lessened penalties for failing to register. The legislation was to be enacted 90 days after SLED had certified a mapping system. To date, SLED has not been able to certify a mapping system – so the stronger penalties remain.

In last year’s legislation, there was also a provision that ***reduced*** the penalties for sexual predators for failing to register. That amendment was added in the Senate, and the House concurred. In signing that legislation, we received assurances from this bill’s sponsor and the Chairman of the House Judiciary Committee that the reduced penalty would be addressed in the 2009 legislative session. I have attached my message from 2008 on signing the legislation.

Unfortunately, no such correction has been sent to my desk. Instead, this legislation would accelerate the ***weaker*** penalty provisions, while continuing to delay the 1,000 feet provision until the database is certified. Not surprisingly, this provision was again added in the Senate. Even further, the bill restricts a municipality’s right to impose stronger sanctions. In short, this bill is good for the sexual predators who fail to follow the law, while the added protections continue to wait until some point in the future.

Let me explain the law change envisioned in this legislation. Under current law, a convicted sex offender who fails to register must serve 90 days in jail. This bill reduces the penalty to no more than 30 days or up to a $500 fine. The most important tool that the public has to protect itself and its children from sexual predators is the sexual offender registry. This system allows all citizens to inform themselves if they are in contact with individuals who have demonstrated a propensity of engaging in predatory sexual behavior. When a predator does not register, a parent has no way of knowing whether a child is at risk of interacting with that individual.

Last year a few solicitors requested that this troubling amendment be attached to the legislation because they wanted magistrates to hear these cases due to dockets in circuit court backing up. We don’t take issue if there is a need for such a move; we just believe there is another way to accomplish this without weakening the current penalties. We continue to believe that the better alternative would simply be for the General Assembly to grant magistrate courts jurisdiction to hear first offender failure to register cases and not change the penalty.

Now we are presented with a bill that would immediately allow failure to register first offenses to be heard by magistrates (not after SLED implements tracking technology as the legislation passed last year requires), yet the penalties have not been changed as was promised. Because these commitments have not been kept and we see no need to weaken the penalties for individuals failing to register as sex offenders, we are compelled to veto this legislation.

For the reasons discussed above, I am vetoing H. 3087, R. 96.

Sincerely,

Mark Sanford

Governor

**R. 91, H. 3087--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 91) H. 3087 -- Reps. Brady and M. A. Pitts: AN ACT TO AMEND SECTION 23-3-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN THIS SECTION; AND TO AMEND ACT 333 OF 2008, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS AND PENALTIES FOR FAILURE TO REGISTER AS A SEX OFFENDER, SO AS TO PROVIDE AN EFFECTIVE DATE FOR VARIOUS PORTIONS OF THIS ACT.

Rep. BRADY explained the Veto.

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

Yeas 77; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bannister |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Clemmons |
| Clyburn | Cooper | Dillard |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Gunn | Hamilton | Hardwick |
| Harrison | Hart | Harvin |
| Hayes | Hiott | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Kirsh | Knight | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| D. C. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Spires |
| Stringer | Toole | Vick |
| Weeks | Whipper | White |
| Williams | Willis |  |

**Total--77**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bedingfield | Chalk | Cole |
| Daning | Delleney | Duncan |
| Erickson | Forrester | Haley |
| Harrell | Hearn | Horne |
| Kennedy | Limehouse | Littlejohn |
| Loftis | Long | Millwood |
| V. S. Moss | Nanney | Owens |
| Parker | Rice | Scott |
| Simrill | Sottile | Stavrinakis |
| Stewart | Thompson | Umphlett |
| Viers | Whitmire | Wylie |
| A. D. Young | T. R. Young |  |

**Total--38**

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

**R. 88, H. 3018--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am writing to inform you that I am vetoing and returning without my approval H. 3018, R. 88.

The bill provides a property tax exemption for improvements on newly constructed houses until they are either sold or within six years of a certificate of occupancy is issued. It also allows for the owner-occupied rate of four percent on a second home if a dependent child lives there.

Given the glut of new homes on the market in some communities around our state, and the obvious good intentions in this bill in trying to lower the cost to the developers, investors and builders holding these buildings – easing their financial pain in this instance would add to the financial pain of the remaining homeowners across this state. All this simply means is that our objection to this legislation is ultimately about fairness to all property taxpayers within a county. Today, new homes are reassessed in the next tax year after they are completed. The same holds true for homeowners or businesses that make major improvements to their property. This legislation would carve out only those homes built for sale, while leaving all other taxpayers with the burden of those same increased assessments as before.

The Board of Economic Advisers estimates that $1.5 million of property taxes will be shifted onto current homeowners and businesses. When large developments are approved, they add costs to the affected community for construction and operation of water and sewer, fire and rescue, and school construction. Typically, permanent improvements are built in conjunction with the demand these developments will create. In short, taxpayers provide financing in support of residential development and will now be asked to maintain more of it because homes are not sold. This hardly seems equitable to those who already shoulder a significant tax burden at the local level. We also see this legislation as a mixed message with regard to tax reform. The inherent danger of tax law is that there will be constant and repeated efforts to exempt certain classes or people from taxation without looking at the impact as a whole. It seems counterintuitive that the General Assembly would spend a whole session debating a Commission to look at state and local taxes for the purposes of reform, while enacting further exemptions such as this into the law. Perhaps the Legislature should consider a moratorium until a more holistic approach to taxes can be taken.

For these reasons outlined above, I am vetoing H. 3018, R. 88.

Sincerely,

Mark Sanford

Governor

**R. 88, H. 3018--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 88) H. 3018 -- Reps. E. H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G. M. Smith, Lowe, Vick, H. B. Brown, R. L. Brown, Viers, Clemmons, Ballentine, Mitchell and M. A. Pitts: AN ACT TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS SOLD OR OTHERWISE OCCUPIED, OR THE SIXTH PROPERTY TAX YEAR ENDING DECEMBER THIRTY-FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED AND TO PROVIDE THE METHOD OF APPLYING FOR THE EXEMPTION; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSIFICATIONS AND VALUATION OF PROPERTY FOR PURPOSES OF PROPERTY TAX, SO AS TO REVISE AN ELIGIBILITY REQUIREMENT TO RECEIVE THE FOUR PERCENT ASSESSMENT RATIO FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY.

Rep. KENNEDY explained the Veto.

Rep. SIMRILL spoke against the Veto.

Rep. BALES spoke against the Veto.

Rep. SKELTON spoke against the Veto.

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

Yeas 111; Nays 1

Those who voted in the affirmative are:

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

**Total--111**

Those who voted in the negative are:

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

**Total--1**

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

RECORD FOR VOTING

I inadvertently voted ‘nay’ on the vote to override the Governor’s Veto on H. 3018. I meant to vote ‘yea’.

Rep. Joey Millwood

**R. 118, H. 3919--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I hereby veto and return without my approval H. 3919, R. 188, which creates a South Carolina Housing Commission. Though well intentioned, we believe H. 3919 creates an overlap and duplication of the South Carolina State Housing Finance and Development Authority (Authority). In addition, the legislation serves as a substitute for standing Committees already existing in the House and Senate.

First, the purpose of this legislation is to establish the South Carolina Housing Commission, which is tasked with delivering an annual report on the availability of “safe, sound, and affordable housing…for every South Carolinian.” The Authority already exists to further the goal of giving all South Carolinians “the opportunity to live in safe, decent, and affordable housing,” and has done so for almost 40 years.

In the past 20 years the Authority has overseen more than $1 billion in bond issues to provide first time mortgages to new homebuyers. In Fiscal Year 2008, the Authority devoted more than $107,000,000 to housing assistance and invested more than $287,000,000 in affordable housing. This helped finance 5,157 homes and apartments and created 10,410 new jobs. The Authority has done all of this while maintaining a foreclosure rate equal to or below that of the Mortgage Bankers Association of America. Though the Commission is billed as more of a study committee, it simply adds another layer of bureaucracy without any of the responsibility of delivering results.

