~~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 Zachariah 7:8: “Thus says the Lord of Hosts: Render true judgments, show kindness and mercy to one another.”

Let us pray. Lord, speak to us that we may, in turn, speak words of kindness and show mercy to those we associate with every day. Give us the eyes of faith and grant us hope that You will guide these Representatives in true wisdom and courage. May they seek Your ways of accomplishing the work of the people. Bless our Nation, President, State, Governor, Speaker, staff, and all who serve in this place that we all may desire to do the right work. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those unseen. 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. BRANTLEY moved that when the House adjourns, it adjourn in memory of Deacon Robert Lee Graves of Pineland, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3478 -- Reps. Young, D. C. Moss, Gambrell, Agnew, Bowen, H. B. Brown, Clyburn, Spires, Frye, Bingham, Cobb-Hunter, Hardwick, Hayes, Herbkersman, Hixon, Horne, Hosey, Lucas, McEachern, Ott, Quinn, G. R. Smith, J. R. Smith, Taylor, Umphlett and White: A BILL TO AMEND SECTION 39-41-235, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETROLEUM PRODUCTS AND DIESEL FUEL SUITABLE FOR BLENDING, SALE OF UNBLENDED PRODUCTS WITHOUT NECESSARY ADDITIVES, RECORDKEEPING AND REGISTRATION, ENFORCEMENT, WHOLESALER RESPONSIBILITY, LIABILITY, AND NOTICE, SO AS TO PROVIDE THAT THESE REQUIREMENTS APPLY TO EVERY TERMINAL OPERATOR AND EVERY SUPPLIER.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3586 -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: A BILL TO AMEND SECTION 48-39-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO DELETE FROM THE EXEMPTIONS CERTAIN PIERS AND ASSOCIATED STRUCTURES, PUBLIC AND PRIVATE, EXISTING ON SEPTEMBER 21, 1989.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3587 -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons, Barfield and Hayes: A BILL TO AMEND SECTION 48-39-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3770 -- Reps. Forrester, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO CONGRATULATE HANNAH CAROLE KELLY OF SPARTANBURG COUNTY, ON THE OCCASION OF HER TWENTY-FIRST BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF HAPPINESS AND JOY AS SHE REACHES THIS WONDERFUL MILESTONE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3771 -- Reps. Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR C. THOMAS WYCHE OF GREENVILLE, DISTINGUISHED ATTORNEY, CIVIC LEADER, AND ENVIRONMENTALIST, FOR HIS TIRELESS WORK SPANNING MORE THAN FORTY YEARS TO CONSERVE THE NATURAL BEAUTY OF THE LANDS AND WATERS OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3774 -- Rep. J. M. Neal: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND PLEASANT VALLEY BAPTIST CHURCH OF KERSHAW COUNTY, AND TO CONGRATULATE THE CONGREGATION AND THEIR PASTOR, REVEREND RANDY GROVE, UPON THE CELEBRATIONS OF THEIR ONE HUNDREDTH ANNIVERSARY, THEIR ANNUAL HOMECOMING, AND THE RETIREMENT OF THEIR MORTGAGE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3775 -- Reps. Hardwick, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR ROBERT R. SCOTT, PRESIDENT OF THE SOUTH CAROLINA FORESTRY ASSOCIATION, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY-ONE YEARS OF SERVICE, AND TO WISH HIM HAPPINESS AND SUCCESS IN THE YEARS AHEAD AFTER FOUR DECADES OF DEDICATION TO THE FORESTRY INDUSTRY AND THE CITIZENS OF SOUTH CAROLINA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3776 -- Reps. Hardwick, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CELEBRATE SIXTY-FIVE YEARS OF TREE FARMING IN THE PALMETTO STATE AND SALUTE THE SOUTH CAROLINA TREE FARM PROGRAM.

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

**INTRODUCTION OF BILLS**

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

H. 3772 -- Reps. Hardwick, Vick and Hixon: A BILL TO AMEND CHAPTER 26, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF AGRICULTURAL LIMING MATERIALS, SO AS TO PROVIDE FOR REGULATION OF LANDPLASTER, TO REVISE CERTAIN REPORTING REQUIREMENTS, AND TO REVISE THE PROVISIONS RELATING TO THE PAYMENT OF ASSESSMENTS LEVIED BY THE STATE CROP PEST COMMISSION.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3773 -- Reps. Crosby, Chumley, Brannon, Crawford, Sabb, Daning, Knight and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 23 SO AS TO CREATE THE SOUTH CAROLINA STATE POLICE; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF CERTAIN STATE OFFICERS BY THE GOVERNOR, SO AS TO DELETE THE TERM "DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY" AND REPLACE IT WITH THE TERM "DIRECTOR OF THE STATE POLICE"; TO AMEND SECTION 1-7-920, RELATING TO THE MEMBERS OF THE COMMISSION ON PROSECUTION COORDINATION, SO AS TO DELETE THE TERM "DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY" AND REPLACE IT WITH THE TERM "DIRECTOR OF THE STATE POLICE"; TO AMEND SECTION 1-30-10, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE TERM "DEPARTMENT OF PUBLIC SAFETY" AND REPLACE IT WITH THE TERM "STATE POLICE"; TO AMEND SECTION 1-30-90, RELATING TO THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO SUBSTITUTE THE TERM "DIVISION OF PUBLIC SAFETY" FOR THE TERM "DEPARTMENT OF PUBLIC SAFETY"; TO AMEND SECTION 2-13-240, AS AMENDED, RELATING TO THE DISTRIBUTION OF THE CODE OF LAWS OF SOUTH CAROLINA TO VARIOUS ENTITIES, SO AS TO DELETE THE TERM "DEPARTMENT OF PUBLIC SAFETY" AND REPLACE IT WITH THE TERM "STATE POLICE"; TO AMEND SECTIONS 5-3-90, 5-7-110, 9-11-180, AS AMENDED, 10-11-80, AS AMENDED, 11-35-710, AS AMENDED, 12-28-1910, AS AMENDED, 12-28-2325, 12-45-70, AS AMENDED, 13-7-70, AS AMENDED, 13-7-160, AS AMENDED, 14-1-206, AS AMENDED, 14-1-207, AS AMENDED, 14-1-208, AS AMENDED, 14-1-212, 16-3-1410, AS AMENDED, 17-5-130, 17-22-350, AND 23-1-230, RELATING TO THE SCOPE OF THE PROVISIONS THAT PROVIDE FOR THE STRUCTURE, ORGANIZATION, POWERS, AND DUTIES OF MUNICIPAL GOVERNMENTS, THE DEPARTMENT OF PUBLIC SAFETY'S CONTRIBUTIONS INTO THE STATE RETIREMENT SYSTEM ON BEHALF OF ACTIVE HIGHWAY PATROL MEMBER EMPLOYEES, PARKING ON CERTAIN STATE PARKING LOTS, STATE PROCUREMENT CODE EXEMPTIONS, THE INSPECTION OF FUEL AND SHIPPING PAPERS, LAW ENFORCEMENT ASSISTANCE PROVIDED TO THE DEPARTMENT OF REVENUE BY THE DEPARTMENT OF PUBLIC SAFETY, PAYING TAXES AND THE DELEGATION OF COLLECTION OF TAXES, RULES AND REGULATIONS REGARDING THE TRANSPORTATION OF MATERIALS, REGULATIONS RELATING TO THE TRANSPORTATION OF NUCLEAR MATERIALS, COURT ASSESSMENTS AND SURCHARGES, VICTIM ASSISTANCE SERVICES, QUALIFICATIONS AND AGE REQUIREMENTS FOR CORONERS, TRAFFIC EDUCATION PROGRAM FEES, AND THE FIRST RESPONDERS ADVISORY COMMITTEE, ALL SO AS TO DELETE THE TERM "DEPARTMENT OF PUBLIC SAFETY" AND REPLACE IT WITH THE TERM "STATE POLICE" OR "DIVISION OF PUBLIC SAFETY"; TO AMEND CHAPTER 6, TITLE 23, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO REESTABLISH IT AS A DIVISION OF THE STATE POLICE; TO AMEND SECTIONS 23-23-30, AS AMENDED, 23-25-20, 24-5-340, 36-9-410, 38-55-530, AS AMENDED, 38-55-570, AS AMENDED, 38-73-470, AS AMENDED, 38-77-1120, 39-9-230, AS AMENDED, 43-5-1250, AS AMENDED, 44-4-130, AS AMENDED, 54-17-60, 56-1-286, AS AMENDED, 56-1-460, AS AMENDED, 56-1-1320, 56-1-1760, 56-1-2220, 56-1-2230, 56-3-662, 56-3-663, AS AMENDED, 56-3-840, AS AMENDED, 56-5-330, 56-5-380, 56-5-765, 56-5-1270, 56-5-1300, 56-5-1320, 56-5-1330, 56-5-1340, 56-5-1350, 56-5-1520, 56-5-2930, AS AMENDED, 56-5-2933, AS AMENDED, 56-5-2945, AS AMENDED, 56-5-2951, AS AMENDED, 56-5-2953, AS AMENDED, 56-5-3660, 56-5-3670, 56-5-3680, 56-5-3690, 56-5-3900, 56-5-4030, 56-5-4035, 56-5-4070, 56-5-4075, 56-5-4140, AS AMENDED, 56-5-4160, AS AMENDED, 56-5-4170, 56-5-4840, 56-5-4880, 56-5-4970, 56-5-5015, 56-5-5080, 56-5-5120, 56-5-5140, 56-5-5810, AS AMENDED, 56-5-5870, 56-5-5880, 56-5-6170, 56-5-6525, AS AMENDED, 56-5-6560, 56-5-6565, 56-7-10, 56-7-12, 56-7-30, AS AMENDED, 56-9-350, 56-10-45, 56-10-552, 56-11-20, 56-11-40, 56-15-420, 56-19-420, AS AMENDED, 56-35-50, 57-3-180, 58-23-50, AS AMENDED, 58-23-1120, AS AMENDED, 59-67-20, 59-67-260, 59-67-570, 61-6-2900, 61-6-4250, 61-6-4290, 63-19-1860, 63-19-1880, RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL, THE SOUTH CAROLINA LAW ENFORCEMENT OFFICERS HALL OF FAME COMMITTEE, RESERVE DETENTION OFFICERS, UNLAWFUL SALE OR DISPOSAL OF PERSONAL PROPERTY SUBJECT TO A SECURITY INTEREST, INSURANCE FRAUD AND REPORTING IMMUNITY, THE DISPOSITION OF UNINSURED MOTOR PREMIUMS, MOTOR VEHICLE THEFT AND MOTOR VEHICLE INSURANCE FRAUD-REPORTING IMMUNITY ACT, THE IMPLEMENTATION OF THE METRIC SYSTEM, THE STATEWIDE NETWORK OF MASS TRANSIT SYSTEMS, THE EMERGENCY HEALTH POWERS ACT, ACCOUNT BALANCES RELATING TO HUNTING AND FISHING LICENSES, ACTIVITIES OF THE MARITIME SECURITY COMMISSION AND THE NAVAL MILITIA, MOTOR VEHICLE DRIVER'S LICENSES, THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, THE REGULATION OF TRAFFIC TRAVELING ALONG THE STATE'S HIGHWAYS, THE ISSUANCE OF TRAFFIC TICKETS, VERIFICATION OF MOTOR VEHICLE INSURANCE, THE CONFISCATION OF REGISTRATION CERTIFICATES AND LICENSE PLATES, THE UNINSURED ENFORCEMENT FUND, THE ROAD TAX ON MOTOR CARRIERS, THE PROMULGATION OF REGULATIONS RELATING TO MOTOR VEHICLE DEALER AND WHOLESALER LICENSES, MOTOR VEHICLE CERTIFICATES OF TITLE, DIESEL IDLING RESTRICTIONS, PERMITS ISSUED BY THE DEPARTMENT OF TRANSPORTATION, MOTOR VEHICLE CARRIERS, THE TRANSPORTATION OF SCHOOL CHILDREN, THE ALCOHOLIC BEVERAGE CONTROL ACT, THE CONDITIONAL RELEASE OF A JUVENILE, AND THE APPOINTMENT OF JUVENILE PROBATION COUNSELORS, ALL SO AS TO DELETE THE TERM "DEPARTMENT OF PUBLIC SAFETY" AND REPLACE IT WITH THE TERM "STATE POLICE" OR "DIVISION OF PUBLIC SAFETY"; TO AMEND SECTIONS 23-3-10, 23-3-680, AND 23-3-690, ALL RELATING TO THE CREATION OF SLED, SO AS TO PROVIDE THAT ITS DUTIES AND FUNCTIONS ARE TRANSFERRED TO THE STATE POLICE.

Referred to Committee on Judiciary

H. 3777 -- Reps. Pinson, Loftis, Barfield, Bowers, Spires, Parker and Parks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3592 SO AS TO ALLOW AN INCOME TAX CREDIT IN AN AMOUNT EQUAL TO TWENTY-FIVE PERCENT OF THE COSTS INCURRED BY A TAXPAYER IN THE PURCHASE AND INSTALLATION OF A GEOTHERMAL HEAT PUMP SYSTEM.

Referred to Committee on Ways and Means

H. 3778 -- Reps. Frye, Spires, Merrill, Toole, Loftis, Hixon, Pitts and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-73-750 SO AS TO REQUIRE AUTOMOBILE INSURERS TO NOTIFY INSUREDS WHEN PREMIUMS ARE INCREASED RESULTING FROM CHANGES IN A CREDIT REPORT OF THE INSURED AND REQUIRE THE INSURER TO SEND A COPY OF THE CREDIT REPORT WHEN NOTIFYING THE INSURED.

Referred to Committee on Labor, Commerce and Industry

H. 3779 -- Reps. Brady, Loftis, Bingham and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE "BILL WYLIE ENTREPRENEURSHIP ACT OF 2011" BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS ALLOCATED BY THE DEPARTMENT OF COMMERCE FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, AND TO MAKE THE CREDIT TRANSFERABLE.

Referred to Committee on Ways and Means

S. 434 -- Senators Peeler, Bryant, Bright and Campsen: A JOINT RESOLUTION TO SUSPEND PROVISOS 21.11, 21.15, AND 21.20 OF PART IB, ACT 291 OF 2010, THE FISCAL YEAR 2010-2011 GENERAL APPROPRIATIONS BILL, AND TO SUSPEND A PORTION OF PROVISO 89.87 PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM REDUCING PROVIDER RATES.

Referred to Committee on Ways and Means

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Knight |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Taylor |
| Thayer | Toole | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, March 2.

|  |  |
| --- | --- |
| Walton McLeod | David Mack |
| Joseph Neal | Boyd Brown |
| Carl Anderson | Edward "Eddie" Tallon |
| B. W. Bannister | James Harrison |
| H. B. "Chip" Limehouse | Richard "Rick" Quinn |
| David Tribble, Jr. |  |

**Total Present--121**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. J. E. SMITH a leave of absence for the day due to military service.

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Chris Mahr of Sumter was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3066 |
| Date: | ADD: |
| 03/02/11 | FUNDERBURK and EDGE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3070 |
| Date: | ADD: |
| 03/02/11 | ERICKSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3368 |
| Date: | ADD: |
| 03/02/11 | SIMRILL and POPE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3410 |
| Date: | ADD: |
| 03/02/11 | LUCAS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3419 |
| Date: | ADD: |
| 03/02/11 | BOWERS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3059 |
| Date: | ADD: |
| 03/02/11 | MCCOY and STAVRINAKIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3130 |
| Date: | ADD: |
| 03/02/11 | ERICKSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3155 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3195 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3196 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3197 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3198 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSORS ADDED**

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| Bill Number: | H. 3200 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSORS ADDED**

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| Bill Number: | H. 3201 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSORS ADDED**

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| Bill Number: | H. 3203 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSOR ADDED**

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| Bill Number: | H. 3204 |
| Date: | ADD: |
| 03/02/11 | ERICKSON |

**CO-SPONSOR ADDED**

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| Bill Number: | H. 3205 |
| Date: | ADD: |
| 03/02/11 | ERICKSON |

**CO-SPONSORS ADDED**

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| Bill Number: | H. 3206 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSOR ADDED**

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| Bill Number: | H. 3473 |
| Date: | ADD: |
| 03/02/11 | BOWERS |

**CO-SPONSORS ADDED**

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| Bill Number: | H. 3496 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSOR ADDED**

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| Bill Number: | H. 3529 |
| Date: | ADD: |
| 03/02/11 | ERICKSON |

**CO-SPONSOR ADDED**

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| Bill Number: | H. 3574 |
| Date: | ADD: |
| 03/02/11 | STAVRINAKIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3631 |
| Date: | ADD: |
| 03/02/11 | SELLERS and GAMBRELL |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3527 |
| Date: | ADD: |
| 03/02/11 | HARRELL |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3562 |
| Date: | ADD: |
| 03/02/11 | ERICKSON and LONG |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3631 |
| Date: | ADD: |
| 03/02/11 | SKELTON |

**CO-SPONSOR ADDED**

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| Bill Number: | H. 3675 |
| Date: | ADD: |
| 03/02/11 | ERICKSON |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3699 |
| Date: | ADD: |
| 03/02/11 | BATTLE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3713 |
| Date: | ADD: |
| 03/02/11 | SANDIFER, MCCOY, MURPHY, HORNE and STAVRINAKIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3762 |
| Date: | ADD: |
| 03/02/11 | SANDIFER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3748 |
| Date: | ADD: |
| 03/02/11 | TAYLOR |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3346 |
| Date: | ADD: |
| 03/02/11 | WILLIAMS, JEFFERSON, SELLERS and PINSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3368 |
| Date: | ADD: |
| 03/02/11 | EDGE |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3070 |
| Date: | ADD: |
| 03/02/11 | EDGE |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3403 |
| Date: | ADD: |
| 03/02/11 | HUGGINS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3083 |
| Date: | ADD: |
| 03/02/11 | J. R. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3152 |
| Date: | ADD: |
| 03/02/11 | EDGE |

**CO-SPONSOR ADDED**

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| Bill Number: | H. 3419 |
| Date: | ADD: |
| 03/02/11 | EDGE |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3194 |
| Date: | ADD: |
| 03/02/11 | ATWATER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3713 |
| Date: | ADD: |
| 03/02/11 | CLEMMONS |

**ORDERED TO THIRD READING**

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

S. 337 -- Senator Coleman: A BILL TO AMEND ACT 525 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE CHESTER COUNTY COUNCIL AND THE CHESTER COUNTY SCHOOL BOARD OF TRUSTEES, SO AS TO REVISE THE DATE BY WHICH A PERSON SHALL FILE A STATEMENT OF CANDIDACY IN ORDER TO RUN FOR A SEAT ON THE CHESTER COUNTY SCHOOL BOARD OF TRUSTEES.

H. 3668 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 56-1-745 RELATING TO THE DRIVER'S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION.

Rep. BANNISTER explained the Bill.

