~~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 Proverbs 19:20: “Listen to advice and accept instruction, and in the end you will be wise.”

Let us pray. Gracious God, You have crowned us with glory and honor and called us Your own. Grant to these Representatives and staff the wisdom, courage, integrity, and strength to reach and obtain the fulfillment of Your will. Continue to give each Your blessings and peace. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Heal our wounded warriors with Your touch. 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. BOWERS moved that when the House adjourns, it adjourn in memory of Carolyn Hubbard Donehue of Varnville, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the families of Timquan McAllister and Justin McKay, two teenage boys who drowned in Darlington County.

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| 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 | Gunn | Haley |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Norman |
| Ott | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | White | Whitmire |
| 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, June 2.

|  |  |
| --- | --- |
| Dan Hamilton | Chris Hart |
| Jerry Govan | James E. Smith |
| Timothy E. Scott | Denny Neilson |
| David Mack | Joseph Neal |
| Tommy Stringer | Jackie Hayes |
| James Lucas | Bakari Sellers |
| Todd Rutherford | Jackson "Seth" Whipper |
| G. Murrell Smith | Phillip D. Owens |

**Total Present--123**

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

Rep. RUTHERFORD signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, June 1.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Marshall Meadors of Anderson was the Doctor of the Day for the General Assembly.

**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. 4522 |
| Date: | ADD: |
| 06/02/10 | VIERS |

RECORD FOR VOTING

I was outside the Chamber at the time of the vote on S. 1154. I enthusiastically support this legislation and had I been present, I would have voted in favor of the Bill.

Rep. Chris Hart

**STATEMENT BY REP. ALLISON**

Rep. ALLISON and the Spartanburg Delegation made a statement relative to Rep. LITTLEJOHN'S service in the House.

On motion of Rep. ALLISON, with unanimous consent, Rep. LITTLEJOHN'S remarks were ordered printed in the Journal as follows:

**STATEMENT BY REP. LITTLEJOHN**

I have thought about this time for several months and would simply like to thank everyone for their friendships and kindnesses shown to me over the last 22 years.

Let me express my sincere appreciation to all members of the General Assembly, especially my walking buddies, devotional friends, O & M Committee members, and especially the Spartanburg Delegation members.

Also, the folks on the desk, Kathy, Rosalind, Nita, Bubba, Charles, Mary, Carolyn, Shirley, Karen, Blake, Mag, and Debra. These folks help us so much and make our day just a little bit easier.

To all my friends in the Blatt Building, who also make our lives easier, thank you Lem, Ann, and especially Sophia, Paulette in the mailroom, and to the custodians, thank you for keeping us working in a better environment.

We are also safer and more at ease because of Mitch Dorman and his security guys who tend to our every need.

Lastly, Legislative Council and all the lobbyists. These two groups help us tremendously every day.

In closing, let me tell you a little about how I feel in serving the people of South Carolina. Life is all about your fellow man - whether it’s politics or just dealing with someone in everyday life. I have gotten to know some very good people over the last 22 years. People come and go, and that’s ok, but some people just remain and become part of your life’s experiences - all of you certainly have.

God put us here for one reason - to serve him and our fellow man - with that - least we never forget. Paul tells us in Corinthians “For now we see in a mirror, timely, but then face to face. Now I know in part, but then I shall know just as I am known”.

Folks, it’s not about what we take with us but it’s what we leave behind. People are our only reason for working hard and lifting our brothers and sisters up. As I leave Columbia, a place where I have met a lot of good people that have become part of my life - I want to thank all of you for the kindness and love shown to me over the past years.

Let me leave you with a favorite Irish blessing.

“May love and laughter light your days,

and warm your heart and home.

May good and faithful friends be yours,

Wherever you may roam.

May peace and plenty bless your world,

With joy that long endures.

May all life’s passing season

Bring the best to you and yours.”

**STATEMENT BY REP. M. A. PITTS**

Rep. M. A. PITTS and the Laurens Delegation made a statement relative to Rep. DUNCAN'S service in the House.

**STATEMENT BY REP. DUNCAN**

Rep. DUNCAN made a statement relative to his service in the House.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 1372 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO EXTEND THE TERM OF OFFICE FOR MEMBERS THAT ARE SET TO EXPIRE IN 2010; TO PROVIDE THAT THE SUPERINTENDENT OF THE CONSOLIDATED SCHOOL DISTRICT SHALL SELECT AND APPOINT AN ASSISTANT SUPERINTENDENT; AND TO AUTHORIZE THE BOARDS OF TRUSTEES OF SUMTER SCHOOL DISTRICTS 2 AND 17 TO ISSUE GENERAL OBLIGATION BONDS OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES UP TO THE CONSTITUTIONAL DEBT LIMIT OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES, TO PROVIDE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF BONDS.

S. 1148 -- Senator Cleary: A BILL TO AMEND CHAPTER 65, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS, SO AS TO CONFORM THIS CHAPTER TO THE ORGANIZATIONAL STATUTORY FRAMEWORK ESTABLISHED FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE THAT PERSONS ENGAGING IN PROFESSIONAL SOIL CLASSIFICATION MUST BE LICENSED, RATHER THAN REGISTERED; TO REVISE QUALIFICATIONS FOR LICENSURE; TO PROVIDE GRANDFATHERING PROVISIONS FOR REGISTERED PROFESSIONAL SOIL CLASSIFIERS TO BECOME LICENSED PROFESSIONAL SOIL CLASSIFIERS UPON THE NEXT RENEWAL OF THE PERSON'S REGISTRATION; AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS.

**SENT TO THE SENATE**

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

H. 5047 -- Reps. Parks, M. A. Pitts and Pinson: A BILL TO VEST TITLE IN GREENWOOD COUNTY OF CERTAIN PROPERTY FORMERLY BELONGING TO THE GREENWOOD RECREATION COMMISSION WHICH WAS CREATED BY ACT 338 OF 1949 AND DISSOLVED BY ACT 1352 OF 1968, AND TO DIRECT THE CLERK OF COURT FOR GREENWOOD COUNTY TO EXECUTE DEEDS OF CONVEYANCE ON BEHALF OF THE GREENWOOD RECREATION COMMISSION.

**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. 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.

**S. 1234--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1234 -- Senator Fair: A BILL TO ESTABLISH A STUDY COMMITTEE TO STUDY AND DEVELOP A PLAN TO CONSOLIDATE THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO PROVIDE FOR THE STUDY COMMITTEE’S DUTIES AND RESPONSIBILITIES.

Rep. M. A. PITTS proposed the following Amendment No. 1 (COUNCIL\AGM\18115BH10), which was adopted:

Amend the bill, as and if amended, SECTION 1. (A), by adding after the / . / on line 26, page 1:

/ In addition, the study committee shall study the feasibility of consolidating the State Law Enforcement Division, Department of Public Safety, and the Department of Natural Resources Enforcement Division into one cabinet level department whose director is appointed by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. M. A. PITTS explained the amendment.

The amendment was then adopted.

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

**S. 1073--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1073 -- Senators Thomas, Leventis and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 18 TO TITLE 37, SO AS TO REQUIRE THOSE WHO ENGAGE IN COLLATERAL RECOVERY TO APPLY FOR LICENSURE WITH THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE WHAT MUST BE INCLUDED IN AN APPLICATION, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR THOSE WHO ENGAGE IN COLLATERAL RECOVERY, TO PROVIDE LICENSE FEES, TO PROVIDE FOR THE INVESTIGATION OF LICENSE APPLICANTS, TO PROVIDE FOR THE FORM, VALIDITY PERIOD, AND RENEWAL OF ISSUED LICENSES, TO PROVIDE CANCELLATION REQUIREMENTS OF ISSUED LICENSES, TO PROVIDE FOR THE TRAINING OF INTERN COLLATERAL RECOVERERS, TO PROVIDE FOR VIOLATIONS AND ASSOCIATED PENALTIES OF THE CHAPTER, TO PROVIDE FOR THE CONFIDENTIALITY OF REQUIRED INVESTIGATIONS, TO ALLOW THE DEPARTMENT ACCESS TO CERTAIN RECORDS FOR INVESTIGATIONS, TO REQUIRE THE DEPARTMENT TO MAINTAIN CERTAIN STATISTICS, TO PROVIDE INVENTORY AND TITLE REQUIREMENTS, AND TO DEFINE CERTAIN TERMS.

Rep. SANDIFER moved to waive the printing pursuant to Rule 5.15, which was agreed to by a division vote of 46-1.

Rep. BINGHAM proposed the following Amendment No. 2 (COUNCIL\AGM\18113AB10), which was adopted:

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

/ SECTION 1. Section 41‑27‑260 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑27‑260. The term ‘employment’ as used in Chapters 27 through 41 of this title does not include:

(1) labor engaged in the seafood industry, which is defined as persons employed in the commercial netting, catching, and gathering of seafood, and the processing of such seafood for the fresh market;

(2) casual labor not in the course of the employing unit’s trade or business;

(3) service performed by an individual in the employ of his son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of his father or mother;

(4) service performed in the employ of the United States Government or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by Chapters 27 through 41 of this title, except that to the extent that the Congress of the United States permits states to require instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, all of the provisions of Chapters 27 through 41 of this title are applicable to those instrumentalities and to services performed for those instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers; provided, that if this State is not certified for a year by the Secretary of Labor or his successors under the Federal Internal Revenue Code, the payments required of those instrumentalities with respect to such year must be refunded by the department from the funds in the same manner and within the same period as is provided in Section 41‑31‑360 with respect to contributions erroneously collected;

(5) service performed after December 31, 1977, in the employ of a governmental entity referred to in Section 41‑27‑230(2)(b), if the service is performed by an individual in the exercise of his duties as:

(a) an elected official or as the appointed successor of an elected official;

(b) a member of a legislative body, or a member of the judiciary of a state or political subdivision;

(c) a member of the State National Guard or Air National Guard;

(d) an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or

(e) in a position that, pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position, or a policymaking position the performance of the duties of which ordinarily does not require more than eight hours per week;

(6) service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress; provided, that the department must enter into agreements with the proper agencies under such act of Congress, which agreements shall become effective ten days after publication of it in the manner provided in Section 41‑29‑130 for general rules, to provide reciprocal treatment to individuals who have after acquiring potential rights to benefits under Chapters 27 through 41 of this title, acquired rights to unemployment compensation under such act of Congress or who have, after acquiring potential rights to unemployment compensation under such act of Congress, acquired rights to benefits under Chapters 27 through 41 of this title;

(7) service other than service performed as defined in Section 41‑27‑230(3) performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), a political campaign on behalf of a candidate for public office, provided, that service performed in the employ of an organization operated for the primary purpose of carrying on a trade or business for profit may not be exempt on the ground that all of its profits are payable to one or more organizations exempt under this paragraph;

(8) service other than service performed as defined in Section 41‑27‑230(3) that is performed in a calendar quarter in the employ of an organization exempt from federal income tax under Section 501(a) (other than an organization described in Section 401(a)) or under Section 521 of the Federal Internal Revenue Code of 1954, if the remuneration for such service is less than fifty dollars;

(9) the term ‘employment’ does not include:

(a) service performed in the employ of a school, college, or university, if the service is performed by:

(i) a student who is enrolled and is regularly attending classes at the school, college or university; or

(ii) the spouse of a student, if the spouse is advised, at the time the spouse commences to perform the service that the employment of the spouse to perform the service is provided under a program to provide financial assistance to the student by his school, college, or university, and the employment is not covered by a program of unemployment insurance;

(b) service performed by an individual under the age of twenty‑two who is enrolled at a nonprofit or public educational institution that normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full‑time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has certified this to the employer, except that this subparagraph does not apply to service performed in a program established for or on behalf of an employer or group of employers;

(c) service performed in the employ of a hospital, if the service is performed by a patient of the hospital, as defined in Section 41‑27‑280;

(10) for the purposes of Section 41‑27‑230(2) and (3), ‘employment’ does not include service performed:

(a) in the direct employ of a church, convention, or association of churches or an organization operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church, convention, or association of churches; or

(b) by an ordained, a commissioned, or a licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by the order; or

(c) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age, physical or mental deficiency, or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be absorbed readily in the competitive labor market by an individual receiving rehabilitation or remunerative work; or

(d) before January 1, 1978, for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution; or

(e) as part of an unemployment work‑relief or work‑training program assisted or financed in whole or in part by a federal agency, an agency or political subdivision of a state, or an individual receiving work relief or work training, unless a federal law, rule, or regulation mandates unemployment insurance coverage to individuals in a particular work‑relief or work‑training program; or

(f) by an inmate who participates in a project designated by the Director of the Bureau of Justice Assistance pursuant to Public Law 90‑351;

(11) service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(12) service performed as a student nurse in the employ of a hospital or a nurses’ training school by an individual enrolled and regularly attending classes in a nurses’ training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four‑year course in a medical school chartered and approved pursuant to state law;

(13) service performed by an individual for an employer as an insurance agent or as an insurance solicitor, if this service is performed by the individual for his employer for remuneration solely by way of ~~department~~ commission;

(14) service other than service performed as defined in Section 41‑27‑230(3) by an individual for an employer as a real estate salesman or agent, if this service is performed by the individual for his employer for remuneration solely by way of ~~department~~ commission;

(15) service performed in the employ of a foreign government, including service as a consular or other officer or employee or a nondiplomatic representative;

(16) ‘agricultural labor’ as defined by Section 41‑27‑120 and when performed by students who are enrolled and regularly attending classes for at least five months during a particular year at a secondary school or at an accredited college, university, or technical school and also when performed by part‑time persons who do not qualify as students pursuant to this section but who at the conclusion of their agricultural labor would not qualify for benefits pursuant to the provisions of the department;

(17) service performed as a member of a Native American tribal council or service in a fishing rights related activity of a Native American tribe by a member of the tribe for another member of the tribe or by a qualified Native American entity.”