Second, this Commission is to undertake data collection and review of federal legislation, which are roles reserved to standing legislative committees. In the past, the General Assembly has enacted committees to tackle major issues. The most recent example is school financing, which is one of the toughest challenges our state will face in the next generation. Both the House and Senate enacted separate standing committees to review this legislation for the past three years. There have also been efforts to create a statutory Commission on Base Closures, which has a direct effect on four communities in our state, but on two occasions vetoes have been sustained. If, in those cases, there was no need for a statutory commission, it defies logic that there should be one in this case, when a state agency already exists for this purpose.

It is particularly interesting that the only recorded vote on this legislation came in the House where less than half of the body even voted on the legislation, passing it 58-0. I would urge you and your colleagues to reject this bill and, instead, work with the preexisting State Housing Authority and this administration to further strengthen the state’s existing commitment to ensuring every South Carolinian has access to safe, sound and affordable housing.

For these reasons, I am vetoing and returning H. 3919, R. 118, to you without my signature.

Sincerely,

Mark Sanford

Governor

**R. 118, H. 3919--GOVERNOR'S VETO SUSTAINED**

The Veto on the following Act was taken up:

(R. 118) H. 3919 -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J. R. Smith, King, Kirsh, Littlejohn, J. M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb-Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J. H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS ON AN ANNUAL BASIS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

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

Yeas 69; Nays 40

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bowen | Bowers | Brady |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Chalk | Clemmons |
| Cooper | Dillard | Edge |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hodges | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kennedy | King |
| Kirsh | Loftis | Lucas |
| Mack | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| Neilson | Ott | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Skelton | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Umphlett | Vick | Weeks |
| Whipper | White | Williams |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Bedingfield | Bingham |
| Cato | Cole | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Frye | Haley |
| Hearn | Hiott | Horne |
| Knight | Littlejohn | Long |
| Lowe | D. C. Moss | V. S. Moss |
| Nanney | Owens | Parker |
| Rice | Scott | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Stewart | Stringer |
| Thompson | Toole | Viers |
| Whitmire | Willis | Wylie |
| T. R. Young |  |  |

**Total--40**

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

RECORD FOR VOTING

I inadvertently voted ‘yea’ on the vote to override the Governor’s Veto on H. 3919. I meant to vote ‘nay’.

Rep. Joey Millwood

**R. 115, H. 3762--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am vetoing and returning without my approval H. 3762, R. 115, which would create special license plates imprinted with the following messages: “Our Farms-Our Future,” “South Carolina Wildlife,” and “Reduce, Reuse, Recycle.” This bill also specifies that the Department of Motor Vehicles (DMV) may only issue “Gold Star Family” license plates to members of the immediate family of United States Armed Forces members killed in action, and waive the fee for this special license plate.

Let me be clear up front that our veto of this legislation is in no way based on the merit of the groups represented by these new license plates; however, we continue to be concerned with the General Assembly’s desire to be involved in the license plate creation business. We believe it is more appropriate to allow the DMV to issue license plates through the administrative process that is currently in place and has proven effective. For this very reason, last year we included in a letter that accompanied S. 1050, Act 297 of 2008, a signal that we would be vetoing any more legislation that created new license plates. A copy of that letter is attached to this veto message.

Currently our DMV issues 371 different classifications of license plates – an increase of 19 since this time last year, counting legislatively-mandated tags. Recognizing the growing popularity of special license plates and the need for each group to seek approval in the form of legislation, in 2006, the General Assembly passed legislation (S. 613, Act 398) providing rules that certain nonprofit groups could utilize when seeking approval from the DMV for a new organization license plate. Our primary reason for supporting this legislation was to make it *unnecessary* to pass legislation every time a group of citizens desired a special license plate. This framework has proven very successful as 23 groups have utilized this process since 2006, with 19 new tags having been approved. Seven new tags have been approved using this process over the last year – demonstrating that the DMV is capable of administering the creation of new license plates. We believe that the successful framework that was established for nonprofit organizations should apply to all license plate applications. Ultimately we do not believe that these are the types of policies that the people of our state expect the General Assembly to be debating. The following is a sampling of special license plates created by the General Assembly: “In God We Trust,” “In Reason We Trust,” “Heritage Classic Golf,” “First in Golf,” “Surfrider Foundation,” “S.C. Elks Foundation,” “Lions International,” “NASCAR-Jeff Gordon,” “NASCAR-Rusty Wallace,” “No More Homeless Pets,” and “Gone Fishing.” My point with this list is not to diminish any group or its cause, but to make the point that we do not think the General Assembly needs to be spending its time approving license plates when the DMV can effectively administer this process. We believe the license tag creation process should be streamlined to charge the DMV with approving all license plates, thus allowing the General Assembly to focus on the more pressing issues facing South Carolina. This is particularly the case when the state faces $20 billion in unfunded political promises, and important issues like reforming the Employment Security Commission, much needed restructuring to state government, and eliminating the corporate income tax to grow and create jobs here in South Carolina, remain unfinished.

In this same batch of ratified bills that we recently reviewed was H. 3134, which, like this bill, also clarifies that only the immediate family of a member of the United States Armed Forces killed in action, may receive “Gold Star Family” license plates. H. 3134 also waives the special fee required by Section 56-3-2020 for individuals receiving this license plate, leaving only the regular motor vehicle license fee to be paid. We have signed H. 3134 into law, thus accomplishing the most of what H. 3762 seeks to accomplish with respect to “Gold Star Family” license plates. We would sign legislation that waives the regular motor vehicle fee if it is sent to us without other new license plates being created.

Again, our concerns with H. 3762 are not with the substantive content of the special license plates created in this legislation, but instead with an unnecessarily complicated process that involves the General Assembly passing legislation designating evermore license plates. Given that the political process has accelerated on designating license plates again, we are going to ask that the General Assembly refrain from passing any more of these bills and instead allow the process to work through the DMV.

For these reasons I am vetoing and returning H. 3762, R-115, to you without my approval.

Sincerely,

Mark Sanford

Governor

**R. 115, H. 3762--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 115) H. 3762 -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D. C. Moss, Parker, Stringer, Vick, Hodges and Knight: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "OUR FARMS-OUR FUTURE" SPECIAL LICENSE PLATES; TO AMEND ARTICLE 45, CHAPTER 3, TITLE 56, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF "SPECIAL COMMEMORATIVE LICENSE PLATES", SO AS TO CHANGE THE NAME OF THESE LICENSE PLATES TO THE "SOUTH CAROLINA WILDLIFE LICENSE PLATES", TO PROVIDE THE PROCEDURES WHEREBY THE DEPARTMENT SHALL ISSUE THESE LICENSE PLATES, AND TO PROVIDE THAT THE "GAME PROTECTION FUND" IS RENAMED THE "FISH AND WILDLIFE PROTECTION FUND"; TO AMEND SECTION 56-3-9910, AS AMENDED, RELATING TO THE ISSUANCE OF "GOLD STAR FAMILY SPECIAL LICENSE PLATES", SO AS TO REVISE THE PROCEDURES REGARDING THE ISSUANCE AND COST OF THESE SPECIAL LICENSE PLATES; AND BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "RECYCLING SPECIAL LICENSE PLATES".

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

Yeas 91; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Bingham |
| Bowen | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hiott | Hodges |
| Horne | Hosey | Hutto |
| Jefferson | Jennings | Knight |
| Littlejohn | Loftis | Lowe |
| Lucas | Mack | McEachern |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Vick | Viers |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--91**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Gunn |
| Hearn | Huggins | Kennedy |
| King | Kirsh | Long |
| Nanney | Sottile | Stewart |
| Umphlett | Weeks | A. D. Young |

**Total--15**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business relating to the Town of Pomaria, when the vote occurred to override the Governor’s Veto on H. 3762, relating to License Plates. If I had been present, I would have voted in favor of overriding the Veto.