**H. 3410--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3410 -- Reps. Owens, Cooper, Harrell, Branham, Limehouse, Atwater, Bikas, Govan, Loftis, Skelton, Taylor, Young, Williams, Daning, Quinn, Brannon, J. M. Neal, Bowen, Patrick, Norman, Whitmire, Willis, Thayer, Erickson, Weeks, Munnerlyn, McEachern, Vick, Sandifer, Viers, Hixon, Huggins, Clemmons, Henderson and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011"; TO AMEND SECTIONS 2-47-30, 2-47-35, 2-47-40, AND 2-47-50, AS AMENDED, RELATING THE JOINT BOND REVIEW COMMITTEE, SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY STATE AGENCIES AND FOR THE APPROVAL OF THESE PROJECTS; BY ADDING SECTION 2-47-53 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS, TO ALLOW THE COMMITTEE TO REQUEST ASSISTANCE WITH THE REVIEW OF PROJECTS, AND TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS; BY ADDING SECTION 2-47-54 SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO GROUND LEASE AGREEMENTS WITH A PRIVATE ENTITY AND TO PROVIDE REQUIREMENTS FOR THOSE AGREEMENTS; BY ADDING SECTION 59-53-168 SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH A TIERED SYSTEM FOR CATEGORIZING TECHNICAL COLLEGES WITH RESPECT TO FINANCIAL STRENGTH AND OTHER FACTORS BY WHICH TECHNICAL COLLEGES MAY APPLY FOR CERTAIN EFFICIENCY POLICIES GRANTED BY THE BOARD AND TO REQUIRE THE BOARD TO ESTABLISH AN ADVISORY BOARD AND REPORT TO THE GENERAL ASSEMBLY; TO AMEND SECTIONS 59-53-290, 59-53-630, 59-53-740, 59-53-1784, AND 59-53-2430, ALL RELATING TO LEASE AGREEMENTS OF TECHNICAL COLLEGES, SO AS TO PROVIDE FOR THE FAVORABLE REVIEW OF THE AGREEMENT BY THE JOINT BOND REVIEW COMMITTEE AND ITS APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS BY THE STATE BUDGET AND CONTROL BOARD AND ACCEPTANCE OF THE TRANSFER OF TANGIBLE PERSONAL PROPERTY BY A STATE ENTITY, SO AS TO EXEMPT CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY THESE INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTIONS 59-147-42 AND 59-147-43 AND TO AMEND SECTION 59-147-30, AS AMENDED, RELATING TO THE PROCEDURES FOR THE ISSUANCE OF REVENUE BONDS UNDER THE HIGHER EDUCATION REVENUE BOND ACT, ALL SO AS TO REVISE THESE PROCEDURES AND THE PURPOSES FOR WHICH THE BONDS MAY BE USED; BY ADDING ARTICLE 7 TO CHAPTER 101, TITLE 59 SO AS TO PROVIDE FOR CERTAIN PROVISIONS APPLICABLE TO BOND ACTS FOR INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 11-35-1210, AS AMENDED, RELATING TO CERTIFICATION OF THE BUDGET AND CONTROL BOARD TO ALLOW GOVERNMENTAL BODIES TO MAKE DIRECT PROCUREMENTS, SO AS TO PROVIDE FOR APPROVAL OF PROCUREMENT AUTHORITY BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 11-35-1550, AS AMENDED, RELATING TO SMALL PURCHASES UNDER THE CONSOLIDATED PROCUREMENT CODE AND BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED SMALL PURCHASES BY PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TO AUTHORIZE THESE INSTITUTIONS TO USE PURCHASING CARDS FOR THESE PURCHASES IN THE AMOUNT AUTHORIZED; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION, ARCHITECTURAL-ENGINEERING AND LAND SURVEYING SERVICES, SO AS TO RAISE THE PERMITTED AMOUNTS OF THESE CONTRACTS; TO AMEND SECTION 11-35-4810, AS AMENDED, RELATING TO COOPERATIVE PURCHASES OF PUBLIC ENTITIES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO ESTABLISH CERTAIN EXCEPTIONS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING IN REGARD TO NOTICE AND ELIGIBLE VENDORS; TO AMEND SECTION 1-7-170, RELATING TO THE REQUIRED APPROVAL OF THE ATTORNEY GENERAL BEFORE AN AGENCY OR DEPARTMENT OF THIS STATE MAY ENGAGE AN ATTORNEY AT LAW ON A FEE BASIS AND EXCEPTIONS TO THIS REQUIREMENT, SO AS TO ESTABLISH A SPECIAL APPROVAL PROCEDURE FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-101-55 SO AS TO PROVIDE THAT STATE APPROPRIATED FUNDS MAY NOT BE USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO LIMITATIONS ON EDUCATIONAL FEE WAIVERS OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO REVISE THESE LIMITATIONS FOR CERTAIN INSTITUTIONS AND TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS TO THE COMMISSION ON HIGHER EDUCATION IN REGARD TO THESE WAIVERS; BY ADDING SECTION 59-112-115 SO AS TO PROVIDE THAT WHEN THE GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE ONLY MAY BE IMPLEMENTED BY THE INSTITUTION AFTER A PUBLICALLY RECORDED ROLL CALL VOTE, AND A MAJORITY VOTE SHALL BE REQUIRED TO IMPLEMENT ANY CHANGE TO THE TUITION OR FEES, AND TO PROVIDE REPORTING REQUIREMENTS; AND TO AMEND SECTION 1-11-55, RELATING TO LEASING OF REAL PROPERTY FOR GOVERNMENTAL BODIES, SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO LEASE AGREEMENTS UP TO ONE HUNDRED THOUSAND DOLLARS ANNUALLY UPON APPROVAL BY THE INSTITUTIONAL BOARDS.

Reps. MERRILL, CRAWFORD, BINGHAM, G. M. SMITH, DANING, WHITE, OTT, OWENS, PATRICK, HERBKERSMAN, PARKER, JEFFERSON, LUCAS, BRANNON, BRANHAM, CLYBURN, SKELTON, BIKAS, STAVRINAKIS, MCCOY, AGNEW, J. R. SMITH, HARDWICK, BEDINGFIELD and WHITMIRE requested debate on the Bill.

**H. 3066--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

The Judiciary Committee proposed the following Amendment No. 1(COUNCIL\DKA\3498SD11):

Amend the bill, as and if amended, Part II, beginning on page 2 and line 31, by striking SECTION 3 in its entirety, and inserting:

/ SECTION 3. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑125. (A) Effective July 1, 2011, the following offices, divisions, or components of the State Budget and Control Board, Office of the Governor, or other agencies are transferred to, and incorporated into, the Department of Administration, a department of the executive branch of state government headed by a director appointed by the Governor as provided in Section 1‑30‑10(B)(1)(i) except that this appointment must be upon the advice and consent of the General Assembly rather than the Senate:

(1) Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;

(2) Office of Human Resources;

(3) Office of Executive Policy and Programs, except for the State Ombudsman and Children’s Services programs which are contained within this office;

(4) Office of Economic Opportunity;

(5) Developmental Disabilities Council;

(6) Continuum of Care as established by Section 20‑7‑5610;

(7) Children’s Foster Care as established by Section 20‑7‑2379;

(8) Veterans Affairs as established by Section 25‑11‑10;

(9) Commission on Women as established by Section 1‑15‑10;

(10) Victims Assistance as established by Article 13, Chapter 3, Title 16;

(11) Small and Minority Business as established by Section 11‑35‑5270;

(12) Procurement Services Division of the State Budget and Control Board;

(13) State Energy Office as established by Section 48‑52‑410;

(14) Division of State Information Technology of the State Budget and Control Board;

(15) Employee Insurance program of the State Budget and Control Board as established by Article 5, Chapter 11, Title 1; and

(16) Guardian Ad Litem program as established by Section 63-11-500.

(B)(1) There is established, within the Department of Administration, the Executive Budget Office which shall support the Office of the Governor by conducting analysis, coordinating executive agency requests for funding, and evaluating program performance.

(2) The Executive Budget Office shall use the existing resources of the organizations transferred to the Department of Administration including, but not limited to, funding, personnel, equipment, and supplies. Vacant FTE’s at the State Budget and Control Board also may be used to fill needed positions for the office.

(C) Notwithstanding any other provision of law, the Department of Administration may organize its staff as it considers most appropriate to carry out the various duties, responsibilities, and authorities assigned to it and to its various divisions and management and organizational entities. /

Amend further, Part III, beginning on page 5 and line 21, by striking Sections 2‑2‑20, 2‑2‑30, 2‑2‑40, as contained in SECTION 5, and inserting:

/ Section 2‑2‑20. (A) Beginning January 1, 2012, each standing committee shall conduct oversight studies and investigations on all agencies within the standing committee’s subject matter jurisdiction at least once every seven years in accordance with a schedule adopted as provided in this chapter.

(B) The purpose of these oversight studies and investigations is to determine if agency laws and programs within the subject matter jurisdiction of a standing committee:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The oversight studies and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee’s subject matter jurisdiction.

Section 2‑2‑30. (A) The procedure for conducting the oversight studies and investigations is provided in this section.

(B)(1) The President *Pro Tempore* of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed seven‑year review schedule must be published in the Senate Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for an agency.

(C)(1) The Speaker of the House of Representatives, upon consulting with the chairmen of the standing committees in the House of Representatives and the Clerk of the House of Representatives, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed seven‑year review schedule must be published in the House Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for the agency.

(D) The chairman of an investigating committee may vest the standing committee’s full investigative power and authority in a subcommittee. A subcommittee conducting an oversight study and investigation of an agency:

(1) shall make a full report of its findings and recommendations to the standing committee at the conclusion of its oversight study and investigation, and

(2) shall not consist of fewer than three members.

Section 2‑2‑40. (A) In addition to the scheduled seven‑year oversight studies and investigations, a standing committee of the Senate or the House of Representatives may by majority vote of the standing committee’s membership initiate an oversight study and investigation of an agency within its subject matter jurisdiction. The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies’ functions, duties, and activities./

Amend further, Part III, page 11, beginning on line 5, by striking Section 2-2-100, as contained in Section 5, and inserting:

/ Section 2-2-100. Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and willfully gives false, misleading, or incomplete testimony under oath is guilty of contempt of the General Assembly. A person who is convicted of or pleads guilty to contempt of the General Assembly is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both. /

Amend further, SECTION 5, Part III, page 11, by inserting after line 16 a new section to read:

/ Section 2-2-220. A person is guilty of criminal contempt when, having been duly subpoenaed to attend as a witness before either house of the legislature or before any committee thereof, he:

(1) fails or refuses to attend without lawful excuse; or

(2) refuses to be sworn; or

(3) refuses to answer any material and proper question; or

(4) refuses, after reasonable notice, to produce books, papers, or documents in his possession or under his control which constitute material and proper evidence.

A person who is convicted of or pleads guilty to criminal contempt is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both. /

Amend further, Part IV, beginning on page 11 and line 24, by striking Section 1‑11‑20, as contained in Section 6. A., and inserting:

/ “Section 1‑11‑20. (A) The functions of the State Budget and Control Board must be performed, exercised, and discharged under the supervision and direction of the board through three divisions, the Finance Division (embracing the work of the State Auditor, the former State Budget Commission, the former State Finance Committee and the former Board of Claims for the State of South Carolina), the Purchasing and Property Division (embracing the work of the former Commissioners of the Sinking Fund, the former Board of Phosphate Commissioners, the State Electrician and Engineer, the former Commission on State House and State House Grounds, the central purchasing functions, the former Surplus Procurement Division of the State Research, Planning and Development Board and the Property Custodian) and the Division of Personnel Administration (embracing the work of the former retirement board known as the South Carolina Retirement System and the administration of all laws relating to personnel), each division to consist of a director and clerical, stenographic and technical employees necessary, to be employed by the respective directors with the approval of the board. The directors of the divisions must be employed by the State Budget and Control Board for that time and compensation as may be fixed by the board in its judgment.

(B)(1) Notwithstanding subsection (A), as of July 1, 2011, the Division of General Services of the State Budget and Control Board including Facilities Management, Business Services together with Fleet Management, and Property Services as well as the Procurement Services Division, Division of State Information Technology, State Energy Office, Office of Human Resources, Employee Insurance Program, and the other offices or divisions of the State Budget and Control Board specified in Section 1‑30‑125 are transferred to, and incorporated into, the Department of Administration.

(2) Notwithstanding another provision of law, if the State Budget and Control Board maintains primary responsibility related to a program administered by the Department of Administration, whether the responsibility is regulatory, oversight, approval, or other, the board may receive and expend revenues generated by the programs to support the board’s responsibilities related to the programs. The funds may be retained and expended in subsequent fiscal years.

(3) The Department of Administration shall use the existing resources of each division transferred to the department including, but not limited to, funding, personnel, equipment, and supplies to carry out each division’s responsibilities. The department shall also receive an equitable allocation of funding, personnel, equipment, and supplies from the board’s administrative support units including, but not limited to, the Office of the Executive Director, Office of General Counsel, and the Office of Internal Operations. ‘Funding’ means state, federal, and other funds. Vacant FTE’s at the State Budget and Control Board also may be used to fill needed positions at the department. No new FTE’s may be assigned to the department without authorization from the General Assembly.

(C)(1) Notwithstanding subsection (A) or any other provision of law, the Division of General Services shall not be transferred to the Department of Administration until the director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments meeting the requirements of this subsection.

(2) The memorandum of understanding shall provide for:

(a) continued use of existing office space;

(b) a method for the allocation of new, additional, or different office space;

(c) adequate parking;

(d) a method for the allocation of new, additional, or different parking;

(e) the provision of appropriate levels of custodial, maintenance, and other services currently provided by the General Services Division of the State Budget and Control Board;

(f) the ability for each agency or department to maintain building access control for its allocated office space; and

(g) access control for the Senate and House chambers and courtrooms as appropriate.

(3) The parties may modify the memorandum of understanding by mutual consent at any time.” /

Amend further, Part IV, page 13, beginning on line 7, by striking Section 1‑11‑22, as contained in SECTION 6. B., and inserting:

/ “Section 1‑11‑22. (A) Notwithstanding any other provision of law, the Budget and Control Board may organize its staff as it ~~deems~~ considers most appropriate to carry out the various duties, responsibilities and authorities assigned to it and to its various divisions and management and organizational entities.

(B) To the extent that any provision of law divides any responsibilities of any division, office, or program of the Budget and Control Board between the board and one or more state agencies, the receiving agency must, within forty‑five days of the effective date of the relevant law, submit a realignment plan for the allocation of staff, assets, and resources to the board’s executive director, who shall immediately distribute the plan to the members of the Board. A realignment plan shall be considered adopted at the conclusion of the next Budget and Control Board meeting unless three members of the board at that meeting vote to reject it. Upon approval, the Office of the Executive Director must provide for the allocation as specified in the realignment plan as soon as practicable.” /

Amend further, Part IV, beginning on page 13 and line 33, by striking Section 1‑11‑55, as contained in SECTION 6. C., and inserting:

/ Section 1‑11‑55. (1) ‘Governmental body’ means a state government department, commission, council, board, bureau, committee, institution, college, university, technical school, ~~legislative body,~~ agency, government corporation, or other establishment or official of the executive~~, judicial, or legislative branches~~ branch of this State. Governmental body excludes the General Assembly, Legislative Council, the Office of Legislative Printing, Information and Technology Systems, the judicial department and all local political subdivisions such as counties, municipalities, school districts, or public service or special purpose districts.

(2) The ~~Budget and Control Board~~ Division of General Services of the Department of Administration is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this section.

(3) When any governmental body needs to acquire real property for its operations or any part thereof and state‑owned property is not available, it shall notify the ~~Office~~ Division of General Services of its requirement on rental request forms prepared by the ~~office~~ division. Such forms shall indicate the amount and location of space desired, the purpose for which it shall be used, the proposed date of occupancy and such other information as General Services may require. Upon receipt of any such request, General Services shall conduct an investigation of available rental space which would adequately meet the governmental body’s requirements, including specific locations which may be suggested and preferred by the governmental body concerned. When suitable space has been located which the governmental body and the ~~office~~ division agree meets necessary requirements and standards for state leasing as prescribed in procedures of the ~~board~~ department as provided for in subsection (5) of this section, General Services shall give its written approval to the governmental body to enter into a lease agreement. All proposed lease renewals shall be submitted to General Services by the time specified by General Services.

(4) The ~~board~~ department shall adopt procedures to be used for governmental bodies to apply for rental space, for acquiring leased space, and for leasing state‑owned space to nonstate lessees.

(5) Any participant in a property transaction proposed to be entered who maintains that a procedure provided for in this section has not been properly followed, may request review of the transaction by the director of the ~~Office~~ Division of General Services of the Department of Administration or his designee. /

Amend further, Part IV, beginning on page 14 and line 39, by striking Section 1‑11‑56, as contained in SECTION 6. C., and inserting:

/ Section 1‑11‑56. The ~~State Budget and Control Board,~~ Division of General Services of the Department of Administration, in an effort to ensure that funds authorized and appropriated for rent are used in the most efficient manner, is directed to develop a program to manage the leasing of all public and private space of state agencies. The department must submit regulations for the implementation of this section to the General Assembly as provided in the Administrative Procedures Act, Chapter 23 of Title 1. The ~~board’s~~ department’s regulations, upon General Assembly approval, shall include procedures for:

(1) assessing and evaluating agency needs, including the authority to require agency justification for any request to lease public or private space;

(2) establishing standards for the quality and quantity of space to be leased by a requesting agency;

(3) devising and requiring the use of a standard lease form (approved by the Attorney General) with provisions which assert and protect the state’s prerogatives including, but not limited to, a right of cancellation in the event of:

(a) a nonappropriation for the renting agency,

(b) a dissolution of the agency, and

(c) the availability of public space in substitution for private space being leased by the agency;

(4) rejecting an agency’s request for additional space or space at a specific location, or both;

(5) directing agencies to be located in public space, when available, before private space can be leased;

(6) requiring the agency to submit a multi‑year financial plan for review by the ~~board’s budget office~~ department with copies sent to Ways and Means Committee and Senate Finance Committee, before any new lease for space is entered into; and requiring prior review by the Joint Bond Review Committee and the requirement of ~~Budget and Control Board~~ department approval before the adoption of any new lease that commits more than one million dollars in a five‑year period; and

(7) requiring prior review by the Joint Bond Review Committee and the requirement of ~~Budget and Control Board~~ department approval before the adoption of any new lease that commits more than one million dollars in a five‑year period. /

Amend further, Part IV, beginning on page 16 and line 25, by striking SECTION 6. D. in its entirety and inserting:

/ D. Sections 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, and 1‑11‑110 of the 1976 Code are amended to read:

“Section 1‑11‑65. (A) All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be approved by and recorded with the ~~State Budget and Control Board~~ Department of Administration, except that a transaction of real property exceeding one million dollars in value shall instead be approved by the Budget and Control Board. Upon approval of the transaction ~~by the Budget and Control Board~~, there must be recorded simultaneously with the deed, a certificate of acceptance, which acknowledges the ~~board’s~~ approving entity’s approval of the transaction. The county recording authority cannot accept for recording any deed not accompanied by a certificate of acceptance. The ~~board~~ approving entity may exempt a governmental body from the provisions of this subsection.

(B) All state agencies, departments, and institutions authorized by law to accept gifts of tangible personal property shall have executed by its governing body an acknowledgment of acceptance prior to transfer of the tangible personal property to the agency, department, or institution.

Section 1‑11‑67. The S~~tate Budget and Control Board~~ Department of Administration shall assess and collect a rental charge from all state departments and agencies that occupy ~~State Budget and Control Board~~ space in state‑controlled office buildings under its jurisdiction. The amount charged each department or agency must be calculated on a square foot, or other equitable basis of measurement, and at rates that will yield sufficient total annual revenue to cover the annual principal and interest due or anticipated on the Capital Improvement Obligations for projects administered or planned by the ~~Office of General Services~~ department, and maintenance and operation costs of ~~State Budget and Control Board‑controlled~~ department‑controlled office buildings ~~under the supervision of the Office of General Services~~. The amount collected must be deposited in a special account and must be expended only for payment on Capital Improvement Obligations and maintenance and operations costs of the buildings under the supervision of the ~~Office of General Services~~ department.

