~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Job 5:8: “But if it were I, I would appeal to God; I would lay my cause before him.”

Let us pray. Mighty God, bestow upon these Representatives and staff wisdom, strength, integrity, and courage, as they go about the duties and responsibilities of the office they hold. Bless them with Your presence and keep them in Your care. Give to our Nation, State, and her leaders Your blessings and peace. 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 yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. GAMBRELL moved that when the House adjourns, it adjourn in memory of Rebecca Bowen of Pelzer, mother of Representative Bowen, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for Deborah Rubens, who was injured in an accident today.

**COMMUNICATION**

The following was received:

State of South Carolina

Office of the Governor

Columbia, S.C., April 20, 2010

Mr. Speaker and Members of the House of Representatives:

 I am transmitting herewith a reappointment for confirmation. This reappointment is made with the advice and consent of the General Assembly and is, therefore, submitted for your consideration.

Local Appointment

Sumter County Master-in Equity

Term Commencing: December 31, 2010

Term Expiring: December 31, 2016

Seat: Master-in-Equity

Reappointment

The Honorable Richard L. Booth

141 North Main Street

Sumter, South Carolina 29150

Respectfully,

Mark Sanford

Governor

Received as information.

**REPORTS OF STANDING COMMITTEE**

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4779 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD BEGINNING AT INTERSTATE 77 INTERCHANGE CONTINUING TO THE INTERSECTION OF PINEVIEW ROAD THE "CAPTAIN L. D. 'DOUG' BARDEN MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CAPTAIN L. D. 'DOUG' BARDEN MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 1111 -- Senators Campsen, Grooms and Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 41 IN CHARLESTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 TO THE CHARLESTON/BERKELEY COUNTY LINE THE "MAJOR GENERAL ABRAHAM J. TURNER HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "MAJOR GENERAL ABRAHAM J. TURNER HIGHWAY".

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 1344 -- Senators Alexander, Rankin, Hutto, McConnell and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, AS THE TIME TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SECOND DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FOURTH DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SIXTH DISTRICT, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO THE AT-LARGE SEAT ON THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY, WHOSE TERM EXPIRES IN 2012; AND TO ELECT A SUCCESSOR TO THE SECOND DISTRICT, SEAT 3, ON THE BOARD OF TRUSTEES OF FRANCIS MARION UNIVERSITY, WHOSE TERM EXPIRES IN 2014.

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 1345 -- Senators Land and Leventis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 76 IN SUMTER COUNTY, FROM THE SUMTER-LEE COUNTY LINE TO ITS INTERSECTION WITH BELL ROAD, AS THE "MAYOR WILLIE M. JEFFERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "MAYOR WILLIE M. JEFFERSON HIGHWAY".

Ordered for consideration tomorrow.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4876 -- Reps. D. C. Moss, Littlejohn and V. S. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE GOUCHER BAPTIST CHURCH OF GAFFNEY ON THE OCCASION OF ITS TWO HUNDRED FORTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR NEARLY TWO AND A HALF CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

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

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| 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 | Haley |
| Hamilton | Hardwick | Harrell |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| 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 |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, April 21.

|  |  |
| --- | --- |
| Terry Alexander | Jerry Govan |
| Anton J. Gunn | James Harrison |
| Chris Hart | Douglas Jennings |
| Patsy Knight | H.B. "Chip" Limehouse |
| Harry Ott | Anne Parks |
| James E. Smith | Leon Stavrinakis |
| Michael Thompson | William R. "Bill" Whitmire |
| Todd Rutherford | Leon Howard |

**Total Present--122**

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, April 20.

|  |  |
| --- | --- |
| Ted Vick |  |

**Total Present--122**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BOWEN a leave of absence for the day due to a death in the family.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Coleman Fowble of Columbia was the Doctor of the Day for the General Assembly.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Rep. HARRELL presented to the House the First Baptist Church School "Hurricanes" Varsity Boys Basketball Team, the 2010 South Carolina Independent Schools Association Class AA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. HARRELL presented to the House the First Baptist Church School "Hurricanes" Varsity Girls Swim Team, the 2009 South Carolina Independent Schools Association Class AAA-AA Champions, their coach and other school officials.

**SPECIAL PRESENTATION**

Rep. SANDIFER presented to the House Miss South Carolina 2009, Miss South Carolina Teen 2009, and the 2010 Miss South Carolina Contestants.

**CO-SPONSOR ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4243 |
| Date: | ADD: |
| 04/21/10 | HALEY |

**SENT TO THE SENATE**

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

H. 4212 -- Reps. Jennings, Clemmons, Harrison, Kirsh, G. M. Smith, Wylie, Viers, Hart and Weeks: A BILL TO AMEND SECTION 16-17-420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF DISTURBING SCHOOLS, SO AS TO PROVIDE THAT VIOLATIONS OF THE STATUTE MUST BE TRIED IN SUMMARY COURT.

H. 4572 -- Reps. J. E. Smith, Bannister, Weeks and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-960 SO AS TO ALLOW HOLDERS OF RETAIL PERMITS AUTHORIZING THE SALE OF BEER OR WINE FOR OFF-PREMISES CONSUMPTION TO HOLD A LIMITED NUMBER OF BEER TASTINGS AT THE RETAIL LOCATION EACH YEAR UNDER CERTAIN CIRCUMSTANCES.

H. 3249 -- Reps. G. M. Smith and Viers: A BILL TO AMEND SECTIONS 15-78-30 AND 15-78-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIABILITY PURSUANT TO THE TORT CLAIMS ACT, SO AS TO FURTHER DEFINE THE DEFINITIONS OF THE TERMS "SCOPE OF OFFICIAL DUTY" AND "SCOPE OF STATE EMPLOYMENT" AND TO EXPRESSLY PROVIDE FOR IMMUNITY OF CERTAIN GOVERNMENTAL EMPLOYEES WHEN INVESTIGATING POTENTIAL WRONGDOING OR DISCIPLINING ANOTHER EMPLOYEE UNDER CERTAIN CIRCUMSTANCES.

H. 4452 -- Rep. D. C. Moss: A BILL TO AMEND SECTION 56-3-2150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER PUBLIC OFFICIALS, SO AS TO PROVIDE THAT A CORONER MAY BE ISSUED TWO SPECIAL LICENSE PLATES.

H. 4346 -- Reps. Barfield, Alexander, Jefferson, Lowe, Toole, Sellers, Brantley, Sottile, G. A. Brown, Parker, Govan, Duncan, Willis, Anthony, Cato, Chalk, Cobb-Hunter, Agnew, Clyburn, Miller, Frye, Simrill, Jennings, Williams, Harvin, Mitchell, Stringer, Sandifer, Vick, Viers, G. M. Smith, Hutto, Stavrinakis, Bales, Battle, Bedingfield, Bowen, Bowers, Brady, Branham, Crawford, Daning, Delleney, Dillard, Edge, Forrester, Funderburk, Gambrell, Gunn, Hamilton, Hardwick, Harrell, Harrison, Hayes, Hearn, Hodges, Hosey, Howard, Huggins, Kelly, Limehouse, Littlejohn, Long, McEachern, V. S. Moss, J. M. Neal, Norman, Ott, M. A. Pitts, Rice, Spires, Thompson, Umphlett, Weeks, White and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE DISABLED VETERAN SPECIAL LICENSE PLATES.

H. 4187 -- Reps. White and Kirsh: A BILL TO AMEND SECTION 55-9-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS THAT AN ENTITY HAS TO ESTABLISH AN AIRPORT OR LANDING FIELD OR ACQUIRE, LEASE, OR SET APART PROPERTY FOR THAT PURPOSE, SO AS TO DELETE A PROVISION THAT LIMITS THE TERM OF A LEASE OF AIRPORTS OR LANDING FIELDS TO PRIVATE PARTIES FOR OPERATION.

H. 4510 -- Reps. Harrison, Battle, Chalk, Crawford, Delleney, Pinson, Vick and Viers: A BILL TO AMEND SECTION 59-121-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE BOARD OF VISITORS OF THE CITADEL, SO AS TO REVISE THE MANNER IN WHICH THE MEMBERS OF THE BOARD ELECTED BY THE GENERAL ASSEMBLY ARE SELECTED, AND FURTHER PROVIDE FOR THEIR TERMS OF OFFICE AND OTHER APPLICABLE PROVISIONS PERTAINING TO THEIR SERVICE ON THE BOARD.

H. 4636 -- Reps. Govan, Harrison, Mitchell and Gilliard: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL MEMBER TO THE BOARD TO BE APPOINTED BY THE NATIONAL ALUMNI ASSOCIATION OF THE UNIVERSITY.

H. 4784 -- Rep. Rutherford: A BILL TO AMEND SECTION 57-25-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S ISSUANCE OF PERMITS THAT ALLOW THE INSTALLATION AND MAINTENANCE OF BENCHES UPON WHICH COMMERCIAL ADVERTISEMENTS MAY BE PLACED, SO AS TO PROVIDE THAT THE PERMITS MUST BE RENEWED ANNUALLY INSTEAD OF TERMINATED ON JULY 1, 2010.

H. 3755 -- Rep. Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "SOUTH CAROLINA EDUCATOR" SPECIAL LICENSE PLATES.

H. 4807 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4117, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 4560 -- Reps. Gambrell, D. C. Moss, J. R. Smith, Bales, Agnew, Govan, Knight, Jefferson, H. B. Brown, Cooper, Bowen, Frye, Spires, Clyburn, Gilliard, McEachern, Hosey, Williams, Allen, Crawford, Whitmire, Daning, Stavrinakis, Dillard, Hardwick, Hodges, Mack, G. R. Smith, White, Willis and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-21-110 SO AS TO ENACT "THE FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA" AND TO ESTABLISH THE JUNIOR FIREFIGHTERS PROGRAM.

H. 4823 -- Reps. Cooper, Owens, J. R. Smith and Loftis: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2010 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEYS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END-OF-COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

H. 4438 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 32-8-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION, SO AS TO ALSO PERMIT A PERSON NAMED IN THE DECEDENT'S UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93) OR ITS SUCCESSOR FORM, IF THE DECEDENT DIED WHILE SERVING IN ANY BRANCH OF THE UNITED STATES ARMED SERVICES AS DEFINED IN 10 U.S.C. SECTION 1481 AND COMPLETED SUCH FORM.