Rep. Walt McLeod

**H. 3722--COMMITTEE OF CONFERENCE APPOINTED**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3722:

H. 3722 -- Reps. Kirsh and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO PROVIDE FOR DETERMINATION OF TREATMENT OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; BY ADDING SECTION 12-36-2575 SO AS TO PROVIDE FOR FILING OF A RETURN FOR EACH SALES OR USE TAX LIABILITY PERIOD EVEN IF NO TAX LIABILITY ACCRUES FOR THAT PERIOD; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS; TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL REVENUE CODE FOR SIMILAR STATE TREATMENT; TO AMEND SECTION 12-6-2250, AS AMENDED, RELATING TO THE APPORTIONMENT OF INCOME DERIVED BY A TAXPAYER TO THE TAXPAYER'S CONDUCT OF BUSINESS IN THIS STATE, SO AS TO CHANGE THE WORD "ALLOCATED" TO "APPORTIONED"; TO AMEND SECTION 12-6-2295, RELATING TO INCLUSIONS AND EXCLUSIONS IN CONNECTION WITH THE TERMS "SALES" AND "GROSS RECEIPTS" AS USED IN THE APPORTIONMENT OF INCOME TO THIS STATE FOR STATE INCOME TAX PURPOSES, SO AS TO FURTHER SPECIFY RENTAL AND SALES INCOME FROM TANGIBLE AND INTANGIBLE, REAL AND PERSONAL PROPERTY IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT AGAINST THE STATE INCOME TAX, SO AS TO DELETE A REFERENCE TO GENERAL CONTRACTORS IN CONNECTION WITH THE TERM "CORPORATE OFFICE"; TO AMEND SECTION 12-6-3376, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR THE PURCHASE OR LEASE OF A PLUG-IN HYBRID VEHICLE, SO AS TO REQUIRE THAT THE CREDIT BE THE FIRST CLAIMED FOR THAT VEHICLE, TO PROVIDE FOR REGULATIONS PROMULGATED BY THE STATE ENERGY OFFICE, TO FURTHER PROVIDE FOR CLAIMING THE CAPPED CREDIT, AND TO PROVIDE FOR THE EFFECT OF A REPEAL OF THE CAPS ON THE CREDIT; TO AMEND SECTION 12-6-3377, RELATING TO THE ALTERNATIVE MOTOR VEHICLE FUEL CREDIT AGAINST THE STATE INCOME TAX, SO AS TO FURTHER PROVIDE FOR THE CALCULATION OF THE CREDIT FOR BUSINESS USE AND TO DELETE A PROVISION DEEMING THE FEDERAL TAX TREATMENT OF THE ALTERNATIVE FUEL CREDIT TO BE PERMANENT; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR REHABILITATION OF A HISTORIC STRUCTURE, SO AS TO INCLUDE A CREDIT AGAINST THE CORPORATE LICENSE FEES; TO AMEND SECTION 12-6-3550, AS AMENDED, RELATING TO THE VOLUNTARY CLEANUP INCOME TAX CREDIT, SO AS TO CLARIFY THAT THE CREDIT IS ONE AGAINST THE STATE INCOME TAX; TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND CREDIT AGAINST STATE TAXES, SO AS TO ALLOW THE CREDIT TO BE USED AGAINST THE TAXPAYER'S APPLICABLE STATE INCOME TAX, BANK TAX, INSURANCE PREMIUM TAX, OR LICENSE FEE LIABILITY; TO AMEND SECTION 12-6-3610, AS AMENDED, RELATING TO INCOME TAX CREDIT FOR PROPERTY USED FOR DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL, SO AS TO DELETE CERTAIN TRANSITIONAL PROVISIONS; TO AMEND SECTION 12-6-3630, RELATING TO A CREDIT AGAINST CERTAIN STATE TAXES FOR A CONTRIBUTION TO THE SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT FUND, SO AS TO FURTHER PROVIDE FOR CLAIMING THE CREDIT; TO AMEND SECTION 12-8-1530, RELATING TO QUARTERLY RETURNS OF WITHHELD TAX, SO AS TO REQUIRE RETURNS EVEN IN PERIODS WHEN NO TAX HAS BEEN WITHHELD; TO AMEND SECTION 12-8-1550, RELATING TO STATEMENTS REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR PRESCRIPTION BY THE DEPARTMENT OF EITHER ELECTRONIC OR MAGNETIC MEDIA METHOD FOR SUBMISSION OF CERTAIN INFORMATION; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO THE JOB DEVELOPMENT TAX CREDIT, SO AS TO MAKE TECHNICAL CORRECTIONS AND ADD A CROSS REFERENCE; TO AMEND SECTION 12-20-100, RELATING TO LICENSE TAX ON UTILITIES AND ELECTRIC COOPERATIVES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-21-2575, RELATING TO METHODS OF ACCOUNTING FOR ADMISSIONS OTHER THAN TICKETS, SO AS TO PROVIDE THAT THE TICKETS BE COLLECTED AND RETAINED TO ACCOUNT FOR ADMISSIONS; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO THE FIVE PERCENT SALES TAX ON THE PROCEEDS OF THE SALE OF TANGIBLE PERSONAL PROPERTY, SO AS TO DELETE A REDUNDANCY AS TO THE TAX ON PROCEEDS FROM THE SALE OF A WARRANTY, MAINTENANCE, OR SIMILAR CONTRACT FOR TANGIBLE PERSONAL PROPERTY; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE'S SALES TAX, SO AS TO SPECIFY NOTIFICATION REQUIREMENTS FOR CLAIMING THE EXEMPTION ON THE CONSTRUCTION MATERIALS USED IN CERTAIN SINGLE MANUFACTURING AND DISTRIBUTION FACILITIES AND TO PROVIDE FOR ASSESSMENT OF ANY TAX DUE, TO SPECIFY THAT THE EXEMPTION IN CONNECTION WITH THE SALE OF CURRENCY APPLIES TO CURRENCY THAT IS LEGAL TENDER, AND TO CLARIFY THE EXEMPTION AS TO DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO AMEND SECTION 12-37-90, RELATING TO DUTIES OF A FULL-TIME COUNTY ASSESSOR, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ALTER A VALUE OF REAL PROPERTY AS SET BY THE ASSESSOR; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR EXEMPTION OF THE REAL PROPERTY OF DEFINED TAX EXEMPT ORGANIZATIONS AND TO CORRECT A CROSS REFERENCE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO CORRECT A CROSS REFERENCE IN THE DEFINITION OF "SPONSOR"; TO AMEND SECTION 12-54-70, AS AMENDED, RELATING TO EXTENSION OF TIME FOR FILING RETURNS OR PAYING TAX, SO AS TO FURTHER DEFINE THE LENGTH OF THE EXTENSION; TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO TIME LIMITATION FOR ASSESSMENT OF TAXES OR FEES BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR THE INSTANCE OF A TAXPAYER LACKING A VALID BUSINESS PURPOSE; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS AND REPORTS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE THAT THE DISCLOSURE MUST BE WILFUL TO GIVE RISE TO THE PENALTIES; TO AMEND SECTION 12-63-20, AS AMENDED, RELATING TO THE ENERGY FREEDOM AND RURAL DEVELOPMENT ACT, SO AS TO DEFINE "BIODIESEL" FOR THAT PURPOSE; TO AMEND SECTION 30-2-320, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLIC RECORDS, AND SECTION 37-20-180, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLICATION OF A SOCIAL SECURITY NUMBER, BOTH SO AS TO ALLOW DISCLOSURE BY AND TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF CARRYING OUT ITS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATION OF DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A CROSS REFERENCE; AND TO REPEAL SECTION 12-20-175, RELATING TO REDUCTION OF LICENSE FEES DUE TO TAX CREDITS AND SECTION 12-36-30, RELATING TO THE DEFINITION OF "PERSON" FOR PURPOSES OF THE SALES AND USE TAX.