All departments and agencies against which rental charges are assessed and whose operations are financed in whole or in part by federal or other nonappropriated funds are both directed to apportion the payment of these charges equitably among all funds to ensure that each bears its proportionate share.

Section 1‑11‑70. All vacant lands and lands purchased by the former land commissioners of the State ~~shall be~~ are subject to the directions of the ~~State Budget and Control Board~~ Department of Administration.

Section 1‑11‑80. The ~~State Budget and Control Board~~ Department of Administration is authorized to grant easements and rights of way to any person for construction and maintenance of power lines, pipe lines, water and sewer lines and railroad facilities over, on or under such vacant lands or marshland as are owned by the State, upon payment of the reasonable value thereof.

Section 1‑11‑90. The ~~State Budget and Control Board~~ Department of Administration may grant to agencies or political subdivisions of the State, without compensation, rights of way through and over such marshlands as are owned by the State for the construction and maintenance of roads, streets and highways or power or pipe lines, if, in the judgment of the ~~Budget and Control Board~~ department, the interests of the State will not be adversely affected thereby. A grant exceeding one million dollars in value shall instead require the approval of the Budget and Control Board.

Section 1‑11‑100. Deeds or other instruments conveying such rights of way or easements over such marshlands or vacant lands as are owned by the State shall be executed by the Governor in the name of the State, when authorized by the Department of Administration ~~authorized by resolution of the Budget and Control Board, duly recorded in the minutes and records of such board~~, and when duly approved by the office of the Attorney General; deeds or other instruments conveying such easements over property in the name of or under the control of State agencies, institutions, commissions or other bodies shall be executed by the majority of the governing body thereof, shall name both the State of South Carolina and the institution, agency, commission or governing body as grantors, and shall show the written approval of the ~~majority of the members of the State Budget and Control Board~~ director of the Department of Administration.

Section 1‑11‑110. (1) The ~~State Budget and Control Board~~ Department of Administration is authorized to acquire real property, including any estate or interest therein, for, and in the name of, the State of South Carolina by gift, purchase, condemnation or otherwise. An acquisition exceeding one million dollars in value shall instead require the approval of the State Budget and Control Board.

(2) The State Budget and Control Board shall make use of the provisions of the Eminent Domain Procedure Act (Chapter 2 of Title 28) if it is necessary to acquire real property by condemnation. The actions must be maintained by and in the name of the board. The right of condemnation is limited to the right to acquire land necessary for the development of the Capitol Complex ~~mall~~ grounds in the City of Columbia.” /

Amend further, Part IV, page 19, beginning on line 33, by striking Section 1‑11‑185(C), as contained in SECTION 6. F., and inserting:

/ (C) The respective divisions of the Budget and Control Board and the Department of Administration are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which must be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and those funds may be retained and expended for the same purposes. /

Amend further, Part IV, page 26, beginning on line 3, by striking Section 1‑11‑435, as contained in SECTION 6. H., and inserting:

/ “Section 1‑11‑435. To protect the state’s critical information technology infrastructure and associated data systems in the event of a major disaster, whether natural or otherwise, and to allow the services to the citizens of this State to continue in such an event, the ~~Office~~ Division of ~~the~~ State ~~Chief~~ Information ~~Officer~~ Technology in the Budget and Control Board ~~(CIO)~~ should develop a Critical Information Technology Infrastructure Protection Plan devising policies and procedures to provide for the confidentiality, integrity, and availability of, and to allow for alternative and immediate online access to critical data and information systems including, but not limited to, health and human services, law enforcement, and related agency data necessary to provide critical information to citizens and ensure the protection of state employees as they carry out their disaster‑related duties. All state agencies and political subdivisions of this State are directed to assist the ~~Office of the State CIO~~ division in the collection of data required for this plan.” /

Amend further, Part IV, page 26, beginning on line 26, by striking Section 6. J. in its entirety.

Amend further, Part IV, beginning on page 29 and line 32, by striking Section 10‑1‑10, as contained in SECTION 6. L., and inserting:

/ Section 10‑1‑10. The ~~State Budget and Control Board~~ Department of Administration shall keep, landscape, cultivate, and beautify the State House and State House grounds with authority to expend such amounts as may be annually appropriated therefor. The ~~board~~ department shall employ all help and labor in policing, protecting, and caring for the State House and State House grounds and shall have full authority over them. /

Amend further, Part IV, beginning on page 30 and line 39, by striking Section 10‑1‑130, as contained in SECTION 6. M., and inserting:

/ “Section 10‑1‑130. The trustees or governing bodies of state institutions and agencies may grant easements and rights of way over any property under their control, upon the recommendation of the Department of Administration ~~concurrence and acquiescence of the State Budget and Control Board~~, whenever it appears that such easements ~~will~~ do not materially impair the utility of the property or damage it and, when a consideration is paid therefor, any ~~such~~ amounts ~~shall~~ must be placed in the State Treasury to the credit of the institution or agency having control of the property involved.” /

Amend further, Part IV, page 31, beginning on line 10, by striking Section 10‑1‑190, as contained in Section 6. N., and inserting:

/ “Section 10‑1‑190. As part of the approval process relating to trades of state property for nonstate property, the ~~Budget and Control Board~~ Department of Administration is authorized to approve the application of any net proceeds resulting from such a transaction to the improvement of the property held by the ~~board~~ department.”/

Amend further, Part IV, page 38, beginning on line 1, by striking Section 10‑11‑50, as contained in SECTION 6. P., and inserting:

/ “Section 10‑11‑50. It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10‑11‑40 and subsection (2) of Section 10‑11‑80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the ~~State Budget and Control Board~~ Department of Administration, in cooperation with the Department of Transportation, or to block or impede traffic through the alleys and driveways.” /

Amend further, Part IV, page 39, beginning on line 6, by striking Section 10‑11‑140, as contained in SECTION 6. S., and inserting:

/ “Section 10‑11‑140. Nothing contained in this article shall be construed to abridge the authority of the State Budget and Control Board or the Department of Administration to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.” /

Amend further, Part IV, page 40, beginning on line 6, by striking Section 11‑9‑630, as contained in SECTION 6. U., and inserting:

/ Section 11‑9‑630. The ~~State Budget and Control Board~~ Department of Administration shall sell and convey, for and on behalf of the State, all such real property, assets, and effects belonging to the State as are not in actual public use, such sales to be made from time to time in such manner and upon such terms as it may deem most advantageous to the State. This shall not be construed to authorize the sale ~~by the Board~~ of any property held in trust for a specific purpose by the State or the property of the State in the phosphate rocks or phosphatic deposits in the beds of the navigable streams and waters and marshes of the State. Whenever the value of the property, assets, or effects exceeds one million dollars, the power to sell or convey shall instead reside with the Budget and Control Board.” /

Amend further, Part IV, page 41, beginning on line 29, by striking Section 11‑35‑3840, as contained in SECTION 6. V., and inserting:

/ Section 11‑35‑3840. The ~~State Budget and Control Board~~ Department of Administration may license for public sale publications, including South Carolina Business Opportunities, materials pertaining to training programs, and information technology products that are developed during the normal course of ~~the board’s~~ its activities. The items must be licensed at reasonable costs established in accordance with the cost of the items. All proceeds from the sale of the publications and materials must be placed in a revenue account and expended for the cost of providing the services. /

Amend further, Part IV, beginning on page 41 and line 39, by striking SECTION 6. W in its entirety.

Amend further, Part IV, page 43, beginning on line 23, by striking Section 13‑7‑830, as contained in SECTION 6. X., and inserting:

/ “Section 13‑7‑830. The recommendations described in Section 13‑7‑620 shall be made available to the General Assembly, the Governor, ~~and~~ the Budget and Control Board, and the Department of Administration.” /

Amend further, Part IV, beginning on page 60 and line 39, by striking Section 48‑52‑410, as contained in SECTION 6. FF., and inserting:

/ “Section 48‑52‑410. There is established the State Energy Office within the ~~State Budget and Control Board~~ Department of Administration which shall serve as the principal energy planning entity for the State. Its primary purpose is to develop and implement a well‑balanced energy strategy and to increase the efficiency of use of all energy sources throughout South Carolina through the implementation of the Plan for State Energy Policy. The State Energy Office must not function as a regulatory body.” /

Amend further, Part V, page 62, beginning on line 32, by striking SECTION 8 in its entirety and inserting:

/ SECTION 8. Unless otherwise provided, Sections 1 through 4 and 6 through 8 take effect July 1, 2011. Notwithstanding the above, Part III of this act containing Section 5 relating to the Legislative Oversight of Executive Departments takes effect January 1, 2012. The General Assembly shall undertake a joint oversight review investigation of the Department of Administration during the department’s fifth year of operation. /

Renumber items, subsections, and sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

Reps. OTT, J. H. NEAL, SELLERS, CRAWFORD, COBB-HUNTER, DANING, BRANTLEY, KING, WILLIAMS, JEFFERSON, G. R. SMITH, MERRILL, HOSEY, CLYBURN, R. L. BROWN, WHIPPER, MITCHELL, J. R. SMITH, BIKAS, GILLIARD, MACK, TAYLOR, WEEKS, NORMAN, D. C. MOSS, LUCAS, FORRESTER and PARKER requested debate on the Bill.

**H. 3152--REQUESTS FOR DEBATE**

The following Joint Resolution was taken up:

H. 3152 -- Reps. Young, Daning, Harrison, Allison, G. R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

Reps. YOUNG, OTT, DELLENEY, HIXON, J. R. SMITH, TAYLOR, WEEKS, HEARN, HOSEY and ALLISON requested debate on the Joint Resolution.

**H. 3070--REQUESTS FOR DEBATE**

The following Joint Resolution was taken up:

H. 3070 -- Reps. Young, Harrison, G. R. Smith, H. B. Brown, Taylor, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D. C. Moss, Erickson and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

Reps. YOUNG, WEEKS, HIXON, DELLENEY, J. R. SMITH, TAYLOR, G. R. SMITH, BEDINGFIELD, CLYBURN, HOSEY, HAYES, NORMAN, PARKER, ALLISON, FORRESTER and BRANTLEY requested debate on the Joint Resolution.

**H. 3419--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3419 -- Reps. Merrill, Bingham, Young, Taylor, Hixon, J. R. Smith, Clemmons, Stavrinakis, Bowers and Edge: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TAXPAYER FAIRNESS ACT" BY ADDING SECTION 12-4-397 SO AS TO PROVIDE THE MANNER IN WHICH THE SOUTH CAROLINA DEPARTMENT OF REVENUE MUST INTERPRET TAX STATUTES OF THIS STATE, TO PROVIDE THAT TERMS IN THE TAX STATUTES OF THIS STATE MAY NOT BE GIVEN BROADER MEANING THAN INTENDED BY POLICY DOCUMENTS AND REGULATIONS OF THE DEPARTMENT OF REVENUE, TO PROVIDE THAT AMBIGUITY IN TAX STATUTES MUST BE RESOLVED IN FAVOR OF THE TAXPAYER, TO REQUIRE THE DEPARTMENT TO REPORT AMBIGUITIES TO CERTAIN MEMBERS OF THE GENERAL ASSEMBLY, AND TO DEFINE "TAX STATUTES OF THIS STATE".

Reps. OTT, JEFFERSON, KING, COOPER, BRANTLEY, G. A. BROWN, ANDERSON, BALES, HERBKERSMAN, WHITE, R. L. BROWN, HOSEY, J. R. SMITH and TAYLOR requested debate on the Bill.

**H. 3368--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3368 -- Reps. G. R. Smith, Harrell, Bingham, Harrison, Cooper, Huggins, Bowen, Brady, Atwater, Parker, Clemmons, Crawford, D. C. Moss, Pinson, Loftis, Lowe, Allison, Bedingfield, Owens, Frye, Hardwick, Lucas, Quinn, Hamilton, Toole, Bannister, Whitmire, Stringer, Ballentine, Henderson, Nanney, Hearn, Bikas, V. S. Moss, Sottile, Gambrell, J. R. Smith, Corbin, Brannon, McCoy, Crosby, Barfield, Cole, Daning, Delleney, Hixon, Horne, Long, Murphy, Sandifer, G. M. Smith, Spires, Taylor, Young, Viers, Simrill, Pope and Edge: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-415 SO AS TO PROVIDE THAT THE LIMIT ON GENERAL FUND APPROPRIATIONS FOR A FISCAL YEAR IS THE TOTAL AMOUNT OF THE GENERAL FUND REVENUE ESTIMATE AS OF FEBRUARY 15, 2010, FOR FISCAL YEAR 2010-2011, INCREASED ANNUALLY AND CUMULATIVELY BY A PERCENTAGE DETERMINED BY POPULATION INCREASES AND INCREASES IN THE CONSUMER PRICE INDEX, TO PROVIDE FOR THE LIMITATION TO BE SUSPENDED FOR A FISCAL YEAR FOR A SPECIFIC AMOUNT UPON A SPECIAL VOTE OF THE GENERAL ASSEMBLY AND TO DEFINE THIS SPECIAL VOTE, TO ESTABLISH THE SPENDING LIMIT RESERVE FUND TO WHICH ALL SURPLUS GENERAL FUND REVENUES MUST BE CREDITED, TO PROVIDE FOR THE PRIORITY USES OF THE REVENUES OF THIS FUND, TO PROVIDE FOR THE APPROPRIATION OF FUND REVENUES AFTER THESE PRIORITIES ARE MET, TO REQUIRE THAT APPROPRIATION OF REVENUES OF THIS FUND MUST BE BY A JOINT RESOLUTION ORIGINATING IN THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE THAT THIS LIMIT FIRST APPLIES FOR FISCAL YEAR 2011-2012.

Reps. OTT, HERBKERSMAN, COOPER, CRAWFORD, BRANTLEY, PATRICK, JEFFERSON, KING, KNIGHT, ALLISON, BALES, WHITE, G. R. SMITH, J. R. SMITH, TAYLOR and WEEKS requested debate on the Bill.

**H. 3716--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3716 -- Ways and Means Committee: A BILL TO AMEND CHAPTER 20, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION FINANCE ACT OF 1977, SO AS TO RENAME THE CHAPTER, DEFINE CERTAIN TERMS, REVISE THE PURPOSE OF THE CHAPTER, REVISE PUPIL WEIGHTINGS WITHIN THE ALLOCATION FORMULA, DELETE PROVISIONS REGARDING SCHOOL AND DISTRICT IMPROVEMENT PLANS, DELETE THE INFLATION ADJUSTMENT TO STATE FUNDS FOR SCHOOL DISTRICTS, DELETE THE PROVISION THAT A SCHOOL DISTRICT MAY NOT RECEIVE HOLD HARMLESS FUNDS, DELETE THE REQUIREMENT THAT TEACHER SALARIES MUST BE ADJUSTED TO STAY AT THE SOUTHEASTERN AVERAGE, PROVIDE WHAT THE STATE MINIMUM SALARY SCHEDULE MUST INCLUDE, PROVIDE THAT TEACHER SALARIES IN THE FISCAL YEAR AFTER A FURLOUGH HAS BEEN IMPOSED MUST BE BASED ON THE TEACHER SALARY IN THE YEAR PRIOR TO THE FURLOUGH, PROVIDE THAT TEACHER PAY RAISES MAY BE PROVIDED AT THE DISCRETION OF THE SCHOOL DISTRICT, REVISE HOW A TEACHER MAY QUALIFY FOR A PAY RAISE, REQUIRE THE DEPARTMENT TO DEVELOP AN INCENTIVE COMPENSATION SYSTEM BASED ON TEACHER PERFORMANCE FOR TEACHERS AND PROVIDE REPORTING REQUIREMENTS, REQUIRE A SCHOOL DISTRICT TO PUBLISH THE ACTUAL PERCENTAGE OF ITS PER PUPIL EXPENDITURES USED FOR CLASSROOM INSTRUCTION, INSTRUCTIONAL SUPPORT, AND NON-INSTRUCTIONAL PUPIL SERVICES, REQUIRE THE DISTRICT TO SPEND AT LEAST SEVENTY PERCENT OF ITS PER PUPIL EXPENDITURES IN THESE CATEGORIES, AND DELETE OBSOLETE REFERENCES; BY ADDING ARTICLE 2 TO CHAPTER 139, TITLE 59 SO AS TO REQUIRE EACH SCHOOL DISTRICT BOARD OF TRUSTEES TO DEVELOP FIVE-YEAR PLANS FOR THE DISTRICT AND FOR THE SCHOOLS OF THE DISTRICT, PROVIDE WHAT THESE PLANS MUST INCLUDE, AND PROVIDE FOR ALLOCATION OF FUNDING FOR ELEMENTS OF THE PLAN; AND BY ADDING SECTION 59-19-91 SO AS TO REQUIRE A SCHOOL DISTRICT BOARD OF TRUSTEES TO ESTABLISH AN IMPROVEMENT COUNCIL AT EACH SCHOOL IN THE DISTRICT, PROVIDE WHO MAY SERVE ON THE COUNCIL, PROVIDE THE DUTIES OF THE COUNCIL, AND PROVIDE TERMS FOR COUNCIL MEMBERS.

Reps. SELLERS, OTT, GOVAN, JEFFERSON, KING, BRANTLEY, BRANNON, R. L. BROWN and HOSEY requested debate on the Bill.

**H. 3333--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3333 -- Reps. Sandifer, Toole, Bowers, Hayes, Erickson and Brady: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF "ADMITTED ASSETS" TO INCLUDE THOSE ON THE MOST RECENT STATUTORY FINANCIAL STATEMENT OF THE INSURER FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38-13-80; TO AMEND SECTION 38-9-10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38-10-40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38-33-130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38-55-80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

Reps. SELLERS, OTT, JEFFERSON, KING, STAVRINAKIS, BRADY, SANDIFER, COOPER, WHITE, J. R. SMITH, CRAWFORD, LOWE, VIERS and G. R. SMITH requested debate on the Bill.