H. 4405 -- Reps. Edge, Cobb-Hunter, Crawford, Harvin, Pinson, Alexander, Gunn, Hutto and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.

H. 4621 -- Reps. Harvin and Weeks: A BILL TO AMEND SECTION 44-39-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIABETES INITIATIVE OF SOUTH CAROLINA BOARD, SO AS TO MODIFY THE BOARD'S MEMBERSHIP COMPOSITION AND TERMS OF ITS MEMBERS.

H. 4542 -- Reps. Harrison, Weeks and McLeod: A BILL TO AMEND SECTION 8-13-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE.

H. 4516 -- Rep. M. A. Pitts: A BILL TO AMEND SECTIONS 61-4-550 AND 61-6-2000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS, RESPECTIVELY, BOTH SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 170 -- Senators Cleary and Rose: A BILL TO AMEND TITLE 63, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-17-385 TO AUTHORIZE THE FAMILY COURT TO ISSUE A RULE TO SHOW CAUSE UPON THE FILING OF AN AFFIDAVIT THAT A PARENT HAS FAILED TO PAY COURT-ORDERED SUPPORT, OTHER THAN PERIODIC PAYMENT OF FUNDS FOR THE SUPPORT OF THE CHILD, TO PROVIDE FOR SERVICE BY REGULAR MAIL, TO PROVIDE THAT THE AFFIDAVIT AND CERTAIN OTHER DOCUMENTATION IS PRIMA FACIE EVIDENCE OF NONPAYMENT, SHIFTING THE BURDEN OF PROOF, AND TO PROVIDE A DEFENSE.

S. 481 -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE.

S. 907 -- Senator Peeler: A BILL TO REPEAL ARTICLE 1, CHAPTER 61, TITLE 44 OF THE 1976 CODE, RELATING TO EMERGENCY MEDICAL SERVICES.

S. 897 -- Senators McConnell, Leatherman, Peeler, Setzler, Rose, Elliott, Courson, Sheheen, Campbell, Campsen and Bryant: A JOINT RESOLUTION TO CREATE THE COMMISSION ON STREAMLINING GOVERNMENT AND REDUCTION OF WASTE AND PROVIDE FOR THE MEMBERSHIP, POWERS, DUTIES, AND FUNCTIONS OF THE COMMISSION; TO PROVIDE A PROCEDURE FOR THE SUBMISSION, CONSIDERATION, APPROVAL, AND IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMISSION; TO PROVIDE FOR STAFF SUPPORT AND FINANCES FOR THE COMMISSION; TO PROVIDE FOR COOPERATION WITH AND SUPPORT FOR THE COMMISSION; TO PROVIDE FOR THE APPLICABILITY OF OTHER LAWS; AND TO PROVIDE FOR ITS TERMINATION.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 196 -- Senator McConnell: A BILL TO AMEND CHAPTER 3, TITLE 15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CIVIL ACTIONS, SO AS TO LIMIT LIABILITY FOR CERTAIN LIQUEFIED PETROLEUM GAS PROVIDERS FOR INJURIES OR DAMAGES PROXIMATELY CAUSED BY ALTERATIONS, MODIFICATIONS, OR REPAIRS OF LIQUEFIED PETROLEUM GAS EQUIPMENT THE LIQUEFIED PETROLEUM GAS PROVIDER COULD NOT HAVE DISCOVERED, OR WHEN LIQUEFIED PETROLEUM GAS EQUIPMENT IS USED IN A MANNER OR FOR A PURPOSE OTHER THAN THAT WHICH THE EQUIPMENT WAS INTENDED TO BE USED, OR COULD REASONABLY HAVE BEEN FORESEEN TO BE USED FOR, AND TO PROVIDE AN EFFECTIVE DATE.

**SPEAKER IN CHAIR**

**H. 4520--DEBATE ADJOURNED**

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

H. 4520 -- Reps. Bales, Neilson and Clemmons: A BILL TO AMEND SECTION 51-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USE OF FACILITIES AND CAMPSITES AT REDUCED RATES BY THE AGED, BLIND, OR DISABLED, SO AS TO PROVIDE THAT SUCH PERSONS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS AT ONE HALF THE PRESCRIBED FEE, AND TO PROVIDE THAT DISABLED VETERANS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS WITHOUT CHARGE; BY ADDING SECTION 51-3-75 SO AS TO PROVIDE THAT BASED ON A REVIEW OF BUSINESS AND PERSONAL USE OF A PARTICULAR STATE PARK OR FACILITY BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, AND THE LABOR AND INSURANCE REQUIREMENTS IT SUSTAINS AT THAT FACILITY, IT MAY ALTER THE MANAGEMENT PLAN FOR THAT PARK OR FACILITY BY PERMITTING THE RELETTING OF CAMPSITES, CAMPING FACILITIES, OR OTHER AMENITIES BEFORE THE RENTAL TERM OF THE ORIGINAL RENTER HAS EXPIRED IF VACATED BY THE ORIGINAL RENTER BEFORE THE END OF THE STATED TERM, AND TO PROVIDE THE DEPARTMENT ALSO MAY WAIVE THE CHARGES FOR ITS REUSE AND FOR THE USE OF THESE AND OTHER AMENITIES.

**H. 3988--DEBATE ADJOURNED**

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

H. 3988 -- Rep. Funderburk: A BILL TO AMEND SECTION 39-20-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENFORCEMENT OF A LIEN IN CONNECTION WITH A SELF-SERVICE STORAGE FACILITY, SO AS TO PROVIDE FOR ANOTHER PROCEDURE FOR ENFORCEMENT OF A LIEN AGAINST A TITLED VEHICLE.

**S. 382--DEBATE ADJOURNED**

Rep. STAVRINAKIS moved to adjourn debate upon the following Bill until Thursday, April 22, which was adopted:

S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-2-805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT'S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

**S. 372--DEBATE ADJOURNED**

Rep. STAVRINAKIS moved to adjourn debate upon the following Bill until Thursday, April 22, which was adopted:

S. 372 -- Senators Hayes and Ford: A BILL TO AMEND SECTION 62-2-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR IN PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT'S WILL IS A BENEFICIAL INTEREST CHARGEABLE TO THE ELECTIVE SHARE; AND TO AMEND SECTION 62-7-401, AS AMENDED, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

**H. 4540--DEBATE ADJOURNED**

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

H. 4540 -- Reps. Brady, Erickson, Harrison, Hardwick, Bowen, Cato, Harvin, Hearn, Scott, T. R. Young, Horne, Clemmons, Bedingfield, Nanney, G. R. Smith and Weeks: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

**ACTING SPEAKER HARRISON IN CHAIR**

**H. 3924--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3924 -- Reps. Harrison, Miller, Harrell, Clemmons and Weeks: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO REFERENCE OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN AND TO DEFINE GROSS NEGLIGENCE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12084AC10), which was adopted:

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

/SECTION 2. Section 48‑34‑50 of the 1976 Code is amended to read:

 “Section 48‑34‑50. ~~No~~ A property owner or lessee or his agent or employee conducting a prescribed fire pursuant to this chapter is not liable for damage, injury, or loss caused by fire, resulting smoke, or other consequences of the prescribed fire unless negligence is ~~proven~~ found by the finder of fact. There is a rebuttable presumption that any landowner, lessee, employee, or agent that has conducted a prescribed fire in compliance with Section 48-34-10 has not acted negligently.”/

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY spoke in favor of the amendment.

The amendment was then adopted.

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

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

**H. 3815--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. HIOTT moved to adjourn debate on the motion to reconsider the vote whereby H. 3815 was given third reading until Tuesday, April 27, which was agreed to.

**S. 950--RECALLED AND REFERRED TO COMMITTEE ON WAYS AND MEANS**

On motion of Rep. DUNCAN, with unanimous consent, the following Bill was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs and was referred to the Committee on Ways and Means:

S. 950 -- Senator Elliott: A BILL TO AMEND SECTIONS 5-37-20, 5-37-35, 5-37-40, AS AMENDED, 5-37-50, AS AMENDED, AND 5-37-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT DISTRICT ACT, SO AS TO CLARIFY THAT AN EASEMENT FOR MAINTENANCE IN CHANNELS, CANALS, OR WATERWAYS IS SUFFICIENT PROPERTY INTEREST TO PROCEED WITH AN ASSESSED DISTRICT; TO AUTHORIZE SOME PORTION OF THE BONDS ISSUED TO FUND ASSESSMENTS MAY BE BACKED BY THE TAXING POWER OF A MUNICIPALITY; AND TO PROVIDE AN EXCEPTION OF AN OWNER OF RESIDENTIAL PROPERTY TO BE REQUIRED TO CONSENT TO INCLUSION IN AN IMPROVEMENT DISTRICT WHEN THE SOLE IMPROVEMENTS ARE THE WIDENING AND DREDGING OF CANALS.

**OBJECTION TO RECALL**

Rep. UMPHLETT asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

**OBJECTION TO RECALL**

Rep. CRAWFORD asked unanimous consent to recall H. 4323 from the Committee on Judiciary.

Rep. KELLY objected.

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall H. 4808 from the Committee on Judiciary.

Rep. HART objected.

**OBJECTION TO RECALL**

Rep. M. A. PITTS asked unanimous consent to recall H. 4837 from the Committee on Judiciary.

Rep. PARKER objected.

**OBJECTION TO RECALL**

Rep. SPIRES asked unanimous consent to recall H. 3393 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. COBB-HUNTER objected.

**OBJECTION TO RECALL**

Rep. FORRESTER asked unanimous consent to recall S. 812 from the Committee on Education and Public Works.

Rep. M. A. PITTS objected.

**H. 4746--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

H. 4746 -- Reps. Mitchell, Loftis, Harrell, Knight, V. S. Moss and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 1 SO AS TO CREATE THE "SOUTH CAROLINA ENVIRONMENTAL JUSTICE EQUITABLE REDEVELOPMENT COMMISSION" AND THE SOUTH CAROLINA INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE, AN ADVISORY COMMITTEE TO THE COMMISSION, AND TO PROVIDE FOR THEIR MEMBERS, POWERS, AND DUTIES.