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

Very respectfully,

President

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

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

S. 12 -- Senators Leatherman, Alexander, Ford, Rankin, O'Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION'S RECOMMENDATIONS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 55, S. 116 by a vote of 33 to 10:

(R. 55, S. 116) -- Senators Knotts and McConnell: AN ACT TO AMEND SECTION 11‑35‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR “OFFICE”; TO AMEND SECTION 11‑35‑1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11‑35‑40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11‑35‑3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11‑35‑3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Very respectfully,

President

Received as information.

**R. 55, S. 116--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 116, R. 55. This bill is identical to S. 401, which we vetoed and the House of Representatives sustained last year.

This bill, which gives a vendor preference in the state procurement code, is well intentioned. There is nothing seemingly more unfair to South Carolina taxpayers than their government retaining services from an out-of-state firm while local firms are somehow disadvantaged in the reverse. Despite these good intentions, this bill would create greater problems for both taxpayers and private firms down the road. Our thinking is as follows:

First, we do not believe it is the role of government to be in the business of picking winners and losers in the commercial marketplace. This bill does. Rather than erecting barriers that prevent whoever has the best price and best service to win business, procurement, it would seem to us, ought to be about getting the best value in service and price for the money. There is a manifold list of well-intended economic ideas like this one that is as harmful to the economy as the price support system that has existed for years in sugar and some other agricultural products.

Second, we believe it is the private sector’s job to create jobs and government’s job is to most efficiently offer its services to its people – rather than go into the jobs creation program by way of erecting barriers. This bill is eerily reminiscent of the procurement preferences for union labor and domestic products that the Obama administration and Congress included in this year’s federal stimulus act. Accordingly, we are using this message to remind the more than a third in the House and Senate that have opposed the stimulus act on the grounds that the private sector is better than the government at stimulating the economy, and we encourage them to stand by this principle by sustaining this veto.

Third, this will make the cost of government more expensive by requiring the state to purchase goods and services at less than competitive rates. According to the State Budget Office’s fiscal impact statement, this would mean the state could pay up to 10 percent more on some government contracts. The Budget Office estimated that existing vendor preferences in the procurement code have already cost the state $1.37 million, which is why we recommended in our Executive Budget eliminating all vendor preferences in the state procurement code.

Legislation like this, though popular in the political season, does nothing to reduce government’s cost to the average taxpayer. In that regard, some would say this legislation typifies the view that government can afford to remain inefficient and uncompetitive simply because it is the government. The present legislation is especially troubling at a time when government will be bringing in less revenue than in recent years. In the face of diminishing revenue, we should be looking for ways to cut the costs of government rather than inflate them.

Fourth, we also have doubts about the bill’s constitutionality. The Privileges and Immunities Clause of the United States Constitution prohibits the state from arbitrarily denying rights – including the right to do business – to out-of-state residents. This legislation appears to violate this clause by discriminating against out-of-state employers and employees by making them less competitive in providing goods and services through government contracts. This legislation is similar to the local government ordinances regarding employment practices of government contractors struck down by the U.S. Supreme Court in *United Building & Construction Trades Council* v. *City of Camden*.

For these reasons, I am vetoing and returning without my signature S. 116, R. 55.

Sincerely,

Mark Sanford

Governor

**R. 55, S. 116--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 55) S. 116 -- Senators Knotts and McConnell: AN ACT TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

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

Yeas 88; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Battle | Bingham |
| Bowen | Bowers | Brady |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clemmons | Clyburn |
| Cooper | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Gambrell | Gilliard |
| Govan | Gullick | Haley |
| Hardwick | Harrell | Hart |
| Harvin | Hayes | Hearn |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | King | Knight |
| Limehouse | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parks | Pinson | M. A. Pitts |
| Rice | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Williams | Willis | Wylie |
| A. D. Young |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Cole |
| Forrester | Hamilton | Kennedy |
| Kirsh | Loftis | Millwood |
| Nanney | Parker | G. R. Smith |
| Stewart | Stringer | T. R. Young |

**Total--15**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on the Governor’s Veto on S. 116 (Procurement Code). If I had been present, I would have voted to override the veto.

Rep. Laurie Funderburk

RECORD FOR VOTING

I voted to sustain the Governor’s Veto of S. 116 because I am very concerned that this Bill will result in higher taxes in South Carolina on small businesses and our citizens. I believe a better approach would be to update our Procurement Code to make it more efficient for taxpayers.

Rep. Tom Young

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 64, S. 351 by a vote of 35 to 9:

(R. 64) S. 351 -- Senators Grooms, McConnell and Ford: AN ACT TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 54 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY'S WEBSITE; BY ADDING SECTION 54-3-1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; BY ADDING ARTICLE 13 TO CHAPTER 3, TITLE 54 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54-3-155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54-3-110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54-3-130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54-3-115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54-3-117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54-3-118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC-PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13-1-1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY 'APPLICABLE FEDERAL MILITARY INSTALLATION' OR 'APPLICABLE FEDERAL FACILITY' AS DEFINED IN SECTION 12-6-3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1-3-240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54-3-700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE PORT ROYAL REAL PROPERTY SHALL BE SOLD; BY ADDING SECTION 54-3-119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54-3-700 SHOULD BE USED TO BUILD THE BOAT LANDING.

Very respectfully,

President

Received as information.

**R. 64, S. 351--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 351, R. 64, which makes changes to the State Ports Authority’s management and operations.

We are vetoing this bill because it will hinder and slow change at the SPA. It largely does this by effectively eliminating the governor’s ability to use his removal power with members of the board. This bill gives tenure to every board member at the SPA, and this level of independence from what people and neighborhoods might think of SPA decisions, I believe will prove to be disastrous over the long run. If this board structure had existed at the time of the Global Gateway proposal on Daniel Island, the political pressure that changed the Port Authority’s decision could not have been brought to bear. Some level of accountability back to the taxpayer, rather than yet another unelected board managing millions or billions of dollars, is also not good for the taxpayer – as taxpayers also speak up through elected officials.

This bill moves our state one step further toward yet an even more imbalanced political system with the General Assembly imposing its will on what has been the decision-making authority of the executive branch. This decision is equally bad for the people of Jasper County as some of the board members reluctant to harness private capital to get the Jasper County facility up and going will be strengthened as a result of this change.

There’s certainly some irony in that these measures to “reform” the SPA will have the opposite effect, and will, in fact, make it more difficult to bring change to the agency in the long term. Under this bill, SPA board members will have little motivation to implement the policies of future governors, with the risk of board members often being unresponsive to the governor’s ability to make changes at the SPA. We fail to see how the SPA can be a better, more accountable agency when its board members have no incentive to, in fact, be more accountable for their job performance.

Supporters of S. 351 in the General Assembly have argued that the SPA board members need to be exempt from the governor’s at-will removal powers because they need to be insulated from “political pressure.” At the same time, the Senate refused to even consider an amendment by Senator Mike Rose to require SPA board members to document all contact with and from legislators and other public officials. In opposing the underlying legislation, Senator Rose noted, the SPA “policies and operations have been determined in the past and likely will continue to be based in the future too much on clandestine political interference and meddling by senior legislators rather than on professional business management…” This suggests that while the legislature is concerned about limiting the governor’s role with regard to the SPA, some are perfectly content with the undue influence wielded behind the scenes from the Legislature.

At the end of the day, this bill will do little to ensure that the SPA is a well-managed agency, and will, in fact, only further entrench our state government in its antiquated structure of control by unelected, unresponsive, and unaccountable boards and commissions. At a time when our neighboring ports are adapting to a global recession and declining demand for shipping, the South Carolina General Assembly has chosen a course that will make our port less responsive and competitive by insulating its management from accountability. Accordingly, we must veto this legislation.