**H. 3414--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3414 -- Reps. Sandifer, Toole, Bowers, Hayes, Erickson and Brady: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-90-213 SO AS TO PROVIDE CERTAIN FEATURES AND REQUIREMENTS CONCERNING A PROTECTED CELL; BY ADDING SECTION 38-90-215 SO AS TO PERMIT THE FORMATION OF A PROTECTED CELL AND TO PROVIDE REQUIREMENTS FOR ITS CREATION, OWNERSHIP AND OPERATION; BY ADDING SECTION 38-90-457 SO AS TO PROVIDE FOR THE FORMATION OF A PROTECTED CELL OF A SPECIAL PURPOSE FINANCIAL CAPTIVE; TO AMEND SECTION 33-9-100, RELATING TO ARTICLES OF DOMESTICATION FOR A FOREIGN CORPORATION, SO AS TO CHANGE THE WORD “STATE” TO “JURISDICTION”; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO APPLICABILITY OF PROVISIONS RELATING TO INSURANCE REORGANIZATIONS, RECEIVERSHIPS, INJUNCTIONS, AND SPONSORED CAPTIVE INSURANCE COMPANY ASSETS AND CAPITAL PROVISIONS, SO AS TO PROVIDE FOR THE APPLICABILITY OF THE TERMS AND CONDITIONS OF CHAPTERS 26 AND 27, TITLE 38, TO A CAPTIVE INSURANCE COMPANY AND A PROTECTED CELL OF THIS COMPANY, AND TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY OBTAIN PERMISSION OF THE CIRCUIT COURT TO CONSERVE, REHABILITATE, OR LIQUIDATE ONE OR MORE PROTECTED CELLS, INDEPENDENTLY, WITHOUT CAUSING OR OTHERWISE EFFECTING CERTAIN ACTIONS, TO PROVIDE A DIRECTOR MAY NOT SEEK TO HAVE A SPONSORED CAPTIVE INSURANCE COMPANY DECLARED INSOLVENT IF AT LEAST ONE OF ITS PROTECTED CELLS REMAINS SOLVENT, AND TO PROVIDE THIS SECTION DOES NOT PREVENT THE DIRECTOR FROM TAKING CERTAIN ACTIONS TO THE CONSERVATION OR REHABILITATION OF A SPONSORED CAPTIVE INSURANCE COMPANY IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-90-210, RELATING TO FORMATION OF A SPONSORED CAPTIVE INSURANCE COMPANY AND ESTABLISHING PROTECTED CELLS, SO AS TO ADD CONDITIONS UNDER WHICH A SPONSORED CAPTIVE INSURANCE COMPANY MAY ESTABLISH AND MAINTAIN ONE OR MORE PROTECTED CELLS TO INSURE RISKS OF ONE OR MORE OF ITS PARTICIPANTS; TO AMEND SECTION 38-90-220, AS AMENDED, RELATING TO REQUIREMENTS APPLICABLE TO SPONSORS, SO AS TO PROVIDE THE DIRECTOR MAY APPROVE AN ADDITIONAL ENTITY UNDER CERTAIN CONDITIONS; TO AMEND SECTION 38-90-230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THE PARTICIPANT WHOSE RISKS ARE INSURED THROUGH CERTAIN PROTECTED CELL ENTITIES, THE SPONSOR, OR THE SPONSORED CAPTIVE INSURANCE COMPANY MUST BE THE OWNER OF THAT PROTECTED CELL ENTITY UNLESS OTHERWISE APPROVED BY THE DIRECTOR; TO AMEND SECTION 38-90-235, RELATING TO TERMS, CONDITIONS, AND EXCEPTIONS FOR PROTECTED CELL INSURANCE COMPANIES APPLICABLE TO SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE FOR THE LAW THAT GOVERNS IN THE EVENT OF A CONFLICT; AND TO AMEND SECTION 38-90-485, RELATING TO THE EFFECT OF THE CREATION, NAMING, AND MANAGEMENT OF ASSETS OF A PROTECTED CELL, SO AS TO PROVIDE AN EXCEPTION FOR CERTAIN PROTECTED CELLS.

Reps. HART, OTT, SELLERS, RUTHERFORD, CRAWFORD, LOWE, J. R. SMITH, BRANTLEY, BRADY, SANDIFER, COOPER, WHITE, HOSEY, ALLISON, PARKER, STAVRINAKIS and GAMBRELL requested debate on the Bill.

**LEAVE OF ABSENCE**

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

**H. 3621--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3621 -- Reps. Bannister, Rutherford, Herbkersman, Weeks, J. E. Smith and Viers: A BILL TO AMEND SECTION 61-6-1035, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SAMPLING OF WINES, SO AS TO PERMIT RETAILERS TO CONDUCT TASTINGS.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\GGS\22037ZW11), which was adopted:

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

/ SECTION 1. Section 61‑6‑1035 of the 1976 Code is amended to read:

“Section 61‑6‑1035. Notwithstanding the provisions of Section 61‑6‑1500, the sampling of wines containing over sixteen percent by volume of alcohol, cordials, and other distilled spirits sold in a retail alcoholic liquor store is authorized if the sampling is conducted as follows:

(1) No sample may be offered from more than four products at ~~any~~ one time.

(2) The sample is limited to products from no more than one wholesaler at one time.

(3) No more than one bottle of each of the four products to be sampled may be opened.

~~(3)~~(4) The sampling must be held in a designated tasting area of the retail liquor store and all open bottles must be visible at all times. All open bottles must be removed at the conclusion of the tasting.

~~(4)~~(5) Samples must be less than one‑half ounce for each product sampled.

~~(5)~~(6) No person may be served more than one sample of each product.

~~(6)~~(7) No sampling may be offered for longer than four hours.

~~(7)~~(8) At least ten days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division. The letter must include a copy of a certificate of liability insurance for the manufacturer, the retail establishment, or its agent, conducting the tastings.

~~(8)~~ (9)No sample may be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty‑one years. This person must not be allowed to loiter on the store premises.

~~(9)~~(10)The tastings must be conducted by the manufacturer, retailer, or an agent of the manufacturer or retailer, and must not be conducted by a wholesaler, ~~retailer, or~~ an employee of a wholesaler ~~or retailer~~, or an agent of a wholesaler.

~~(10)~~(11) No retail alcoholic liquor store may offer more than one sampling per day.

(12) All product samples used for tastings must be purchased by the retailer from a South Carolina Licensed Wholesaler as required by 61-6-100 (3).

(13) All associated costs for the tasting must be paid for by the manufacturer, the retailer, or its agent, conducting the tasting.”

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

Renumber sections to conform.

Amend title to conform.

Rep. VIERS explained the amendment.

The amendment was then adopted.

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

**H. 3403--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3403 -- Reps. Delleney, Simrill, Lucas, Hiott, Limehouse, Bowen, Bedingfield, Pinson, G. M. Smith, J. R. Smith, Bingham, Frye, V. S. Moss, Corbin, Bikas, Cooper, Allison, Parker, Toole, G. R. Smith, Henderson, Atwater, McCoy, Ballentine, Brannon, Clemmons, D. C. Moss, Hixon, Pitts, Young, Sandifer, Quinn, Willis, Viers, Pope, Stringer, Nanney, Hamilton, Owens and Huggins: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF THE SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

Reps. SELLERS, RUTHERFORD, JEFFERSON, KING, BRANTLEY, SIMRILL, POPE, BIKAS, WEEKS, OWENS, NORMAN, DELLENEY, CLEMMONS, OTT, YOUNG and DANING requested debate on the Bill.

**H. 3408--OBJECTION AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3408 -- Reps. Delleney, Lucas, Simrill, Hiott, Limehouse, Bowen, Bedingfield, Pinson, J. R. Smith, G. M. Smith, Bingham, Thayer, V. S. Moss, Brannon, Bikas, Cooper, Allison, Toole, Parker, G. R. Smith, Frye, Atwater, Henderson, McCoy, Ballentine, Clemmons, Hixon, D. C. Moss, Pitts, Young, Quinn, Willis, Viers, Sandifer, Stringer, Nanney, Hamilton and Owens: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5, TO CHAPTER 41, TITLE 44, TO ENACT THE "FREEDOM OF CONSCIENCE ACT" SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, DISCIPLINING OR DISCRIMINATING AGAINST AN EMPLOYEE WHO ADVISES THE EMPLOYER THAT HE OR SHE REFUSES TO PARTICIPATE IN CERTAIN ACTIVITIES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROVIDE THAT A HEALTH CARE FACILITY IS NOT REQUIRED TO ADMIT A PATIENT, OR TO ALLOW THE USE OF THE FACILITY FOR PROCEDURES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB AND TO PROVIDE THAT CERTAIN HEALTH CARE PROVIDERS AND EMPLOYEES OF SUCH PROVIDERS WHO PROVIDED NOTICE THAT THEY WILL NOT PARTICIPATE IN SUCH ACTIVITIES MUST NOT BE REQUIRED TO PARTICIPATE, MUST NOT BE DISCIPLINED DUE TO SUCH REFUSAL, AND ARE IMMUNE FROM LIABILITY FOR ANY DAMAGES CAUSED BY SUCH REFUSAL; TO PROVIDE THAT THE STATE MUST NOT REQUIRE AN INSURANCE PLAN OR ISSUER TO COVER PROCEDURES INCLUDING, BUT LIMITED TO, PROCEDURES RELATING TO EMBRYONIC TISSUE OR DEVELOPMENT OF A CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROHIBIT A HEALTH CARE FACILITY, SCHOOL, OR EMPLOYER FROM DISCRIMINATING AGAINST A PERSON REGARDING ADMISSION, HIRING OR FIRING, TERMS OF EMPLOYMENT, OR STUDENT OR STAFF STATUS BECAUSE THE PERSON REFUSES, WHETHER OR NOT IN WRITING, TO PARTICIPATE IN PROCEDURES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROVIDE THAT A PERSON MUST NOT BE REQUIRED TO PARTICIPATE IN, MAKE FACILITIES AVAILABLE FOR, OR PROVIDE PERSONNEL FOR PROCEDURES INCLUDING, BUT LIMITED TO, PROCEDURES RELATING TO EMBRYONIC TISSUE OR DEVELOPMENT OF A CHILD IN AN ARTIFICIAL OR NATURAL WOMB IF THE ACTIVITY IS CONTRARY TO THE PERSON'S CONSCIENCE; TO PROHIBIT DISCRIMINATION AGAINST A PERSON ESTABLISHING OR OPERATING A HEALTH CARE FACILITY BECAUSE THE FACILITY DECLINES TO PARTICIPATE IN A HEALTH CARE SERVICE THAT IS CONTRARY TO THE FACILITY'S CONSCIENCE; AND TO PROVIDE THAT A PERSON ADVERSELY AFFECTED BY CONDUCT THAT IS IN VIOLATION OF THIS ARTICLE MAY BRING A CIVIL ACTION FOR EQUITABLE RELIEF AND IF THE PERSON PREVAILS, THE COURT SHALL AWARD ATTORNEY'S FEES.

Rep. COBB-HUNTER objected to the Bill.

Reps. SELLERS, WHIPPER, HODGES, WEEKS, DILLARD, HOSEY, JEFFERSON, KING, BRANTLEY, J. H. NEAL, DANING, MACK, SIMRILL, DELLENEY, CORBIN, VIERS, HEARN, HAMILTON and G. R. SMITH requested debate on the Bill.

**H. 3120--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

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

H. 3120 -- Reps. McEachern and H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-845 SO AS TO PROVIDE THAT THE TOWN OF BLYTHEWOOD SHALL CONDUCT VEGETATION MANAGEMENT ALONG A PORTION OF INTERSTATE HIGHWAY 77.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall H. 3574 from the Committee on Ways and Means.

Rep. H. B. BROWN objected.

**H. 3688--RECALLED AND REFERRED TO COMMITTEE ON WAYS AND MEANS**

On motion of Rep. COOPER, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor,

Commerce and Industry and was referred to the Committee on Ways and Means:

H. 3688 -- Reps. J. E. Smith, Whipper and Limehouse: A BILL TO AMEND CHAPTER 65, TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO MAKE THE PROVISIONS OF THIS CHAPTER ALSO APPLICABLE TO ABANDONED GOVERNMENTAL PROPERTIES.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall H. 3733 from the Committee on Labor, Commerce and Industry.

Rep. SANDIFER objected.

**OBJECTION TO RECALL**

Rep. D. C. MOSS asked unanimous consent to recall H. 3732 from the Committee on Education and Public Works.

Rep. KING objected.

**H. 3731--RECALLED AND REFERRED TO COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. OWENS, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor, Commerce and Industry and was referred to the Committee on Education and Public Works:

H. 3731 -- Reps. Owens, Brantley, Daning, Brannon, Atwater, Patrick, Erickson, Bowen, R. L. Brown, Crosby, Long, Taylor and Willis: A BILL TO AMEND SECTION 56-27-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERM AND COST OF A PROFESSIONAL HOUSEMOVING LICENSE, SO AS TO REVISE THE ANNUAL RENEWAL FEE; AND TO AMEND SECTION 57-3-130, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S SPECIAL PERMITS THAT AUTHORIZE A PERSON TO OPERATE OR MOVE A VEHICLE THAT EXCEEDS A CERTAIN SIZE, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DETERMINE THE MAXIMUM SPEEDS AT WHICH PERMITTED LOADS MAY OPERATE, TO PROVIDE THAT FOR A LOAD TRAVELING UNDER POLICE ESCORT, THE ESCORT OFFICER MAY EXERCISE DISCRETION WHEN TEMPORARILY MOVING OUT OF THE TRAVELED WAY, AND TO PROVIDE AN ADDITIONAL IMPACT FEE FOR LOADS THAT EXCEED FIVE HUNDRED THOUSAND POUNDS.

**OBJECTION TO RECALL**

Rep. BALES asked unanimous consent to recall H. 3685 from the Committee on Ways and Means.

Rep. WHITE objected.

**H. 3003--DEBATE ADJOURNED**

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

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V. S. Moss, Norman, Parker, G. M. Smith, G. R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J. R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D. C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7-5-125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56-1-3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7-13-25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7-13-25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7-1-25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7-5-675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7-15-330, 7-15-385, AND 7-5-230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

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

**MOTION PERIOD**

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

**H. 3410--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 3410 -- Reps. Owens, Cooper, Harrell, Branham, Limehouse, Atwater, Bikas, Govan, Loftis, Skelton, Taylor, Young, Williams, Daning, Quinn, Brannon, J. M. Neal, Bowen, Patrick, Norman, Whitmire, Willis, Thayer, Erickson, Weeks, Munnerlyn, McEachern, Vick, Sandifer, Viers, Hixon, Huggins, Clemmons, Henderson and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011"; TO AMEND SECTIONS 2-47-30, 2-47-35, 2-47-40, AND 2-47-50, AS AMENDED, RELATING THE JOINT BOND REVIEW COMMITTEE, SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY STATE AGENCIES AND FOR THE APPROVAL OF THESE PROJECTS; BY ADDING SECTION 2-47-53 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS, TO ALLOW THE COMMITTEE TO REQUEST ASSISTANCE WITH THE REVIEW OF PROJECTS, AND TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS; BY ADDING SECTION 2-47-54 SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO GROUND LEASE AGREEMENTS WITH A PRIVATE ENTITY AND TO PROVIDE REQUIREMENTS FOR THOSE AGREEMENTS; BY ADDING SECTION 59-53-168 SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH A TIERED SYSTEM FOR CATEGORIZING TECHNICAL COLLEGES WITH RESPECT TO FINANCIAL STRENGTH AND OTHER FACTORS BY WHICH TECHNICAL COLLEGES MAY APPLY FOR CERTAIN EFFICIENCY POLICIES GRANTED BY THE BOARD AND TO REQUIRE THE BOARD TO ESTABLISH AN ADVISORY BOARD AND REPORT TO THE GENERAL ASSEMBLY; TO AMEND SECTIONS 59-53-290, 59-53-630, 59-53-740, 59-53-1784, AND 59-53-2430, ALL RELATING TO LEASE AGREEMENTS OF TECHNICAL COLLEGES, SO AS TO PROVIDE FOR THE FAVORABLE REVIEW OF THE AGREEMENT BY THE JOINT BOND REVIEW COMMITTEE AND ITS APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS BY THE STATE BUDGET AND CONTROL BOARD AND ACCEPTANCE OF THE TRANSFER OF TANGIBLE PERSONAL PROPERTY BY A STATE ENTITY, SO AS TO EXEMPT CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY THESE INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTIONS 59-147-42 AND 59-147-43 AND TO AMEND SECTION 59-147-30, AS AMENDED, RELATING TO THE PROCEDURES FOR THE ISSUANCE OF REVENUE BONDS UNDER THE HIGHER EDUCATION REVENUE BOND ACT, ALL SO AS TO REVISE THESE PROCEDURES AND THE PURPOSES FOR WHICH THE BONDS MAY BE USED; BY ADDING ARTICLE 7 TO CHAPTER 101, TITLE 59 SO AS TO PROVIDE FOR CERTAIN PROVISIONS APPLICABLE TO BOND ACTS FOR INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 11-35-1210, AS AMENDED, RELATING TO CERTIFICATION OF THE BUDGET AND CONTROL BOARD TO ALLOW GOVERNMENTAL BODIES TO MAKE DIRECT PROCUREMENTS, SO AS TO PROVIDE FOR APPROVAL OF PROCUREMENT AUTHORITY BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 11-35-1550, AS AMENDED, RELATING TO SMALL PURCHASES UNDER THE CONSOLIDATED PROCUREMENT CODE AND BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED SMALL PURCHASES BY PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TO AUTHORIZE THESE INSTITUTIONS TO USE PURCHASING CARDS FOR THESE PURCHASES IN THE AMOUNT AUTHORIZED; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION, ARCHITECTURAL-ENGINEERING AND LAND SURVEYING SERVICES, SO AS TO RAISE THE PERMITTED AMOUNTS OF THESE CONTRACTS; TO AMEND SECTION 11-35-4810, AS AMENDED, RELATING TO COOPERATIVE PURCHASES OF PUBLIC ENTITIES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO ESTABLISH CERTAIN EXCEPTIONS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING IN REGARD TO NOTICE AND ELIGIBLE VENDORS; TO AMEND SECTION 1-7-170, RELATING TO THE REQUIRED APPROVAL OF THE ATTORNEY GENERAL BEFORE AN AGENCY OR DEPARTMENT OF THIS STATE MAY ENGAGE AN ATTORNEY AT LAW ON A FEE BASIS AND EXCEPTIONS TO THIS REQUIREMENT, SO AS TO ESTABLISH A SPECIAL APPROVAL PROCEDURE FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-101-55 SO AS TO PROVIDE THAT STATE APPROPRIATED FUNDS MAY NOT BE USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO LIMITATIONS ON EDUCATIONAL FEE WAIVERS OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO REVISE THESE LIMITATIONS FOR CERTAIN INSTITUTIONS AND TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS TO THE COMMISSION ON HIGHER EDUCATION IN REGARD TO THESE WAIVERS; BY ADDING SECTION 59-112-115 SO AS TO PROVIDE THAT WHEN THE GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE ONLY MAY BE IMPLEMENTED BY THE INSTITUTION AFTER A PUBLICALLY RECORDED ROLL CALL VOTE, AND A MAJORITY VOTE SHALL BE REQUIRED TO IMPLEMENT ANY CHANGE TO THE TUITION OR FEES, AND TO PROVIDE REPORTING REQUIREMENTS; AND TO AMEND SECTION 1-11-55, RELATING TO LEASING OF REAL PROPERTY FOR GOVERNMENTAL BODIES, SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO LEASE AGREEMENTS UP TO ONE HUNDRED THOUSAND DOLLARS ANNUALLY UPON APPROVAL BY THE INSTITUTIONAL BOARDS.

Rep. OWENS proposed the following Amendment No. 1 (COUNCIL\AGM\18756BH11), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 11‑35‑3310(2), as contained in SECTION 21, lines 11‑18, and inserting:

/ (2) Small Indefinite Delivery Contracts. Small indefinite delivery contracts for architectural‑engineering and land surveying services may be procured as provided in Section 11‑35‑3230. A contract established under this section ~~shall be~~ is subject to and included in the limitations for individual and total contract amounts provided in Section 11‑35‑3230, and any regulations promulgated thereunder except that the individual and total contract limits are fifty and one hundred fifty thousand dollars respectively for public institutions of higher learning, as defined by Section 59‑103‑5.” /

Amend further, by deleting Section 1‑7‑170(B), as contained in SECTION 23, lines 20‑29, and inserting:

/ (B) A public institution of higher learning shall engage and compensate outside counsel in accordance with policies and procedures adopted by the State Budget and Control Board for matters of bonded indebtedness, public finance, borrowing, and related financial matters.”/

Amend the bill further, by deleting SECTION 27 in its entirety as contained on page 24, lines 29‑40, and inserting:

/ SECTION 27. Section 1‑11‑55(2) of the 1976 Code is amended to read:

“(2) The State Budget and Control Board is hereby designated as the single central broker for the leasing of real property for governmental bodies. ~~No~~ A governmental body shall enter into any lease agreement or renew any existing lease ~~except~~ only in accordance with the provisions of this section, except that institutional boards shall approve for public institutions of higher learning to enter into any lease agreement or renew any lease up to one‑hundred thousand dollars annually for each property or facility.” /

Renumber sections to conform.