**S. 1172--RECALLED FROM COMMITTEE ON JUDICIARY**

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

S. 1172 -- Senators Fair, Hutto, Jackson, Alexander, Ford, L. Martin, Campbell, Rose, Knotts and Cromer: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

**OBJECTION TO RECALL**

Rep. EDGE asked unanimous consent to recall H. 3839 from the Committee on Ways and Means.

Rep. HART objected.

**SPEAKER IN CHAIR**

**S. 191--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. HARRISON moved to adjourn debate on the motion to reconsider the vote whereby the Veto was sustained until Tuesday, April 27, which was agreed to.

**H. 3418--DEBATE ADJOURNED**

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

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7-13-25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7-15-470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7-1-25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7-5-230 TO REFERENCE REVISIONS TO SECTION 7-1-25.

Rep. CLEMMONS moved to adjourn debate upon the Senate Amendments until Tuesday, April 27, which was agreed to.

**H. 3720--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3720 -- Rep. Clemmons: A BILL TO AMEND SECTION 15-9-720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE ON UNKNOWN PARTIES BY PUBLICATION IN CERTAIN ACTIONS CONCERNING REAL PROPERTY, SO AS TO PROVIDE FOR SERVICE OF ALL COURT REQUIRED DOCUMENTS BY PUBLICATION AND, FURTHER, IN AN ACTION INVOLVING MULTIPLE UNITS IN A SINGLE HORIZONTAL PROPERTY REGIME, FOR SERVICE BY PUBLICATION BY CONSOLIDATING THE SERVICES INTO A SINGLE SERVICE THAT IDENTIFIES EACH APARTMENT INCLUDED IN THE ACTION BASED ON THE APARTMENT’S DESCRIPTION IN THE MASTER DEED.

Rep. CLEMMONS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 101; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crawford | Daning | Duncan |
| Edge | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Pinson | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--101**

 Those who voted in the negative are:

**Total--0**

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

**H. 3584--DEBATE ADJOURNED**

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

H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J. R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E. H. Pitts, Rice, Skelton, D. C. Smith, G. M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J. E. Smith and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE DEPARTMENT OF AGRICULTURE FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO CONFORM DEFINITIONS; BY ADDING SECTION 11-11-230 SO AS TO CREATE AND ESTABLISH IN THE STATE TREASURY THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, ALL SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; BY ADDING CHAPTER 62 TO TITLE 38 SO AS TO CREATE AND ESTABLISH THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE PLAN, PROVIDING FOR A PREMIUM CREDIT NOT TO EXCEED THREE THOUSAND DOLLARS TO AN ELIGIBLE INDIVIDUAL OR EMPLOYER TOWARD THE PURCHASE OF A QUALIFYING HEALTH INSURANCE PLAN, DESCRIBING ELIGIBILITY REQUIREMENTS AND THE CERTIFICATION PROCESS, DEFINING THE QUALIFYING INDIVIDUALLY OR EMPLOYER-SPONSORED INSURANCE PLANS, AND PROVIDING FOR ADMINISTRATION AND REPORTING BY THE DEPARTMENT OF INSURANCE; AND BY ADDING SECTION 38-74-75 SO AS TO CREATE THE PALMETTO HEALTH CARE SAFETY NET PROGRAM, ESTABLISHING A SELF-SUSTAINING AND FINANCIALLY INDEPENDENT PORTION OF THE PREMIUM ASSISTANCE POOL, AND PROVIDING FOR ELIGIBILITY REQUIREMENTS, ADMINISTRATION, AND REPORTING BY THE DEPARTMENT OF INSURANCE AND OPERATING GUIDELINES.

Rep. SKELTON moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3280--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Wylie, Bedingfield, Harrell, A. D. Young, Viers, Gunn, Erickson, Clemmons and Loftis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

Rep. T. R. YOUNG moved to adjourn debate on the Joint Resolution until Thursday, April 22, which was agreed to.

**H. 3354--SENT TO THE SENATE**

The following Bill was taken up:

H. 3354 -- Reps. Chalk, Brantley, G. A. Brown, Clyburn, Erickson, Herbkersman and Sottile: A BILL TO AMEND SECTION 40-11-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM STATUTES APPLICABLE TO LICENSED CONTRACTORS, SO AS TO PROVIDE AN OWNER OF RESIDENTIAL PROPERTY WHO MAKES CERTAIN IMPROVEMENTS TO THE PROPERTY OWES TO A SUBSEQUENT OWNER OF THE PROPERTY THE SAME DUTY AS A LICENSED CONTRACTOR TO COMPLY WITH APPLICABLE BUILDING CODES AND STANDARDS.

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

**H. 4740--ADOPTED**

The following House Resolution was taken up:

H. 4740 -- Reps. Barfield, 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, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, 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, Norman, 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 COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

The Resolution was adopted.

**H. 4606--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4606 -- Reps. Duncan, Willis, M. A. Pitts, Bowen, Hardwick, Bedingfield, Rice, Forrester, Owens, Clemmons, Viers and Loftis: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO ADOPT LEGISLATION THAT WOULD POSTPONE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S (EPA) EFFORT TO REGULATE GREENHOUSE GAS (GHG) EMISSIONS FROM STATIONARY SOURCES USING EXISTING CLEAN AIR ACT AUTHORITY UNTIL CONGRESS ADOPTS A BALANCED APPROACH TO ADDRESS CLIMATE AND ENERGY SUPPLY ISSUES WITHOUT CRIPPLING THE ECONOMY.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4747--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4747 -- Reps. Mack, Gilliard, Hutto, Whipper, Stavrinakis, R. L. Brown, Harrell, Limehouse and Sottile: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGES LOCATED AT EXITS 219 A AND 219 B IN CHARLESTON COUNTY "FLOYD BREELAND INTERCHANGES" AND ERECT

APPROPRIATE MARKERS OR SIGNS AT BOTH EXITS THAT CONTAIN THE WORDS "FLOYD BREELAND INTERCHANGE".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1192--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1192 -- Senators Massey, Campbell, Mulvaney and Bright: A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION EXPANDING THE OUTER CONTINENTAL SHELF (OCS) OIL AND GAS LEASING PROGRAM TO ALLOW EXPLORATION AND PRODUCTION OF DOMESTIC SUPPLIES OF NATURAL GAS OFF THE COAST OF SOUTH CAROLINA AND TO ALLOW SOUTH CAROLINA TO RECEIVE 37.5 PERCENT OF FUNDS DUE TO THE UNITED STATES FROM OCS NATURAL GAS LEASES TO BE EXPENDED BY THE STATE FOR SUCH PURPOSES THE STATE MAY DETERMINE.

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

**S. 1265--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1265 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 ONE-HALF MILE IN BOTH DIRECTIONS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 215 IN FAIRFIELD COUNTY "TROOPER HARRY MCKINLEY COKER, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "TROOPER HARRY MCKINLEY COKER, JR. MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1266--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1266 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 215 ONE-HALF MILE IN BOTH DIRECTIONS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY "SOPHIA DONTAE WOODARD MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "SOPHIA DONTAE WOODARD MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4754--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4754 -- Reps. Thompson, Kennedy and Sellers: A CONCURRENT RESOLUTION TO URGE THE MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA TO REFRAIN FROM MEMORIALIZING THE UNITED STATES CONGRESS WITH CONCURRENT RESOLUTIONS SEEKING ARGUABLY UNATTAINABLE RESULTS.

The Concurrent Resolution was adopted and sent to the Senate.

RECORD FOR VOTING

 I want the Journal to reflect that I voted “nay” on H. 4754.

 Rep. Mike Forrester

**H. 4771--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4771 -- Rep. Cato: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON SOUTH CAROLINA HIGHWAY 253 BETWEEN CAMP CREEK ROAD AND MUSH CREEK ROAD IN GREENVILLE COUNTY "JOHN T. WOOD BRIDGE", AND NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 253 FROM THIS BRIDGE TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 414 "JOHN T. WOOD ROAD", ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS "JOHN T. WOOD BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "JOHN T. WOOD ROAD".

Rep. CATO explained the Concurrent Resolution.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4790--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4790 -- Reps. Sellers, Ott, Cobb-Hunter, Hosey, 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, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, 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, Norman, 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 CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 IN BAMBERG COUNTY FROM ITS INTERSECTION WITH THE EASTERN PORTION OF DENMARK'S TOWN LIMIT TO ITS INTERSECTION WITH THE WESTERN PORTION OF BAMBERG'S TOWN LIMIT "STATE REPRESENTATIVE THOMAS RHOAD HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "STATE REPRESENTATIVE THOMAS RHOAD HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WILLIS a leave of absence for the remainder of the day to attend a family funeral.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4877 -- Rep. Harrison: A HOUSE RESOLUTION TO CONGRATULATE MRS. JO PACE EVANS OF RICHLAND COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4878 -- 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, 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, Norman, 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 CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE DR. SANDRA DAVENPORT CALLIHAM, SUPERINTENDENT OF MCCORMICK COUNTY SCHOOL DISTRICT ONE, UPON THE OCCASION OF HER RETIREMENT, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4879 -- Reps. Knight, Horne and A. D. Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION REPLACE THE SIGNS ALONG UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY THAT CONTAIN THE WORDS "CYPRESS SWAMP" WITH SIGNS THAT CONTAIN THE WORDS "GREAT CYPRESS SWAMP".