Sincerely,

Mark Sanford

Governor

**R. 64, S. 351--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 64) S. 351 -- Senators Grooms, McConnell and Ford: AN ACT TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 54 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY'S WEBSITE; BY ADDING SECTION 54-3-1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; BY ADDING ARTICLE 13 TO CHAPTER 3, TITLE 54 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54-3-155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54-3-110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54-3-130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54-3-115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54-3-117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54-3-118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC-PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13-1-1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY 'APPLICABLE FEDERAL MILITARY INSTALLATION' OR 'APPLICABLE FEDERAL FACILITY' AS DEFINED IN SECTION 12-6-3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1-3-240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54-3-700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE PORT ROYAL REAL PROPERTY SHALL BE SOLD; BY ADDING SECTION 54-3-119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54-3-700 SHOULD BE USED TO BUILD THE BOAT LANDING.

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

Yeas 102; Nays 3

Those who voted in the affirmative are:

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

**Total--102**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Haley | Kirsh | Scott |

**Total--3**

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

RECORD FOR VOTING

At the moment that S. 351 came over from the Senate and was immediately taken up by the House, I was temporarily out of the Chamber on a constituent issue dealing with the Upper Savannah Regional Education Center Advisory Board. If I had been present, I would have voted to override the Governor’s veto and to support the business community. This issue was important to the businesses in the Upstate of South Carolina and has consistently had my support. I regret not being available to cast my vote for the override.

Rep. Jeff Duncan

STATEMENT FOR THE JOURNAL

I did not vote on the Governor’s Veto on S. 351 because I am not certain if it’s the intent of the Legislature to move our State forward or to continue the ongoing feud between the legislative and executive branches.

Rep. Nathan Ballentine

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on the Governor’s Veto on S. 351 (Ports Authority). If I had been present, I would have voted in favor of overriding the veto.

Rep. Jerry N. Govan, Jr.

**LEAVE OF ABSENCE**

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

**R. 118, H. 3919--RECONSIDERED AND OVERRIDDEN**

Rep. LITTLEJOHN moved to reconsider the vote whereby the Veto on the following Act was sustained, which was agreed to:

(R. 118) H. 3919 -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J. R. Smith, King, Kirsh, Littlejohn, J. M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb-Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J. H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS ON AN ANNUAL BASIS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

Rep. MITCHELL explained the Veto.

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

Yeas 81; Nays 24

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Bowen | Bowers |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Chalk |
| Clemmons | Clyburn | Cooper |
| Delleney | Dillard | Edge |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Lucas | Mack |
| McEachern | McLeod | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parker | Parks |
| Pinson | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Umphlett |
| Vick | Weeks | Whipper |
| White | Williams | A. D. Young |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Cole | Daning |
| Duncan | Erickson | Forrester |
| Frye | Haley | Hearn |
| Horne | Long | Lowe |
| Millwood | Nanney | Owens |
| Rice | Scott | Stringer |
| Thompson | Toole | Viers |
| Willis | Wylie | T. R. Young |

**Total--24**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 91, H. 3087 by a vote of 29 to 14:

(R. 91, H. 3087) -- Reps. Brady and M.A. Pitts: AN ACT TO AMEND SECTION 23‑3‑535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN THIS SECTION; AND TO AMEND ACT 333 OF 2008, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS AND PENALTIES FOR FAILURE TO REGISTER AS A SEX OFFENDER, SO AS TO PROVIDE AN EFFECTIVE DATE FOR VARIOUS PORTIONS OF THIS ACT.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 67, S. 364 by a vote of 41 to 1:

(R. 67, S. 364) -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑9‑25 SO AS TO ENACT THE “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM” (V‑SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

Very respectfully,

President

Received as information.

**R. 67, S. 364--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 364, R. 67. This bill reauthorizes the Volunteer Strategic Assistance and Fire Equipment Program (V-SAFE), first created in 2007. The intent of the legislation is to provide grants to volunteer and combination fire departments through the State Fire Marshall’s office.

As in 2007, this bill is a difficult one to veto again. I greatly admire the intent of those who have worked on this legislation, as well as the firefighting community as a whole. Particularly given the recent fires in the Myrtle Beach area, I deeply respect the efforts of each of the volunteer and paid firefighters who make such a difference in peoples’ lives here in South Carolina.

I am also reluctant to veto this legislation because it reauthorizes a grant program that is truly competitive – in stark contrast to many of the grants programs that have come out of Columbia in the past few years. These grants are peer reviewed and there is a limit to how much can be awarded.

Notwithstanding the merits of the V-SAFE program, I decided to veto S. 364 because I continue to believe the General Assembly should require local governments to provide some level of matching funds whenever the state distributes these kinds of grants. Water, sewer, police, and firefighting services are fundamentally local responsibilities. As such, we expect local governments to allocate resources to provide for core government services.

I warned the General Assembly when I vetoed V-SAFE in 2007, that it had perpetuated a program that it could not sustain over the long term. This year, the General Assembly did not fund the V-SAFE program, leaving a grants program with no grants. This situation clearly illustrates a point we’ve been making for some time: responsible government requires that each level of government must live up to its obligations without looking to someone else for assistance.

V-SAFE does not currently have a requirement that local government match the state funding levels. As we have seen in the so-called Competitive Grants program, the availability of “free money” for local governments creates a demand on state funds that otherwise would be met at the local level. Since the creation of the V-SAFE program, there have been over 400 applications, requesting a total of over $7 million. While I am not opposed to general funds going to support necessary local programs, I believe there should be some local commitment of funds to avoid the “free money” phenomenon.

As I’ve said before, I applaud the fire departments for their work, and I applaud the legislators who sponsored this bill. Unfortunately, for the reasons described, I am compelled to veto this legislation.

Sincerely,

Mark Sanford

Governor

**R. 67, S. 364--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 67) S. 364 -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-25 SO AS TO ENACT THE "VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM" (V-SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

Rep. SANDIFER explained the Veto.

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

Yeas 106; Nays 0

Those who voted in the affirmative are:

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

**Total--106**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was in the Senate Chamber monitoring a House Bill I sponsored and so missed the vote on S. 364. Had I been present, I would have voted to override the Governor’s Veto on the Bill.

Rep. Joan Brady

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 88, H. 3018 by a vote of 42 to 2:

(R. 88, H. 3018) -- Reps. E.H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G.M. Smith, Lowe, Vick, H.B. Brown, R.L. Brown, Viers, Clemmons, Ballentine, Mitchell and M.A. Pitts: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS SOLD OR OTHERWISE OCCUPIED, OR THE SIXTH PROPERTY TAX YEAR ENDING DECEMBER THIRTY‑FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED AND TO PROVIDE THE METHOD OF APPLYING FOR THE EXEMPTION; AND TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO CLASSIFICATIONS AND VALUATION OF PROPERTY FOR PURPOSES OF PROPERTY TAX, SO AS TO REVISE AN ELIGIBILITY REQUIREMENT TO RECEIVE THE FOUR PERCENT ASSESSMENT RATIO FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 70, S. 453 by a vote of 36 to 8:

(R. 70, S. 453) -- Senators Verdin and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑4‑160 SO AS TO PROVIDE THAT UNITS OF LOCAL GOVERNMENT MAY NOT ENACT ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT LOCAL LAWS AND ORDINANCES PERTAINING TO THE REGULATION OF AND ENFORCEMENT OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED BY STATE LAW AND STATE AGENCY REGULATIONS, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 6‑1‑330, RELATING TO LOCAL FEE IMPOSITION LIMITATIONS, SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY MAY NOT IMPOSE A FEE ON AGRICULTURAL LANDS, FORESTLANDS, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM UNLESS CHAPTER 14 OF TITLE 48 ALLOWS FOR THE IMPOSITION OF THIS FEE ON THESE LANDS, AND TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 47‑9‑60 SO AS TO PROVIDE THAT ONLY PROPERTY OWNERS AND RESIDENTS WITHIN A TWO‑MILE RADIUS OF A PERMITTED LIVESTOCK AND POULTRY FACILITY, WITH THE EXCEPTION OF A SWINE FACILITY, MAY APPEAL A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PERTAINING TO THE FACILITY; AND BY ADDING SECTION 47‑9‑65 SO AS TO PROVIDE THE COMPOUNDING PHARMACIST WHO FILLS AN ORDER FOR PERFORMANCE ENHANCING MINERAL OR DRUG COMPOUNDS WHICH ARE NOT FDA APPROVED FOR POLO HORSES PRIOR TO A POLO MATCH MUST CERTIFY THE COMPOUND WITH HIS SIGNATURE ACCOMPANIED BY A COMPLETE LISTING OF THE COMPONENTS CONTAINED IN THE COMPOUND AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Very respectfully,

President

Received as information.