Amend title to conform.

Rep. OWENS explained the amendment.

The amendment was then adopted.

Reps. QUINN, BINGHAM and MERRILL proposed the following Amendment No. 2 (COUNCIL\AGM\18792BH11):

Amend the bill, as and if amended, by deleting SECTIONS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, as contained in PART II, pages 4‑16, and inserting:

/ SECTION 2.A. Article 2, Chapter 101, of the 1976 Code is amended by adding:

Section 59‑101‑670. (A) Project Proposals. Notwithstanding another provision of law, a public institution of higher learning that intends to request or receive funds from any source for use in the financing of a permanent improvement project shall notify staff of the Joint Bond Review Committee of the proposed project. Members of the Joint Bond Review Committee may individually comment and make nonbinding recommendations on the proposed project.

(B) Project Establishment. A public institution of higher learning concurrently shall submit to the Joint Bond Review Committee and the Budget and Control Board a permanent improvement project proposal for review by both bodies. In making its proposal, the public institution of higher learning shall include:

(1) a complete description of the proposed project;

(2) a statement of justification of the proposed project;

(3) a statement of the purposes and intended uses of the proposed project;

(4) the estimated total cost of the proposed project;

(5) an estimate of the additional future annual operating costs associated with the proposed project;

(6) a statement on the expected impact of the proposed project on the five‑year operating plan of the public institution proposing the project;

(7) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and

(8) the specification of the priority of each project among those proposed.

(C) The Joint Bond Review Committee and the Budget and Control Board shall notify the institution of its authorization of or objection to the establishment of the permanent improvement project proposal within forty‑five days of receipt of the proposal. The review of the Joint Bond Review committee must be rendered by the collective body. The Budget and Control Board only is required to meet to discuss the proposal if the Governor expresses objection to the proposal in writing to the members of the Budget and Control Board and the public institution of higher learning within the forty‑five day time period. A permanent improvement project proposal is deemed to be favorably reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board if either fails to notify the public institution of higher learning of its finding within forty‑five days of receipt of the proposal.

(D) Except as provided in subsection (E)(2), a proposal to finance all or any part of any project using any funds not previously authorized specifically for the permanent improvement project by the General Assembly or using any funds not previously approved for the project must be referred to the Joint Bond Review Committee for its review and the Budget and Control Board for its approval prior to implementation by the public institution of higher learning.

(E)(1) A proposed revision of the scope or of the budget of an established permanent improvement project deemed by the committee to be substantial must be reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board prior to any final action by the public institution of higher learning. In making their determinations regarding changes in project scope, the committee and board shall utilize the permanent project improvement project proposal and justification statements, together with supporting documentation considered at the time the project was authorized or established originally. Except as provided in subsection (E)(2), a proposal to increase the budget of a previously approved project using any funds not previously approved for the project by the public institution of higher learning must be deemed in all cases to be a substantial revision of a project budget which must be referred to the committee for review and to the board for its approval.

(2) Notwithstanding subsection (D)(1), a previously approved improvement project undertaken by a public institution of higher learning, whose total costs increase not more than ten percent of the most recently approved total costs, not to exceed two million dollars, is not required to have that proposal reviewed by the Joint Bond Review Committee and the Budget and Control Board. The proposal, however, is subject to staff level review of the Joint Bond Review Committee.

(F)(1) For purposes of this section, with regard to public institutions of higher learning, a permanent improvement project is defined as:

(a) acquisition of land costing more than two hundred fifty thousand dollars. For the acquisition of land costing two hundred fifty thousand dollars or less, the proposal is subject to staff level review;

(b) acquisition, as opposed to the construction, of buildings or other structures costing more than two hundred fifty thousand dollars. For the acquisition, as opposed to construction, of building or other structures costing two hundred fifty thousand dollars or less, the proposal is subject to staff level review;

(c) work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is one million dollars or more;

(d) architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are not included;

(e) capital lease purchase of a facility acquisition or construction in which the total cost is one million dollars or more;

(f) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract must be included as a part of a project in which the total cost is one million dollars or more; and

(g) new construction of a facility that exceeds a total cost of five hundred thousand dollars.

(2) A permanent improvement project that meets the definition provided in subsection (F)(1) must become a project, regardless of the source of funds.

(G) For projects submitted to the Joint Bond Review Committee and the Budget and Control Board for review, the committee and the board may request the assistance of the Office of the State Treasurer to review the feasibility and financing structure of the project.

B. The general effective date otherwise provided in this act does not apply the provisions of this section. The provisions of this section become effective upon approval by the Governor and apply to proposals offered by a public institution of higher learning offered after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. OWENS explained the amendment.

Rep. QUINN spoke in favor of the amendment.

Rep. OTT moved to adjourn debate on the Bill until Tuesday, March 8, which was agreed to.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3066--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

The JUDICIARY COMMITTEE proposed the following Amendment No. 1 (COUNCIL\DKA\3498SD11):

Amend the bill, as and if amended, Part II, beginning on page 2 and line 31, by striking SECTION 3 in its entirety, and inserting:

/ SECTION 3. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑125. (A) Effective July 1, 2011, the following offices, divisions, or components of the State Budget and Control Board, Office of the Governor, or other agencies are transferred to, and incorporated into, the Department of Administration, a department of the executive branch of state government headed by a director appointed by the Governor as provided in Section 1‑30‑10(B)(1)(i) except that this appointment must be upon the advice and consent of the General Assembly rather than the Senate:

(1) Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;

(2) Office of Human Resources;

(3) Office of Executive Policy and Programs, except for the State Ombudsman and Children’s Services programs which are contained within this office;

(4) Office of Economic Opportunity;

(5) Developmental Disabilities Council;

(6) Continuum of Care as established by Section 20‑7‑5610;

(7) Children’s Foster Care as established by Section 20‑7‑2379;

(8) Veterans Affairs as established by Section 25‑11‑10;

(9) Commission on Women as established by Section 1‑15‑10;

(10) Victims Assistance as established by Article 13, Chapter 3, Title 16;

(11) Small and Minority Business as established by Section 11‑35‑5270;

(12) Procurement Services Division of the State Budget and Control Board;

(13) State Energy Office as established by Section 48‑52‑410;

(14) Division of State Information Technology of the State Budget and Control Board;

(15) Employee Insurance program of the State Budget and Control Board as established by Article 5, Chapter 11, Title 1; and

(16) Guardian Ad Litem program as established by Section 63-11-500.

(B)(1) There is established, within the Department of Administration, the Executive Budget Office which shall support the Office of the Governor by conducting analysis, coordinating executive agency requests for funding, and evaluating program performance.

(2) The Executive Budget Office shall use the existing resources of the organizations transferred to the Department of Administration including, but not limited to, funding, personnel, equipment, and supplies. Vacant FTE’s at the State Budget and Control Board also may be used to fill needed positions for the office.

(C) Notwithstanding any other provision of law, the Department of Administration may organize its staff as it considers most appropriate to carry out the various duties, responsibilities, and authorities assigned to it and to its various divisions and management and organizational entities. /

Amend further, Part III, beginning on page 5 and line 21, by striking Sections 2‑2‑20, 2‑2‑30, 2‑2‑40, as contained in SECTION 5, and inserting:

/ Section 2‑2‑20. (A) Beginning January 1, 2012, each standing committee shall conduct oversight studies and investigations on all agencies within the standing committee’s subject matter jurisdiction at least once every seven years in accordance with a schedule adopted as provided in this chapter.

(B) The purpose of these oversight studies and investigations is to determine if agency laws and programs within the subject matter jurisdiction of a standing committee:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The oversight studies and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee’s subject matter jurisdiction.

Section 2‑2‑30. (A) The procedure for conducting the oversight studies and investigations is provided in this section.

(B)(1) The President *Pro Tempore* of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed seven‑year review schedule must be published in the Senate Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for an agency.

(C)(1) The Speaker of the House of Representatives, upon consulting with the chairmen of the standing committees in the House of Representatives and the Clerk of the House of Representatives, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed seven‑year review schedule must be published in the House Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for the agency.

(D) The chairman of an investigating committee may vest the standing committee’s full investigative power and authority in a subcommittee. A subcommittee conducting an oversight study and investigation of an agency:

(1) shall make a full report of its findings and recommendations to the standing committee at the conclusion of its oversight study and investigation, and

(2) shall not consist of fewer than three members.

Section 2‑2‑40. (A) In addition to the scheduled seven‑year oversight studies and investigations, a standing committee of the Senate or the House of Representatives may by majority vote of the standing committee’s membership initiate an oversight study and investigation of an agency within its subject matter jurisdiction. The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies’ functions, duties, and activities./

Amend further, Part III, page 11, beginning on line 5, by striking Section 2-2-100, as contained in Section 5, and inserting:

/ Section 2-2-100. Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and willfully gives false, misleading, or incomplete testimony under oath is guilty of contempt of the General Assembly. A person who is convicted of or pleads guilty to contempt of the General Assembly is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both. /

Amend further, SECTION 5, Part III, page 11, by inserting after line 16 a new section to read:

/ Section 2-2-220. A person is guilty of criminal contempt when, having been duly subpoenaed to attend as a witness before either house of the legislature or before any committee thereof, he:

(1) fails or refuses to attend without lawful excuse; or

(2) refuses to be sworn; or

(3) refuses to answer any material and proper question; or

(4) refuses, after reasonable notice, to produce books, papers, or documents in his possession or under his control which constitute material and proper evidence.

A person who is convicted of or pleads guilty to criminal contempt is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both. /

Amend further, Part IV, beginning on page 11 and line 24, by striking Section 1‑11‑20, as contained in Section 6. A., and inserting:

/ “Section 1‑11‑20. (A) The functions of the State Budget and Control Board must be performed, exercised, and discharged under the supervision and direction of the board through three divisions, the Finance Division (embracing the work of the State Auditor, the former State Budget Commission, the former State Finance Committee and the former Board of Claims for the State of South Carolina), the Purchasing and Property Division (embracing the work of the former Commissioners of the Sinking Fund, the former Board of Phosphate Commissioners, the State Electrician and Engineer, the former Commission on State House and State House Grounds, the central purchasing functions, the former Surplus Procurement Division of the State Research, Planning and Development Board and the Property Custodian) and the Division of Personnel Administration (embracing the work of the former retirement board known as the South Carolina Retirement System and the administration of all laws relating to personnel), each division to consist of a director and clerical, stenographic and technical employees necessary, to be employed by the respective directors with the approval of the board. The directors of the divisions must be employed by the State Budget and Control Board for that time and compensation as may be fixed by the board in its judgment.

(B)(1) Notwithstanding subsection (A), as of July 1, 2011, the Division of General Services of the State Budget and Control Board including Facilities Management, Business Services together with Fleet Management, and Property Services as well as the Procurement Services Division, Division of State Information Technology, State Energy Office, Office of Human Resources, Employee Insurance Program, and the other offices or divisions of the State Budget and Control Board specified in Section 1‑30‑125 are transferred to, and incorporated into, the Department of Administration.

(2) Notwithstanding another provision of law, if the State Budget and Control Board maintains primary responsibility related to a program administered by the Department of Administration, whether the responsibility is regulatory, oversight, approval, or other, the board may receive and expend revenues generated by the programs to support the board’s responsibilities related to the programs. The funds may be retained and expended in subsequent fiscal years.

(3) The Department of Administration shall use the existing resources of each division transferred to the department including, but not limited to, funding, personnel, equipment, and supplies to carry out each division’s responsibilities. The department shall also receive an equitable allocation of funding, personnel, equipment, and supplies from the board’s administrative support units including, but not limited to, the Office of the Executive Director, Office of General Counsel, and the Office of Internal Operations. ‘Funding’ means state, federal, and other funds. Vacant FTE’s at the State Budget and Control Board also may be used to fill needed positions at the department. No new FTE’s may be assigned to the department without authorization from the General Assembly.

(C)(1) Notwithstanding subsection (A) or any other provision of law, the Division of General Services shall not be transferred to the Department of Administration until the director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments meeting the requirements of this subsection.

(2) The memorandum of understanding shall provide for:

(a) continued use of existing office space;

(b) a method for the allocation of new, additional, or different office space;

(c) adequate parking;

(d) a method for the allocation of new, additional, or different parking;

(e) the provision of appropriate levels of custodial, maintenance, and other services currently provided by the General Services Division of the State Budget and Control Board;

(f) the ability for each agency or department to maintain building access control for its allocated office space; and

(g) access control for the Senate and House chambers and courtrooms as appropriate.

(3) The parties may modify the memorandum of understanding by mutual consent at any time.” /

Amend further, Part IV, page 13, beginning on line 7, by striking Section 1‑11‑22, as contained in SECTION 6. B., and inserting:

/ “Section 1‑11‑22. (A) Notwithstanding any other provision of law, the Budget and Control Board may organize its staff as it ~~deems~~ considers most appropriate to carry out the various duties, responsibilities and authorities assigned to it and to its various divisions and management and organizational entities.

(B) To the extent that any provision of law divides any responsibilities of any division, office, or program of the Budget and Control Board between the board and one or more state agencies, the receiving agency must, within forty‑five days of the effective date of the relevant law, submit a realignment plan for the allocation of staff, assets, and resources to the board’s executive director, who shall immediately distribute the plan to the members of the Board. A realignment plan shall be considered adopted at the conclusion of the next Budget and Control Board meeting unless three members of the board at that meeting vote to reject it. Upon approval, the Office of the Executive Director must provide for the allocation as specified in the realignment plan as soon as practicable.” /

Amend further, Part IV, beginning on page 13 and line 33, by striking Section 1‑11‑55, as contained in SECTION 6. C., and inserting:

/ Section 1‑11‑55. (1) ‘Governmental body’ means a state government department, commission, council, board, bureau, committee, institution, college, university, technical school, ~~legislative body,~~ agency, government corporation, or other establishment or official of the executive~~, judicial, or legislative branches~~ branch of this State. Governmental body excludes the General Assembly, Legislative Council, the Office of Legislative Printing, Information and Technology Systems, the judicial department and all local political subdivisions such as counties, municipalities, school districts, or public service or special purpose districts.

(2) The ~~Budget and Control Board~~ Division of General Services of the Department of Administration is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this section.

(3) When any governmental body needs to acquire real property for its operations or any part thereof and state‑owned property is not available, it shall notify the ~~Office~~ Division of General Services of its requirement on rental request forms prepared by the ~~office~~ division. Such forms shall indicate the amount and location of space desired, the purpose for which it shall be used, the proposed date of occupancy and such other information as General Services may require. Upon receipt of any such request, General Services shall conduct an investigation of available rental space which would adequately meet the governmental body’s requirements, including specific locations which may be suggested and preferred by the governmental body concerned. When suitable space has been located which the governmental body and the ~~office~~ division agree meets necessary requirements and standards for state leasing as prescribed in procedures of the ~~board~~ department as provided for in subsection (5) of this section, General Services shall give its written approval to the governmental body to enter into a lease agreement. All proposed lease renewals shall be submitted to General Services by the time specified by General Services.

(4) The ~~board~~ department shall adopt procedures to be used for governmental bodies to apply for rental space, for acquiring leased space, and for leasing state‑owned space to nonstate lessees.

(5) Any participant in a property transaction proposed to be entered who maintains that a procedure provided for in this section has not been properly followed, may request review of the transaction by the director of the ~~Office~~ Division of General Services of the Department of Administration or his designee. /

Amend further, Part IV, beginning on page 14 and line 39, by striking Section 1‑11‑56, as contained in SECTION 6. C., and inserting:

/ Section 1‑11‑56. The ~~State Budget and Control Board,~~ Division of General Services of the Department of Administration, in an effort to ensure that funds authorized and appropriated for rent are used in the most efficient manner, is directed to develop a program to manage the leasing of all public and private space of state agencies. The department must submit regulations for the implementation of this section to the General Assembly as provided in the Administrative Procedures Act, Chapter 23 of Title 1. The ~~board’s~~ department’s regulations, upon General Assembly approval, shall include procedures for:

(1) assessing and evaluating agency needs, including the authority to require agency justification for any request to lease public or private space;

(2) establishing standards for the quality and quantity of space to be leased by a requesting agency;

(3) devising and requiring the use of a standard lease form (approved by the Attorney General) with provisions which assert and protect the state’s prerogatives including, but not limited to, a right of cancellation in the event of:

(a) a nonappropriation for the renting agency,

(b) a dissolution of the agency, and

(c) the availability of public space in substitution for private space being leased by the agency;

(4) rejecting an agency’s request for additional space or space at a specific location, or both;

(5) directing agencies to be located in public space, when available, before private space can be leased;

(6) requiring the agency to submit a multi‑year financial plan for review by the ~~board’s budget office~~ department with copies sent to Ways and Means Committee and Senate Finance Committee, before any new lease for space is entered into; and requiring prior review by the Joint Bond Review Committee and the requirement of ~~Budget and Control Board~~ department approval before the adoption of any new lease that commits more than one million dollars in a five‑year period; and

(7) requiring prior review by the Joint Bond Review Committee and the requirement of ~~Budget and Control Board~~ department approval before the adoption of any new lease that commits more than one million dollars in a five‑year period. /

Amend further, Part IV, beginning on page 16 and line 25, by striking SECTION 6. D. in its entirety and inserting:

/ D. Sections 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, and 1‑11‑110 of the 1976 Code are amended to read:

“Section 1‑11‑65. (A) All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be approved by and recorded with the ~~State Budget and Control Board~~ Department of Administration, except that a transaction of real property exceeding one million dollars in value shall instead be approved by the Budget and Control Board. Upon approval of the transaction ~~by the Budget and Control Board~~, there must be recorded simultaneously with the deed, a certificate of acceptance, which acknowledges the ~~board’s~~ approving entity’s approval of the transaction. The county recording authority cannot accept for recording any deed not accompanied by a certificate of acceptance. The ~~board~~ approving entity may exempt a governmental body from the provisions of this subsection.

(B) All state agencies, departments, and institutions authorized by law to accept gifts of tangible personal property shall have executed by its governing body an acknowledgment of acceptance prior to transfer of the tangible personal property to the agency, department, or institution.

Section 1‑11‑67. The S~~tate Budget and Control Board~~ Department of Administration shall assess and collect a rental charge from all state departments and agencies that occupy ~~State Budget and Control Board~~ space in state‑controlled office buildings under its jurisdiction. The amount charged each department or agency must be calculated on a square foot, or other equitable basis of measurement, and at rates that will yield sufficient total annual revenue to cover the annual principal and interest due or anticipated on the Capital Improvement Obligations for projects administered or planned by the ~~Office of General Services~~ department, and maintenance and operation costs of ~~State Budget and Control Board‑controlled~~ department‑controlled office buildings ~~under the supervision of the Office of General Services~~. The amount collected must be deposited in a special account and must be expended only for payment on Capital Improvement Obligations and maintenance and operations costs of the buildings under the supervision of the ~~Office of General Services~~ department.

All departments and agencies against which rental charges are assessed and whose operations are financed in whole or in part by federal or other nonappropriated funds are both directed to apportion the payment of these charges equitably among all funds to ensure that each bears its proportionate share.

Section 1‑11‑70. All vacant lands and lands purchased by the former land commissioners of the State ~~shall be~~ are subject to the directions of the ~~State Budget and Control Board~~ Department of Administration.

Section 1‑11‑80. The ~~State Budget and Control Board~~ Department of Administration is authorized to grant easements and rights of way to any person for construction and maintenance of power lines, pipe lines, water and sewer lines and railroad facilities over, on or under such vacant lands or marshland as are owned by the State, upon payment of the reasonable value thereof.