SECTION 2. Section 41‑27‑610 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑27‑610. The failure to do an act required pursuant to a provision of Chapters 27 through 41 of this title is considered an act committed in part at the office of the department in Columbia.”

SECTION 3. Section 41‑29‑70 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑29‑70. Subject to the provisions of Chapters 27 through 41 of this title, the department may employ or retain on a contract basis other accountants, attorneys, experts, and other persons as may be necessary to perform the department’s duties.”

SECTION 4. Section 41‑29‑170(B)(1)(b) of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“(b) a state agency similarly charged or charged with workforce development or training or jobs with recruitment; and”

SECTION 5. Section 41‑29‑180 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑29‑180. The department shall endeavor, both for the relief of the clerical work of employers and its own office, to confine reporting to the minimum necessary for the proper administration of the law, and, except for necessary separation, low earnings, special reports or notices, or wage and employment reports required pursuant to Section 41‑29‑140~~, it shall not require reports as to the earnings of individual employees more frequently than quarterly~~.”

SECTION 6. Section 41‑29‑250 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑29‑250. The department must:

(A) print and make available for public distribution the text of Chapters 27 through 41 of this title and its:

(1) regulations;

(2) annual reports to the Governor and General Assembly; and

(3) other material the department considers relevant and suitable; ~~and~~ or

(B) ~~furnish this material to a person on request and make it available on its Internet website~~ make this material available on its Internet website.”

SECTION 7. Section 41‑29‑270 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑29‑270. Notwithstanding the provisions of Chapters 27 through 41 of this title, the department must promulgate regulations necessary for the operation of an emergency unemployment compensation system in the event of an enemy attack or natural disaster that disrupts or endangers the department’s usual procedures or facilities.”

SECTION 8. Section 41‑33‑430 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑33‑430. Money deposited or paid into the fund are appropriated and made available to the department. Money in this fund must be expended solely for the purpose of defraying the cost of the administration of Chapters 27 through 41 of this title and for no other purpose. A balance in the fund may not lapse at any time but continuously must be available to the department for expenditure consistent with Chapters 27 through 41 of this title. The department shall issue its requisition approved by the ~~chairman~~ director or a designated ~~member~~ individual, officer, or agent for payment of the costs of administration to the Comptroller General who shall draw his warrant in the usual form provided by law on the State Treasurer, who shall pay it by check on the employment security administration fund.”

SECTION 9. Section 41‑35‑120(4) of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“(4) Discharge for gross misconduct, and is ineligible for benefits beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim if he is discharged due to:

(i) wilful or reckless employee damage to employer property that results in damage of more than fifty dollars;

(ii) employee consumption of alcohol or being under the influence of alcohol on employer property in violation of a written company policy restricting or prohibiting consumption of alcohol;

(iii) employee theft of items valued at more than fifty dollars;

(iv) failure to comply with applicable state or federal drug and alcohol testing and use regulations including, but not limited to, 49 C.F.R. part 40 and part 382 of the federal motor carrier safety regulations, while on the job or on duty, and regulations applicable for employees performing transportation and other safety sensitive job functions as defined by the federal government;

(v) employee ~~committing criminal~~ assault or battery of another employee or a customer;

(vi) employee ~~committing criminal~~ abuse of patient or child in his professional care;

(vii) employee insubordination, which is defined as wilful failure to comply with a lawful, reasonable order of a supervisor directly related to the employee’s employment as described in an applicable written job description; or

(viii) employee wilful neglect of duty directly related to the employee’s employment as described in an applicable written job description.”

SECTION 10. Section 41‑39‑30 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑39‑30. An individual claiming benefits may not be charged a fee in a proceeding under Chapters 27 through 41 of this title by the department or its representatives or by a court or an officer, except an attorney, of it. An individual claiming a benefit in a proceeding before the department or a court ~~must~~ may be represented by an attorney or other duly authorized agent, but an attorney or agent must not charge or receive for this service more than an amount approved by the department. A person who violates a provision of this section, for each offense, must be fined not less than fifty dollars nor more than five hundred dollars, imprisoned for not more than six months, or both.”

SECTION 11. Section 41‑35‑615 of the 1976 Code is repealed.

SECTION 12. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

The amendment was then adopted.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18093BH10), which was tabled:

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

/ SECTION 1. Title 37 of the 1976 Code is amended by adding:

“CHAPTER 18

Collateral Recovery

Section 37–18–100. As used in this chapter:

(1) ‘Branch office’ means each additional location of an agency where business is actively conducted which advertises as performing or is engaged in the business authorized by the registration.

(2) ‘Collateral recovery’ means the repossession of a motor vehicle, manufactured home, motorboat, or other personal property by a person who is authorized by the legal owner, lien holder, or lessor to repossess property, or to collect money payment in lieu of repossession of property, that has been sold or leased pursuant to a security agreement that contains a repossession clause. A recovery pursuant to this chapter does not include the towing of a vehicle at the request of the legal owner or pursuant to another provision of law.

(3) ‘Conviction’ means an adjudication of guilt by a federal or state court resulting from a plea or trial, regardless of whether the imposition of sentence was suspended.

(4) ‘Department’ means the South Carolina Department of Consumer Affairs.

(5) ‘Person’ means an individual, corporation, partnership, association, unincorporated organization, or other form of entity, however organized.

(6) ‘Recovery agency’ means a person who, for consideration, advertises as providing, or is engaged in, the business of performing collateral recovery services.

(7) ‘Recovery agent’ means an individual who, for consideration, performs collateral recovery services.

(8) ‘Registrant’ means a person registered pursuant to this chapter.

Section 37–18–110. (A) Except for subsection (B), this chapter does not apply to:

(1) an individual solely, exclusively, and regularly employed by a lien holder or lessor;

(2) a South Carolina licensed attorney acting in the regular course of the practice of law and who is not employed by a recovery agency; or

(3) a bank or bank holding company,

(4) a credit union,

(5) supervised lender or

(6) a collection agency not engaged in the business of repossessions.

(B) Exempt persons in this section may not use an unregistered person who is not exempt.

Section 37‑18‑120 A person may not engage in the business of collateral recovery without first obtaining a certificate of registration pursuant to this chapter. A person may not engage the services of an unregistered person to conduct an activity regulated pursuant to this chapter.

Section 37‑18‑130. (A) An applicant for registration as a recovery agency shall submit to the department a nonrefundable registration fee of fifty dollars, a nonrefundable branch office registration fee of fifty dollars for each branch office, and an application on forms prescribed by the department. An application must be made in writing, under oath, and at a minimum provide:

(1) the applicant’s legal name and all proposed names under which the applicant intends to conduct business;

(2) the street address, mailing address, and telephone number of the principal place of business and each branch office in this State;

(3) the name, address and ownership interest of each owner, partner, member, officer, or director of the applicant; and

(4) a list of all employees and agents engaged in collateral recovery activities.

(B) The application also must include the following for each owner, partner, member, officer, and director of the recovery agency:

(1) a statement under penalty of perjury of all convictions other than misdemeanor traffic violations; and

(2) a statement under penalty of perjury of whether the person has ever been adjudicated incompetent or committed to a mental institution.

(C) A recovery agency is responsible for investigating and supervising its agents and shall retain on file for inspection by the department the following as to each recovery agent employed by or acting for the agency:

(1) a statement made in writing, under oath, that provides, at a minimum:

(a) the agent’s name and any aliases;

(b) the agent’s social security number or alien registration number, as applicable;

(c) the agent’s residential address;

(d) the agent’s prior occupation and all occupations held within the five years immediately preceding the submission of the statement;

(2) a statement under penalty of perjury of all convictions other than misdemeanor traffic violations;

(3) a statement under penalty of perjury of whether the agent has ever been adjudicated incompetent or committed to a mental institution.

Section 37‑18‑140. (A) Upon the filing of a complete application for registration, accompanied by the fees required, if the department finds that the condition, character, qualifications, and general fitness of the applicant, and of the members if the applicant is a co‑partnership, association, or limited liability company, and of the officers and directors if the applicant is a corporation, are such as to command the confidence of the community and to warrant belief that the applicant will operate honestly, fairly, and in accordance with all applicable state and federal laws, it shall issue a certificate of registration. If the department does not so find, it shall refuse to register the applicant and shall notify him of the denial.

(B) Upon the receipt of the certificate of registration, a registrant may engage in the business for which the registration is issued. The issued registration is nontransferable and nonassignable. A copy of the registration must be posted prominently in each place of business of a recovery agency registrant. A recovery agency registration must be in the possession of an agent while on duty.

(C) A certificate of registration expires on October thirty‑first of each year. A registration must be renewed by filing with the department, at least sixty days before the expiration of the registration, a complete renewal application on forms prescribed by the department. Each recovery agency renewal application must be accompanied by a nonrefundable registration fee of fifty dollars and a nonrefundable branch office registration fee of fifty dollars for each office.

Section 37‑18‑150. (A) The department may refuse to issue or renew a registration or may revoke or suspend a registration if:

(1) the recovery agent’s employer agency is not authorized to do business in this State; or

(2) an applicant or an owner, partner, member, officer, or director of an applicant:

(a) makes a false statement of a material fact in the application;

(b) has been convicted of a felony or a crime of moral turpitude or dishonesty within the last ten years;

(c) has had a judgment entered against him in a civil action for forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, fraud, or conspiracy to commit fraud within the past ten years;

(d) violates a provision of this chapter or regulation promulgated pursuant to this chapter; or

(e) fails to comply with an order of the department.

Section 37‑18‑160. A recovery agency shall maintain and preserve in its primary office, accurate books, accounts, and records regarding recovery activities in this State for a period of three years. The department may examine the books, accounts, and records to determine compliance with this chapter.

Section 37‑18‑170. (A) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, may be imprisoned not more than thirty days.

(B) Upon the finding that an action of a person is in violation of this chapter or a regulation promulgated pursuant to this chapter the department shall order it to cease and desist from the action. If the person fails to appeal the cease and desist order of the department and continues to engage in the action in violation of the department’s order, he is subject to a penalty of not less than one thousand nor more than two thousand five hundred dollars, in the discretion of the department, for each action he takes in violation of the department’s order. The penalty provision of this section is in addition to and not instead of other provisions of law.

(C) The department, upon the finding that a person has engaged intentionally or repeatedly in a course of conduct in violation of this chapter may impose administrative fines that may not exceed two thousand five hundred dollars for each violation of the chapter. Each violation constitutes a separate offense;

Section 37‑18‑180. A person aggrieved by an administrative order of the department may request a contested case hearing before the Administrative Law Court in accordance with the court’s rules of procedure. If the person fails to request a contested case hearing within the time provided in the court’s rules of procedure, the administrative order becomes final and the department may bring an action to enforce its order pursuant to Title 1, Chapter 23.

Section 37‑18‑190. The department may promulgate regulations necessary to effectuate the purposes of this chapter.

Section 37‑18‑200. All funds collected by the department pursuant to this chapter must be retained by the department and used to implement the provisions of this chapter.”

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

SECTION 3. This act takes effect September 1, 2010. /

Renumber sections to conform.

Amend title to conform.

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

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on S. 337:

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44-7-160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44-7-180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44-7-200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44-7-210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44-7-220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44-7-230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44-7-270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44-7-280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44-7-225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44-7-285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44-7-296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

Very Respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on H. 3975:

H. 3975 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 50-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER'S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

Very Respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1338:

S. 1338 -- Senator Fair: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE GREENVILLE HOSPITAL SYSTEM, ITS CREATION, BOARD, POWERS, AND DUTIES, SO AS TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES MAY ESTABLISH A POLICE DEPARTMENT, EMPLOY POLICE AND SECURITY OFFICERS, AND TO PROVIDE FOR THE POLICE DEPARTMENT'S DUTIES, RESPONSIBILITIES, POWERS, FUNCTIONS, AND JURISDICTION.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**S. 1025--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to S. 1025:

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38-73-737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY-FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

Very respectfully,

President

On motion of Rep. SANDIFER, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. SANDIFER, BRADY and ANDERSON to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 717:

S. 717 -- Senators Coleman, Setzler, Land, Campbell and Hayes: A BILL TO AMEND SECTIONS 12-36-2120 AND 12-37-220, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS AND PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT MACHINERY, EQUIPMENT, BUILDING AND OTHER RAW MATERIALS, AND ELECTRICITY USED BY A FACILITY OWNED BY A TAX EXEMPT ORGANIZATION INVESTING AT LEAST TWENTY MILLION DOLLARS OVER THREE YEARS IN THE FACILITY WHEN THAT FACILITY IS USED PRINCIPALLY FOR RESEARCHING AND TESTING THE IMPACT OF NATURAL HAZARDS SUCH AS WIND, FIRE, EARTHQUAKE, AND HAIL ON BUILDING MATERIALS USED IN RESIDENTIAL, COMMERCIAL, AND AGRICULTURAL BUILDINGS.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 4657--CONFERENCE REPORT REJECTED**

The Conference Report on the following Bill was taken up:

H. 4657 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

**H. 4657--Conference Report**

The General Assembly, Columbia, S.C., May 28, 2010

The COMMITTEE OF CONFERENCE, whom was referred (H:\LEGWORK\HOUSE\AMEND\COUNCIL\NBD\12432HTC10.DOCX), which was rejected:

H. 4657 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

That the same do pass with the following amendments:

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

Amend title to conform.