**R. 70, S. 453--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 453, R. 70, which makes four separate changes related to livestock and poultry regulation, fee impositions for runoff control, and performance enhancing drugs for polo horses.

This legislation originally placed a limitation on local governments from regulating the care and handling of livestock and poultry. We understand the purpose of this section was to prevent a circumvention of the Right to Farm Act, which became law in 2006. Had the bill remained solely about this, we would have followed the same course here. Unfortunately, that is not the case.

In the process of passing this legislation, three additional sections were added to the bill. Each section addresses a very distinct issue from local fees on runoff management to performance enhancing drugs for polo horses. Section Three, which creates an unprecedented restriction on permit appeals, has brought about this veto.

Specifically, the bill would allow only property owners and residents within a two mile radius of livestock or poultry operations to have the right to appeal a permit issued by the Department of Health and Environmental Control (DHEC). Through our research, we have found no other size restriction imposed on any other DHEC permitting process. We think this legislation sets a dangerous precedent that should not be repeated.

When the Right to Farm Act was presented to us in 2006, the supporters of the legislation wanted a uniform set of standards to be imposed statewide. Those standards, they argued, were being modified in various ways, in various counties, creating problems for the industry. Typically, this administration has taken a strong ‘home rule” position on matters like this, but given the impact on the industry, we allowed the bill to go into law.

The issue before us is exactly who can appeal permits issued by DHEC. This is relevant because permit issuance does not necessarily affect only the operation in question, but becomes a basis for future permit considerations. For example, a permit issued in Sumter County could be contested by local residents but rejected. The appeals can then be taken through the courts and the decision would have binding power, not just on Sumter County, but on the state as a whole. This legislation would cut off every state resident outside of that area from having a voice in a decision that could very much affect the way business is done in other corners of the state. We do not believe that citizens should be shut out of such serious decisions.

We would urge the General Assembly to reject the notion that we should restrict who can weigh in on statewide permitting decisions by DHEC. This veto should be sustained and if Section One were brought back as a stand-alone bill, we would support it.

For these reasons, I am vetoing and returning S. 453, R. 70.

Sincerely,

Mark Sanford

Governor

**R. 70, S. 453--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 70) S. 453 -- Senators Verdin and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-4-160 SO AS TO PROVIDE THAT UNITS OF LOCAL GOVERNMENT MAY NOT ENACT ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT LOCAL LAWS AND ORDINANCES PERTAINING TO THE REGULATION OF AND ENFORCEMENT OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED BY STATE LAW AND STATE AGENCY REGULATIONS, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 6-1-330, RELATING TO LOCAL FEE IMPOSITION LIMITATIONS, SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY MAY NOT IMPOSE A FEE ON AGRICULTURAL LANDS, FORESTLANDS, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM UNLESS CHAPTER 14 OF TITLE 48 ALLOWS FOR THE IMPOSITION OF THIS FEE ON THESE LANDS, AND TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 47-9-60 SO AS TO PROVIDE THAT ONLY PROPERTY OWNERS AND RESIDENTS WITHIN A TWO-MILE RADIUS OF A PERMITTED LIVESTOCK AND POULTRY FACILITY, WITH THE EXCEPTION OF A SWINE FACILITY, MAY APPEAL A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PERTAINING TO THE FACILITY; AND BY ADDING SECTION 47-9-65 SO AS TO PROVIDE THE COMPOUNDING PHARMACIST WHO FILLS AN ORDER FOR PERFORMANCE ENHANCING MINERAL OR DRUG COMPOUNDS WHICH ARE NOT FDA APPROVED FOR POLO HORSES PRIOR TO A POLO MATCH MUST CERTIFY THE COMPOUND WITH HIS SIGNATURE ACCOMPANIED BY A COMPLETE LISTING OF THE COMPONENTS CONTAINED IN THE COMPOUND AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

Yeas 95; Nays 10

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Battle | Bingham | Bowen |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Gullick | Gunn | Haley |
| Hardwick | Harrell | Hart |
| Hayes | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | King |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| Sottile | Spires | Thompson |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | A. D. Young |  |

**Total--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Daning | Kirsh | Millwood |
| Scott | D. C. Smith | J. R. Smith |
| Stavrinakis | Stewart | Wylie |
| T. R. Young |  |  |

**Total--10**

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

RECORD FOR VOTING

I was in the Senate Chamber monitoring a House Bill I sponsored and so missed the vote on S. 453. Had I been present, I would have voted to override the Governor’s Veto on the Bill.

Rep. Joan Brady

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 115, H. 3762 by a vote of 34 to 8:

(R. 115, H. 3762) -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D.C. Moss, Parker, Stringer, Vick, Hodges and Knight: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “OUR FARMS‑OUR FUTURE” SPECIAL LICENSE PLATES; TO AMEND ARTICLE 45, CHAPTER 3, TITLE 56, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF “SPECIAL COMMEMORATIVE LICENSE PLATES”, SO AS TO CHANGE THE NAME OF THESE LICENSE PLATES TO THE “SOUTH CAROLINA WILDLIFE LICENSE PLATES”, TO PROVIDE THE PROCEDURES WHEREBY THE DEPARTMENT SHALL ISSUE THESE LICENSE PLATES, AND TO PROVIDE THAT THE “GAME PROTECTION FUND” IS RENAMED THE “FISH AND WILDLIFE PROTECTION FUND”; TO AMEND SECTION 56-3-9910, AS AMENDED, RELATING TO THE ISSUANCE OF “GOLD STAR FAMILY SPECIAL LICENSE PLATES”, SO AS TO REVISE THE PROCEDURES REGARDING THE ISSUANCE AND COST OF THESE SPECIAL LICENSE PLATES; AND BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “RECYCLING SPECIAL LICENSE PLATES”.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 83, S. 758 by a vote of 1 to 0:

(R. 83, S. 758) -- Senator Land: AN ACT TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW REVENUES OF THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009‑2010 AND 2010‑2011 SCHOOL YEARS.

Very respectfully,

President

Received as information.

**R. 83, S. 758--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 758, R. 83, a bill that would allow school districts in Clarendon County to use revenue from the one percent sales and use tax enacted in 2004 to be used for academic and arts instruction. I am vetoing this bill for three reasons.

First, this legislation changes the use of a tax going back to the taxpayers for their approval. We signed Act 355 in 2004 enacting the Clarendon County School Districts Property Tax Relief Act. Even though we may disagree with the tax increases, we have allowed many bills to become law providing the local taxpayers have a voice in its imposition. Specifically, Act 355 provided for a special one percent sales and use tax in Clarendon County for not more than 20 years which was enacted by the Clarendon County Council, and this statute was put into effect through local ordinance after public readings and a hearing by Clarendon County Council. The purpose of that legislation was to defray general obligation debt service or the costs of capital improvements within the three Clarendon County school districts. S. 758 goes further by allowing the tax revenue to be used for the delivery of academic or arts instruction. We are vetoing this bill because it changes the intent of the original legislation without approval by the voters.

This leads us to our second point, in that the intent of the original legislation has not been met in one of the three districts, which is why we believe that now is not the time to expand the use of the tax revenue. This bill would not benefit Clarendon School District One, as this district has a higher amount of debt service than the other two districts; therefore, they would have no excess tax revenue to use for classroom expenses. This underscores again why we should work to enact legislation along the lines of H. 3340 introduced by Representative Ken Kennedy that would further consolidate the 84 school districts in our state. If such legislation was enacted, the people of Clarendon County could further reduce their overall debt load on school construction.