Section 1‑11‑90. The ~~State Budget and Control Board~~ Department of Administration may grant to agencies or political subdivisions of the State, without compensation, rights of way through and over such marshlands as are owned by the State for the construction and maintenance of roads, streets and highways or power or pipe lines, if, in the judgment of the ~~Budget and Control Board~~ department, the interests of the State will not be adversely affected thereby. A grant exceeding one million dollars in value shall instead require the approval of the Budget and Control Board.

Section 1‑11‑100. Deeds or other instruments conveying such rights of way or easements over such marshlands or vacant lands as are owned by the State shall be executed by the Governor in the name of the State, when authorized by the Department of Administration ~~authorized by resolution of the Budget and Control Board, duly recorded in the minutes and records of such board~~, and when duly approved by the office of the Attorney General; deeds or other instruments conveying such easements over property in the name of or under the control of State agencies, institutions, commissions or other bodies shall be executed by the majority of the governing body thereof, shall name both the State of South Carolina and the institution, agency, commission or governing body as grantors, and shall show the written approval of the ~~majority of the members of the State Budget and Control Board~~ director of the Department of Administration.

Section 1‑11‑110. (1) The ~~State Budget and Control Board~~ Department of Administration is authorized to acquire real property, including any estate or interest therein, for, and in the name of, the State of South Carolina by gift, purchase, condemnation or otherwise. An acquisition exceeding one million dollars in value shall instead require the approval of the State Budget and Control Board.

(2) The State Budget and Control Board shall make use of the provisions of the Eminent Domain Procedure Act (Chapter 2 of Title 28) if it is necessary to acquire real property by condemnation. The actions must be maintained by and in the name of the board. The right of condemnation is limited to the right to acquire land necessary for the development of the Capitol Complex ~~mall~~ grounds in the City of Columbia.” /

Amend further, Part IV, page 19, beginning on line 33, by striking Section 1‑11‑185(C), as contained in SECTION 6. F., and inserting:

/ (C) The respective divisions of the Budget and Control Board and the Department of Administration are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which must be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and those funds may be retained and expended for the same purposes. /

Amend further, Part IV, page 26, beginning on line 3, by striking Section 1‑11‑435, as contained in SECTION 6. H., and inserting:

/ “Section 1‑11‑435. To protect the state’s critical information technology infrastructure and associated data systems in the event of a major disaster, whether natural or otherwise, and to allow the services to the citizens of this State to continue in such an event, the ~~Office~~ Division of ~~the~~ State ~~Chief~~ Information ~~Officer~~ Technology in the Budget and Control Board ~~(CIO)~~ should develop a Critical Information Technology Infrastructure Protection Plan devising policies and procedures to provide for the confidentiality, integrity, and availability of, and to allow for alternative and immediate online access to critical data and information systems including, but not limited to, health and human services, law enforcement, and related agency data necessary to provide critical information to citizens and ensure the protection of state employees as they carry out their disaster‑related duties. All state agencies and political subdivisions of this State are directed to assist the ~~Office of the State CIO~~ division in the collection of data required for this plan.” /

Amend further, Part IV, page 26, beginning on line 26, by striking Section 6. J. in its entirety.

Amend further, Part IV, beginning on page 29 and line 32, by striking Section 10‑1‑10, as contained in SECTION 6. L., and inserting:

/ Section 10‑1‑10. The ~~State Budget and Control Board~~ Department of Administration shall keep, landscape, cultivate, and beautify the State House and State House grounds with authority to expend such amounts as may be annually appropriated therefor. The ~~board~~ department shall employ all help and labor in policing, protecting, and caring for the State House and State House grounds and shall have full authority over them. /

Amend further, Part IV, beginning on page 30 and line 39, by striking Section 10‑1‑130, as contained in SECTION 6. M., and inserting:

/ “Section 10‑1‑130. The trustees or governing bodies of state institutions and agencies may grant easements and rights of way over any property under their control, upon the recommendation of the Department of Administration ~~concurrence and acquiescence of the State Budget and Control Board~~, whenever it appears that such easements ~~will~~ do not materially impair the utility of the property or damage it and, when a consideration is paid therefor, any ~~such~~ amounts ~~shall~~ must be placed in the State Treasury to the credit of the institution or agency having control of the property involved.” /

Amend further, Part IV, page 31, beginning on line 10, by striking Section 10‑1‑190, as contained in Section 6. N., and inserting:

/ “Section 10‑1‑190. As part of the approval process relating to trades of state property for nonstate property, the ~~Budget and Control Board~~ Department of Administration is authorized to approve the application of any net proceeds resulting from such a transaction to the improvement of the property held by the ~~board~~ department.”/

Amend further, Part IV, page 38, beginning on line 1, by striking Section 10‑11‑50, as contained in SECTION 6. P., and inserting:

/ “Section 10‑11‑50. It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10‑11‑40 and subsection (2) of Section 10‑11‑80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the ~~State Budget and Control Board~~ Department of Administration, in cooperation with the Department of Transportation, or to block or impede traffic through the alleys and driveways.” /

Amend further, Part IV, page 39, beginning on line 6, by striking Section 10‑11‑140, as contained in SECTION 6. S., and inserting:

/ “Section 10‑11‑140. Nothing contained in this article shall be construed to abridge the authority of the State Budget and Control Board or the Department of Administration to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.” /

Amend further, Part IV, page 40, beginning on line 6, by striking Section 11‑9‑630, as contained in SECTION 6. U., and inserting:

/ Section 11‑9‑630. The ~~State Budget and Control Board~~ Department of Administration shall sell and convey, for and on behalf of the State, all such real property, assets, and effects belonging to the State as are not in actual public use, such sales to be made from time to time in such manner and upon such terms as it may deem most advantageous to the State. This shall not be construed to authorize the sale ~~by the Board~~ of any property held in trust for a specific purpose by the State or the property of the State in the phosphate rocks or phosphatic deposits in the beds of the navigable streams and waters and marshes of the State. Whenever the value of the property, assets, or effects exceeds one million dollars, the power to sell or convey shall instead reside with the Budget and Control Board.” /

Amend further, Part IV, page 41, beginning on line 29, by striking Section 11‑35‑3840, as contained in SECTION 6. V., and inserting:

/ Section 11‑35‑3840. The ~~State Budget and Control Board~~ Department of Administration may license for public sale publications, including South Carolina Business Opportunities, materials pertaining to training programs, and information technology products that are developed during the normal course of ~~the board’s~~ its activities. The items must be licensed at reasonable costs established in accordance with the cost of the items. All proceeds from the sale of the publications and materials must be placed in a revenue account and expended for the cost of providing the services. /

Amend further, Part IV, beginning on page 41 and line 39, by striking SECTION 6. W in its entirety.

Amend further, Part IV, page 43, beginning on line 23, by striking Section 13‑7‑830, as contained in SECTION 6. X., and inserting:

/ “Section 13‑7‑830. The recommendations described in Section 13‑7‑620 shall be made available to the General Assembly, the Governor, ~~and~~ the Budget and Control Board, and the Department of Administration.” /

Amend further, Part IV, beginning on page 60 and line 39, by striking Section 48‑52‑410, as contained in SECTION 6. FF., and inserting:

/ “Section 48‑52‑410. There is established the State Energy Office within the ~~State Budget and Control Board~~ Department of Administration which shall serve as the principal energy planning entity for the State. Its primary purpose is to develop and implement a well‑balanced energy strategy and to increase the efficiency of use of all energy sources throughout South Carolina through the implementation of the Plan for State Energy Policy. The State Energy Office must not function as a regulatory body.” /

Amend further, Part V, page 62, beginning on line 32, by striking SECTION 8 in its entirety and inserting:

/ SECTION 8. Unless otherwise provided, Sections 1 through 4 and 6 through 8 take effect July 1, 2011. Notwithstanding the above, Part III of this act containing Section 5 relating to the Legislative Oversight of Executive Departments takes effect January 1, 2012. The General Assembly shall undertake a joint oversight review investigation of the Department of Administration during the department’s fifth year of operation. /

Renumber items, subsections, and sections to conform.

Amend title to conform.

Rep. HARRISON spoke in favor of the amendment.

Rep. HARRISON spoke in favor of the amendment.

Rep. SELLERS spoke against the amendment.

Further proceedings were interrupted by the Joint Assembly, the pending question being consideration of Amendment No. 1.

**JOINT ASSEMBLY**

At 12:00 noon the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

The Reading Clerk of the House read the following Concurrent Resolution:

H. 3514 -- Rep. Harrison: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, MARCH 2, 2011.

The Honorable Jean Hoefer Toal and her distinguished party were escorted to the rostrum by Senators Coleman, Malloy, L. Martin, McConnell and Sheheen and REPRESENTATIVES MUNNERLYN, POPE, MURPHY, HART and BANNISTER.

Address by the Honorable Jean Hoefer Toal

Chief Justice of South Carolina

*“It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to heaven, we were all going direct the other way - in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.”*

Charles Dickens opened his immortal Tale of Two Cities with these words. From the hindsight of 85 years, he was describing opinions in 1775 France of the state of the world during the French Revolution then occurring.

As we now look in the hindsight of 236 years, we know that there have been many more horrific times and many more glorious times since 1775. Are we again looking at the best and worst of times? I believe that these times of economic crisis present those of us in government with an unparalleled opportunity to rethink the way we do the people's business.

The South Carolina Judicial Branch looks at tough times as a challenge to concentrate on four areas:

1. Management Techniques. How do we manage court business—are there new ideas?
2. Business Models. What are the business models we could use?
3. Processes. Can we modernize our processes?
4. Technology. How can we use technology to effect change?

The results we have targeted are:

1. Development of consistent standards for all 46 counties in which court is conducted and for all levels of court
2. Achievement of greater efficiency in the use of existing resources
3. More logical organization of court structure

New management techniques include a hard look at our trial courts. Declining court resources and exploding court filings have continued to create backlogs in our three largest trial courts in South Carolina. We have determined to examine each of these big dockets in depth. Justice Kaye Hearn will head up our Docket Management Task Force. Each trial division will have a subcommittee examining its current functioning. The Circuit Court Common Pleas, the civil trial docket, will be co-chaired by Court of Appeals Judge Danny Pieper of Berkeley and Richland/Williamsburg Circuit Court Judge Cliff Newman. Circuit Court General Sessions, the criminal trial docket, will be co-chaired by Justice Costa Pleicones of Richland and Spartanburg Circuit Court Judge Roger Couch. The Family Court subcommittee will be co-chaired by Court of Appeals Judge Aphrodite Konduros of Greenville and Richland Family Court Judge Dottie Mobley Jones. Each subcommittee has members from all parts of the South Carolina Court system.

My charge to this task force is that nothing is off the table. We want to take an accelerated look at short-term improvements that could quickly be implemented by administrative orders from my office, as well as long term improvements that may entail rules changes and statutory changes.

Among the topics that will be addressed are:

1. Use of court time. How are judges using their time? Does court breakdown because dockets are not effectively managed?
2. Staffing. Are we correctly staffing judges with the traditional structure of administrative assistant, law clerk, and court reporter? Can these personnel positions be redefined to be more effective?
3. Scheduling of cases. In civil and family court, the clerk of court and the judges schedule as a team. Are there better and more uniform ways to schedule across the 46 counties? In criminal court, the solicitors schedule the cases. Now that each circuit solicitor has the state court technology system, can they do a better job of attacking the very large backlog of criminal cases?
4. How do other states and the federal courts manage their court calendars?
5. Can we use the National Center for State Courts' expertise to design a better system for managing our dockets?
6. What ideas do those who use the courts everyday have about what works and what does not work?
7. How can we improve predictability, consistency, uniformity, and effectiveness of the South Carolina courts?

The task force, all three subcommittees, met in its first plenary session on February 17, 2011. I have asked for a preliminary report from each subcommittee within four months.

Why is the Docket Management Task Force necessary? South Carolina does more court business with fewer state trial judges than any state or territory in the nation. We have the lowest number of judges per 100,000 of population and the highest case filing per judge. The national average for filing per judge is 1,755 cases per annum. In South Carolina, the average is a crushing 4,842 cases per judge per year. These aren't just the statistics, these are individual cases—criminal, civil, and family—which deeply affect the lives of individual civil litigants, individual defendants charged with a crime, individual victims, individual children, mothers, fathers, and grandparents.

In better times, we will have to revisit the issue of additional trial judge positions. But, for the present, we at the Judicial Branch are determined to bring the best thinking to bear on the issue of improving management of cases with our current assets.

Our business model is to put the people who come to our courts first and combine modernized processes with the use of technology to get their cases heard and decided quickly. Use of modern technology to automate court processes has been the centerpiece of my administration as your Chief Justice. In South Carolina, the Chief Justice is not just the presiding judge for the Supreme Court. By Constitution, the Chief Justice is also the CEO of the third branch of government. When I was elected Chief Justice twelve years ago, my challenge was to develop a plan for making our largely paper-based system run more effectively. Each of the 46 county clerks of court are the gatekeepers for our court system. They are the keepers of all records pertaining to the initiation and the progress of state level cases.

As I became Chief, each clerk tried to manage the enormous volume of documents, money, time deadlines and notification of all persons involved in a case with their own system – sometimes automated, sometimes completely paper based. There were general guidelines but without a real statewide system, clerks were left to find vendors, money and system designs strictly on their own.

My first look at state automation convinced me that we could not afford a big mainframe computer system, with expensive hardware, software and maintenance cost.

The Internet was brand new 12 years ago. It was not much used by business or government as a records management tool. But it was cheaper and a lot more user friendly.

Our approach was to use an Internet-based platform as a basis for managing court operations.

Our five (5) fundamentals were:

1. Create high-speed connectivity everywhere in South Carolina that the courts do business – all the counties, all magistrates offices
2. Create statewide uniform case management software
3. Create websites for each county clerk's office and for the state Judicial Branch
4. Create a 24/7 call center providing on-going support for each county
5. Provide a standardized imaging system for putting paper documents into an automated system

It's taken 10 years. We started with nothing in 2000. By 2005, word began to spread nationally about South Carolina's effort to automate the whole state with an Internet-based system. We started to get calls from huge states like California and Massachusetts. By 2010, we are recognized as a national model.

Our biggest challenge for a web-based system was connectivity. Many rural areas of South Carolina didn't even have dial-up Internet service, nor cable TV service when we started. We started with the main courthouse in each county. We cajoled, we begged, we partnered with large telephone companies, cable TV providers, and Mom and Pop telcos. Today, all 46 counties have reliable high-speed Internet connectivity to every courthouse and magistrate office. All have wide area high-speed networks. We have wired and built many of them with our own personnel. Twenty nine (29) counties, who have limited or no local IT departments, are hosted by the S.C. Judicial Department. We have become their IT for court business, and we maintain their records on our server farm here in Columbia.

As of last Friday, we are now 96 percent deployed. By this summer, Chesterfield, Darlington and Lee counties will come on line and our Statewide Court Case Management System will be 100 percent deployed.

How did we do it with no state money available? I show you this chart to illustrate what the use of federal technology funds accomplished. That blue column illustrates how we funded this project. Over 75 percent of the federal funds we received were spent in the counties providing wiring, expertise, software, hardware, continuing support and maintenance for this system. No single clerk and no vendor-based system could ever have achieved the quality or efficiency this system has created.

But this raised the question, how can we sustain this system when the federal funds run out in 18 months? We have to replace this funding with a sustainable source, and we know neither the state nor the federal government can provide continuing funding.

Let's pause for a moment to reflect on what a viable, working court system means to economic development in South Carolina.

The business community rallied to the side of the Judicial Branch last year as you seriously debated judicial funding. Their message was clear. The ability of a state court system to fairly and timely resolve disputes is a highly important consideration in attracting new businesses to South Carolina. When court funding was in peril, Boeing representatives publically stepped forward to emphasize that a stable court system and such innovations as the business court docket were key considerations in Boeing's decision to make a major investment in South Carolina.

Revenue generation is an important aspect of smooth court functions. The court system is a large revenue generator, providing more than $109 million to state government and more than $26 million to local government. We do more with less than any court system in the nation.

Technology innovation is obviously a key to our continued effectiveness, so how do we provide sustainable funding?

At present, we have made a beginning. We provide the case management software, data conversion and training to set up the system into each county at no cost. They would pay hundreds of thousands of dollars to buy a similar system. After deployment, we provide on-going support 24/7 through our call center. We also provide on-going software support, maintenance and updates to our application.

Because the Judicial Branch owns the system, at present, the counties pay annual fees for software support and hosting to the Judicial Branch. It is a fraction of what they would and were paying as they automated with county-purchased, vendor-owned systems. All these funds are plowed back into our system to maintain and upgrade.

How will we replace the rest of the federal funds? Our business plan is to create a state-owned electronic filing system. It would not be required to electronically file. One could still file just as all do now with paper-based filing. If one wanted to electronically file, an electronic per document fee would be charged. Our model is based on a minimal fee, less than the federal fees or any other state.

We calculate we can build such a system for approximately $5 million. We believe it would generate about $7 million a year when operational. The Ways and Means Committee will recommend this project to the House floor when the FY 2011-12 Budget is debated. This would sustain the entire technology system and, over time, reduce current county charges, and the court document would be available on computers 24/7.

We use electronic banking, bill paying, shopping and many other processes because they are convenient and because of the integrity of storage of data.

So, summarizing, for the Good of the Order. Your Judicial Branch views the current crisis as an opportunity we may not have for years to come to create a new business model for the courts which will:

1. Streamline operations
2. Increase the efficiency and effectiveness of what we do have
3. Look at alternative sustainable funding sources
4. Increase public access to the courts.

Our foundational principle is to be good stewards of the public trust and scarce taxpayer dollars by being innovative leaders.

It takes all of us in state government to rethink how we operate and how we fund the public business. The only business model that really works is collaboration among all three branches – the Executive, the Legislative, and the Judicial. Together, we can achieve the vision of a brighter future for our beloved State.

Well, you know, I always conclude with my grandson, Patrick. But before I do that – what is the court system doing for the children of South Carolina? I am humbled to announce that your Judicial Branch and your Chief have been awarded the National Center for State Court's Sandra Day O'Connor Award for a state court's Advancement of Civics Education.

We are the national pilot for the use of Justice O'Connor's iCivics web-based, interactive civics education program for students; for our Class Action Program, bringing middle and high school student to the Supreme Court to hear oral arguments; for our Case of the Month program providing streaming video of a case argued before our court where students receive and study the briefs before hearing the argument; and for the South Carolina Supreme Court Institute, a summer program for middle and high school social studies teachers to demonstrate how to bring the law to life for their students.

This is a wonderful national honor for South Carolina.

And finally, here's my grandson, Patrick. He skied with his Big Momma and Pop for three (3) days after Christmas, and we all lived to tell the tale.

This is what we all work for. So I'm pretty clear on whether it is the best of times or the worst of times. You are sacrificing every day to make it the best of times for your fellow South Carolinians. It is the honor of my life to lead your partners – the judges of South Carolina – in achieving greatness for our people.

God Speed.

Upon conclusion of her address, Chief Justice Toal and her escort party retired from the Chamber.