Senator Hugh K. Leatherman Representative Daniel T. Cooper

Senator John C. Land  Representative Kenny Bingham

Senator Michael L. Fair  Representative William Clyburn

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

Rep. COOPER explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 47; Nays 69

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bannister | Bingham | Bowen |
| Brady | Clemmons | Cole |
| Cooper | Daning | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Kelly | Kirsh | Limehouse |
| Littlejohn | Loftis | Lowe |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | Parker | Pinson |
| M. A. Pitts | Sandifer | Skelton |
| D. C. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Umphlett |
| White | Whitmire | Willis |
| Wylie | A. D. Young |  |

**Total--47**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bowers |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clyburn | Cobb-Hunter |
| Crawford | Delleney | Dillard |
| Duncan | Funderburk | Gilliard |
| Govan | Gunn | Haley |
| Hart | Harvin | Hayes |
| Hodges | Huggins | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Long |
| Lucas | Mack | McEachern |
| McLeod | Miller | Millwood |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Rice | Rutherford | Scott |
| Simrill | G. R. Smith | J. E. Smith |
| Stavrinakis | Stewart | Thompson |
| Toole | Vick | Viers |
| Weeks | Williams | T. R. Young |

**Total--69**

So, the Conference Report was rejected.

**LEAVE OF ABSENCE**

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

**S. 337--CONFERENCE REPORT ADOPTED**

The Conference Report on the following Bill was taken up:

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44-7-160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44-7-180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44-7-200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44-7-210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44-7-220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44-7-230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44-7-270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44-7-280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44-7-225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44-7-285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44-7-296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

**S. 337--Conference Report**

The General Assembly, Columbia, S.C., June 1, 2010

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44‑1‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44‑7‑130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44‑7‑150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44‑7‑160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44‑7‑170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44‑7‑180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44‑7‑190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44‑7‑200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44‑7‑210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44‑7‑220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44‑7‑230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44‑7‑260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44‑7‑270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44‑7‑280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44‑7‑315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44‑7‑320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44‑7‑225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44‑7‑285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44‑7‑296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44‑7‑185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

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

That the same do pass with the following amendments:

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

/ SECTION 1. Section 44‑1‑60(E) through (I) of the 1976 Code, as added by Act 387 of 2006, is amended to read:

“(E)(1) Notice of ~~the~~ a department decision must be sent by certified mail, returned receipt requested to the applicant, permittee, licensee, and affected persons who have ~~asked~~ requested in writing to be notified ~~by certified mail, return receipt requested~~. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of staff decisions for which a department decision is not required pursuant to subsection (D) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, and affected persons who have requested in writing to be notified.

(2) The ~~department~~ staff decision becomes the final agency decision fifteen calendar days after notice of the ~~department~~ staff decision has been mailed to the applicant, unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person.

(3) The filing fee must be in the amount of one hundred dollars unless the department establishes a fee schedule by regulation after complying with the requirements of Article 1, Chapter 23, Title 1. This fee must be retained by the department in order to help defray the costs of the proceedings and legal expenses.

(F) No later than sixty calendar days after the date of receipt of a request for final review, a final review conference must be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. If the board declines in writing to schedule a final review conference or if a final review conference is not conducted within sixty calendar days, the ~~department~~ staff decision becomes the final agency decision, and an applicant, permittee, licensee, or affected person ~~may request~~ requests pursuant to subsection (G) a contested case hearing before the Administrative Law Court~~, in accordance with the Administrative Procedures Act, within thirty days after the deadline for the final review conference~~. The department shall set the place, date, and time for the conference; give the applicant and affected persons at least ten calendar days’ written notice of the conference; and advise the applicant that evidence may be presented at the conference. The final review conference must be held as follows:

(1) Final review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the moving party. During the course of the final review conference, the ~~department~~ staff must explain the ~~department~~ staff decision and the materials relied upon in the administrative record to support the ~~department~~ staff decision. The applicant or affected party shall state the reasons for protesting the ~~department~~ staff decision and may provide evidence to support amending, modifying, or rescinding the ~~department~~ staff decision. The ~~department~~ staff may rebut information and arguments presented by the applicant or affected party and the applicant or affected party may rebut information and arguments presented by the ~~department~~ staff. Any final review conference officer may request additional information and may question the applicant or affected party, the ~~department~~ staff, and anyone else providing information at the conference.

(2) After the ~~administrative~~ final review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue a written final agency decision based upon the evidence presented. The decision may be announced orally at the conclusion of the ~~administrative~~ final review conference or it may be reserved for consideration. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. In either event, the written decision must be mailed to the parties no later than thirty calendar days after the date of the ~~administrative~~ final review conference. Within thirty calendar days after the receipt of the decision an applicant, permittee, licensee, or affected person desiring to contest the final agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give consideration to the provisions of Section 1‑23‑330 regarding the department’s specialized knowledge.

(3) Prior to the initiation of the final review conference, an applicant, permittee, licensee, or affected person must be notified of their right to request a transcript of the proceedings of the final review conference. If a transcript is requested, the applicant, permittee, licensee, or affected person making the request ~~must be~~ is responsible for all costs.

(G) An applicant, permittee, licensee, or affected person may file a request with the Administrative Law Court for a contested case hearing within thirty calendar days after:

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

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

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

(H) Applicants, permittees, licensees, and affected persons are encouraged to engage in mediation during the final ~~agency~~ review process.

~~(H)~~(I) The department may promulgate regulations providing for procedures for final ~~administrative~~ reviews.

~~(I)~~(J) Any statutory deadlines applicable to permitting and licensing programs administered by the department ~~shall~~ must be extended to all for this final review process. If any deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.”

SECTION 2. Section 44‑7‑130(4), (10), (15), (16), and (21) of the 1976 Code is amended to read:

“(4) ~~‘Chiropractic inpatient facility’ means a facility organized and administered to provide overnight care for patients requiring chiropractic services, including vertebral sublaxation, analysis, and adjustment~~ Reserved.

(10) ‘Health care facility’ means acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, ~~methadone treatment facilities, tuberculosis hospitals,~~ nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, ~~habilitation centers for mentally retarded persons or persons with related conditions~~ intermediate care facilities for the mentally retarded, and any other facility for which Certificate of Need review is required by federal law.

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

(16) ‘Residential treatment facility for children and adolescents’ means a facility operated for the assessment, diagnosis, treatment, and care ~~by~~ of two or more ~~persons of~~ ‘children and adolescents in need of mental health treatment’ which provides:

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

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

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

(21) ‘Like equipment with similar capabilities’ means medical equipment in which functional and technological capabilities are identical to the equipment to be replaced; and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not ~~increase the potential volume or type of procedures possible~~ constitute a material change in service or a new service.”

SECTION 3. Section 44‑7‑130 of the 1976 Code is amended by adding at the end:

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

(25) ‘Freestanding emergency service’ also referred to as an off‑campus emergency service, means an extension of an existing hospital emergency department that is an off‑campus emergency service and that is intended to provide comprehensive emergency service. The hospital shall have a valid license and be in operation to support the off‑campus emergency service. A service that does not provide twenty‑four hour, seven day per week operation or that is not capable of providing basic services as defined for hospital emergency departments must not be classified as a freestanding emergency service and must not advertise or display or exhibit any signs or symbols that would identify the service as a freestanding emergency service.”

SECTION 4. Section 44‑7‑150(5) of the 1976 Code is amended to read:

“(5) The department may ~~adopt a filing fee for Certificate of Need applications. The fee must be approved by the board~~ charge and collect fees to cover the cost of operating the Certificate of Need program, including application fees, filing fees, issuance fees, and nonapplicability/exemption determination fees. The department shall develop regulations which set fees as authorized by this article. The level of these fees must be determined after careful consideration of the direct and indirect costs incurred by the department in performing its various functions and services in the Certificate of Need program. All fees and procedures for collecting fees must be adopted pursuant to procedures set forth in the Administrative Procedures Act. Any fee collected pursuant to this section in excess of seven hundred fifty thousand dollars must be retained by the department and designated for the administrative costs of the Certificate of Need program. The first seven hundred fifty thousand dollars collected pursuant to this section must be deposited into the general fund of the State. ~~The fee must be collected prior to review of the application. A fee may not be increased beyond the cost of administration of the Certificate of Need Program.~~ Until fees are promulgated through regulation, all fees established as of January 1, 2009, remain in effect.”

SECTION 5. Section 44‑7‑160 of the 1976 Code is amended to read:

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

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

(2) a change in the existing bed complement of a health care facility through the addition of one or more beds or change in the classification of licensure of one or more beds;

(3) an expenditure by or on behalf of a health care facility in excess of an amount to be prescribed by regulation which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure except those expenditures exempted in Section 44‑7‑170(B)(1). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount;

(4) a capital expenditure by or on behalf of a health care facility which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the ~~State~~ South Carolina Health Plan;

(5) the offering of a health service by or on behalf of a health care facility which has not been offered by the facility in the preceding twelve months ~~and which has an annual operating cost in excess of an amount to be prescribed by regulation~~ and for which specific standards or criteria are prescribed in the ~~State~~ South Carolina Health Plan;

(6) the acquisition of medical equipment which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation;

~~(7)~~ ~~the acquisition or change in ownership or in controlling interest of a health care facility or entity owning a health care facility directly or indirectly by purchase, lease, gift, donation, sale of stock, or comparable arrangement if the acquisition or change in ownership or controlling interest may result in an increase in cost to the facility or increase in government‑sponsored reimbursement;~~

~~(8)~~ ~~the acquisition of an existing health care facility by a person who has failed to notify the department and seeks an exemption before entering into a contractual arrangement to acquire an existing facility;~~

~~(9)~~ ~~an expenditure or financial obligation made in preparation for the offering or developing of a project which requires certification of need pursuant to this section if the expenditure or financial obligation is in excess of an amount to be prescribed by regulation~~.”

SECTION 6. Section 44‑7‑170 of the 1976 Code, as amended by Act 27 of 2003, is further amended to read:

“Section 44‑7‑170. (A) The ~~provisions of this article do not apply to~~ following are exempt from Certificate of Need review:

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

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

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

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

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

(2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44‑7‑160(1) and (6);

(3) the replacement of like equipment for which a Certificate of Need has been issued which does not constitute a material change in service or a new service~~the acquisition by a health care facility of medical equipment to be used solely for research, the offering of an institutional health service by a health care facility solely for research, or the obligation of a capital expenditure by a health care facility to be made solely for research if it does not (a) affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research; (b) change the bed capacity of the facility; or (c) substantially change the medical or other patient care services of the facility. A written description of the proposed research project must be submitted to the department in order for the department to determine if the above conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after research restrictions are removed;~~

~~(4)~~ ~~purchases of or agreements to purchase real estate; however, the costs associated with the purchase of real estate must be included in determining the total project cost at the time the real estate is proposed to be developed~~.

(B) ~~The Certificate of Need provisions of~~ This article ~~do~~ does not apply to:

(1) an expenditure by or on behalf of a health care facility for nonmedical projects for services such as refinancing existing debt, parking garages, laundries, roof replacements, computer systems, telephone systems, heating and air conditioning systems, upgrading facilities which do not involve additional square feet or additional health services, replacement of like equipment with similar capabilities, or similar projects as described in regulations;

(2) facilities owned and operated by the ~~State~~ South Carolina Department of Mental Health and the South Carolina Department of ~~Mental Retardation~~ Disabilities and Special Needs, except an addition of one or more beds to the total number of beds of the departments’ health care facilities existing on July 1, 1988;

(3) educational and penal institutions maintaining infirmaries for the exclusive use of student bodies and inmate populations;

(4) any federal health care facility sponsored and operated by this State;

(5) community‑based housing designed to promote independent living for persons with mental or physical disabilities. This does not include a facility defined in this article as a ‘health care facility’~~.~~;

(6) kidney disease treatment centers including, but not limited to, free standing hemodialysis centers and renal dialysis centers;

(7) health care facilities owned and operated by the federal government.

(C) Before undertaking a project enumerated in subsection (A), a person shall obtain a written exemption from the department as may be more fully described in regulation.”

SECTION 7. Section 44‑7‑180 of the 1976 Code is amended to read:

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

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

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

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

(3) standards for distribution of health care facilities, beds, specified health services, and equipment including scope of services to be provided, utilization, and occupancy rates, travel time, regionalization, other factors relating to proper placement of services, and proper planning of health care facilities; and

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

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

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

~~(D)~~ ~~The Department of Health and Environmental Control may charge and collect fees to cover the cost of operating the Certificate of Need program. Upon submission of a complete Certificate of Need application, the applicant must pay a fee of five hundred dollars plus five‑tenths of one percent of the project cost for review of the project, not to exceed seven thousand, five hundred dollars; however, for an applicant whose review fee would exceed seven thousand, five hundred dollars an additional fee of seven thousand, five hundred dollars is imposed if the applicant is awarded a Certificate of Need, which must be paid at the time of the award. Fees paid pursuant to this subsection must be deposited to the credit of the general fund of the State.~~”

SECTION 8. Section 44‑7‑190 of the 1976 Code is amended to read:

“Section 44‑7‑190. (A) The department shall adopt, upon approval of the board, Project Review Criteria which, at a minimum, must provide for the determination of need for health care facilities, beds, services and equipment, ~~to include~~ including demographic needs, appropriate distribution, and utilization; accessibility to underserved groups; availability of facilities and services without regard to ability to pay; absence of less costly and more effective alternatives; appropriate financial considerations ~~to include~~, including method of financing, financial feasibility, and cost containment; consideration of impact on health systems resources; site and building suitability; consideration of quality of care; and relevant special considerations as may be appropriate. The Project Review Criteria must be adopted as a regulation pursuant to the Administrative Procedures Act.