Third, we understand that this bill is an effort to offer yet another way to drive more dollars to the classroom in a tough budget year. Just this year, the General Assembly enacted and we signed legislation granting full funding flexibility that will benefit all three districts in Clarendon. Under the new law, school districts can transfer state funds, including Education Improvement Act and Lottery funds, to ensure the delivery of academic and arts instruction in the coming school year. Additionally, we signed S. 588 allowing school districts to delay the issuing of teacher contracts by one month, giving districts more time to work on local budget issues. Lastly, more than $300 million in federal stimulus dollars are coming to our state to support high poverty and special education programs, and we believe that the infusion of this federal money, coupled with these two pieces of legislation, should offer the Clarendon school districts much-needed support in addressing funding for academic or arts instruction.

For the reasons outlined above, I am returning without my approval S.758, R. 83.

Sincerely,

Mark Sanford

Governor

**R. 83, S. 758--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 83) S. 758 -- Senator Land: AN ACT TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW REVENUES OF THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009-2010 AND 2010-2011 SCHOOL YEARS.

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

Yeas 1; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Harvin |  |  |

**Total--1**

Those who voted in the negative are:

**Total--0**

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

**S. 12--CONFERENCE REPORT ADOPTED**

**S. 12--Conference Report**

The General Assembly, Columbia, S.C., June 15, 2009

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 12 ‑‑ Senators Leatherman, Alexander, Ford, Rankin, O’Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE’S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS.

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

That the same do pass with the following amendments:

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

/ SECTION 1. (A) There is created the South Carolina Taxation Realignment Commission to be comprised of eleven members appointed as follows:

(1) one member each appointed by the President *Pro Tempore* of the Senate, the Senate Finance Committee Chairman, the Senate Majority Leader, and the Senate Minority Leader;

(2) (a) two members appointed by the Speaker of the House;

(b) two members appointed by Chairman of the House Ways and Means Committee;

(3) two members appointed by the Governor; and

(4) the Director of the Department of Revenue, to serve ex officio.

Members of the General Assembly may not be appointed to the commission. Members of the commission must have substantial academic or professional experience or specialization in one or more areas of public finance, government budgeting and administration, tax administration, economics, accounting, business, or tax law. Members of the commission must have been a resident of South Carolina since January 1, 1997.

(B) The members of the commission:

(1) must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and such other officers as the commission may consider necessary. Thereafter, the commission must meet as necessary to fulfill the duties required by this joint resolution at the call of the chairman or by a majority of the members. A quorum consists of six members. The commission may engage or employ staff or consultants as may be necessary and prudent to assist the commission in the performance of its duties and responsibilities. Any staff or consultants must possess an academic background or substantial career experience in one or more fields including, but not limited to, economics, government budgeting and administration, urban and regional economic development, economic forecasting, state and local public finance, or business;

(2) shall serve without compensation, and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions. Staffs of the Senate Finance Committee and the House Ways and Means Committee shall be available to assist the commission in its work. Any other expenses incurred by the commission shall be paid equally from each respective house’s approved account subject to the approval of the Senate Operations and Management Committee and the Speaker of the House;

(3) unless authorized by a further or subsequent enactment, conclude the commission’s business by January 1, 2011, at which time the commission is dissolved. The General Assembly may extend the dates by which the commission shall submit reports required by this act.

(C) The duties of the commission shall be to:

(1) develop criteria for assessing the effectiveness of the current tax system structure, as well as the likely systemic impact of any proposed changes affecting tax revenues and report the criteria to the General Assembly within three months of the effective date of this act, provided that all such criteria must be designed with an emphasis on the systemic balance of the state’s revenue structure from the standpoint of adequacy, equity, and efficiency and with the goal of maintaining and enhancing the State as an optimum competitor in efforts to attract businesses and individuals to locate, live, work, and invest in the State; and

(2) no later than March 15, 2010, prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, including the text of an amendment that effectuates the recommendations. The commission’s report must be a detailed, comprehensive, and careful evaluation of the state’s tax system structure. The commission’s report shall consider:

(a) sales and use tax exemptions or limitations to be retained, modified, or repealed;

(b) the assessment of state and local taxes levied and other provisions affecting state and local revenue to fund the operation and responsibilities of state and local government, respectively; and

(c) any fee, fine, license, forfeiture, or Other Funds.

After reviewing the adequacy, equity, and efficiency of the state’s revenue structure, the commission’s report may recommend that no changes are necessary if it determines that such findings are warranted. Following the report and recommendation required by subsection (C)(2), the commission shall continue studying the subjects identified in subsection (C)(2). The commission may make further legislative recommendations at any time. Also, the commission must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on August first and February first of each year detailing the commission’s progress and points of focus.

For purposes of the scope of the commission’s study, local taxes are defined as local levies related to ad valorem taxation, including, but not limited to, assessment ratios, classification and valuation of property, assessable transfers of interest, valuation limitation, local millages, and fee in lieu of taxes agreements; however, local taxes do not include the exemption of owner‑occupied residential property as provided in Section 12‑37‑220(B)(47).

The commission’s report may not recommend any action that would nullify any existing agreement entered into by a local government.

The commission must forward its recommendation to the Board of Economic Advisors that must prepare a revenue impact detailing the sources of revenue at the state and local level the commission recommends should be increased or decreased, the projected amount of increase or decrease to each source of revenue, and the net gain or loss of total revenue at both the state and local levels that would result from the recommendation. The report must be attached to any legislative recommendation made by the commission prior to it being submitted to any member of the General Assembly.

(D) The text of any amending language pursuant to subsection (C)(2) must be delivered to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and upon request, to any member of the General Assembly.

(E) Further legislative recommendations made by the commission must be delivered to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and upon request, to any member of the General Assembly.

(F) Commission members shall not receive information regarding the business of the commission from a lobbyist except through formal presentation to the commission at a meeting called in compliance with the Freedom of Information Act. Any lobbyist violating the provisions of this subsection is deemed guilty of a misdemeanor and, upon conviction, must be punished as provided in Section 2‑17‑130 of the 1976 Code.

(G) In addition to those duties of the commission provided pursuant to subsection (C) of this section, the commission shall study and make recommendations to the General Assembly of the advantages and drawbacks of a revenue neutral replacement of the state individual and corporate income tax, state imposed sales and use tax, estate tax, bank tax, savings and loan association tax, and taxes on beer, wine, and alcoholic beverages with a broadly based consumption tax modeled on the proposed federal Fair Tax as that form of tax would have to be adapted to apply on the state level. In its study, the commission shall specifically consider how such a tax swap would affect jobs creation, savings and investment, and tax compliance costs for South Carolina taxpayers. The result of the study and recommendations required pursuant to this subsection must be made on the schedule provided in subsection (C)(3) of this section.

SECTION 2. Act 388 of 2006 is amended by repealing SECTION 1 of Part V, which reads:

“SECTION 1. (A) The sales tax exemptions in Section 12‑36‑2120 of the 1976 Code shall be reviewed by the General Assembly not later than its 2010 Session and thereafter as the General Assembly deems appropriate but not later than its session every ten years after the first review.

(B)(1) There is established the Joint Sales Tax Exemptions Review Committee composed of seven members; three of whom must be members of the Senate appointed by the Chairman of the Senate Finance Committee, one of whom must be a member of the minority party; three of whom must be members of the House of Representatives appointed by the Chairman of the House Ways and Means Committee, one of whom must be a member of the minority party; and one of whom must be the Governor or the Governor’s appointee who shall serve at the Governor’s pleasure. The committee shall elect a chairman and vice chairman from among its members. All legislative members shall serve ex officio. The committee shall assist the General Assembly in performing its duties under the provisions of subsection (A) in addition to its duties required by this subsection.

(2) In carrying out its responsibilities under this act, the committee shall:

(a) make a detailed and careful study of the state’s sales tax exemptions, comparing South Carolina laws to other states;

(b) publish a comparison of the state’s sales tax exemptions to other states’ laws;

(c) recommend changes, and recommend introduction of legislation when appropriate;

(d) submit reports and recommendations annually to the Governor and the General Assembly regarding sales tax exemptions.