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

Rep. BUTLER GARRICK moved that the House recede until 2:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:00 p.m. the House resumed, Acting SPEAKER TAYLOR in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

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

**H. 3066--AMENDED AND ORDERED TO THIRD READING**

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

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3498SD11), which was adopted:

Amend the bill, as and if amended, Part II, beginning on page 2 and line 31, by striking SECTION 3 in its entirety, and inserting:

/ SECTION 3. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑125. (A) Effective July 1, 2011, the following offices, divisions, or components of the State Budget and Control Board, Office of the Governor, or other agencies are transferred to, and incorporated into, the Department of Administration, a department of the executive branch of state government headed by a director appointed by the Governor as provided in Section 1‑30‑10(B)(1)(i) except that this appointment must be upon the advice and consent of the General Assembly rather than the Senate:

(1) Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;

(2) Office of Human Resources;

(3) Office of Executive Policy and Programs, except for the State Ombudsman and Children’s Services programs which are contained within this office;

(4) Office of Economic Opportunity;

(5) Developmental Disabilities Council;

(6) Continuum of Care as established by Section 20‑7‑5610;

(7) Children’s Foster Care as established by Section 20‑7‑2379;

(8) Veterans Affairs as established by Section 25‑11‑10;

(9) Commission on Women as established by Section 1‑15‑10;

(10) Victims Assistance as established by Article 13, Chapter 3, Title 16;

(11) Small and Minority Business as established by Section 11‑35‑5270;

(12) Procurement Services Division of the State Budget and Control Board;

(13) State Energy Office as established by Section 48‑52‑410;

(14) Division of State Information Technology of the State Budget and Control Board;

(15) Employee Insurance program of the State Budget and Control Board as established by Article 5, Chapter 11, Title 1; and

(16) Guardian Ad Litem program as established by Section 63-11-500.

(B)(1) There is established, within the Department of Administration, the Executive Budget Office which shall support the Office of the Governor by conducting analysis, coordinating executive agency requests for funding, and evaluating program performance.

(2) The Executive Budget Office shall use the existing resources of the organizations transferred to the Department of Administration including, but not limited to, funding, personnel, equipment, and supplies. Vacant FTE’s at the State Budget and Control Board also may be used to fill needed positions for the office.

(C) Notwithstanding any other provision of law, the Department of Administration may organize its staff as it considers most appropriate to carry out the various duties, responsibilities, and authorities assigned to it and to its various divisions and management and organizational entities. /

Amend further, Part III, beginning on page 5 and line 21, by striking Sections 2‑2‑20, 2‑2‑30, 2‑2‑40, as contained in SECTION 5, and inserting:

/ Section 2‑2‑20. (A) Beginning January 1, 2012, each standing committee shall conduct oversight studies and investigations on all agencies within the standing committee’s subject matter jurisdiction at least once every seven years in accordance with a schedule adopted as provided in this chapter.

(B) The purpose of these oversight studies and investigations is to determine if agency laws and programs within the subject matter jurisdiction of a standing committee:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The oversight studies and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee’s subject matter jurisdiction.

Section 2‑2‑30. (A) The procedure for conducting the oversight studies and investigations is provided in this section.

(B)(1) The President *Pro Tempore* of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed seven‑year review schedule must be published in the Senate Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for an agency.

(C)(1) The Speaker of the House of Representatives, upon consulting with the chairmen of the standing committees in the House of Representatives and the Clerk of the House of Representatives, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed seven‑year review schedule must be published in the House Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for the agency.

(D) The chairman of an investigating committee may vest the standing committee’s full investigative power and authority in a subcommittee. A subcommittee conducting an oversight study and investigation of an agency:

(1) shall make a full report of its findings and recommendations to the standing committee at the conclusion of its oversight study and investigation, and

(2) shall not consist of fewer than three members.

Section 2‑2‑40. (A) In addition to the scheduled seven‑year oversight studies and investigations, a standing committee of the Senate or the House of Representatives may by majority vote of the standing committee’s membership initiate an oversight study and investigation of an agency within its subject matter jurisdiction. The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies’ functions, duties, and activities./

Amend further, Part III, page 11, beginning on line 5, by striking Section 2-2-100, as contained in Section 5, and inserting:

/ Section 2-2-100. Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and willfully gives false, misleading, or incomplete testimony under oath is guilty of contempt of the General Assembly. A person who is convicted of or pleads guilty to contempt of the General Assembly is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both. /

Amend further, SECTION 5, Part III, page 11, by inserting after line 16 a new section to read:

/ Section 2-2-220. A person is guilty of criminal contempt when, having been duly subpoenaed to attend as a witness before either house of the legislature or before any committee thereof, he:

(1) fails or refuses to attend without lawful excuse; or

(2) refuses to be sworn; or

(3) refuses to answer any material and proper question; or

(4) refuses, after reasonable notice, to produce books, papers, or documents in his possession or under his control which constitute material and proper evidence.

A person who is convicted of or pleads guilty to criminal contempt is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both. /

Amend further, Part IV, beginning on page 11 and line 24, by striking Section 1‑11‑20, as contained in Section 6. A., and inserting:

/ “Section 1‑11‑20. (A) The functions of the State Budget and Control Board must be performed, exercised, and discharged under the supervision and direction of the board through three divisions, the Finance Division (embracing the work of the State Auditor, the former State Budget Commission, the former State Finance Committee and the former Board of Claims for the State of South Carolina), the Purchasing and Property Division (embracing the work of the former Commissioners of the Sinking Fund, the former Board of Phosphate Commissioners, the State Electrician and Engineer, the former Commission on State House and State House Grounds, the central purchasing functions, the former Surplus Procurement Division of the State Research, Planning and Development Board and the Property Custodian) and the Division of Personnel Administration (embracing the work of the former retirement board known as the South Carolina Retirement System and the administration of all laws relating to personnel), each division to consist of a director and clerical, stenographic and technical employees necessary, to be employed by the respective directors with the approval of the board. The directors of the divisions must be employed by the State Budget and Control Board for that time and compensation as may be fixed by the board in its judgment.

(B)(1) Notwithstanding subsection (A), as of July 1, 2011, the Division of General Services of the State Budget and Control Board including Facilities Management, Business Services together with Fleet Management, and Property Services as well as the Procurement Services Division, Division of State Information Technology, State Energy Office, Office of Human Resources, Employee Insurance Program, and the other offices or divisions of the State Budget and Control Board specified in Section 1‑30‑125 are transferred to, and incorporated into, the Department of Administration.

(2) Notwithstanding another provision of law, if the State Budget and Control Board maintains primary responsibility related to a program administered by the Department of Administration, whether the responsibility is regulatory, oversight, approval, or other, the board may receive and expend revenues generated by the programs to support the board’s responsibilities related to the programs. The funds may be retained and expended in subsequent fiscal years.

(3) The Department of Administration shall use the existing resources of each division transferred to the department including, but not limited to, funding, personnel, equipment, and supplies to carry out each division’s responsibilities. The department shall also receive an equitable allocation of funding, personnel, equipment, and supplies from the board’s administrative support units including, but not limited to, the Office of the Executive Director, Office of General Counsel, and the Office of Internal Operations. ‘Funding’ means state, federal, and other funds. Vacant FTE’s at the State Budget and Control Board also may be used to fill needed positions at the department. No new FTE’s may be assigned to the department without authorization from the General Assembly.

(C)(1) Notwithstanding subsection (A) or any other provision of law, the Division of General Services shall not be transferred to the Department of Administration until the director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments meeting the requirements of this subsection.

(2) The memorandum of understanding shall provide for:

(a) continued use of existing office space;

(b) a method for the allocation of new, additional, or different office space;

(c) adequate parking;

(d) a method for the allocation of new, additional, or different parking;

(e) the provision of appropriate levels of custodial, maintenance, and other services currently provided by the General Services Division of the State Budget and Control Board;

(f) the ability for each agency or department to maintain building access control for its allocated office space; and

(g) access control for the Senate and House chambers and courtrooms as appropriate.

(3) The parties may modify the memorandum of understanding by mutual consent at any time.” /

Amend further, Part IV, page 13, beginning on line 7, by striking Section 1‑11‑22, as contained in SECTION 6. B., and inserting:

/ “Section 1‑11‑22. (A) Notwithstanding any other provision of law, the Budget and Control Board may organize its staff as it ~~deems~~ considers most appropriate to carry out the various duties, responsibilities and authorities assigned to it and to its various divisions and management and organizational entities.

(B) To the extent that any provision of law divides any responsibilities of any division, office, or program of the Budget and Control Board between the board and one or more state agencies, the receiving agency must, within forty‑five days of the effective date of the relevant law, submit a realignment plan for the allocation of staff, assets, and resources to the board’s executive director, who shall immediately distribute the plan to the members of the Board. A realignment plan shall be considered adopted at the conclusion of the next Budget and Control Board meeting unless three members of the board at that meeting vote to reject it. Upon approval, the Office of the Executive Director must provide for the allocation as specified in the realignment plan as soon as practicable.” /

Amend further, Part IV, beginning on page 13 and line 33, by striking Section 1‑11‑55, as contained in SECTION 6. C., and inserting:

/ Section 1‑11‑55. (1) ‘Governmental body’ means a state government department, commission, council, board, bureau, committee, institution, college, university, technical school, ~~legislative body,~~ agency, government corporation, or other establishment or official of the executive~~, judicial, or legislative branches~~ branch of this State. Governmental body excludes the General Assembly, Legislative Council, the Office of Legislative Printing, Information and Technology Systems, the judicial department and all local political subdivisions such as counties, municipalities, school districts, or public service or special purpose districts.

(2) The ~~Budget and Control Board~~ Division of General Services of the Department of Administration is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this section.

(3) When any governmental body needs to acquire real property for its operations or any part thereof and state‑owned property is not available, it shall notify the ~~Office~~ Division of General Services of its requirement on rental request forms prepared by the ~~office~~ division. Such forms shall indicate the amount and location of space desired, the purpose for which it shall be used, the proposed date of occupancy and such other information as General Services may require. Upon receipt of any such request, General Services shall conduct an investigation of available rental space which would adequately meet the governmental body’s requirements, including specific locations which may be suggested and preferred by the governmental body concerned. When suitable space has been located which the governmental body and the ~~office~~ division agree meets necessary requirements and standards for state leasing as prescribed in procedures of the ~~board~~ department as provided for in subsection (5) of this section, General Services shall give its written approval to the governmental body to enter into a lease agreement. All proposed lease renewals shall be submitted to General Services by the time specified by General Services.

(4) The ~~board~~ department shall adopt procedures to be used for governmental bodies to apply for rental space, for acquiring leased space, and for leasing state‑owned space to nonstate lessees.

(5) Any participant in a property transaction proposed to be entered who maintains that a procedure provided for in this section has not been properly followed, may request review of the transaction by the director of the ~~Office~~ Division of General Services of the Department of Administration or his designee. /

Amend further, Part IV, beginning on page 14 and line 39, by striking Section 1‑11‑56, as contained in SECTION 6. C., and inserting:

/ Section 1‑11‑56. The ~~State Budget and Control Board,~~ Division of General Services of the Department of Administration, in an effort to ensure that funds authorized and appropriated for rent are used in the most efficient manner, is directed to develop a program to manage the leasing of all public and private space of state agencies. The department must submit regulations for the implementation of this section to the General Assembly as provided in the Administrative Procedures Act, Chapter 23 of Title 1. The ~~board’s~~ department’s regulations, upon General Assembly approval, shall include procedures for:

(1) assessing and evaluating agency needs, including the authority to require agency justification for any request to lease public or private space;

(2) establishing standards for the quality and quantity of space to be leased by a requesting agency;

(3) devising and requiring the use of a standard lease form (approved by the Attorney General) with provisions which assert and protect the state’s prerogatives including, but not limited to, a right of cancellation in the event of:

(a) a nonappropriation for the renting agency,

(b) a dissolution of the agency, and

(c) the availability of public space in substitution for private space being leased by the agency;

(4) rejecting an agency’s request for additional space or space at a specific location, or both;

(5) directing agencies to be located in public space, when available, before private space can be leased;

(6) requiring the agency to submit a multi‑year financial plan for review by the ~~board’s budget office~~ department with copies sent to Ways and Means Committee and Senate Finance Committee, before any new lease for space is entered into; and requiring prior review by the Joint Bond Review Committee and the requirement of ~~Budget and Control Board~~ department approval before the adoption of any new lease that commits more than one million dollars in a five‑year period; and

(7) requiring prior review by the Joint Bond Review Committee and the requirement of ~~Budget and Control Board~~ department approval before the adoption of any new lease that commits more than one million dollars in a five‑year period. /

Amend further, Part IV, beginning on page 16 and line 25, by striking SECTION 6. D. in its entirety and inserting:

/ D. Sections 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, and 1‑11‑110 of the 1976 Code are amended to read:

“Section 1‑11‑65. (A) All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be approved by and recorded with the ~~State Budget and Control Board~~ Department of Administration, except that a transaction of real property exceeding one million dollars in value shall instead be approved by the Budget and Control Board. Upon approval of the transaction ~~by the Budget and Control Board~~, there must be recorded simultaneously with the deed, a certificate of acceptance, which acknowledges the ~~board’s~~ approving entity’s approval of the transaction. The county recording authority cannot accept for recording any deed not accompanied by a certificate of acceptance. The ~~board~~ approving entity may exempt a governmental body from the provisions of this subsection.

(B) All state agencies, departments, and institutions authorized by law to accept gifts of tangible personal property shall have executed by its governing body an acknowledgment of acceptance prior to transfer of the tangible personal property to the agency, department, or institution.

Section 1‑11‑67. The S~~tate Budget and Control Board~~ Department of Administration shall assess and collect a rental charge from all state departments and agencies that occupy ~~State Budget and Control Board~~ space in state‑controlled office buildings under its jurisdiction. The amount charged each department or agency must be calculated on a square foot, or other equitable basis of measurement, and at rates that will yield sufficient total annual revenue to cover the annual principal and interest due or anticipated on the Capital Improvement Obligations for projects administered or planned by the ~~Office of General Services~~ department, and maintenance and operation costs of ~~State Budget and Control Board‑controlled~~ department‑controlled office buildings ~~under the supervision of the Office of General Services~~. The amount collected must be deposited in a special account and must be expended only for payment on Capital Improvement Obligations and maintenance and operations costs of the buildings under the supervision of the ~~Office of General Services~~ department.

All departments and agencies against which rental charges are assessed and whose operations are financed in whole or in part by federal or other nonappropriated funds are both directed to apportion the payment of these charges equitably among all funds to ensure that each bears its proportionate share.

Section 1‑11‑70. All vacant lands and lands purchased by the former land commissioners of the State ~~shall be~~ are subject to the directions of the ~~State Budget and Control Board~~ Department of Administration.

Section 1‑11‑80. The ~~State Budget and Control Board~~ Department of Administration is authorized to grant easements and rights of way to any person for construction and maintenance of power lines, pipe lines, water and sewer lines and railroad facilities over, on or under such vacant lands or marshland as are owned by the State, upon payment of the reasonable value thereof.

Section 1‑11‑90. The ~~State Budget and Control Board~~ Department of Administration may grant to agencies or political subdivisions of the State, without compensation, rights of way through and over such marshlands as are owned by the State for the construction and maintenance of roads, streets and highways or power or pipe lines, if, in the judgment of the ~~Budget and Control Board~~ department, the interests of the State will not be adversely affected thereby. A grant exceeding one million dollars in value shall instead require the approval of the Budget and Control Board.

Section 1‑11‑100. Deeds or other instruments conveying such rights of way or easements over such marshlands or vacant lands as are owned by the State shall be executed by the Governor in the name of the State, when authorized by the Department of Administration ~~authorized by resolution of the Budget and Control Board, duly recorded in the minutes and records of such board~~, and when duly approved by the office of the Attorney General; deeds or other instruments conveying such easements over property in the name of or under the control of State agencies, institutions, commissions or other bodies shall be executed by the majority of the governing body thereof, shall name both the State of South Carolina and the institution, agency, commission or governing body as grantors, and shall show the written approval of the ~~majority of the members of the State Budget and Control Board~~ director of the Department of Administration.

Section 1‑11‑110. (1) The ~~State Budget and Control Board~~ Department of Administration is authorized to acquire real property, including any estate or interest therein, for, and in the name of, the State of South Carolina by gift, purchase, condemnation or otherwise. An acquisition exceeding one million dollars in value shall instead require the approval of the State Budget and Control Board.

(2) The State Budget and Control Board shall make use of the provisions of the Eminent Domain Procedure Act (Chapter 2 of Title 28) if it is necessary to acquire real property by condemnation. The actions must be maintained by and in the name of the board. The right of condemnation is limited to the right to acquire land necessary for the development of the Capitol Complex ~~mall~~ grounds in the City of Columbia.” /

Amend further, Part IV, page 19, beginning on line 33, by striking Section 1‑11‑185(C), as contained in SECTION 6. F., and inserting:

/ (C) The respective divisions of the Budget and Control Board and the Department of Administration are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which must be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and those funds may be retained and expended for the same purposes. /

Amend further, Part IV, page 26, beginning on line 3, by striking Section 1‑11‑435, as contained in SECTION 6. H., and inserting:

/ “Section 1‑11‑435. To protect the state’s critical information technology infrastructure and associated data systems in the event of a major disaster, whether natural or otherwise, and to allow the services to the citizens of this State to continue in such an event, the ~~Office~~ Division of ~~the~~ State ~~Chief~~ Information ~~Officer~~ Technology in the Budget and Control Board ~~(CIO)~~ should develop a Critical Information Technology Infrastructure Protection Plan devising policies and procedures to provide for the confidentiality, integrity, and availability of, and to allow for alternative and immediate online access to critical data and information systems including, but not limited to, health and human services, law enforcement, and related agency data necessary to provide critical information to citizens and ensure the protection of state employees as they carry out their disaster‑related duties. All state agencies and political subdivisions of this State are directed to assist the ~~Office of the State CIO~~ division in the collection of data required for this plan.” /

Amend further, Part IV, page 26, beginning on line 26, by striking Section 6. J. in its entirety.

Amend further, Part IV, beginning on page 29 and line 32, by striking Section 10‑1‑10, as contained in SECTION 6. L., and inserting:

/ Section 10‑1‑10. The ~~State Budget and Control Board~~ Department of Administration shall keep, landscape, cultivate, and beautify the State House and State House grounds with authority to expend such amounts as may be annually appropriated therefor. The ~~board~~ department shall employ all help and labor in policing, protecting, and caring for the State House and State House grounds and shall have full authority over them. /

Amend further, Part IV, beginning on page 30 and line 39, by striking Section 10‑1‑130, as contained in SECTION 6. M., and inserting:

/ “Section 10‑1‑130. The trustees or governing bodies of state institutions and agencies may grant easements and rights of way over any property under their control, upon the recommendation of the Department of Administration ~~concurrence and acquiescence of the State Budget and Control Board~~, whenever it appears that such easements ~~will~~ do not materially impair the utility of the property or damage it and, when a consideration is paid therefor, any ~~such~~ amounts ~~shall~~ must be placed in the State Treasury to the credit of the institution or agency having control of the property involved.” /

Amend further, Part IV, page 31, beginning on line 10, by striking Section 10‑1‑190, as contained in Section 6. N., and inserting:

/ “Section 10‑1‑190. As part of the approval process relating to trades of state property for nonstate property, the ~~Budget and Control Board~~ Department of Administration is authorized to approve the application of any net proceeds resulting from such a transaction to the improvement of the property held by the ~~board~~ department.”/

Amend further, Part IV, page 38, beginning on line 1, by striking Section 10‑11‑50, as contained in SECTION 6. P., and inserting:

/ “Section 10‑11‑50. It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10‑11‑40 and subsection (2) of Section 10‑11‑80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the ~~State Budget and Control Board~~ Department of Administration, in cooperation with the Department of Transportation, or to block or impede traffic through the alleys and driveways.” /

Amend further, Part IV, page 39, beginning on line 6, by striking Section 10‑11‑140, as contained in SECTION 6. S., and inserting:

/ “Section 10‑11‑140. Nothing contained in this article shall be construed to abridge the authority of the State Budget and Control Board or the Department of Administration to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.” /

Amend further, Part IV, page 40, beginning on line 6, by striking Section 11‑9‑630, as contained in SECTION 6. U., and inserting:

/ Section 11‑9‑630. The ~~State Budget and Control Board~~ Department of Administration shall sell and convey, for and on behalf of the State, all such real property, assets, and effects belonging to the State as are not in actual public use, such sales to be made from time to time in such manner and upon such terms as it may deem most advantageous to the State. This shall not be construed to authorize the sale ~~by the Board~~ of any property held in trust for a specific purpose by the State or the property of the State in the phosphate rocks or phosphatic deposits in the beds of the navigable streams and waters and marshes of the State. Whenever the value of the property, assets, or effects exceeds one million dollars, the power to sell or convey shall instead reside with the Budget and Control Board.” /

Amend further, Part IV, page 41, beginning on line 29, by striking Section 11‑35‑3840, as contained in SECTION 6. V., and inserting:

/ Section 11‑35‑3840. The ~~State Budget and Control Board~~ Department of Administration may license for public sale publications, including South Carolina Business Opportunities, materials pertaining to training programs, and information technology products that are developed during the normal course of ~~the board’s~~ its activities. The items must be licensed at reasonable costs established in accordance with the cost of the items. All proceeds from the sale of the publications and materials must be placed in a revenue account and expended for the cost of providing the services. /

Amend further, Part IV, beginning on page 41 and line 39, by striking SECTION 6. W in its entirety.