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

**H. 4520--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4520 -- Reps. Bales, Neilson and Clemmons: A BILL TO AMEND SECTION 51-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USE OF FACILITIES AND CAMPSITES AT REDUCED RATES BY THE AGED, BLIND, OR DISABLED, SO AS TO PROVIDE THAT SUCH PERSONS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS AT ONE HALF THE PRESCRIBED FEE, AND TO PROVIDE THAT DISABLED VETERANS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS WITHOUT CHARGE; BY ADDING SECTION 51-3-75 SO AS TO PROVIDE THAT BASED ON A REVIEW OF BUSINESS AND PERSONAL USE OF A PARTICULAR STATE PARK OR FACILITY BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, AND THE LABOR AND INSURANCE REQUIREMENTS IT SUSTAINS AT THAT FACILITY, IT MAY ALTER THE MANAGEMENT PLAN FOR THAT PARK OR FACILITY BY PERMITTING THE RELETTING OF CAMPSITES, CAMPING FACILITIES, OR OTHER AMENITIES BEFORE THE RENTAL TERM OF THE ORIGINAL RENTER HAS EXPIRED IF VACATED BY THE ORIGINAL RENTER BEFORE THE END OF THE STATED TERM, AND TO PROVIDE THE DEPARTMENT ALSO MAY WAIVE THE CHARGES FOR ITS REUSE AND FOR THE USE OF THESE AND OTHER AMENITIES.

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

**H. 3988--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3988 -- Rep. Funderburk: A BILL TO AMEND SECTION 39-20-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENFORCEMENT OF A LIEN IN CONNECTION WITH A SELF-SERVICE STORAGE FACILITY, SO AS TO PROVIDE FOR ANOTHER PROCEDURE FOR ENFORCEMENT OF A LIEN AGAINST A TITLED VEHICLE.

Reps. FUNDERBURK and ERICKSON proposed the following Amendment No. 1 (COUNCIL\GGS\22595SD10), which was adopted:

Amend the bill, as and if amended, in Section 39‑20‑45(A) of the 1976 Code, as contained in SECTION 1, by striking the first paragraph of subsection (A), which begins on line 24 of page 1 and inserting:

/ If occupant has been in default continuously for fifty days, owner may enforce its lien, ~~provided~~ if the owner ~~shall comply~~ complies with~~, during the fifty‑day default period,~~ the following procedure~~.~~ during the fifty‑day default period; except that if an item subject to the rental agreement is known to the owner as a titled vehicle, the item is subject to the requirements of Section 29‑15‑10 and the magistrate’s sale pursuant to that section. For purposes of this section, ‘titled vehicle’ means a motor vehicle, trailer, mobile home, watercraft, or other item titled pursuant to the law of the State of initial titling. Notwithstanding the provisions of Section 29‑15‑10, any costs associated with completing a sale of titled property pursuant to this section must be paid by the purchaser of the titled property: /

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK explained the amendment.

The amendment was then adopted.

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

**H. 4540--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4540 -- Reps. Brady, Erickson, Harrison, Hardwick, Bowen, Cato, Harvin, Hearn, Scott, T. R. Young, Horne, Clemmons, Bedingfield, Nanney, G. R. Smith and Weeks: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

Rep. BANNISTER moved to adjourn debate on the Bill until Thursday, April 22, which was agreed to.

**S. 217--DEBATE ADJOURNED**

The following Bill was taken up:

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PLACES OF CONFINEMENT FOR INMATES, SO AS TO SUBSTITUTE THE TERM "REGIONAL COUNTY OR MUNICIPAL JAIL" FOR THE TERM "COUNTY JAIL", AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24-3-27, RELATING TO THE ESTABLISHMENT OF LOCAL REGIONAL CORRECTIONAL FACILITIES, SO AS TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED; TO AMEND SECTION 24-3-30, RELATING TO DESIGNATION OF PLACES OF CONFINEMENT, SO AS TO REVISE THE LIST OF PERSONS FROM WHICH THE STATE MUST OBTAIN CONSENT BEFORE AN INMATE MAY BE PLACED IN A FACILITY MAINTAINED BY A LOCAL GOVERNMENTAL ENTITY; TO AMEND SECTION 24-3-50, RELATING TO THE PENALTY FOR A PRISONER WHO FAILS TO REMAIN WITHIN THE EXTENDED LIMITS OF HIS CONFINEMENT, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PRISONER CONFINED IN A LOCAL FACILITY, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-60, RELATING TO THE CLERKS OF COURT PROVIDING NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE NUMBER OF CONVICTS SENTENCED TO IMPRISONMENT IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-70, RELATING TO ALLOWABLE EXPENSES INCURRED FOR THE TRANSPORTATION OF CONVICTS TO THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-80, RELATING TO THE DETENTION OF A PRISONER BY COMMITMENT AUTHORIZED BY THE GOVERNOR, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-81, RELATING TO CONJUGAL VISITS WITHIN THE STATE PRISON SYSTEM, SO AS TO PROVIDE THAT NO PRISONER IN THE STATE PRISON SYSTEM OR WHO IS BEING DETAINED IN A LOCAL GOVERNMENTAL FACILITY IS PERMITTED TO HAVE CONJUGAL VISITS; TO AMEND SECTION 24-3-130, RELATING TO THE USE OF INMATE LABOR ON PUBLIC WORKS PROJECTS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-131, RELATING TO THE SUPERVISION OF INMATES USED ON PUBLIC PROJECTS, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-140, RELATING TO THE USE OF CONVICT LABOR AT THE STATE HOUSE, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-160, RELATING TO THE COST OF MAINTAINING CONVICTS BY STATE INSTITUTIONS, SO AS TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-170, RELATING TO THE USE OF CONVICTS BY CLEMSON UNIVERSITY, SO AS TO SUBSTITUTE THE TERMS "FEE" FOR THE TERM "HIRE", "INMATES" FOR THE TERM "CONVICTS", "EMPLOYEES" FOR THE TERM "GUARDS", AND "PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-180, RELATING TO THE PROVISION OF TRANSPORTATION AND CLOTHING FOR CONVICTS WHO HAVE BEEN DISCHARGED, SO AS TO SUBSTITUTE THE TERMS "INMATE" FOR THE TERM "CONVICT" AND THE TERM "STATE PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-190, RELATING TO APPROPRIATION OF CLOSE OF THE YEAR BALANCES FOR THE SUPPORT OF THE PENITENTIARY, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "PENITENTIARY" AND THE TERM "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-310, RELATING TO THE GENERAL ASSEMBLY'S INTENT FOR ESTABLISHING A PRISON INDUSTRIES PROGRAM, SO AS TO SUBSTITUTE THE TERM "PRISON" FOR THE TERM "CONVICT", AND "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-320, RELATING TO THE PURCHASE OF EQUIPMENT AND MATERIALS AND EMPLOYMENT OF PERSONNEL FOR THE ESTABLISHMENT AND MAINTENANCE OF PRISON INDUSTRIES, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS" AND TO DELETE THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-330, RELATING TO THE PURCHASE OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-340, RELATING TO THE STATE'S PURCHASE OF PRODUCTS THAT ARE NOT PRODUCED BY CONVICT LABOR, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-37-370, RELATING TO THE PRIORITY OF DISTRIBUTION OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-400, RELATING TO THE PRISON INDUSTRIES ACCOUNT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-420, RELATING TO PENALTIES FOR VIOLATIONS OF THE PROVISIONS RELATING TO THE PRISON INDUSTRIES PROGRAM, SO AS TO DELETE THE TERM "JAIL"; TO AMEND SECTION 24-3-520, RELATING TO THE TRANSPORTATION OF A PERSON SENTENCED TO DEATH, SO AS TO REVISE THIS PROVISION AND PROVIDE THAT THE FACILITY MANAGER WHO HAS CUSTODY OF THE INMATE HAS THE AUTHORITY TO TRANSFER HIM TO THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 24-3-540, RELATING TO THE DEATH CHAMBER AND THE TRANSPORTING OF A PERSON TO A PLACE TO BE ELECTROCUTED, SO AS TO SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-550, RELATING TO WITNESSES THAT MAY BE PRESENT DURING AN EXECUTION, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-560, RELATING TO THE CERTIFICATION OF THE EXECUTION OF A PERSON, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-570, RELATING TO THE DISPOSITION OF THE BODY OF A PERSON WHO HAS BEEN EXECUTED, SO AS TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-710, RELATING TO THE INVESTIGATION OF THE MISCONDUCT THAT OCCURS IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND PROVIDE THAT THE DIRECTOR OF THE STATE PRISON SYSTEM'S AUTHORITY TO INVESTIGATE MISCONDUCT IN THE STATE PRISON SYSTEM IS THE SAME AUTHORITY THAT AN OFFICIAL IN CHARGE OF A LOCAL FACILITY MAY EXERCISE; TO AMEND SECTION 24-3-720, RELATING TO ENLISTING THE AID OF CITIZENS TO SUPPRESS PRISON RIOTS AND DISORDERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-740, RELATING TO THE COMPENSATION OF A PERSON WHO ASSISTS THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-750, RELATING TO PROVIDING IMMUNITY TO A PERSON WHO ASSISTS THE DEPARTMENT OF CORRECTIONS IN SUPPRESSING DISORDER, RIOT, OR INSURRECTION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-760, RELATING TO THE POWERS OF THE KEEPER WHEN THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS ABSENT, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-920, AS AMENDED, RELATING TO REWARDS FOR THE CAPTURE OF AN ESCAPED CONVICT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-930, RELATING TO EXEMPTING CERTAIN PERSONS EMPLOYED BY THE PENITENTIARY FROM SERVING ON JURIES AND MILITARY OR STREET DUTY, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY" AND THE TERM "OTHER EMPLOYEES" FOR THE TERM "OTHER OFFICERS"; TO AMEND SECTION 24-3-940, RELATING TO PROHIBITING PRISONERS FROM GAMBLING, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-951, RELATING TO THE POSSESSION OR USE OF MONEY BY PRISONERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-965, RELATING TO THE TRIAL OF CERTAIN OFFENSES RELATED TO CONTRABAND IN MAGISTRATES COURT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO PROVIDE THAT THIS PROVISION APPLIES TO REGIONAL DETENTION FACILITIES AND PRISON CAMPS, AND TO DEFINE THE TERM CONTRABAND; TO AMEND SECTION 24-5-10, RELATING TO A SHERIFF'S RESPONSIBILITIES AS THE CUSTODIAN OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER" AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-5-12, RELATING TO COUNTIES THAT ASSUME CERTAIN RESPONSIBILITIES WITH REGARD TO THE CUSTODY OF COUNTY JAILS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO PROVIDE THE CIRCUMSTANCES IN WHICH A COUNTY CAN DEVOLVE ITS POWER TO OPERATE A JAIL UPON A SHERIFF; TO AMEND SECTION 24-5-20, RELATING TO THE EMPLOYMENT OF A JAILER, SO AS TO DELETE THE PROVISION THAT ALLOWS A SHERIFF WHO DOES NOT LIVE IN A JAIL TO APPOINT A JAILER, TO PROVIDE THAT A SHERIFF WHO HAS CONTROL OF A JAIL SHALL APPOINT A FACILITY MANAGER WHO HAS CONTROL AND CUSTODY OF THE JAIL UNDER THE SUPERVISION OF THE SHERIFF, AND TO PROVIDE THAT IN CASES WHERE THE SHERIFF DOES NOT CONTROL A JAIL, THE COUNTY'S GOVERNING BODY SHALL APPOINT THE FACILITY MANAGER; TO AMEND SECTION 24-5-50, RELATING TO A SHERIFF'S KEEPING OF PRISONERS COMMITTED BY A CORONER, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGERS" FOR THE TERM "JAILERS", AND TO PROVIDE THIS PROVISION ALSO APPLIES TO GOVERNING BODIES THAT HAVE CUSTODY OF A JAIL TECHNICAL CHANGE; TO AMEND SECTION 24-5-60, RELATING TO SHERIFFS AND JAILERS KEEPING PRISONERS COMMITTED BY THE UNITED STATES GOVERNMENT, SO AS TO SUBSTITUTE THE TERM "GOVERNING BODIES" FOR THE TERM "JAILERS", AND TO PROVIDE THAT A SHERIFF OR FACILITY MANAGER MAY CHARGE A FEE FOR KEEPING THESE PRISONERS; TO AMEND SECTION 24-5-80, RELATING TO PROVIDING BLANKETS AND BEDDING TO PRISONERS, SO AS TO REVISE THE ITEMS THAT A PRISONER MUST BE FURNISHED TO INCLUDE SUFFICIENT FOOD, WATER, CLOTHING, HYGIENE PRODUCTS, BEDDING, AND SHELTER; TO AMEND SECTION 24-5-90, RELATING TO THE UNLAWFUL DISCRIMINATION IN THE TREATMENT OF PRISONERS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO REVISE THE PENALTY FOR A VIOLATION OF THIS PROVISION; TO AMEND SECTION 24-5-110, RELATING TO THE RETURN TO COURT BY A SHERIFF OF THE NAMES OF PRISONERS WHO ARE CONFINED ON THE FIRST DAY OF THE TERM OF GENERAL SESSIONS COURT, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF", AND TO PROVIDE THAT THE USE OF ELECTRONIC RECORDS SATISFIES THIS REQUIREMENT; TO AMEND SECTION 24-5-120, RELATING TO A SHERIFF'S ANNUAL REPORT ON THE CONDITION OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF"; TO AMEND SECTION 24-5-170, RELATING TO THE REMOVAL OF PRISONERS FROM A JAIL THAT MAYBE DESTROYED, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO A JAIL THAT IS RENDERED UNINHABITABLE, AND TO REVISE THE PROCEDURES TO TRANSFER THESE PRISONERS TO ANOTHER FACILITY; TO AMEND SECTIONS 24-5-300, 24-5-310, 24-5-320, AS AMENDED, 24-5-330, 24-5-350, 24-5-360, AS AMENDED, 24-5-370, 24-5-380, AND 24-5-390, ALL RELATING TO DEFINITIONS, AND THE APPOINTMENT, TRAINING, PHYSICAL COMPETENCE, DUTIES, IDENTIFICATION CARDS, UNIFORMS, AND WORKERS' COMPENSATION BENEFITS FOR RESERVE DETENTION OFFICERS, SO AS TO DELETE THE TERM "JAILER"; TO AMEND SECTION 24-7-60, RELATING TO THE CARE OF CONVICTS SENTENCED TO LABOR ON A COUNTY PUBLIC WORKS PROJECT, SO AS TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "GENERAL FUND" FOR THE TERM "ROAD FUND"; TO AMEND SECTION 24-7-110, RELATING TO THE HEALTH OF CONVICTS IN A COUNTY'S CUSTODY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "MEDICAL PERSONNEL" FOR THE TERM "PHYSICIAN", "INMATES" FOR THE TERM "CONVICTS", "COUNTY JAIL, DETENTION FACILITY, PRISON CAMP, OR OTHER LOCAL FACILITIES" FOR THE TERM "CHAIN GANG", AND TO REVISE THE PROCEDURE TO PROVIDE AND PAY FOR HEALTH CARE SERVICES FOR INMATES IN A COUNTY'S CUSTODY; TO AMEND SECTION 24-7-120, RELATING TO THE INCARCERATION OF CONVICTS BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE STANDARDS THAT A MUNICIPAL AUTHORITY MUST MAINTAIN WHEN IT SUPERVISES PERSONS SENTENCED TO A PUBLIC WORK DETAIL, OR OPERATES A JAIL, AND TO REVISE THIS PROVISION TO ALLOW A MUNICIPALITY TO ENTER INTO AGREEMENTS TO HOUSE THEIR PRISONERS IN COUNTY FACILITIES; TO AMEND SECTION 24-7-155, RELATING TO THE PROHIBITION OF CONTRABAND IN A COUNTY OR MUNICIPAL PRISON, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO MULTI-JURISDICTIONAL FACILITIES, TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO DELETE A REFERENCE TO THE TERM "SUPERINTENDENT OF THE FACILITY", AND TO PROVIDE THAT THE FACILITY MAY DESIGNATE ADDITIONAL ITEMS OF CONTRABAND THAT ARE PROHIBITED; TO AMEND SECTION 24-9-30, RELATING TO MINIMUM STANDARDS THAT MUST BE MET BY FACILITIES THAT HOUSE PRISONERS OR PRETRIAL DETAINEES, SO AS TO DELETE THE PROVISION THAT REQUIRES A COPY OF CERTAIN INSPECTION REPORTS BE SENT TO CERTAIN JUDGES OF THE JUDICIAL CIRCUIT IN WHICH THE FACILITY IS LOCATED, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-9-35, RELATING TO REPORTS OF DEATHS OF INCARCERATED PERSONS, SO AS TO MAKE TECHNICAL CHANGES, PROVIDE THAT THIS PROVISION APPLIES TO MULTI-JURISDICTIONAL FACILITIES AND TO SUBSTITUTE THE TERM "FACILITY MANGER" FOR THE TERM "JAILER"; TO AMEND SECTION 24-9-40, RELATING TO THE CERTIFICATION OF ARCHITECTURAL PLANS BEFORE A CONFINEMENT FACILITY IS CONSTRUCTED, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO THE RENOVATION OF CONFINEMENT FACILITIES; TO AMEND SECTIONS 24-13-10, 24-13-20, 24-13-30, 24-13-40, 24-13-50, 24-13-80, 24-13-125, 24-13-150, 24-13-210, 24-13-230, 24-13-235, 24-13-260, 24-13-410, 24-13-420, 24-13-430, 24-13-440, 24-13-450, 24-13-460, 24-13-470, 24-13-640, 24-13-660, 24-13-910, 24-13-915, 24-13-940, AND 24-13-1540, ALL RELATING TO THE INCARCERATION OF PRISONERS, THE REDUCTION IN A PRISONER'S SENTENCE, PRISONER OFFENSES, THE PRISON WORK RELEASE PROGRAM, FURLOUGHS, THE SHOCK INCARCERATION PROGRAM, AND THE HOME DETENTION PROGRAM, SO AS TO SUBSTITUTE THE TERM "LOCAL DETENTION FACILITIES" FOR THE TERM "CHAIN GANGS", SUBSTITUTE THE TERMS "INMATES" AND "CONVICTS" FOR THE TERM "PRISONERS", TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "OFFICIAL", TO REVISE THE DEFINITION OF THE TERM "DETENTION FACILITY", TO REVISE THE TYPE AND COST OF MEDICAL SERVICES THAT MAYBE PAID FROM AN INMATE'S ACCOUNT, TO PROVIDE THAT IT IS UNLAWFUL FOR A PRISONER TO ESCAPE FROM CUSTODY OR TO POSSESS ITEMS THAT MAY BE USED TO FACILITATE AN ESCAPE, AND TO DELETE A REFERENCE TO THE TERM "LOCAL CORRECTIONAL FACILITY"; TO AMEND SECTION 16-7-140, RELATING TO PENALTIES FOR VIOLATING PROVISIONS THAT PROHIBIT THE WEARING OF MASKS AND PLACING A BURNING CROSS ON A PROPERTY WITHOUT ITS OWNER'S PERMISSION, SO AS TO DELETE A REFERENCE TO THE TERM "COUNTY JAIL"; TO AMEND SECTION 63-3-620, AS AMENDED, RELATING TO PENALTIES FOR A PERSON'S FAILURE TO OBEY CERTAIN ORDERS OF A COURT AND STATUTES RELATING TO THE CHILDREN'S CODE OF LAW, SO AS TO SUBSTITUTE THE TERM "DETENTION FACILITY" FOR THE TERM "CORRECTIONAL FACILITY", AND TO DELETE A PROVISION THAT PLACES RESTRICTIONS ON WHO MAY PARTICIPATE IN A WORK/PUNISHMENT PROGRAM; TO REPEAL SECTIONS 24-3-150, 24-3-200, 24-5-30, 24-5-70, 24-5-100, 24-5-140, 24-5-150, 24-5-160, 24-7-70, 24-7-80, 24-7-130, 24-7-140, AND 24-7-150 RELATING TO THE TRANSFER OF CONVICTS TO A COUNTY CHAIN GANG, THE TRANSFER OF A PRISONER TO A COUNTY OTHER THAN THE COUNTY WHERE HE WAS SENTENCED, THE APPOINTMENT OF A JAILER BY A SHERIFF, THE USE OF FEDERAL PRISONERS BY A COUNTY, A SHERIFF'S IMPRESSING A SUFFICIENT NUMBER OF GUARDS TO SECURE A PRISONER WHO IS ACCUSED OF A CAPITAL OFFENSE, THE HOUSING OF FEMALE CONVICTS, THE CONFINEMENT OF PERSONS CHARGED WITH A CRIME IN A PRISON LOCATED IN AN INDUSTRIAL COMMUNITY, THE LEASE OF COUNTY CONVICTS, THE DIETING AND CLOTHING AND MAINTENANCE OF CERTAIN PRISONERS BY LOCAL GOVERNMENTAL AUTHORITIES, AND THE COLLECTION AND DISPOSITION OF MONEY BY A COUNTY FOR THE HIRING OF CONVICTS; BY ADDING ARTICLE 2 TO CHAPTER 5, TITLE 24 SO AS TO ENACT THE LOCAL DETENTION FACILITY MUTUAL AID AND ASSISTANCE ACT TO ALLOW LOCAL DETENTION FACILITIES TO ASSIST EACH OTHER IN PROVIDING SAFE AND SECURE HOUSING OF INMATES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 24-21-560, RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES COMMUNITY SUPERVISION PROGRAM, SO AS TO REVISE THE MAXIMUM AGGREGATE AMOUNT OF TIME A PRISONER MAY BE REQUIRED TO BE INCARCERATED WHEN SENTENCED FOR SUCCESSIVE COMMUNITY SUPERVISION PROGRAM REVOCATIONS.