(3) In carrying out its responsibilities under this act, the committee may:

(a) hold public hearings;

(b) receive testimony of any employee of the State or any other witness who may assist the committee in its duties;

(c) call for assistance in the performance of its duties from any employee or agency of the State.

(4) The committee may adopt by majority vote rules not inconsistent with this act that it considers proper with respect to matters relating to the discharge of its duties under this section. Professional and clerical services for the committee must be made available from the staffs of the General Assembly, the State Budget and Control Board, and the Department of Revenue. The members of the committee may not receive mileage, per diem, subsistence, or any form of compensation for their service on the committee.”

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

Amend title to conform.

Sen. Nikki G. Setzler Rep. W. Brian White

Sen. Thomas C. Alexander Rep. James A. Battle

Sen. Phillip W. Shoopman Rep. Kenneth A. Bingham

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

Rep. WHITE explained the Conference Report.

Rep. HART spoke against the Conference Report.

Rep. OTT spoke upon the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 86; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Bales | Ballentine | Bannister |
| Battle | Bingham | Bowen |
| Bowers | Brady | G. A. Brown |
| H. B. Brown | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Hiott |
| Horne | Huggins | Hutto |
| Jefferson | Jennings | Kirsh |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| McLeod | Miller | Millwood |
| D. C. Moss | Nanney | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| White | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--86**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | R. L. Brown |
| Dillard | Gilliard | Govan |
| Gullick | Hart | Harvin |
| Hodges | Hosey | Howard |
| King | Mack | McEachern |
| J. H. Neal | Rutherford | Weeks |
| Whipper | Williams |  |

**Total--20**

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

**STATEMENT FOR JOURNAL**

I voted for the conference committee report, however I believe it is imperfect because 1) the minority leader of the House was not allowed an appointment on the study commission, and 2) because the report specifically excludes Act 388 from being considered in the study. Declaring certain areas of our tax structure as off-limits to the committee is not a true comprehensive tax study. An honest and complete assessment of S.C.’s tax structure is critically important to this State for our citizens, our education system, and economic competitiveness, especially at a time when the economy has presented significant challenges for the state’s budget and obligations.

Rep. Laurie Slade Funderburk

STATEMENT FOR THE JOURNAL

I question the label “comprehensive” being used with this legislation; however, the commission does seem to be a start in the right direction. Compromise does not have to be lose/lose if our State can ultimately benefit.

Rep. Nathan Ballentine

**S. 304--FREE CONFERENCE POWERS REJECTED**

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

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

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

Yeas 68; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Bales | Bannister | Battle |
| Bingham | Bowen | Brady |
| G. A. Brown | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Delleney | Edge | Erickson |
| Funderburk | Gambrell | Gullick |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Horne | Hutto |
| Jennings | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| McLeod | Miller | Millwood |
| D. C. Moss | Nanney | J. M. Neal |
| Neilson | Owens | Pinson |
| Sandifer | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Whipper |
| White | Whitmire | Willis |
| Wylie | A. D. Young |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Dillard |
| Duncan | Forrester | Gilliard |
| Gunn | Hart | Hiott |
| Hodges | Hosey | Jefferson |
| King | Mack | McEachern |
| Parks | M. A. Pitts | Rutherford |
| Scott | Sellers | Simrill |
| Weeks | T. R. Young |  |

**Total--23**

So, having failed to receive the necessary two-thirds vote of the membership, the request for Free Conference Powers was rejected.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 98, H. 3301 by a vote of 39 to 3:

(R. 98, H. 3301) -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J.R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G.A. Brown, H.B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E.H. Pitts, M.A. Pitts, Scott, Simrill, Skelton, D.C. Smith, G.R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34‑39‑175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL‑TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34‑39‑270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34‑39‑280 SO AS TO ALLOW A DEFERRED PRESENTMENT TRANSACTION CUSTOMER WHO IS UNABLE TO REPAY A TRANSACTION WHEN DUE TO ENTER ONE EXTENDED PAYMENT PLAN DURING A TWELVE MONTH PERIOD; TO AMEND SECTION 34‑39‑130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED FIVE HUNDRED DOLLARS; TO AMEND SECTION 24‑39‑150, RELATING TO THE APPLICATION FOR LICENSURE, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEES AND TO DESIGNATE THE RECIPIENTS AND PERMITTED USES OF RENEWAL FEE COLLECTIONS; BY ADDING SECTION 34‑39‑290 SO AS TO REQUIRE THE BOARD OF FINANCIAL ADVISORS TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING CERTAIN DEFERRED PRESENTMENT TRANSACTION DATA PROVIDED BY THE DATABASE VENDOR; TO AMEND SECTION 34‑39‑200, RELATING TO LIMITATIONS ON ACTIVITIES BY PERSONS REQUIRED TO BE LICENSED, SO AS TO IDENTIFY CERTAIN LIMITED EXCEPTIONS; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT A LICENSEE SHALL NOT CHARGE A FEE IN EXCESS OF FIFTEEN PERCENT OF THE PRINCIPAL AMOUNT OF THE TRANSACTION FOR ACCEPTING A CHECK FOR DEFERRED PRESENTMENT OR DEPOSIT; AND TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO IDENTIFY A LICENSEE’S CIVIL REMEDIES IF A CHECK IS RETURNED DUE TO INSUFFICIENT FUNDS, CLOSED ACCOUNT, OR STOP PAYMENT ORDER.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 118, H. 3919 by a vote of 31 to 11:

(R. 118, H. 3919) -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J.R. Smith, King, Kirsh, Littlejohn, J.M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb‑Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J.H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑1‑250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS ON AN ANNUAL BASIS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has requested and has granted free conference powers and appointed Senators O'Dell, McGill and Mulvaney of the Committee of Free Conference on the part of the Senate on S. 304:

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

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

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 16, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on S. 12:

S. 12 -- Senators Leatherman, Alexander, Ford, Rankin, O'Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION'S RECOMMENDATIONS.

Very respectfully,

President

Received as information.

**RATIFICATION OF ACT**

Pursuant to S. 834, the *Sine Die* Resolution, the Honorable SPEAKER of the House of Representatives appeared in the Senate Chamber on June 24, 2009, at 4:30 p.m., and the following Act was ratified:

(R121, S. 12) -- Senators Leatherman, Alexander, Ford, Rankin, O’Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: AN ACT TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION SHALL CONDUCT A COMPREHENSIVE STUDY OF THE STATE’S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, TO PROVIDE A SCHEDULE OF REPORTING AND REQUIRE THE COMMISSION TO CONCLUDE ITS BUSINESS BY JANUARY 1, 2011, UNLESS EXTENDED BY LAW, TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS, TO LIMIT RECEIPT BY THE COMMISSION OF INFORMATION FROM LOBBYISTS TO FORMAL PRESENTATIONS TO THE COMMISSION IN A SCHEDULED MEETING AND PROVIDE A PENALTY FOR VIOLATIONS; AND TO AMEND ACT 388 OF 2006, RELATING TO TAXATION, SO AS TO DELETE PROVISIONS ESTABLISHING THE JOINT SALES TAX EXEMPTIONS REVIEW COMMITTEE.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4127 -- Reps. Brantley and Howard: A CONCURRENT RESOLUTION TO RECOGNIZE DENMARK TECHNICAL COLLEGE AND PALMETTO GREEN, LLC, HOSTS OF THE FIRST PALMETTO GREENWAY JOBS SUMMIT, AND TO COMMEND THEM FOR THEIR EFFORTS IN PROMOTING GREEN JOB CREATION ALONG THE I-95 CORRIDOR.

**ADJOURNMENT**

At 6:02 p.m. the House, in accordance with the motion of Rep. LOWE, adjourned in accordance with S. 834, the *Sine Die* Resolution in memory of Senior Trooper Andrew Dallas McInville of Florence.

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