(B) The project review criteria promulgated in regulation must be used in reviewing all projects under the Certificate of Need process. When the criteria are weighted to determine the relative importance for the specific project, the department may reorder the relative importance of the criteria no more than one time after the project review meeting. When an application has been appealed, the department may not change the weighted formula.”

SECTION 9. Section 44‑7‑200(A) and (C) of the 1976 Code is amended to read:

“(A) An application for a Certificate of Need must be submitted to the department in a form established by regulation. The application must address all applicable standards and requirements set forth in departmental regulations, Project Review Criteria of the department, and the ~~State~~ South Carolina Health Plan. ~~The application must include the payment of a nonrefundable initial application fee of five hundred dollars. The department shall deduct this fee from the Certificate of Need filing fee which is payable in accordance with departmental regulations when the application is determined to be complete.~~

(C) Upon publication of this notice and until a contested case hearing is requested pursuant to Section ~~44‑7‑210~~ 44‑1‑60(G):

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

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

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

SECTION 10. Section 44‑7‑200 of the 1976 Code is amended by adding at the end:

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

SECTION 11. Section 44‑7‑210 of the 1976 Code is amended to read:

“Section 44‑7‑210. (A) After the department has determined that an application is complete, affected persons must be notified in accordance with departmental regulations. The notification ~~of~~ to affected persons that the application is complete begins the review period; however, in the case of competing applications, the review period begins on the date of notice to affected persons that the last of the competing applications is complete and notice is published in the State Register. ~~During the review process, the department shall determine~~ The staff shall issue its decision to approve or deny the application no earlier than thirty calendar days, but no later than one hundred twenty calendar days, from the date affected persons are notified that the application is complete, unless a public hearing is timely requested as may be provided for by department regulation. If a public hearing is properly requested, the staff’s decision must not be made until after the public hearing, but in no event shall the decision be issued more than one hundred fifty calendar days from the date affected persons are notified that the application is complete. The staff may reorder the relative importance of the project review criteria no more than one time during the review period. The staff’s reordering of the relative importance of the project review criteria does not extend the review period provided for in this section ~~for this project and shall notify the applicant of this determination. The applicant has thirty days from the date of the receipt of this notice to submit any additional information. The review period for a completed application is sixty days from the date of notification of affected persons, or up to sixty days from the date that applicants are notified of the relative importance of project review criteria provided for in this section, whichever is longer. One extension of up to sixty days may be granted by the department in accordance with departmental regulations with the exception of an extension that is granted to comply with a request for a public hearing~~.

(B) ~~The department may hold a public hearing, if timely requested, to gather information and obtain public comment and opinion about the proposed project.~~

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

~~(D)~~(C) On the basis of staff review of the application, the staff ~~of the department~~ shall make a ~~proposed~~ staff decision to grant or deny the Certificate of Need and the staff shall issue a decision in accordance with Section 44‑1‑60(D). Notice of the ~~proposed department~~ decision must be sent to the applicant and affected persons who have asked to be notified. The ~~proposed department~~ decision becomes the final agency decision ~~within ten days after the receipt of a notice of the proposed decision by the applicant~~ unless a timely written request for a final review is filed with the department as provided for in Section 44‑1‑60(E). However, a person may not file a request for final review in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.

~~(1)~~ ~~a reconsideration by the staff of the department is requested in writing within the ten‑day period by an affected person showing good cause for reconsideration of the proposed decision; or~~

~~(2)~~ ~~a contested case hearing before the board, or its designee, regarding the grant or denial of the Certificate of Need is requested in writing within the ten‑day period by the applicant or other affected person with standing to contest the grant or denial of the application.~~

~~Reconsideration by the staff must occur within thirty days from receipt of the request~~.

~~(E)~~(D) ~~The department’s proposed decision is not final until the completion of reconsideration or contested case proceedings. The burden of proof in a reconsideration or contested case hearing must be upon the moving party. The contested case hearing before the board or its designee is conducted as a contested case under the Administrative Procedures Act. The issues considered at the contested case hearing are limited to those presented or considered during the staff review and decision process.~~

~~(F)~~ ~~The department may not issue a Certificate of Need approval for a methadone treatment facility until licensure standards are promulgated by the department, in accordance with the Administrative Procedures Act, for these facilities. The department shall convene a study group to revise and propose licensure standards for methadone clinics. The study group shall consist of representatives of the department, the Department of Alcohol and Other Drug Abuse Services, methadone providers in South Carolina, and the Medical University of South Carolina. The licensure standards shall include standards for location of these facilities within the community. Methadone treatment facilities licensed as of January 1, 1997, must not be required to obtain a Certificate of Need pursuant to this section~~ The staff’s decision is not the final agency decision until the completion of the final review process provided for in Section 44‑1‑60(F).

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

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

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

(2) each party is permitted to take only the deposition of a person listed as a witness who may testify at the contested case hearing, unless otherwise provided for by the Administrative Law Court;

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

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

(5) each party is permitted to serve only thirty requests for production, including subparts.

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

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

SECTION 12. Section 44‑7‑220 of the 1976 Code is amended to read:

“Section 44‑7‑220. (A) ~~After the contested case hearing is concluded and a final board decision is made, a party who participated in the contested case hearing and who is affected adversely by the board’s decision may obtain~~ A party who is aggrieved by the Administrative Law Court’s final decision may seek judicial review of the final decision in ~~the circuit court pursuant to the Administrative Procedures Act. An appeal taken to the circuit court from a decision of the board on a~~ accordance with Section 1‑23‑380.

(B) If the relief requested in the appeal is the reversal of the Administrative Law Court’s decision to approve the Certificate of Need application ~~has precedence on the court’s calendar and must be heard not later than forty‑five days from the date the petition is filed.~~

~~An applicant whose Certificate of Need application is denied by the board in favor of a competing application or a party adversely affected by the board’s decision~~ or approve the request for exemption under Section 44‑7‑170 or approve the determination that Section 44‑7‑160 is not applicable, the party filing the appeal shall deposit a bond with the Clerk of ~~court for~~ the ~~circuit~~ Court of Appeals within five calendar days after ~~before the~~ filing ~~of a~~ the petition to appeal ~~a final decision of the board granting or denying a Certificate of Need~~. The bond must be secured by cash or a surety authorized to do business in this State in an amount equal to five percent of the total cost of the project or ~~twenty~~ one hundred thousand dollars, whichever is greater, up to a maximum of one million five hundred thousand dollars. If the Court of Appeals affirms the Administrative Law Court’s decision ~~of the board~~ or dismisses the appeal, the Court of Appeals ~~may~~ shall award to the ~~applicant approved for the Certificate of Need who is a party to~~ party whose project is the subject of the appeal all ~~or a portion~~ of the bond and may also award reasonable attorney’s fees and costs incurred in the appeal. If ~~an applicant~~ a party appeals ~~only~~ the denial of ~~his~~ its own Certificate of Need application or of an exemption request under Section 44‑7‑170 or appeals the determination that Section 44‑7‑160 is applicable and there is no competing application involved in the appeal, the ~~applicant~~ party filing the appeal is not required to deposit a bond with the ~~circuit~~ Court of Appeals.

(C)(1) ~~If, at any stage~~ Furthermore, if at the conclusion of the ~~appeal process involving the grant or denial of a Certificate of Need, the~~ contested case or judicial review the Administrative Law Court or the Court of Appeals finds that the contested case or a subsequent appeal was frivolous, the Administrative Law Court or the Court of Appeals may award damages ~~to the applicant approved for the Certificate of Need in addition to awarding the approved applicant single or double costs incurred in the appeal. In the case of a frivolous appeal of a denial of a Certificate of Need which does not involve a competing application, the court may award costs incurred in the appeal to the department~~ incurred as a result of the delay, as well as reasonable attorney’s fees and costs, to the party whose project is the subject of the contested case or judicial review.

(2) As used in this ~~section~~ subsection, ‘frivolous appeal’ means any one of the following:

(~~1~~a) ~~an appeal~~ taken solely for purposes of delay or harassment;

(~~2~~b) where no question of law is involved;

(~~3~~c) where the ~~appeal~~ contested case or judicial review is without merit.”

SECTION 13. Section 44‑7‑230(D) of the 1976 Code is amended to read:

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

SECTION 14. Section 44‑7‑260(A)(5) and (11) of the 1976 Code is amended to read:

“(5) ~~chiropractic inpatient facilities~~ Reserved;

(11) ~~habilitation centers for the mentally retarded or persons with related conditions.~~ intermediate care facilities for the mentally retarded;”

SECTION 15. Section 44‑7‑260(A) is amended by adding at the end:

“(14) birthing centers.”

SECTION 16. Section 44‑7‑270 of the 1976 Code is amended to read:

“Section 44‑7‑270. Applicants for a license shall file annually, or as may be provided for in regulation, applications under oath with the department upon prescribed forms. An application must be signed by the owner, if an individual or a partnership, or in the case of a corporation by two of its officers, or in the case of a government unit by the head of the governmental department having jurisdiction over it. The application must set forth the full name and address of the facility for which the license is sought, as applicable, and the full name and address of the owner, the names of the persons in control, and additional information as the department may require, including affirmative evidence of ability to comply with standards and regulations adopted by the department. Each applicant shall pay ~~an annual~~ a license fee prior to issuance of a license as established by regulation. The department may charge an inspection fee.”

SECTION 17. Section 44‑7‑280 of the 1976 Code is amended to read:

“Section 44‑7‑280. Licenses issued pursuant to this article expire one year after date of issuance or annually upon uniform dates, or as otherwise prescribed by regulation. Licenses must be issued only for the premises and persons named in the application and are not transferable or assignable. Licenses must be posted in a conspicuous place on the licensed premises.”

SECTION 18. Section 44‑7‑315 of the 1976 Code, as amended by Act 372 of 2006, is further amended to read:

“Section 44‑7‑315. (A) Information received by the Division of Health Licensing of the department, through inspection or otherwise, in regard to a facility or activity licensed by the department pursuant to this article or subject to inspection by the department including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded~~, or a group home operated by a county mental retardation board or the State Mental Retardation Department~~ must be disclosed publicly upon written request to the department. The request must be specific as to the facility or ~~home~~ activity, dates, documents, and particular information requested. The department may not disclose the identity of individuals present in a facility licensed by the department pursuant to this article or subject to inspection by the department including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded~~, or a group home~~. When a report of deficiencies or violations regarding a facility licensed by the department pursuant to this article or subject to inspection by the department including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded~~, or a group home~~ is present in the department’s files when a request for information is received, the department shall inform the applicant that it has stipulated corrective action and the time it determines for completion of the action. The department also shall inform the applicant that information on the resolution of the corrective action order is expected to be available upon written request within fifteen calendar days or less of the termination of time it determines for completion of the action. However, if information on the resolution is present in the files, it must be furnished to the applicant.

(B) ~~This section~~ Subsection (A) does not apply to information considered confidential pursuant to Section 40‑71‑20 and Section 44‑30‑60.”

SECTION 19. Section 44‑7‑320(A) of the 1976 Code is amended to read:

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

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

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

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

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

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

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

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

SECTION 20. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44‑7‑225. The department, the Administrative Law Court, and the Court of Appeals shall consider the South Carolina Health Plan in place at the time the application was filed and may consider the current South Carolina Health Plan when making its decision.”

SECTION 21. Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44‑7‑285. A health care facility, as defined in this article, shall notify the department within thirty calendar days of a change in ownership or in controlling interest of the health care facility or entity owning a health care facility, directly or indirectly, by purchase, lease, gift, donation, sale of stock, or comparable arrangement. Failure to notify the department of such change within the thirty-day period may result in an administrative action under Section 44‑7‑320.”

SECTION 22. “Section 44‑7‑295. The department is authorized to enter at all times in or on the property of any facility or service, whether public or private, licensed by the department or unlicensed, for the purpose of inspecting and investigating conditions relating to a violation of this article or regulations of the department. The department’s authorized agents may examine and copy any records or memoranda pertaining to the operation of a licensed or unlicensed facility or service to determine compliance with this article. However, if such entry or inspection is denied or not consented to and no emergency exists, the department is empowered to obtain a warrant to enter and inspect the property and its records from the magistrate in the jurisdiction in which the property is located. The magistrate may issue these warrants upon a showing of probable cause for the need for entry and inspection. The department shall furnish a written copy of the results of the inspection or investigation to the owner or operator of the property.”

SECTION 23. Section 1-23-600 of the 1976 Code, as last amended by Act 334 of 2008, is amended by adding an appropriately lettered subsection at the end to read:

“( ) If an attorney of record is called to appear in actions pending in other tribunals in this State, the action in the Administrative Law Court has priority as is appropriate. Courts and counsel have the obligation to adjust schedules to accord with the spirit of comity between the Administrative Law Court and other state courts.”