Rep. CRAWFORD moved to adjourn debate on the Bill until Thursday, April 22, which was agreed to.

**S. 652--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 652 -- Senators Knotts, Elliott, Ford and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-56-75 SO AS TO REQUIRE PROFESSIONAL FUNDRAISING COUNSEL, PROFESSIONAL SOLICITORS, AND COMMERCIAL CO-VENTURERS TO MAINTAIN LISTS OF DONORS FROM CAMPAIGNS AND SOLICITATONS CONDUCTED BY THE SOLICITOR; TO PROVIDE THAT THESE LISTS ARE THE PROPERTY OF THE CHARITABLE ORGANIZATION; TO RESTRICT THE USE OF DONOR LISTS BY THE CAMPAIGN SOLICITOR; AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12254AC10), which was adopted:

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

/SECTION 1. Chapter 56, Title 33 of the 1976 Code is amended by adding:

"Section 33-56-75. (A) A list provided by the charitable organization of the names, postal addresses, telephone numbers, e-mail addresses, and the dates and amounts of each donation, of each contributor to a solicitation campaign organized pursuant to this chapter conducted by a professional fundraising counsel or professional solicitor is the property of the charitable organization for which the solicitation campaign is conducted. The professional fundraising counsel or professional solicitor must maintain this list throughout the duration of the solicitation campaign until the list is transferred to the charitable organization pursuant to subsection (B).

 (B) If the contributions are received by a professional fundraising counsel or professional solicitor, his agent or subcontractor, then the professional fundraising counsel or professional solicitor shall deliver the list of contributors, including the names, postal addresses, telephone numbers, e-mail addresses, and dates and amounts of donations, to the charitable organization within ninety days after the solicitation campaign has been completed, or within ninety days after each anniversary of a solicitation campaign that lasted for more than one year.

 (C) A professional fundraising counsel or professional solicitor must not:

 (1) withhold from the charitable organization the list referenced in subsection (A);

 (2) restrict any use by the charitable organization of the list referenced in subsection (A);

 (3) transfer possession or control of the list referenced in subsection (A) to any person other than the charitable organization that owns the list;

 (4) permit the use of the list referenced in subsection (A) by any person not so authorized by the charitable organization; or

 (5) use the list referenced in subsection (A)for the benefit of any person other than the owner of the list, without the explicit written consent of the charitable organization that owns this list.

 (D) (1) If a professional fundraising counsel or a professional solicitor violates a provision of this section, the Secretary of State must notify the professional fundraising counsel or professional solicitor by mailing a notice by registered or certified mail, with return receipt requested, to the last known address of the violator. If the violation is not remedied within fifteen days after the formal notification or receipt of the notice, the Secretary of State may assess an administrative fine of one hundred dollars for each day of noncompliance, not to exceed a maximum fine of twenty-five thousand dollars for each violation.

 (2) A person who is assessed an administrative fine pursuant to this section shall, within thirty days from receipt of certified or registered notice from the Secretary of State, pay the assessed fine or request a contested case hearing before the Administrative Law Court. If no fine is remitted or no contested case is requested, then the Secretary of State may suspend the registration of the person and is authorized to request an injunction against the person in the Administrative Law Court to prohibit the person from engaging in further charitable solicitation activities in this State. The decision of the Administrative Law Court may be appealed as provided in Section 1-23-610.

 (E) the provisions of this section do not apply to a professional fundraising counsel or a professional solicitor used for a political campaign subject to disclosure requirements of Section 8-13-920.”

SECTION 2. Section 33-56-160 of the 1976 Code is amended to read:

 “Section 33-56-160. (A) The first two hundred thousand dollars in administrative fine revenue received pursuant to this chapter in a fiscal year, not including fine revenues collected pursuant to Section 33-56-75, may be retained by the Secretary of State to offset the expenses of enforcing this chapter. All administrative fines collected pursuant to this chapter in excess of two hundred thousand dollars in a fiscal year, not including fine revenues collected pursuant to Section 33-56-75, must be transmitted to the State Treasurer and deposited in the state general fund. All fees collected pursuant to this chapter must be transmitted to the State Treasurer and deposited in a fund separate and distinct from the state general fund and used by the Secretary of State for the purpose of administering the provisions of this chapter.

 (B) All administrative fines collected pursuant to Section 33-56-75 in a fiscal year must be transmitted to the State Treasurer and deposited in a fund separate and distinct from the state general fund. The revenue collected from these fines must be directed to the Secretary of State for the purpose of administering the provisions of that section.”

SECTION 3. This act takes effect upon approval by the Governor and applies to all transactions or contracts entered into on or after that date./

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK explained the amendment.

The amendment was then adopted.

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

**H. 3369--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3369 -- Reps. T. R. Young, Huggins, E. H. Pitts, Ballentine, Bingham, Haley, Cato, Clyburn, Hearn, G. M. Smith, G. R. Smith, J. R. Smith, Spires, Stewart, Viers, Wylie and Weeks: A BILL TO AMEND SECTION 16-15-342, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR, SO AS TO INCREASE THE PENALTY FOR THE OFFENSE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9722AHB10), which was adopted:

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

/ SECTION 1. Section 16‑15‑342 of the 1976 Code, as added by Act 208 of 2004, is amended to read:

 “Section 16‑15‑342. (A) A person eighteen years of age or older commits the offense of criminal solicitation of a minor if he knowingly contacts or communicates with, or attempts to contact or communicate with, a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16‑15‑375(5) or a violent crime as defined in Section 16‑1‑60, or with the intent to perform a sexual activity in the presence of the person under the age of eighteen, or person reasonably believed to be under the age of eighteen.

 (B) Consent is a defense to a prosecution pursuant to this section if the person under the age of eighteen, or the person reasonably believed to be under the age of eighteen, is at least sixteen years old.

 (C) Consent is not a defense to a prosecution pursuant to this section if the person under the age of eighteen, or the person reasonably believed to be under the age of eighteen, is under the age of sixteen.

 (D) It is not a defense to a prosecution pursuant to this section, on the basis of consent or otherwise, that the person reasonably believed to be under the age of eighteen is a law enforcement agent or officer acting in an official capacity.

 (E) A person who violates the provisions of this section: ~~is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than ten years, or both~~

 (1) for a first offense, is guilty of a felony and, upon conviction, must be fined not more than twenty‑five thousand dollars or imprisoned for not more than twenty‑five years, or both; and

 (2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than twenty‑five thousand dollars and imprisoned for not less than a mandatory minimum of five years nor more than twenty‑five years, no part of which may be suspended nor probation granted.”

SECTION 2. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

 “Section 16‑3‑760. (A) For purposes of this section:

 (1) ‘Aggravated coercion’ means that the person affiliated with a public or private secondary school in an official capacity threatens to use force or violence of a high and aggravated nature to overcome the student, if the student reasonably believes that the person has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping, or extortion, under circumstances of aggravation, against the student.

 (2) ‘Aggravated force’ means that the person affiliated with a public or private secondary school in an official capacity uses physical force or physical violence of a high and aggravated nature to overcome the student or includes the threat of the use of a deadly weapon.

 (3) ‘Person affiliated with a public or private secondary school in an official capacity’ means an administrator, teacher, substitute teacher, teacher’s assistant, student teacher, law enforcement officer, school bus driver, guidance counselor, or coach who is affiliated with a public or private secondary school but is not a student enrolled in the school.

 (4) ‘Secondary school’ means either a junior high school or a high school.

 (5) ‘Sexual battery’ means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes.

 (6) ‘Student’ means a person who is enrolled in a school.

 (B) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is sixteen or seventeen years of age and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

 (C) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is eighteen years of age or older and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for thirty days, or both.

 (D) This section does not apply if the person affiliated with a public or private secondary school in an official capacity is lawfully married to the student at the time of the act.”