SECTION 24. Section 44‑7‑185 of the 1976 Code is repealed.

SECTION 25. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 26. This act takes effect July 1, 2010; provided, the provisions of this act do not apply to any matter pending before a court of this state prior to June 1, 2010. /

Amend title to conform.

Sen. Harvey S. Peeler, Jr. Rep. James H. Harrison

Sen. Raymond E. Cleary III Rep. Cathy B. Harvin

Sen. C. Bradley Hutto Rep. Nathan Ballentine

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

Rep. HARRISON explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowers |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Limehouse |
| Loftis | Long | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Viers | Weeks | White |
| Whitmire | Williams | Willis |
| T. R. Young |  |  |

**Total--97**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was out of the Chambers during the vote on S. 337, however, had I been present, I would have voted in the affirmative to adopt the Conference Report.

Rep. Joan Brady

RECORD FOR VOTING

I was out of the Chambers temporarily during the vote on S. 337. I would have voted to adopt the Conference Report.

Rep. Nathan Ballentine

**S. 337--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**H. 3975--CONFERENCE REPORT ADOPTED**

The Conference Report on the following Bill was taken up:

H. 3975 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 50-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER'S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

**H. 3975--Conference Report**

The General Assembly, Columbia, S.C., June 1, 2010

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3975 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 50‑9‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER’S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

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

That the same do pass with the following amendments:

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

/ SECTION 1. Section 50‑9‑320 of the 1976 Code is amended to read:

“Section 50‑9‑320. No resident or nonresident born after June 30, 1979, may obtain a hunting license in this State unless he first exhibits the certificate of completion he receives pursuant to Section 50‑9‑310 to the authorized hunting license agent from whom he desires to buy a license. A certificate of successful completion of a hunter’s education program issued by other states or territories of the United States, Canadian provinces, or other nations is valid for purposes of this article if the department approves the course as comparable to the program required by this article. A license issued in violation of this section is invalid.

The provisions of this section requiring completion of a hunter’s education program as a prerequisite to receiving a hunting license do not apply to resident active duty, honorably discharged, or retired members of the United States Armed Services who can demonstrate to the department that they have successfully completed rifle marksmanship training during their military career. Applicants for this exemption must apply at a South Carolina Department of Natural Resources regional office or a designated military base.”

SECTION 2. (A) Notwithstanding any other provision of law, a nonresident may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the Department of Natural Resources at its Columbia office if:

(1) the applicant was born in this State and provides a notarized birth certificate from the South Carolina Department of Health and Environmental Control;

(2) the applicant has held title in fee simple, either in whole or in part, to real property located within this State for at least five years immediately preceding the date of application, and the applicant provides a notarized record of ownership from the appropriate county official in the county where the real property is located;

(3) the applicant, if born after June 30, 1979, and having attained the age of sixteen or older, complies with all hunter education requirements of this State and provides a certificate of completion for the course; and

(4) the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

(B) This license is available for purchase from July 1, 2010, through September 30, 2010. The fee for the license is seven hundred dollars.

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

Amend title to conform.

Sen. John M. “Jake” Knotts, Jr. Rep. C. David Umphlett

Sen. John C. Land III Rep. Michael A. Pitts

Sen. Shane R. Martin Rep. Kenneth E. Hodges

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

Rep. UMPHLETT explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hutto | Jefferson | Jennings |
| Kelly | Kirsh | Limehouse |
| Loftis | Long | Lucas |
| McEachern | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Norman |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Weeks |
| Whitmire | Williams | Willis |
| Wylie | T. R. Young |  |

**Total--92**

Those who voted in the negative are:

**Total--0**

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

**H. 3975--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**H. 4239--DEBATE ADJOURNED**

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

H. 4239 -- Reps. Miller, Wylie, J. E. Smith and Anderson: A BILL TO AMEND SECTION 8-21-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS, SO AS TO WAIVE THE RECORDING FEE OTHERWISE REQUIRED FOR A POWER OF ATTORNEY FILED BY A MEMBER OF ARMED FORCES OF THE UNITED STATES PREPARATORY TO DEPLOYMENT TO A COMBAT ZONE UPON PRESENTATION OF COPIES OF THE DEPLOYMENT ORDER, AND TO DEFINE "COMBAT ZONE".

Rep. A. D. YOUNG moved to adjourn debate on the Senate Amendments, which was agreed to.

**S. 1348--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 1348 -- Senator Campsen: A BILL TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12-16-1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | 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 | Cole |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| McEachern | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Skelton | D. C. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Viers | Weeks | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--99**

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. 4448--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4448 -- Reps. Sandifer, Agnew, Duncan, M. A. Pitts, Neilson, Brady, Gunn, Lowe, Funderburk, Hardwick, Mitchell, Hearn, Pinson, Bales, Clemmons, Toole, D. C. Moss, Ballentine, Willis, Huggins, Long, Simrill, H. B. Brown, Kirsh, Forrester, Rice, Anderson, D. C. Smith, Nanney, Vick, Stewart, T. R. Young, Bowers, Allen, V. S. Moss, Whitmire, Littlejohn, G. R. Smith, Hayes, Cobb-Hunter, J. R. Smith, Brantley, Gambrell, King, Viers, Bannister, Dillard, Ott, Jefferson, Herbkersman, Allison, Wylie, R. L. Brown, Whipper, Weeks and Hodges: A BILL TO AMEND SECTION 58-5-380 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO AUTHORIZE GAS UTILITIES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE GAS UTILITIES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 27, TITLE 58 OF THE CODE OF LAWS, SO AS TO AUTHORIZE ELECTRIC UTILITIES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE UTILITIES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 31, TITLE 58 OF THE CODE OF LAWS, SO AS TO AUTHORIZE THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE PUBLIC SERVICE AUTHORITY TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 49, TITLE 33 OF THE CODE OF LAWS, SO AS TO AUTHORIZE ELECTRIC COOPERATIVES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE ELECTRIC COOPERATIVES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; AND TO AMEND CHAPTER 31, TITLE 5 OF THE CODE OF LAWS, SO AS TO AUTHORIZE MUNICIPAL ELECTRIC AND GAS SYSTEMS TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE SYSTEMS TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Crawford | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McEachern | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Viers | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Merrill |  |  |

**Total--1**

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.

RECORD FOR VOTING

I was temporarily away from my desk in the Chamber when the vote was taken on H. 4448. Had I been able to return to my desk in time, I would have voted in favor of the Bill.

Rep. Bill Wylie

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

**THE HOUSE RESUMES**

At 1:30 p.m. the House resumed, Acting Speaker SKELTON in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 4215--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 4215:

H. 4215 -- Reps. Harrison, McLeod and Weeks: A BILL TO AMEND SECTION 18-3-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST SERVE A NOTICE OF APPEAL OF A DECISION OF A MAGISTRATE UPON THE OFFICER OR ATTORNEY WHO PROSECUTED THE CASE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.

and asks for a Committee of Conference and has appointed Senators Hutto, Massey and Davis to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. KELLY, MCLEOD and COLE to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators McGill, Cromer and Campbell of the Committee of Conference on the part of the Senate on S. 1027:

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50-11-770 TO ENACT THE "RENEGADE HUNTER ACT", TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

Very respectfully,

President

Received as information.

**H. 3746--DEBATE ADJOURNED**

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

H. 3746 -- Reps. Clemmons and Viers: A BILL TO AMEND SECTION 7-11-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7-11-75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7-11-80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7-11-85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7-11-95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7-11-100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

Rep. CLEMMONS moved to adjourn debate upon the Senate Amendments until Thursday, June 3, which was agreed to.

**H. 4129--DEBATE ADJOURNED**

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

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

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

**H. 4837--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4837 -- Reps. J. E. Smith, Miller and McLeod: A BILL TO AMEND SECTION 12-21-3940, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BINGO LICENSE REQUIRED FOR NONPROFIT ORGANIZATIONS, SO AS TO ELIMINATE THE PROHIBITION ON ISSUING SUCH A LICENSE TO A NONPROFIT ORGANIZATION THAT IS A NONPUBLIC, LIMITED MEMBERSHIP ORGANIZATION ESTABLISHED FOR SOCIAL, BENEVOLENT, PATRIOTIC, RECREATIONAL, OR FRATERNAL PURPOSES WHICH HOLDS A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK.

Rep. MILLER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Weeks | Whipper |
| White | Williams | Wylie |
| A. D. Young | T. R. Young |  |

**Total--101**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Frye | J. H. Neal | J. R. Smith |

**Total--3**

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.

**S. 348--DEBATE ADJOURNED**

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

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: A BILL TO AMEND SECTION 16-3-95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63-13-825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

Rep. KELLY moved to adjourn debate upon the Senate Amendments until Thursday, June 3, which was agreed to.

**H. 4516--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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.

Rep. M. A. PITTS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crawford | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Spires | Stavrinakis | Stringer |
| Toole | Umphlett | Vick |
| Viers | Weeks | White |
| Whitmire | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--103**

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. 3779--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3779 -- Reps. Hearn, Weeks, Bannister, Erickson, Clemmons and Viers: A BILL TO AMEND SECTION 63-7-1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM, SO AS TO CLARIFY WHEN AN ATTORNEY MAY BE APPOINTED TO REPRESENT A GUARDIAN AD LITEM IN A CHILD ABUSE OR NEGLECT PROCEEDING AND TO CLARIFY WHO THE COURT MAY APPOINT TO REPRESENT A CHILD IN SUCH A PROCEEDING.

Rep. BANNISTER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Hamilton |
| Hardwick | Harrell | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Vick | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--100**

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.

**S. 1054--RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up:

S. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4-1-180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

Rep. T. R. YOUNG moved to adjourn debate on the Bill.

Rep. COBB-HUNTER moved to table the motion.

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

Yeas 55; Nays 48

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Anthony |
| Bales | Bannister | Battle |
| Bingham | Bowen | Bowers |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Cooper | Delleney | Dillard |
| Edge | Gilliard | Govan |
| Gunn | Harrell | Hart |
| Harvin | Hayes | Herbkersman |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Lowe | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Ott | Sellers | Skelton |
| J. E. Smith | Stavrinakis | Thompson |
| Vick | Weeks | White |
| Williams |  |  |

**Total--55**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Barfield | Bedingfield | Brady |
| Cole | Crawford | Daning |
| Duncan | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hearn | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Loftis | Long | Lucas |
| Millwood | D. C. Moss | Norman |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Toole | Umphlett |
| Viers | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--48**

So, the motion to adjourn debate was tabled.

The question then recurred to the passage of the Bill on third reading.

The Bill was read the third time and ordered returned to the Senate with amendments.

RECORD FOR VOTING

I would have voted “Nay” on S. 1054, had I been present for the vote. I do not believe the State needs to be involved in this project.

Rep. Wendy Nanney

**S. 1478--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1478 -- Senators Campsen, Campbell, Elliott, Rankin, Land, Setzler, Cromer, McGill, Rose, Cleary, Leventis, Grooms, Davis and L. Martin: A CONCURRENT RESOLUTION CALLING UPON THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF NATURAL RESOURCES, IN COORDINATION WITH THE GOVERNOR, TO IMMEDIATELY BEGIN DEVELOPING A CONTINGENCY PLAN IN THE EVENT THE OIL LEAKING FROM THE DEEPWATER HORIZON IN THE GULF OF MEXICO IS SWEPT BY CURRENTS UP THE SOUTHEASTERN SEABOARD; IN DEVELOPING THIS PLAN THEY SHOULD ASSESS THE ACTIONS BEING TAKEN TO COMBAT THIS CRISIS AND DETERMINE WHAT SOLUTIONS ARE SUCCESSFUL AND WHAT ARE NOT AND IDENTIFY THE BEST PRACTICES AVAILABLE TO ADDRESS THIS PROBLEM AND THE RESOURCES NECESSARY TO CARRY OUT THIS PLAN.

Rep. M. A. PITTS explained the Resolution.

The Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

Rep. M. A. PITTS moved that the House recur to the Morning Hour, which was agreed to.

**S. 1027--CONFERENCE REPORT ADOPTED**

The Conference Report on the following Bill was taken up:

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50-11-770 TO ENACT THE "RENEGADE HUNTER ACT", TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

**S. 1027**--**Conference Report**

The General Assembly, Columbia, S.C., June 2, 2010

The COMMITTEE OF CONFERENCE, to whom was referred (H:\LEGWORK\HOUSE\AMEND\COUNCIL\NBD\12434AC10.DOCX):

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑770 TO ENACT THE “RENEGADE HUNTER ACT”, TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

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

That the same do pass with the following amendments:

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

/ SECTION 1. This act may be referred to and cited as the “Renegade Hunter Act”.

SECTION 2. Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑770. (A) For purposes of this section:

(1) ‘Hunting’ includes:

(a) attempting to take any game animal, hog, or coyote by occupying stands, standing, or occupying a vehicle while:

(b) possessing, carrying, or having readily accessible:

(i) a centerfire rifle with ammunition capable of being fired in that rifle; or

(ii) a shotgun with shot size larger than number four that is capable of being fired from that shotgun.

(2) ‘Possessing’, ‘carrying’, or ‘having readily available’ does not include a centerfire rifle or a shotgun that is:

(a) unloaded and cased in a closed compartment or vehicle;

(b) unloaded and cased in a vehicle trunk or tool box;

(c) in a vehicle traveling in a normal manner on a public road or highway; or

(d) in case of a stander with no vehicle, encased or unloaded with the shells at least thirty feet away and stacked, piled, or otherwise gathered together in like fashion.

(B) Notwithstanding the provisions contained in Section 50‑11‑760, it shall be unlawful for any person to hunt from any road, right of way, property line, boundary, or property upon which he does not have hunting rights with the aid or use of a dog when the dog has entered upon the land of another without written permission or over which the person does not have hunting rights. The provisions of this section apply whether the person in control of the dog intentionally or unintentionally releases, allows, or otherwise causes the dog to enter upon the land of another without permission of the landowner.

(C) It is not a violation of this section if a person, with the landowner’s permission, uses a single dog to recover a dead or wounded animal on the land of another and maintains sight and voice contact with the dog.

(D) A dog that has entered upon the land of another without permission given to the person in control of the dog shall not be killed, maimed, or otherwise harmed simply because the dog has entered upon the land. A person who violates this subsection may be fined not more than five hundred dollars or imprisoned for not more than thirty days. The penalties for violations of this section as provided in subsection (E) do not apply to violations of this subsection.

(E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, no part of which may be suspended, or imprisoned for not more than thirty days, or both. The court must transmit record of the conviction to the department for hunting license suspension pursuant to subsection (F).

(F) In addition to any other penalties provided by law, a person convicted of a violation of this section must have his hunting privileges suspended by the department for one year from the date of his conviction. He may not have his hunting privileges reinstated by the department until after he successfully completes a hunter education class administered by the department.

(G)(1) The provisions of this section do not apply to bear hunting.

(2) The provisions of this section do not apply to Game Zones One or Two.”

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

Amend title to conform.

Senator Ronnie W. Cromer Representative David R. Hiott

Senator John Y. McGill Representative C. David Umphlett, Jr.

Senator Paul G. Campbell, Jr. Representative Patsy G. Knight

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

Rep. UMPHLETT explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 7

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Funderburk |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Hart | Harvin | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kelly | King |
| Knight | Limehouse | Long |
| Lowe | Lucas | McEachern |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Pinson | Sandifer | Scott |
| 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--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Barfield | Frye | Gambrell |
| Kirsh | McLeod | Rice |
| Simrill |  |  |

**Total--7**

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

**OBJECTION TO RECALL**

Rep. HARRISON asked unanimous consent to recall S. 118 from the Committee on Judiciary.

Rep. MCLEOD objected.

**OBJECTION TO RECALL**

Rep. HUTTO asked unanimous consent to recall S. 958 from the Committee on Judiciary.

Rep. LOFTIS objected.

**OBJECTION TO RECALL**

Rep. KNIGHT asked unanimous consent to recall S. 1270 from the Committee on Ways and Means.

Rep. SIMRILL objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 4710 from the Committee on Rules.

Rep. MERRILL objected.

**OBJECTION TO RECALL**

Rep. HARRISON asked unanimous consent to recall S. 282 from the Committee on Judiciary.

Rep. J. H. NEAL objected.

**H. 4239--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4239 -- Reps. Miller, Wylie, J. E. Smith and Anderson: A BILL TO AMEND SECTION 8-21-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS, SO AS TO WAIVE THE RECORDING FEE OTHERWISE REQUIRED FOR A POWER OF ATTORNEY FILED BY A MEMBER OF ARMED FORCES OF THE UNITED STATES PREPARATORY TO DEPLOYMENT TO A COMBAT ZONE UPON PRESENTATION OF COPIES OF THE DEPLOYMENT ORDER, AND TO DEFINE "COMBAT ZONE".

Rep. MILLER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | 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 | Erickson |
| Forrester | Funderburk | Gilliard |
| Govan | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | 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 | Stringer |
| Toole | Umphlett | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--108**

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. 4129--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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

Rep. AGNEW explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Pinson | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Toole | Umphlett | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | T. R. Young |  |

**Total--101**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kirsh | Simrill |  |

**Total--2**

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.

**MOTION PERIOD**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on S. 1027:

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50-11-770 TO ENACT THE "RENEGADE HUNTER ACT", TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

Very Respectfully,

President

Received as information.

**S. 1234--RECONSIDERED**

Rep. LOFTIS moved to reconsider the vote whereby S. 1234 was read second time, which was agreed to:

S. 1234 -- Senator Fair: A BILL TO ESTABLISH A STUDY COMMITTEE TO STUDY AND DEVELOP A PLAN TO CONSOLIDATE THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO PROVIDE FOR THE STUDY COMMITTEE’S DUTIES AND RESPONSIBILITIES.

**S. 1234--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1234 -- Senator Fair: A BILL TO ESTABLISH A STUDY COMMITTEE TO STUDY AND DEVELOP A PLAN TO CONSOLIDATE THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO PROVIDE FOR THE STUDY COMMITTEE’S DUTIES AND RESPONSIBILITIES.

Rep. MITCHELL proposed the following Amendment No. 2 (COUNCIL\MS\7873AHB10), which was adopted:

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

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

“Article 9

Environmental Justice Equitable Redevelopment Commission

Section 1‑11‑1310. For purposes of this chapter ‘Environmental Justice’ means the fair treatment and meaningful involvement of all people with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies and working toward increasing prosperity of all South Carolinians.

Section 1‑11‑1320. (A) There is created the South Carolina Environmental Justice Equitable Redevelopment Commission to be comprised of:

(1) the Chairman of the House of Representatives Agriculture, Natural Resources and Environmental Affairs Committee, who shall serve as a co‑chairperson of the commission;

(2) the Chairman of the Senate Medical Affairs Committee, who shall serve as a co‑chairperson of the commission;

(3) two members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(4) two members of the Senate to be appointed by the President *Pro Tempore* of the Senate;

(5) the Commissioner of the Department of Health and Environmental Control;

(6) the Director of the Department of Commerce;

(7) the Director of the Department of Transportation;

(8) four members of the public;

(9) two local government representatives;

(10) one council of government representative;

(11) six business or industry representatives;

(12) one person representing a university;

(13) one person representing a historically black college or university;

(14) one person representing a technical college.

Members provided for in items (8) through (14) must be appointed by the co‑chairpersons of the committee.

(B)(1) The commission initially shall analyze the comments and recommendations in the final report of the South Carolina Environmental Justice Advisory Committee, which was formed by Act 171 of 2007, and shall study the issues recognized in the report and identify barriers to addressing these issues and actions necessary to resolve these issues and to determine optimal methods for implementation.

(2) The commission shall foster economic development and revitalization in distressed areas across the State. The commission shall hold biannual meetings, and staff from the House of Representatives and the Senate shall provide staff support to the commission.

(3) The commission shall undertake to educate state agencies, local governments, and the public on environmental justice issues and concerns which may include, but are not limited to:

(a) assisting state agencies, and upon request local governments, in developing environmental justice policies and establishing program coordinators;

(b) encouraging public participation initiatives for projects and for the mediation and resolution of environmental justice issues;

(c) establishing an ‘abandoned site initiative’, focusing on revitalizing abandoned sites, such as abandoned mills and gas stations, including encouraging public‑private partnerships for revitalization projects;

(d) identifying ways to encourage job creation through alternative energy projects in distressed areas;

(e) developing an education platform, including public service campaigns and showcasing environmental justice projects undertaken by the commission and other entities.

(C) The commission may establish such subcommittees as the commission may find necessary.

Members of the subcommittees must be appointed by the co‑chairpersons of the commission and may include members from outside the membership of the commission.

Each subcommittee shall study the issues relevant to their respective subcommittee and shall identify actions necessary to resolve these issues and barriers to resolution.

Section 1‑11‑1330. (A) There is created the South Carolina Interagency Working Group on Environmental Justice (IWG), which shall serve as an advisory committee to the commission. This advisory committee is comprised of the commissioner, executive director, or head, or a designee, of each of the following:

(1) Office of the Attorney General;

(2) Department of Agriculture;

(3) Department of Commerce;

(4) Department of Education;

(5) Department of Health and Environmental Control;

(6) Department of Health and Human Services;

(7) Department of Labor, Licensing and Regulation;

(8) Department of Natural Resources;

(9) Department of Parks, Recreation and Tourism;

(10) Department of Public Safety;

(11) Department of Transportation;

(12) University of South Carolina, Arnold School of Public Health;

(13) Clemson University’s Public Service Authority;

(14) South Carolina State University’s Public Service Authority;

(15) State Ports Authority;

(16) State Energy Office;

(17) Lieutenant Governor’s Office on Aging;

(18) State Housing Finance and Development Authority.

The IWG must be staffed by an office or division in the State Budget and Control Board determined by the executive director of the board to be most appropriate.

(B) The goal of the IWG is to assist the commission and communities selected by the commission by providing resources and support. The IWG members shall act under the direction of the commission and assist the commission in the implementation of and in furtherance of the commission’s mission. The IWG shall attend commission meetings.” /

Renumber sections to conform.

Amend title to conform.

Rep. MITCHELL explained the amendment.

The amendment was then adopted.

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

**S. 282--RECALLED FROM COMMITTEE ON JUDICIARY**

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

S. 282 -- Senators McConnell, Ford and Davis: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

**MOTION PERIOD**

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

**H. 4181--DEBATE ADJOURNED**

Rep. CRAWFORD moved to adjourn debate upon the following Joint Resolution until Thursday, June 3, which was adopted:

H. 4181 -- Reps. Scott, Long, Haley, Duncan, Bedingfield, Horne, Erickson, A. D. Young, Millwood, Parker, Forrester and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS, SO AS TO ADD A NEW SECTION PRESERVING THE FREEDOM OF SOUTH CAROLINIANS WITH RESPECT TO THE PROVIDING OF HEALTH CARE SERVICES, BY PROHIBITING ANY LAW, REGULATION, OR RULE TO COMPEL AN INDIVIDUAL, EMPLOYER, OR HEALTH CARE PROVIDER TO PARTICIPATE IN A HEALTH CARE SYSTEM, BY ALLOWING INDIVIDUALS AND EMPLOYERS TO PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES WITHOUT PENALTIES OR FINES FOR THESE DIRECT PAYMENTS, BY PROVIDING THAT THE PURCHASE OR SALE OF HEALTH INSURANCE IN PRIVATE HEALTH CARE SYSTEMS MUST NOT BE PROHIBITED BY LAW, REGULATION, OR RULE, BY PROVIDING THOSE INCENTIVES IN WHICH THE RIGHTS PROVIDED BY THIS SECTION DO NOT APPLY, AND TO PROVIDE APPROPRIATE DEFINITIONS.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE STANDS AT EASE**

The House stood at ease, subject to the call of the Chair.

**THE HOUSE RESUMES**

At 4:30 p.m. the House resumed, the SPEAKER in the Chair.

**R. 222, S. 836--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 28, 2010

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 836, R. 222, which criminalizes certain activities committed while on the Riverbanks Park’s property.

Before we address the merits of S. 836, we want to recognize the Riverbanks Parks Commission for the Park’s success and express our appreciation for the Park’s contribution to our State. We also appreciate the important role that the Park’s staff and law enforcement play in maintaining the Park’s peaceful, family atmosphere. However, this Bill outlines a long list of Park-related crimes that are redundant to existing state and local laws. It also creates new crimes which we believe are unreasonable and because we believe S. 836 duplicates existing law and overreaches in other areas, we are unable to support this bill.

Currently, the Parks Commission has the authority to create rules defining the bounds of acceptable behavior within the Park. The Commission may also hire its own police force to enforce these rules, and, in more extreme cases, the Park may coordinate with local law enforcement to address disruptive or criminal behavior. A brief look at the Park’s practical experience shows that the Park’s staff and police officers from the City of Columbia and the City of West Columbia have successfully responded to incidents at the Park in the past. As we researched this bill, the City of Columbia Police Department informed us that they currently enforce laws that address the same behaviors outlined in S. 836 – such as speeding on Park’s property, trespassing, public intoxication, underage drinking, vandalism, littering, arson, and other criminal laws. The City of Columbia Police Department also stated that they were not aware of any problems regarding the enforcement of existing laws or any jurisdictional issues.

Additionally, to our knowledge, S. 836 would make the Riverbanks Parks Commission the only special purpose district in the State to have its own laws criminalizing certain conduct, and we believe that carving out an exception for the Commission sets a precedent that would allow for a quiltwork of differing civil and criminal penalties at locations like these. Because the existing laws give the Commission rulemaking authority, and because the existing law enforcement framework is capable of addressing the problems that brought forth this legislation, we do not see the need for S. 836.

For these reasons, I am vetoing and returning without my approval S. 836, R. 222.

Sincerely,

Mark Sanford

Governor

Received as information.

**R. 223, S. 906--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 28, 2010

The Honorable André Bauer

President of the Senate

State House, 1st Floor, East Wing

Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 906, R. 223, which allows judges and solicitors to transfer their Retirement System for Judges and Solicitors service credit to the State Retirement System.

We recognize the distinct and important service that judges and solicitors provide to our State. State leaders speak frequently of the Judicial Branch’s importance, but the judiciary is nothing without the judges, solicitors, and public defenders necessary for it to function. Although I respect this Bill’s intentions, ultimately I am vetoing this Bill because the State simply cannot afford to take on any more obligations to its underfunded retirement system – no matter how merited or small.