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

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

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

**S. 931--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 931 -- Senator L. Martin: A BILL TO AMEND SECTION 44-48-40 OF THE 1976 CODE, RELATING TO THE EFFECTIVE DATE OF PAROLE OR CONDITIONAL RELEASE OF SEXUALLY VIOLENT PREDATORS, TO PROVIDE THAT WRITTEN NOTICE MUST BE GIVEN TWO HUNDRED SEVENTY DAYS RATHER THAN ONE HUNDRED DAYS, AND TO PROVIDE THAT THE PAROLE OR CONDITIONAL RELEASE ORDER DOES NOT TAKE EFFECT FOR ONE HUNDRED EIGHTY DAYS, RATHER THAN NINETY DAYS, AFTER ISSUANCE OF THE ORDER; TO AMEND SECTION 44-48-80, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD AFTER PROBABLE CAUSE IS FOUND TO EXIST THAT THE PERSON IS A SEXUALLY VIOLENT PREDATOR, TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY PENDING CONCLUSION OF THE PROCEEDINGS IN THIS CHAPTER AND THAT THE COURT MUST DIRECT THE PERSON TO BE TRANSPORTED TO AN APPROPRIATE FACILITY OF THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 44-48-90, RELATING TO THE TIME WITHIN WHICH A JURY TRIAL MUST BE REQUESTED AND HELD TO DETERMINE IF A PERSON IS A SEXUALLY VIOLENT PREDATOR, TO PROVIDE THAT A JURY TRIAL MUST BE REQUESTED WITHIN THIRTY DAYS AFTER THE DETERMINATION OF PROBABLE CAUSE UNDER SECTION 44-48-80, TO PROVIDE THAT THE TRIAL MUST BE HELD WITHIN NINETY DAYS OF ISSUANCE OF THE COURT APPOINTED EVALUATOR'S OPINION, AND TO PROVIDE THAT UPON RECEIPT OF THE ISSUANCE OF THE OPINION, EITHER PARTY MAY RETAIN HIS OWN EXPERT TO CONDUCT A SUBSEQUENT EVALUATION; TO AMEND SECTION 44-48-100, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD UPON A MISTRIAL IN DETERMINING IF THE PERSON IS A SEXUALLY VIOLENT PREDATOR, TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY; AND TO AMEND SECTION 44-48-120, RELATING TO PROCEDURES REQUIRED WHEN THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH DETERMINES A PERSON COMMITTED TO THE DEPARTMENT AS A SEXUALLY VIOLENT PREDATOR IS NO LONGER LIKELY TO COMMIT ACTS OF SEXUAL VIOLENCE, TO REQUIRE THE DIRECTOR TO CERTIFY THIS DETERMINATION IN WRITING AND TO NOTIFY THE ATTORNEY GENERAL OF THIS CERTIFICATION AND OF THE PATIENT'S AUTHORIZATION TO PETITION THE COURT FOR RELEASE, TO PROVIDE THAT THE ATTORNEY GENERAL MAY REQUEST AN EXAMINATION BEFORE A HEARING ON THE RELEASE IS HELD, AND TO PROVIDE THAT EITHER PARTY MAY REQUEST THAT THE HEARING BE HELD BEFORE A JURY.

Rep. KELLY explained the Bill.

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

Yeas 111; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | 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 | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| 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 |
| Wylie | A. D. Young | T. R. Young |

**Total--111**

 Those who voted in the negative are:

**Total--0**

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

Rep. HERBKERSMAN moved that the House recede until 2:15 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:15 p.m. the House resumed, Acting Speaker TOOLE in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**S. 812--RECALLED AND REFERRED TO THE SPARTANBURG DELEGATION**

On motion of Rep. FORRESTER, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works and was referred to the Spartanburg Delegation:

S. 812 -- Senators S. Martin, Shoopman, Grooms, Bryant, Bright, Davis and Rose: A BILL TO PROVIDE THAT THE PARENT OR LEGAL GUARDIAN OF A STUDENT RESIDING IN SPARTANBURG OR UNION COUNTY AND ATTENDING SCHOOL IN SPARTANBURG OR UNION COUNTY AS A NON-RESIDENT MUST ARRANGE FOR THE STUDENT TO ATTEND A SCHOOL IN THE COUNTY RATHER THAN THE SCHOOL AUTHORITIES IN THE CHILD’S COUNTY OF RESIDENCE; AND TO PROVIDE THAT THE SCHOOL BOARD OF TRUSTEES FOR THE SCHOOL DISTRICT IN WHICH A CHILD IN SPARTANBURG OR UNION COUNTY RESIDES MAY NOT PREVENT A STUDENT FROM TRANSFERRING TO ANOTHER SCHOOL DISTRICT IN SPARTANBURG OR UNION COUNTY IF THE RECEIVING SCHOOL DISTRICT APPROVES THE TRANSFER.

**OBJECTION TO RECALL**

Rep. CRAWFORD asked unanimous consent to recall H. 4695 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall S. 1024 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall H. 3492 from the Committee on Ways and Means.

Rep. WHITMIRE objected.

**OBJECTION TO RECALL**

Rep. M. A. PITTS asked unanimous consent to recall H. 4280 from the Committee on Education and Public Works.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall H. 4808 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. LOFTIS asked unanimous consent to recall H. 4374 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. T. R. YOUNG asked unanimous consent to recall H. 4153 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3034 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall H. 3492 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3584--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J. R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E. H. Pitts, Rice, Skelton, D. C. Smith, G. M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J. E. Smith and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE DEPARTMENT OF AGRICULTURE FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO CONFORM DEFINITIONS; BY ADDING SECTION 11-11-230 SO AS TO CREATE AND ESTABLISH IN THE STATE TREASURY THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, ALL SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; BY ADDING CHAPTER 62 TO TITLE 38 SO AS TO CREATE AND ESTABLISH THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE PLAN, PROVIDING FOR A PREMIUM CREDIT NOT TO EXCEED THREE THOUSAND DOLLARS TO AN ELIGIBLE INDIVIDUAL OR EMPLOYER TOWARD THE PURCHASE OF A QUALIFYING HEALTH INSURANCE PLAN, DESCRIBING ELIGIBILITY REQUIREMENTS AND THE CERTIFICATION PROCESS, DEFINING THE QUALIFYING INDIVIDUALLY OR EMPLOYER-SPONSORED INSURANCE PLANS, AND PROVIDING FOR ADMINISTRATION AND REPORTING BY THE DEPARTMENT OF INSURANCE; AND BY ADDING SECTION 38-74-75 SO AS TO CREATE THE PALMETTO HEALTH CARE SAFETY NET PROGRAM, ESTABLISHING A SELF-SUSTAINING AND FINANCIALLY INDEPENDENT PORTION OF THE PREMIUM ASSISTANCE POOL, AND PROVIDING FOR ELIGIBILITY REQUIREMENTS, ADMINISTRATION, AND REPORTING BY THE DEPARTMENT OF INSURANCE AND OPERATING GUIDELINES.

Reps. WHITE, SIMRILL and BEDINGFIELD proposed the following Amendment No. 5A (LEGWORK\HOUSE\COMBINED\_ COUNCIL\_AMENDMENTS\7815AHB10KRL), which was tabled:

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

/ SECTION 1. Article 5, Chapter 21, Title 12 of the 1976 Code is amended by adding:

 “Section 12-21-625. (A) Effective for July 1, 2010, there is imposed a surtax on cigarettes subject to the tax imposed on cigarettes pursuant to Section 12-21-620(1) of the 1976 Code, in an amount equal to 1.50 cents on each cigarette.

 (B) Notwithstanding another provision of law providing for the crediting of license tax revenues, the revenue of the tax imposed pursuant to this provision must first be used and is hereby appropriated to restore and maintain a balance in the Medicaid Reserve Account of the Department of Health and Human Services as provided pursuant to subsection (F).

 (C) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this provision is deemed to be imposed pursuant to Section 12-21-620(1).

 (D) For purposes of this provision and the license tax on cigarettes, ‘cigarette’ means:

 (1) any roll for smoking containing tobacco wrapped in paper or in any substance other than a tobacco leaf; or

 (2) any roll for smoking containing tobacco, wrapped in any substance, weighing four pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1).

 (E) Each year, the revenue of five hundredths of a cent of the surtax on each cigarette shall be remitted to the Department of Agriculture to cause the marketing and branding of South Carolina agricultural crops or produce as being grown in South Carolina when offered for sale in retail establishments and to assist in relief from natural disasters affecting state-grown crops.

 (F) Each year, five million dollars of the revenue of the surtax on each cigarette shall be remitted to the Medical University of South Carolina Hollings Cancer Center to be used for tobacco-related cancer research.

 (G) There is created the South Carolina Medicaid Reserve Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The fund may only be appropriated for the restoration and maintenance of effort of the Medicaid program as structured at the time this act takes effect, and must not be appropriated for any other purpose. The fund must not be used to expand any component of the existing Medicaid program.”

SECTION 2. This act takes effect on July 1, 2010. /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

Rep. CRAWFORD spoke against the amendment.

Rep. SKELTON spoke against the amendment.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

Rep. SIMRILL spoke in favor of the Senate Amendments.

Rep. VICK moved that the House do now adjourn.

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

Yeas 1; Nays 109

 Those who voted in the affirmative are:

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

**Total--1**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowers | Brady |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | 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 |
| Norman | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--109**

So, the House refused to adjourn.

Rep. UMPHLETT spoke in favor of the amendment.

Rep. PARKER spoke in favor of the amendment.

**LEAVE OF ABSENCE**

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

Rep. OTT spoke against the amendment.

Rep. HART spoke against the amendment.

Rep. H. B. BROWN spoke upon the amendment.

Rep. SKELTON spoke against the amendment.

Rep. CRAWFORD spoke against the amendment.

Rep. COBB-HUNTER spoke against the amendment.

Rep. COBB-HUNTER spoke against the amendment.

Rep. MILLWOOD moved to continue the Bill.

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

Yeas 14; Nays 101

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Cato | Clemmons |
| Cooper | Haley | Kelly |
| Kennedy | Lowe | Millwood |
| Nanney | M. A. Pitts | Stringer |
| Thompson | Viers |  |

**Total--14**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Chalk | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Pinson |
| 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 | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| A. D. Young | T. R. Young |  |

**Total--101**

So, the House refused to continue the Bill.

Rep. CRAWFORD moved to table the amendment.

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

Yeas 62; Nays 53

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Crawford | Daning |
| Dillard | Erickson | Funderburk |
| Gilliard | Govan | Gunn |
| Harrison | Hart | Harvin |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Limehouse |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| Nanney | J. H. Neal | Neilson |
| Ott | Owens | Parks |
| Rice | Rutherford | Sellers |
| Skelton | D. C. Smith | J. E. Smith |
| Stavrinakis | Umphlett | Vick |
| Weeks | Whipper | Whitmire |
| Williams | T. R. Young |  |

**Total--62**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Delleney |
| Edge | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Hayes |
| Hearn | Herbkersman | Kelly |
| Kirsh | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Millwood | D. C. Moss | V. S. Moss |
| J. M. Neal | Norman | Parker |
| Pinson | M. A. Pitts | Sandifer |
| Scott | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Toole | Viers |
| White | Wylie |  |

**Total--53**

So, the amendment was tabled.