Approximately 80 percent of public employees nationally receive benefits from pension plans with guaranteed pension payments, while private sector employees receive benefits from their 401(k) accounts which grow or shrink according to market performance. Because political pressures and economic reality so often conflict, states all across the nation are coming to terms with the fact that the states currently lack the funds to fulfill political promises to state retirees. In fact, hedge fund manager and New Jersey Retirement System Director Orin Kramer estimates that the national pension fund deficit is at least $2 trillion. According to statements by professors from the University of Chicago and Northwestern University in a recent *Barron*’s article, state pension funds have a one-in-twenty chance of meeting their obligations over the next 15 years. Because of this massive deficit, state leaders must now come to terms with the fact that the current systems are unsustainable, and must choose between cutting retirement benefits, cutting government services, or dramatically increasing taxes in an effort to bring some sanity to the states’ budgets. South Carolina is no exception.

The Budget and Control Board contracted with an outside accounting firm to conduct an Actuarial Valuation of the liabilities associated with the state’s retirement system in 2009. According to the valuation, which we received just within the last few weeks, the state’s unfunded liability for future retirement benefits of state employees is nearly $12 billion. We believe that if state retirement accounts were subject to the same valuation and accounting standards that are applied to private retirement accounts, then the long-term deficit figure would be substantially higher. We simply cannot support an effort to increase the retirement system’s obligation – no matter how valid – until the General Assembly addresses the larger question of how we’re going to uphold our bargain with retirees while not dramatically increasing taxes or eliminating important government services.

It’s only natural that the General Assembly wants to extend retirement benefits to valuable state employees like judges and solicitors, but South Carolina taxpayers and people currently in the system are depending on us to be prudent administrators of a sustainable plan. With the South Carolina Retirement System currently more than $12 billion in the debt, we believe the State must address our existing challenges before even contemplating proposals that would make this task any more difficult. Otherwise, we are simply digging a deeper hole.

For this reason, I am vetoing and returning without my approval S. 906, R. 223.

Sincerely,

Mark Sanford

Governor

Received as information.

**R. 227, S. 1190--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 28, 2010

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 1190, R. 227, a Joint Resolution which allows Richland County to use accommodations tax revenue to continue paying its loan on the Pineview Road tract that was previously to be used for the new State Farmers’ Market.

Before we explain the grounds for our veto, it is necessary to establish the background for this Joint Resolution. Richland County purchased the Pineview Road property as part of a plan to move the State Farmers’ Market from its current location next to Williams-Brice Stadium. To pay for the loan, Richland County was permitted to use revenue from its accommodations tax because the Farmers’ Market was sufficiently tourism-related.

Unfortunately for Richland County, poor decision-making on behalf of the Department of Agriculture, the General Assembly and even Richland County led the State to ultimately change its plans and relocate the new Farmers’ Market to a location in Lexington County instead. Because of this decision, Richland County was left with a piece of property it no longer needed and a large loan that it could no longer pay from the accommodations tax revenue. Richland County sued both the State and the Department of Agriculture for failure to keep their ends of the bargain. As part of a settlement agreement to dispose of that lawsuit, most of the Pineview Road tract was transferred to the South Carolina Research Authority (SCRA) – purportedly for use as an industrial park – which is decidedly not tourism-related.

This Joint Resolution allows Richland County to continue to use the accommodations tax to pay off the loan for the property, even though that use is outside the permissive uses of the accommodations tax.

Let us be clear, the original decision to move the Farmers’ Market was rushed – and the taxpayers suffered the consequences for the poor decision making. While it has long been our belief that the best move for taxpayers would have been to leave it where it is – and while we have voted accordingly in Budget and Control Board meetings, we lost that battle.

However, two wrongs do not make a right. Asking taxpayers in Richland County, who have already spent enough of their hard-earned money on this debacle, to fork out more money to cover the misguided efforts that led to this failed venture we believe would be bad policy. Fortunately, the taxpayers have an out: SCRA. Since the SCRA now owns the property and will supposedly develop an industrial park, we do not believe it is unreasonable for SCRA to pay off this loan and spare the taxpayers any further expense.

While the taxpayers will not ultimately receive any benefit from the millions spent on this failed project, ideally the experience will lead state officials to make more prudent decisions when spending taxpayer money.

For these reasons, I am vetoing and returning without my approval S. 1190, R. 227.

Sincerely,

Mark Sanford

Governor

Received as information.

**R. 234, S. 1363--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 28, 2010

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 1363, R. 234, which makes some modifications to the existing National Board Certification (NBC) program that offers South Carolina teachers who have already received the $7,500 annual incentive for 10 years to receive the incentive for yet another 10 years. While we applaud the General Assembly for recognizing that the current program is unsustainable and for proposing some changes to the program, we simply believe that the modifications included in this Bill are not far-reaching enough to justify allowing this Bill to become law.

As we have consistently stated throughout our administration, we admire and support the important work that teachers do to educate and prepare our children for a productive future – and have often backed up our words with action. For example, until the recent economic downturn, our administration fully funded the Base Student Cost in each of our Executive Budgets. Given the scarcity of resources currently available when drafting state budgets, and the even greater challenges that lie in the near future, we believe it is important to assess every program to ensure that every dollar is being directed toward effective programs in the classroom and toward teachers.

This year, the NBC program will cost the state $60 million – up 25 percent from four years ago. While the program was certainly well-intended at its inception, we believe that in the current budget climate, the NBC program and the rapid expansion of its costs are having a detrimental impact on K-12 education in South Carolina. The Base Student Cost is slated to be cut by $85 million dollars in the budget passed by the Conference Committee, leading some to speculate that an estimated 2,000 teachers could lose their jobs due to budget cuts. While it might be ideal to have an NBC teacher in every classroom in every school in the State, we believe it is more important to have *a* teacher in each classroom. Data received from the South Carolina Department of Education estimates that the average salary (with fringe benefits) is $59,880. If the State were to direct the funding for the NBC program toward the Base Student Cost, over 1,000 teacher salaries could be funded.

While we realize that it is not practical to shut down the entire NBC program this year, we do not believe that extending the opportunity for current recipients to receive a second 10-year supplement (at $7,500 per year) is sound fiscal policy given the budget challenges that we will be facing for the foreseeable future. If the 6,716 teachers currently receiving the certification seek an additional 10-year incentive, the state will be obligated to fund $503 million in incentives over the next decade – a clearly unsustainable amount.

As far back as 2004, our administration has advocated making modifications to the NBC program because certified teachers are not locating in districts where they could have the greatest impact on improving student achievement in our State. We have consistently advocated for tying the incentive associated with this certification to the teacher’s willingness to locate in a critical needs school district – or to teach a critical needs subject. Our position is consistent with a proposal made by the Democratic Leadership Council in its *2004 State and Local Book* when it advocated in a position paper entitled, “Employing Board Certified Teachers Wisely” using the National Board Certification incentive to recruit teachers into the poorest school districts.

To give an example of how the program is not attracting certified teachers to districts that need the most assistance, one need look no further than the disparity in certified teachers in Richland One and Richland Two. In Richland One, 69 percent of students are on free or reduced lunch, and the district has been identified as a “high needs” district, yet only 9 percent of the teachers are NBC Teachers – equating to about 1 certified teacher for every 50 students. On the other hand, in Richland Two, 40 percent of students are on free or reduced lunch, but approximately 25 percent of teachers are NBC – nearly 1 teacher for every 26 students. Richland Two’s 412 National Board Certified teachers comprise more than the entire State of Colorado and more than the State of Hawaii and the District of Columbia combined. Other states, such as California and New York, require the NBC teacher to locate in low performing or high poverty schools. If the NBC program is to continue in South Carolina, then the program should require similar commitments from teachers.

For these reasons, we are vetoing and returning without my approval S. 1363, R. 234.

Sincerely,

Mark Sanford

Governor

Received as information.

**R. 235, S. 1379--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 28, 2010

The Honorable André Bauer

President of the Senate

State House, 1st Floor, East Wing

Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 1379, R. 235, a Bill that renames the “South Carolina Guardian *ad Litem* Program” as the “Cass Elias McCarter Guardian *ad Litem* Program.”

The Bill is intended to honor Mrs. Cass Elias McCarter, and I’d begin by highlighting her outstanding record of service. Anyone who takes the time to learn about Mrs. McCarter’s contributions to our State knows that she should indeed be remembered as a distinguished citizen. For 16 years, she devoted her life and energy to protecting South Carolina’s children from abuse and neglect. In 1984, she helped to establish the first state-funded Guardian *ad Litem* program in the nation that utilizes volunteers as Guardians *ad Litem* in abuse and neglect proceedings. She also served on the South Carolina Children’s Committee and assisted the Joint Legislative Committee on Children with developing the training program for the Guardian *ad Litem* volunteers. Children also benefited from her work and support on behalf of the Children’s Hospital and the Ronald McDonald House.

Nonetheless, our administration has long opposed the naming of state projects and programs for public figures or state employees regardless of the stature and quality of their service. This position goes back to my time in Congress when I voted against the renaming of National Airport to Ronald Reagan National Airport, though I had the utmost respect for President Reagan’s character and accomplishments. Similarly, I voted against a variety of bills that would have named federal post offices after former members of Congress.

On a personal level, I want to reiterate my respect for Mrs. McCarter and her service to our state and children. Unfortunately, though, this legislation would continue a practice with which I respectfully disagree.

For these reasons, I am vetoing and returning without my approval S. 1379, R. 235.

Sincerely,

Mark Sanford

Governor

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 218, H. 4923 by a vote of 1 to 0:

(R218) H. 4923 -- Reps. Govan, Cobb‑Hunter, Ott and Sellers: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT NO. 4 OF ORANGEBURG COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R 222, S. 836 by a vote of 31 to 7:

(R222) S. 836 -- Senator Cromer: AN ACT TO AMEND SECTION 51‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO DELETE PROVISIONS THAT AUTHORIZE THE RIVERBANKS PARKS COMMISSION TO ADOPT RULES AND REGULATIONS REGARDING PARK PROPERTY AND AUTHORIZE THE COMMISSION TO EMPLOY POLICE OFFICERS, TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY, AND TO DELETE THE PROVISION THAT FINES AND FORFEITURES COLLECTED PURSUANT TO SECTIONS 51‑13‑50 THROUGH 51‑13‑80 BE FORWARDED TO THE RIVERBANKS PARKS COMMISSION.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 223, S. 906 by a vote of 36 to 2:

(R223) S. 906 -- Senators Leatherman, Land, Coleman and Elliott: AN ACT TO AMEND SECTION 9‑8‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO PROVIDE THAT A MEMBER UPON TERMINATION WHO DOES NOT QUALIFY FOR A MONTHLY BENEFIT MAY TRANSFER HIS SERVICE CREDIT TO THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO CLARIFY PROVISIONS RELATED TO THE TRANSFER OF EARNED SERVICE CREDIT IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 227, S. 1190 by a vote of 26 to 13:

(R227) S. 1190 -- Senator Leatherman: A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS’ MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 234, S. 1363 by a vote of 39 to 0:

(R234) S. 1363 -- Senators Hayes, Setzler and Courson: AN ACT TO AMEND SECTION 59‑26‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NATIONAL BOARD RECERTIFICATION AND PAY INCREASES RELATING TO NATIONAL BOARD CERTIFICATION, SO AS TO PROVIDE THAT TEACHERS WHO RECEIVE NATIONAL BOARD CERTIFICATION BEFORE JULY 1, 2010, SHALL ENTER INTO A RECERTIFICATION CYCLE CONSISTENT WITH THE RECERTIFICATION CYCLE FOR NATIONAL BOARD CERTIFICATION, AND TO PROVIDE THAT NATIONAL BOARD CERTIFIED TEACHERS WHO RECEIVE THE CERTIFICATION BEFORE JULY 1, 2010, SHALL RECEIVE A PAY INCREASE FOR THE INITIAL TEN‑YEAR CERTIFICATION PERIOD AND NO MORE THAN ONE TEN‑YEAR RENEWAL PERIOD.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 238, H. 3536 by a vote of 31 to 8:

(R238) H. 3536 -- Reps. J.E. Smith and McLeod: AN ACT TO AMEND SECTION 17‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS TO HAVE OBTAINED CERTAIN LEVELS OF EDUCATION COMBINED WITH VARYING DEGREES OF EXPERIENCE IN THE FIELD, TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON’S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN; AND BY ADDING SECTION 17‑15‑115 SO AS TO PROVIDE CONDITIONS UPON WHICH A DEPUTY CORONER MAY BE TRAINED TO ENFORCE THE LAWS AND RETAIN HIS LAW ENFORCEMENT STATUS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 246, H. 4828 by a vote of 4 to 2:

(R246) H. 4828 -- Rep. Huggins: AN ACT TO AMEND ACT 387 OF 1963, AS AMENDED, RELATING TO THE IRMO FIRE DISTRICT, SO AS TO AUTHORIZE THE BOARD OF FIRE CONTROL TO ADOPT RULES AND REGULATIONS TO ENSURE THAT A BUILDING WITHIN THE DISTRICT IS MAINTAINED PROPERLY AND DOES NOT PRESENT A FIRE OR SAFETY HAZARD; AND TO CONVEY TO A FIRE CHIEF OR HIS DESIGNEE THE SAME AUTHORITY THAT A PEACE OFFICER HAS TO ENFORCE REGULATIONS AND OTHER LAWS PROMULGATED OR ADOPTED BY THE DISTRICT.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 235, S. 1379 by a vote of 35 to 2:

(R235) S. 1379 -- Senators Peeler, Campbell and O’Dell: AN ACT TO AMEND SECTION 63‑11‑500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM, SO AS TO HONOR THE MEMORY OF CASS ELIAS MCCARTER BY NAMING THE PROGRAM THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM.

Very respectfully,

President

Received as information.

**LEAVE OF ABSENCE**

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

**ACTING SPEAKER COOPER IN CHAIR**

**S. 1502--ADOPTED AND SENT TO SENATE**

The following was taken up for immediate consideration:

S. 1502 -- Senators McConnell and L. Martin: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 3, 2010, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT NOON ON TUESDAY, JUNE 15, 2010, AND CONTINUE IN SESSION FOR NO LONGER THAN THREE LEGISLATIVE DAYS, FOR THE CONSIDERATION OF CERTAIN MATTERS, TO FURTHER PROVIDE THAT IF THE GENERAL APPROPRIATIONS BILL OR ANY OTHER BILL PROVIDING FOR THE ORDINARY EXPENSES OF THE STATE GOVERNMENT FOR FISCAL YEAR 2010-2011 HAS NOT BEEN ENROLLED FOR RATIFICATION BY 5:00 P.M. ON THURSDAY JUNE 3, 2010, THEN EACH HOUSE SHALL REMAIN IN SESSION AFTER THIS TIME FOR CONSIDERATION OF ANY MATTER RELATING TO THE GENERAL APPROPRIATIONS BILL OR ANY OTHER BILL PROVIDING FOR THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR FISCAL YEAR 2010-2011 AND SHALL REMAIN IN SESSION UNTIL SUCH BILL IS ENROLLED FOR RATIFICATION AND TO PROVIDE THAT AFTER SUCH BILL IS ENROLLED, EACH HOUSE SHALL STAND ADJOURNED TO MEET ON THE SECOND TUESDAY FOLLOWING AND SHALL REMAIN IN SESSION FOR NO LONGER THAN THREE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, AND UPON ADJOURNMENT, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 11, 2011.

Rep. HARRELL explained the Concurrent Resolution.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Huggins | Hutto |
| Kelly | Kirsh | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Pinson |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Battle | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Gilliard | Govan |
| Gunn | Hart | Harvin |
| Hayes | Hosey | Howard |
| Jefferson | Jennings | Kennedy |
| King | Knight | McLeod |
| Miller | Mitchell | J. H. Neal |
| Ott | Parks | Rutherford |
| J. E. Smith | Vick | Weeks |
| Whipper | Williams |  |

**Total--35**

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

**H. 4562--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4562 -- Rep. Vick: A BILL TO AMEND SECTION 39-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGISTRATION FEES OF WEIGHMASTERS AND DEPUTY WEIGHMASTERS, SO AS TO REVISE THE REGISTRATION FEE FOR WEIGHMASTERS AND TO DELETE THE ADDITIONAL FEE FOR DEPUTY PUBLIC WEIGHMASTERS; TO AMEND SECTION 39-11-60, RELATING TO LENGTH OF REGISTRATION AND RENEWAL, SO AS TO REVISE THE TIME IN WHICH PUBLIC WEIGHMASTER REGISTRATIONS MUST BE RENEWED; TO AMEND SECTION 39-11-80, RELATING TO REFUSAL OR REVOCATION OF A LICENSE, SO AS TO DELETE THE REFUSAL OR REVOCATION OF A DEPUTY PUBLIC WEIGHMASTER LICENSE BY THE COMMISSIONER OF AGRICULTURE; AND TO REPEAL SECTIONS 39-11-40 AND 39-11-50 RELATING TO EMPLOYMENT OR DESIGNATION OF DEPUTY WEIGHMASTERS AND RENEWAL OF REGISTRATION, RESPECTIVELY.

Rep. VICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | 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 | Clyburn | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Hamilton |
| Hardwick | Harrison | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Parks |
| Pinson | 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 | A. D. Young | T. R. Young |

**Total--108**

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.

**REPORTS OF STANDING COMMITTEE**

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

H. 5061 -- Rep. Millwood: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT BOTH THE WESTERN AND EASTERN APPROACHES TO THE CITY OF CHESNEE ALONG SOUTH HIGHWAY 11 AND AT BOTH THE NORTHERN AND SOUTHERN APPROACHES TO THE CITY OF CHESNEE ALONG UNITED STATES HIGHWAY 221 THAT CONTAIN THE WORDS "CHESNEE HIGH SCHOOL EAGLES BASEBALL TEAM 2010 AA STATE CHAMPIONS" AND "CHESNEE HIGH SCHOOL EAGLES BOYS TRACK TEAM 2010 AA STATE CHAMPIONS".

Ordered for consideration tomorrow.

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

H. 5067 -- Rep. Sandifer: A HOUSE RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE BUSINESS LICENSE PROCESS IN THE STATE, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE HOUSE LABOR, COMMERCE AND INDUSTRY COMMITTEE NO LATER THAN JANUARY 31, 2011, AT WHICH TIME THE STUDY COMMITTEE IS DISSOLVED.

Ordered for consideration tomorrow.

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

S. 1481 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 176 AND INTERSTATE HIGHWAY 95 IN ORANGEBURG COUNTY "CORPORAL WILLIAM HOWELL, JR. INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "CORPORAL WILLIAM HOWELL, JR. INTERCHANGE".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5065 -- Reps. Erickson, 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, 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 RECOGNIZE THE CITY OF BEAUFORT ON THE OCCASION OF THE THREE HUNDREDTH ANNIVERSARY OF ITS CHARTER, AND TO EXTEND BEST WISHES TO ALL THE CITIZENS OF BEAUFORT COUNTY AS THIS HISTORIC AREA IN THE LOWCOUNTRY OF SOUTH CAROLINA CELEBRATES ITS HISTORY AND FOUNDING.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5066 -- Reps. Long, J. M. Neal, 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, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. 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 RECOGNIZE AND HONOR THE WORK OF LANCASTER FATHERHOOD PROJECT IN STRENGTHENING FAMILIES THROUGH FATHER ENGAGEMENT, AND TO CELEBRATE THE FOURTEENTH ANNUAL UNITY IN THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5067 -- Rep. Sandifer: A HOUSE RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE BUSINESS LICENSE PROCESS IN THE STATE, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE HOUSE LABOR, COMMERCE AND INDUSTRY COMMITTEE NO LATER THAN JANUARY 31, 2011, AT WHICH TIME THE STUDY COMMITTEE IS DISSOLVED.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5068 -- Rep. Vick: A HOUSE RESOLUTION TO CONGRATULATE MRS. ELEANOR HAIGLER PATE OF ORANGEBURG COUNTY, UPON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5069 -- Reps. Horne, Harrell, Knight and A. D. Young: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF UNITED STATES AIR FORCE COLONEL ORION PAUL DAVIDSON CANANT (RETIRED) OF SUMMERVILLE, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5070 -- Rep. Long: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SERGEANT FIRST CLASS RALPH CASTLE AND JANE ANN MAXWELL FOR THEIR SUPPORT OF THE 122ND SAPPER COMPANY IN FORT MILL, AND TO COMMEND THEIR EFFORTS AND THE EFFORTS OF MANY OTHERS IN "OPERATION HUSH”, THE PROJECT TO REFURBISH THE FORT MILL ARMORY RECREATION ROOM.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5071 -- Reps. Hayes and McLeod: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF THE HONORABLE WILLIAM J. MCLEOD OF DILLON COUNTY, ONE OF SOUTH CAROLINA'S

MOST DISTINGUISHED JUDGES, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

**CONCURRENT RESOLUTION**

On motion of Rep. LIMEHOUSE, with unanimous consent, the following was taken up for immediate consideration:

H. 5072 -- Rep. Limehouse: A CONCURRENT RESOLUTION TO DESIGNATE THE FIRST THURSDAY IN MAY OF EACH YEAR AS THE "STATE DAY OF PRAYER".

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5073 -- Reps. 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, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE DAVID L. EDMUNDS, SR., OF ABBEVILLE COUNTY ON THE OCCASION OF HIS NINETIETH BIRTHDAY, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5074 -- Reps. Vick, Gunn and Hart: A CONCURRENT RESOLUTION TO URGE THE GOVERNOR OF THE STATE OF SOUTH CAROLINA TO ACCEPT TEEN PREGNANCY PREVENTION FUNDS PROVIDED TO STATES PURSUANT TO THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1501 -- Senators Knotts, Cromer and Courson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 378 AND INTERSTATE HIGHWAY 26 IN LEXINGTON COUNTY "SENATOR NIKKI SETZLER INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "SENATOR NIKKI SETZLER INTERCHANGE".

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

**INTRODUCTION OF BILLS**

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

S. 913 -- Senators Land and Elliott: A BILL TO AMEND SECTION 47-5-60 OF THE 1976 CODE, RELATING TO PET INOCULATION

AGAINST RABIES, TO RAISE THE MAXIMUM FEE ALLOWED TO BE CHARGED FROM THREE TO SIX DOLLARS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**S. 1502--RECONSIDERED**

Rep. HARRELL moved to reconsider the vote whereby S. 1502 was adopted, which was agreed to:

S. 1502 -- Senators McConnell and L. Martin: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 3, 2010, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT NOON ON TUESDAY, JUNE 15, 2010, AND CONTINUE IN SESSION FOR NO LONGER THAN THREE LEGISLATIVE DAYS, FOR THE CONSIDERATION OF CERTAIN MATTERS, TO FURTHER PROVIDE THAT IF THE GENERAL APPROPRIATIONS BILL OR ANY OTHER BILL PROVIDING FOR THE ORDINARY EXPENSES OF THE STATE GOVERNMENT FOR FISCAL YEAR 2010-2011 HAS NOT BEEN ENROLLED FOR RATIFICATION BY 5:00 P.M. ON THURSDAY JUNE 3, 2010, THEN EACH HOUSE SHALL REMAIN IN SESSION AFTER THIS TIME FOR CONSIDERATION OF ANY MATTER RELATING TO THE GENERAL APPROPRIATIONS BILL OR ANY OTHER BILL PROVIDING FOR THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR FISCAL YEAR 2010-2011 AND SHALL REMAIN IN SESSION UNTIL SUCH BILL IS ENROLLED FOR RATIFICATION AND TO PROVIDE THAT AFTER SUCH BILL IS ENROLLED, EACH HOUSE SHALL STAND ADJOURNED TO MEET ON THE SECOND TUESDAY FOLLOWING AND SHALL REMAIN IN SESSION FOR NO LONGER THAN THREE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, AND UPON ADJOURNMENT, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 11, 2011.

**S. 1502--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 1502 -- Senators McConnell and L. Martin: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 3, 2010, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT NOON ON TUESDAY, JUNE 15, 2010, AND CONTINUE IN SESSION FOR NO LONGER THAN THREE LEGISLATIVE DAYS, FOR THE CONSIDERATION OF CERTAIN MATTERS, TO FURTHER PROVIDE THAT IF THE GENERAL APPROPRIATIONS BILL OR ANY OTHER BILL PROVIDING FOR THE ORDINARY EXPENSES OF THE STATE GOVERNMENT FOR FISCAL YEAR 2010-2011 HAS NOT BEEN ENROLLED FOR RATIFICATION BY 5:00 P.M. ON THURSDAY JUNE 3, 2010, THEN EACH HOUSE SHALL REMAIN IN SESSION AFTER THIS TIME FOR CONSIDERATION OF ANY MATTER RELATING TO THE GENERAL APPROPRIATIONS BILL OR ANY OTHER BILL PROVIDING FOR THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR FISCAL YEAR 2010-2011 AND SHALL REMAIN IN SESSION UNTIL SUCH BILL IS ENROLLED FOR RATIFICATION AND TO PROVIDE THAT AFTER SUCH BILL IS ENROLLED, EACH HOUSE SHALL STAND ADJOURNED TO MEET ON THE SECOND TUESDAY FOLLOWING AND SHALL REMAIN IN SESSION FOR NO LONGER THAN THREE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, AND UPON ADJOURNMENT, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT *PRO TEMPORE* OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 11, 2011.

Rep. HARRELL moved to adjourn debate on the Concurrent Resolution until Thursday, June 3, which was agreed to.

**SPEAKER IN CHAIR**

Rep. COOPER 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. 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.

H. 4973 -- Reps. H. B. Brown, Brady, Harrison, G. M. Smith, J. E. Smith, Agnew, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Branham, Brantley, G. A. 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, 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, 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 SOUTH CAROLINA HIGHWAY 213 IN FAIRFIELD FROM ITS INTERSECTION WITH THE FAIRFIELD/NEWBERRY COUNTY LINE TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 215 THE "SILAS C. 'SLICK' MCMEEKIN NUCLEAR HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "SILAS C. 'SLICK' MCMEEKIN NUCLEAR HIGHWAY".

H. 5071 -- Reps. Hayes and McLeod: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF THE HONORABLE WILLIAM J. MCLEOD OF DILLON COUNTY, ONE OF SOUTH CAROLINA'S MOST DISTINGUISHED JUDGES, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

**ADJOURNMENT**

At 4:58 p.m. the House, in accordance with the motion of Rep. BOWERS, adjourned in memory of Carolyn Hubbard Donehue of Varnville, to meet at 10:00 a.m. tomorrow.

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