RECORDS FOR VOTING

 We wanted to keep the debate alive to ultimately vote against Amendment No. 5A in a straight up or down vote because we are opposed to any tax increase.

 Rep. Joey Millwood

 Rep. Tim Scott

**SPEAKER IN CHAIR**

Rep. CRAWFORD proposed the following Amendment No. 6A (COUNCIL\DKA\3984DW10), which was tabled:

Amend the bill, as and if amended, Section 12‑21‑625(B), SECTION 1, page 2, after line 33, by inserting a new item (3) to read:

 / (3) two million dollars divided equally between the following community health programs:

 (a) Tri‑County Project Care;

 (b) Shared Care;

 (c) the Access Health Programs in Kershaw, Lakelands, Spartanburg, Columbia, Chesterfield, Marlboro, and Charleston; /

Renumber items to conform.

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 94; Nays 17

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Govan | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Knight | Littlejohn | Loftis |
| Long | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| Norman | Ott | Owens |
| Parker | Parks | Pinson |
| Rice | Sandifer | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Spires | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--94**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| R. L. Brown | Crawford | Edge |
| Funderburk | Gunn | Harvin |
| Hosey | Kennedy | Limehouse |
| Mitchell | J. M. Neal | M. A. Pitts |
| Rutherford | Scott | Sottile |
| Stavrinakis | Vick |  |

**Total--17**

So, the amendment was tabled.

Rep. VICK moved to reconsider the vote whereby Amendment 5A was tabled.

Rep. COBB-HUNTER moved to table the motion to reconsider.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 64; Nays 52

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Crawford |
| Daning | Dillard | Erickson |
| Funderburk | Gilliard | Govan |
| Gunn | Harrison | Hart |
| Harvin | Hodges | Horne |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Limehouse |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rice | Rutherford |
| Scott | Sellers | Skelton |
| D. C. Smith | J. E. Smith | Stavrinakis |
| Umphlett | Vick | Weeks |
| Whipper | Whitmire | Williams |
| T. R. Young |  |  |

**Total--64**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Delleney |
| Edge | Forrester | Gambrell |
| Haley | Hamilton | Hardwick |
| Harrell | Hayes | Hearn |
| Herbkersman | Huggins | Kelly |
| Kirsh | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Millwood | D. C. Moss | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Thompson | Toole |
| Viers | White | Wylie |
| A. D. Young |  |  |

**Total--52**

So, the motion to reconsider was tabled.

Rep. VICK moved cloture on the entire matter.

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

Yeas 9; Nays 90

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Crawford | Daning | Gunn |
| Harvin | Hodges | Kennedy |
| Sellers | Weeks | Williams |

**Total--9**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brantley | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Gambrell | Gilliard | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hearn |
| Herbkersman | Horne | Howard |
| Huggins | Hutto | Jennings |
| Kelly | 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 |
| Neilson | Norman | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Whipper | White | Whitmire |
| Wylie | A. D. Young | T. R. Young |

**Total--90**

So, cloture was not ordered.

Rep. CRAWFORD proposed the following Amendment No. 8A (COUNCIL\MS\7825AHB10), which was tabled:

Amend the bill, as and if amended, by deleting Section 12-21-625(G), as contained in SECTION 1, and inserting:

/ (G) There is created the South Carolina Medicaid Reserve Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The fund may only be appropriated for the restoration and maintenance of effort of the Medicaid program as structured at the time this act takes effect and other health care programs that are eligible for federal draw-down matching funds and must not be appropriated for any other purpose. The fund must not be used to expand any component of the existing Medicaid program.”/

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

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

Rep. CRAWFORD proposed the following Amendment No. 9A (COUNCIL\MS\7826AHB10), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 4 in its entirety, page 4, lines 17 through 36.

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

Rep. BINGHAM spoke against the amendment.

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

Rep. BINGHAM proposed the following Amendment No. 10A (COUNCIL\MS\7821AHB10), which was adopted:

Amend the bill, as and if amended, by deleting Section 11-49-55 in its entirety, as contained in SECTION 4, page 4, lines 20 through 36, and inserting:

/ “Section 11-49-55. Notwithstanding any other provision of law, and to the extent that funds are available and not otherwise committed or restricted by law or by contract, from the trust fund created pursuant to this chapter, the State Treasurer shall direct one million dollars annually for five fiscal years beginning with the first fiscal year in which funds are available, to the Department of Agriculture to cause the marketing and branding of South Carolina agricultural crops or produce as being grown in South Carolina when offered for sale in retail establishments and to assist in relief from natural disasters affecting state‑grown crops.” /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

Rep. COBB-HUNTER moved to table the amendment.

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

Yeas 49; Nays 64

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Battle | Bowers |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Clemmons |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Gunn | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Jennings |
| Kennedy | King | Knight |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | G. M. Smith | J. E. Smith |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--49**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Bannister |
| Barfield | Bedingfield | Bingham |
| Brady | Cato | Chalk |
| Cole | Cooper | Crawford |
| Daning | Delleney | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Horne | Huggins | Hutto |
| Kelly | Kirsh | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--64**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 61; Nays 49

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Bedingfield | Bingham | Brady |
| Cato | Chalk | Cole |
| Cooper | Crawford | Daning |
| Delleney | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Harrell | Harrison | Horne |
| Huggins | Hutto | Kelly |
| Kirsh | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--61**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Gunn | Hardwick |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | Jennings | Kennedy |
| King | Knight | Lucas |
| Mack | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--49**

The amendment was then adopted.

Rep. EDGE proposed the following Amendment No. 3A (COUNCIL\DKA\3983DW10), which was tabled:

Amend the bill, as and if amended, Section 12‑21‑625(B)(1), SECTION 1, page 2, line 28, by striking / five / and inserting / ten /

Renumber sections to conform.

Amend title to conform.

Rep. EDGE explained the amendment.

Rep. BEDINGFIELD spoke against the amendment.

Rep. EDGE spoke in favor of the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. GOVAN spoke in favor of the amendment.

Rep. LITTLEJOHN moved to table the amendment.

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

Yeas 55; Nays 51

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Bedingfield | Brady | Brantley |
| Cato | Cole | Cooper |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gunn | Hamilton | Harrison |
| Hodges | Howard | Jefferson |
| Kelly | Littlejohn | Loftis |
| Long | Lowe | McEachern |
| Millwood | Mitchell | D. C. Moss |
| Nanney | J. H. Neal | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Spires | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| White | Williams | Wylie |
| T. R. Young |  |  |

**Total--55**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowers | Branham |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clemmons | Clyburn | Crawford |
| Daning | Delleney | Edge |
| Gilliard | Govan | Hardwick |
| Harvin | Hayes | Hearn |
| Horne | Hosey | Huggins |
| Hutto | Jennings | Kennedy |
| King | Knight | Limehouse |
| Lucas | Mack | McLeod |
| Merrill | J. M. Neal | Ott |
| Parks | Sellers | Simrill |
| Skelton | G. M. Smith | Sottile |
| Stavrinakis | Vick | Viers |
| Weeks | Whipper | A. D. Young |

**Total--51**

So, the amendment was tabled.

Rep. M. A. PITTS proposed the following Amendment No. 4A (COUNCIL\BBM\9734HTC10), which was tabled:

Amend the bill, as and if amended, in Section 12‑21-625, as contained in SECTION 1, page 3, by adding a new subsection at the end to read:

 / (E) Any revenues of the surtax imposed pursuant to this section that are not specifically appropriated for expenditure during Fiscal Year 2010‑2011 only, are appropriated effective July 1, 2010, to the Office of the State Treasurer, for the sole purpose of buying gold and silver bullion as an investment for state funds. This investment in gold and silver bullion is in addition to the investments allowed for funds of the state as provided pursuant to Section 11‑9‑660. The State Treasurer shall invest in gold and silver bullion in the manner he considers appropriate and most advantageous in managing the investment of state revenues. However, in investing surtax revenues appropriated for this purpose, the State Treasurer shall acquire only gold and silver bullion that has been mined, refined, and processed in the United States and only pursuant to a procurement process that, taken together with purchase price and expenses of storage, is the lowest cost to the state in acquiring and storing such bullion. The State Treasurer may invest and reinvest the proceeds of sales of bullion in gold and silver bullion as provided in this subsection. /

Renumber sections to conform.

Amend title to conform.

Rep. M. A. PITTS explained the amendment.

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

The Senate Amendments, as amended, were then agreed to and the Bill was ordered returned to the Senate.

Rep. HUGGINS 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. 4873 -- Reps. Miller, Anderson, Knight, Gilliard, Hutto, Stavrinakis, Alexander, J. M. Neal, Huggins, Spires, Anthony, R. L. Brown, Gambrell, Gunn, Littlejohn, Long, Mack and D. C. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE AND HIGHLIGHT THE IMPORTANCE OF STUDENT ATHLETE SAFETY AND TO ENCOURAGE ALL SCHOOL DISTRICTS IN THE PALMETTO STATE TO ENSURE SAFETY FOR THEIR STUDENT ATHLETES.

H. 4876 -- Reps. D. C. Moss, Littlejohn and V. S. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE GOUCHER BAPTIST CHURCH OF GAFFNEY ON THE OCCASION OF ITS TWO HUNDRED FORTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR NEARLY TWO AND A HALF CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

H. 4878 -- 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, 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, Norman, 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 CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE DR. SANDRA DAVENPORT CALLIHAM, SUPERINTENDENT OF MCCORMICK COUNTY SCHOOL DISTRICT ONE, UPON THE OCCASION OF HER RETIREMENT, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

**ADJOURNMENT**

At 5:54 p.m. the House, in accordance with the motion of Rep. GAMBRELL, adjourned in memory of Rebecca Bowen of Pelzer, mother of Representative Bowen, to meet at 10:00 a.m. tomorrow.

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