Amend further, Part IV, page 43, beginning on line 23, by striking Section 13‑7‑830, as contained in SECTION 6. X., and inserting:

/ “Section 13‑7‑830. The recommendations described in Section 13‑7‑620 shall be made available to the General Assembly, the Governor, ~~and~~ the Budget and Control Board, and the Department of Administration.” /

Amend further, Part IV, beginning on page 60 and line 39, by striking Section 48‑52‑410, as contained in SECTION 6. FF., and inserting:

/ “Section 48‑52‑410. There is established the State Energy Office within the ~~State Budget and Control Board~~ Department of Administration which shall serve as the principal energy planning entity for the State. Its primary purpose is to develop and implement a well‑balanced energy strategy and to increase the efficiency of use of all energy sources throughout South Carolina through the implementation of the Plan for State Energy Policy. The State Energy Office must not function as a regulatory body.” /

Amend further, Part V, page 62, beginning on line 32, by striking SECTION 8 in its entirety and inserting:

/ SECTION 8. Unless otherwise provided, Sections 1 through 4 and 6 through 8 take effect July 1, 2011. Notwithstanding the above, Part III of this act containing Section 5 relating to the Legislative Oversight of Executive Departments takes effect January 1, 2012. The General Assembly shall undertake a joint oversight review investigation of the Department of Administration during the department’s fifth year of operation. /

Renumber items, subsections, and sections to conform.

Amend title to conform.

Rep. OTT spoke against the amendment.

Rep. OTT spoke against the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 80; Nays 33

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Atwater |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Brady |
| Branham | Brannon | Chumley |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Horne |
| Huggins | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--80**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bales |
| Bowers | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Gilliard | Govan | Hodges |
| Hosey | Jefferson | King |
| Mack | McEachern | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sellers | Toole |
| Weeks | Whipper | Williams |

**Total--33**

The amendment was then adopted.

Rep. YOUNG proposed the following Amendment No. 4 (COUNCIL\MS\7282AHB11), which was adopted:

Amend the bill, as and if amended, PART III, by deleting Section 2-2-100, as contained in SECTION 5, page 3066-5, lines 19-26, and inserting:

/ Section 2-2-100. Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of contempt of the General Assembly. A person who is convicted of or pleads guilty to contempt of the General Assembly is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both. /

Renumber sections to conform.

Amend title to conform.

Rep. YOUNG explained the amendment.

The amendment was then adopted.

Reps. H. B. BROWN and OTT proposed the following Amendment No. 7 (COUNCIL\NBD\11417AHB11), which was tabled:

Amend the bill, as and if amended, Part II, immediately after SECTION 3, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1-30-127. (A) Effective July 1, 2011, the offices, divisions, and components of the State Budget and Control Board, Office of the Governor, are transferred to, and incorporated into, the Department of Administration, a department of the executive branch of state government headed by a director appointed by the Governor as provided in Section 1‑30‑10(B)(1)(i) except that this appointment must be upon the advice and consent of the General Assembly.”/

Amend the bill further, Part II, by deleting in its entirety SECTION 4, beginning on page 3, and inserting:

/SECTION 4. (A) Where the provisions of this act transfer the State Budget and Control Board, Office of the Governor, or other agencies to the new Department of Administration, the employees, authorized appropriations, and assets and liabilities of the transferred offices are also transferred to and become part of the Department of Administration. All classified or unclassified personnel employed by these offices on the effective date of this act, either by contract or by employment at will, shall become employees of the Department of Administration, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

(B) Regulations promulgated by these transferred offices as they formerly existed under the State Budget and Control Board, Office of the Governor, or other agencies are continued and are considered to be promulgated by these offices under the newly created Department of Administration.

(C) The Code Commissioner is directed to change or correct all references to the State Budget and Control Board in the 1976 Code, Office of the Governor, or other agencies to reflect the transfer of them to the Department of Administration. References to the names of these offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references. /

Renumber sections to conform.

Amend title to conform.

Rep. H. B. BROWN explained the amendment.

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

Rep. OTT spoke in favor of the amendment.

Rep. G. R. SMITH moved to table the amendment.

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

Yeas 68; Nays 46

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Chumley | Clemmons |
| Cole | Cooper | Corbin |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Owens | Parker |
| Patrick | Pinson | Pitts |
| Quinn | Ryan | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Tallon | Thayer |
| Toole | Viers | White |
| Whitmire | Willis |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Bales | Battle | Bowers |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Crawford | Dillard | Gilliard |
| Govan | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| King | Knight | Mack |
| McEachern | Mitchell | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parks |
| Pope | Rutherford | Sellers |
| Simrill | Stavrinakis | Taylor |
| Weeks | Whipper | Williams |
| Young |  |  |

**Total--46**

So, the amendment was tabled.

REP. COBB-HUNTER proposed the following Amendment No. 8 (COUNCIL\MS\7287AHB11), which was adopted:

Amend the bill, as and if amended, Section 1‑30‑125, as contained in SECTION 3, page 2, line 14, by deleting / (11) Small and Minority Business as established by Section 11‑35‑5270; /

Amend the bill further, by adding an appropriately numbered SECTION in Part V to read:

/ SECTION \_\_\_. (A) Effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Small and Minority Business Assistance Office created by Section 11‑35‑5270 and located within the Governor’s Office of Executive Policy and Programs are transferred to the Office of the Secretary of State.

(B)(1) Section 11‑35‑5260 of the 1976 Code is amended to read:

“Section 11‑35‑5260. The Small and Minority Business Assistance Office shall report annually in writing to the ~~Governor~~ Secretary of State concerning the number and dollar value of contracts awarded for each governmental body to a firm certified as a minority firm pursuant to Section 11‑35‑5230 during the preceding fiscal year. These records must be maintained to evaluate the progress of this program.”

(2) Section 11‑35‑5270 of the 1976 Code is amended to read:

‘Section 11‑35‑5270. A Small and Minority Business Assistance Office (SMBAO) ~~shall~~ must be established to assist the ~~board~~ Secretary of state and the Department of Revenue in carrying out the intent of this article. The responsibilities of the office ~~shall~~ include, but are not ~~be~~ limited to, the following:

(1) ~~Assist~~ assisting the chief procurement officers and governmental bodies in developing policies and procedures which will facilitate awarding contracts to small and minority firms;

(2) ~~Assist~~ assisting the chief procurement officers in aiding small and minority‑owned firms and community‑based business in developing organizations to provide technical assistance to minority firms;

(3) ~~Assist~~ assisting with the procurement and management training for small and minority firm owners;

(4) ~~Assist~~ assisting in the identification of responsive small and minority firms;

(5) ~~Receive and process~~ receiving and processing applications to be registered as a minority firm in accordance with Section 11‑35‑5230(B);

(6) ~~The SMBAO may revoke~~ revoking the certification of any firm ~~which~~ that has been found to have engaged in any of the following:

(a) fraud or deceit in obtaining the certification;

(b) furnishing of substantially inaccurate or incomplete information concerning ownership or financial status;

(c) failure to report changes which affect the requirements for certification;

(d) gross negligence, incompetence, financial irresponsibility, or misconduct in the practice of his business; or

(e) wilful violation of any provision of this article.

(7) After a period of one year, the SMBAO may reissue a certificate of eligibility provided acceptable evidence has been presented to the commission that the conditions which caused the revocation have been corrected.”

(C) Where the provisions of this act abolish the Small and Minority Business Assistance Office as a separate division in the executive branch of state government and reconstitute it as a division of the Office of the Secretary of State, the employees, authorized appropriations, and assets and liabilities of the Small and Minority Business Assistance Office are also transferred to and become part of the Office of the Secretary of State. All classified or unclassified personnel employed by the Small and Minority Business Assistance Office on the effective date of this act, either by contract or by employment at will, become employees of the Office of the Secretary of State with the same compensation, classification, and grade level, as applicable.

(D) The Code Commissioner is directed to change or correct all references to the Small and Minority business Assistance Office, Governor’s Office of Executive Policy and Programs, to reflect its status as a division of the Secretary of State. /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

Rep. MERRILL spoke in favor of the amendment.

Rep. G. R. SMITH moved to table the amendment.

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

Yeas 20; Nays 92

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Bikas |
| Chumley | Delleney | Erickson |
| Harrell | Henderson | Horne |
| Lucas | D. C. Moss | Owens |
| Patrick | Pinson | Ryan |
| Sandifer | G. R. Smith | Stringer |
| Tallon | Thayer |  |

**Total--20**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Atwater | Bales | Ballentine |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Dillard |
| Edge | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrison | Hayes | Hearn |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Loftis | Lowe |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Pitts |
| Pope | Quinn | Rutherford |
| Sellers | Simrill | Skelton |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Taylor | Toole |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--92**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment, which was agreed to.

Rep. COBB-HUNTER proposed the following Amendment No. 9 (COUNCIL\MS\7288AHB11), which was adopted:

Amend the bill, as and if amended, Part II, SECTION 1-30-125(A), Section 3, by striking item (6), line 6, page 3066-2, in its entirety.

Amend further, as and if amended, by adding a new SECTION in Part V to read:

/ SECTION \_\_. A. Section 1‑30‑110 of the 1976 Code is amended to read:

“Section 1‑30‑110. Effective July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the office of the Governor:

(1) ~~Continuum of Care for Emotionally Disturbed Children provided for at Section 63‑11‑1310, et seq.;~~

~~(2)~~ Guardian Ad Litem Program, formerly provided for at Section 63‑11‑500, et seq.;

~~(3)~~(2) State Office of Victim’s Assistance, formerly provided for at Section 16‑3‑1110, et seq.;

~~(4)~~(3) Department of Veterans Affairs, formerly provided for at Section 25‑11‑10, et seq.;

~~(5)~~(4) Commission on Women, formerly provided for at Section 1‑15‑10, et seq.;

~~(6)~~(5) Commission on Aging, formerly provided for at Section 43‑21‑10, et seq.;

~~(7)~~(6) Foster Care Review Board, formerly provided for at Section 63‑11‑720, et seq.”

B. Section 44‑38‑380(A)(1)(h) of the 1976 Code is amended to read:

“(h) Director of the Continuum of Care for Emotionally Disturbed Children ~~Division of the Governor’s Office~~;”

C. Section 63‑11‑1310 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑11‑1310. It is the purpose of this article to develop and enhance the delivery of services to severely emotionally disturbed children and youth and to ensure that the special needs of this population are met appropriately to the extent possible within this State. To achieve this objective, the Continuum of Care for Emotionally Disturbed Children Division is established as a division in the ~~office of the Governor~~ Department of Mental Health. This article supplements and does not supplant existing services provided to this population.”

D. Section 63‑11‑1340 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑11‑1340. The ~~Governor~~ director of the department may employ a division director to serve at his pleasure who is subject to removal pursuant to the provisions of Section 1‑3‑240. The division director shall employ staff necessary to carry out the provisions of this article. The funds for the division director, staff, and other purposes of the Continuum of Care Division must be provided in the annual general appropriations act. The department, upon the recommendation of the division director, ~~shall~~ may promulgate regulations in accordance with this article and the provisions of the Administrative Procedures Act and formulate necessary policies and procedures of administration and operation to carry out effectively the objectives of this article.”

E. Section 63‑11‑1360 of the 1976 Code as added by Act 361 of 2008, is amended to read:

“Section 63‑11‑1360. The Division for Continuum of Care ~~Division~~ shall submit an annual report to the ~~Governor~~ department and General Assembly on its activities and recommendations for changes and improvements in the delivery of services by public agencies serving children.”

F. (1) Where the provisions of this section transfer the Continuum of Care for Emotionally Disturbed Children, Office of the Governor to the Department of Mental Health, Division for Continuum of Care for Emotionally Disturbed Children, the employees, authorized appropriations, and assets and liabilities of the Continuum of Care for Emotionally Disturbed Children, Office of the Governor are also transferred to and become part of the Department of Mental Health, Division for Continuum of Care for Emotionally Disturbed Children. All classified or unclassified personnel employed by the Continuum of Care for Emotionally Disturbed Children, Office of the Governor on the effective date of this act, either by contract or by employment at will, become employees of the Department of Mental Health, Division for Continuum of Care for Emotionally Disturbed Children with the same compensation, classification, and grade level, as applicable.

(2) The Code Commissioner is directed to change or correct all references to the Continuum of Care for Emotionally Disturbed Children, Office of the Governor to reflect its status as a division of the Department of Mental Health. References to the name of the Continuum of Care for Emotionally Disturbed Children, Office of the Governor in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references. /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

The amendment was then adopted.

REP. COBB-HUNTER proposed the following Amendment No. 10 (COUNCIL\MS\7285AHB11), which was tabled:

Amend the bill, as and if amended, Section 1‑30‑125, as contained in SECTION 3, page 2, line 22, by deleting / ; and (16) Guardian Ad Litem program as established by Section 63‑11‑500 /

Amend the bill further, by adding an appropriately numbered SECTION in Part V to read:

/ SECTION \_\_\_. (A) Effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Cass Elias McCarter Guardian ad Litem Program located within the Governor’s Office of Executive Policy and Programs are transferred to the Department of Social Services. The funds must be administered separately from other programs within the Department of Social Services and must be expended for the exclusive use of the Cass Elias McCarter Guardian ad Litem Program.

(B)(1) Section 1‑30‑110 of the 1976 Code is amended to read:

“Section 1‑30‑110. Effective July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the office of the Governor:

(1) Continuum of Care for Emotionally Disturbed Children provided for at Section 63‑11‑1310, et seq.;

(2) ~~Guardian Ad Litem Program, formerly provided for at Section 63‑11‑500, et seq.;~~

~~(3)~~ State Office of Victim’s Assistance, formerly provided for at Section 16‑3‑1110, et seq.;

(~~4~~3) Department of Veterans Affairs, formerly provided for at Section 25‑11‑10, et seq.;

(~~5~~4) Commission on Women, formerly provided for at Section 1‑15‑10, et seq.;

(~~6~~5) Commission on Aging, formerly provided for at Section 43‑21‑10, et seq.; and

(~~7~~6) Foster Care Review Board, formerly provided for at Section 63‑11‑720, et seq.~~;~~”

(C) Where the provisions of this act abolish the Cass Elias McCarter Guardian ad Litem Program as a separate division in the executive branch of state government and reconstitute it as a division of the Department of Social Services, the employees, authorized appropriations, and assets and liabilities of the Cass Elias McCarter Guardian ad Litem Program are also transferred to and become part of the Department of Social Services. All classified or unclassified personnel employed by the Cass Elias McCarter Guardian ad Litem Program on the effective date of this act, either by contract or by employment at will, become employees of the Department of Social Services with the same compensation, classification, and grade level, as applicable.

(D) The Code Commissioner is directed to change or correct all references to the Cass Elias McCarter Guardian ad Litem Program, Governor’s Office of Executive Policy and Programs, to reflect its status as a division of the Department of Social Services. /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

Rep. HARRISON spoke against the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

Rep. HARRISON spoke upon the amendment.

Rep. COBB-HUNTER moved to table the amendment, which was agreed to.

Reps. H. B. BROWN and OTT proposed the following Amendment No. 12 (COUNCIL\NBD\11418AHB11), which was tabled:

Amend the bill, as and if amended, Part II, immediately after SECTION 3, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑127. (A) Effective July 1, 2011, the offices, divisions, and components of the State Budget and Control Board, Office of the Governor, are transferred to, and incorporated into, the Department of Administration, a department of the executive branch of state government headed by a director appointed by the Governor as provided in Section 1‑30‑10(B)(1)(i) except that this appointment must be upon the advice and consent of the General Assembly.”/

Amend the bill further, Part II, by deleting in its entirety SECTION 4, beginning on page 3, and inserting:

/SECTION 4. (A) Where the provisions of this act transfer the State Budget and Control Board, Office of the Governor, or other agencies to the new Department of Administration, the employees, authorized appropriations, and assets and liabilities of the transferred offices are also transferred to and become part of the Department of Administration. All classified or unclassified personnel employed by these offices on the effective date of this act, either by contract or by employment at will, shall become employees of the Department of Administration, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

(B) Regulations promulgated by these transferred offices as they formerly existed under the State Budget and Control Board, Office of the Governor, or other agencies are continued and are considered to be promulgated by these offices under the newly created Department of Administration.

(C) The Code Commissioner is directed to change or correct all references to the State Budget and Control Board in the 1976 Code, Office of the Governor, or other agencies to reflect the transfer of them to the Department of Administration. References to the names of these offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references. /

Amend the bill further, Part IV, by deleting SECTION 6. A. in its entirety, and inserting:

/SECTION 6. A. Section 1‑11‑20 of the 1976 Code is repealed./

Amend the bill further, Part IV, by deleting SECTION 6. B. in its entirety, and inserting:

/SECTION 6. B. Section 1‑11‑22 of the 1976 Code is repealed./

Amend the bill further, Part IV, page 3066‑11, by deleting Section 1‑11‑90 in its entirety, and inserting:

/Section 1‑11‑90. The ~~State Budget and Control Board~~ Department of Administration may grant to agencies or political subdivisions of the State, without compensation, rights of way through and over such marshlands as are owned by the State for the construction and maintenance of roads, streets and highways or power or pipe lines, if, in the judgment of the ~~Budget and Control Board~~ department, the interests of the State will not be adversely affected thereby. A grant exceeding one million dollars in value shall instead require the approval of the Department of Administration./

Amend the bill further, Part IV, page 3066‑12, by deleting Section 1‑11‑110 in its entirety and inserting:

/Section 1‑11‑110. (1) The ~~State Budget and Control Board~~ Department of Administration is authorized to acquire real property, including any estate or interest therein, for, and in the name of, the State of South Carolina by gift, purchase, condemnation or otherwise. An acquisition exceeding one million dollars in value shall instead require the approval of the Department of Administration.

(2) The ~~State Budget and Control Board~~ Department of Administration shall make use of the provisions of the Eminent Domain Procedure Act (Chapter 2 of Title 28) if it is necessary to acquire real property by condemnation. The actions must be maintained by and in the name of the board. The right of condemnation is limited to the right to acquire land necessary for the development of the Capitol Complex ~~mall~~ grounds in the City of Columbia.” /

Amend the bill further, Part IV, page 3066‑12, by deleting Section 1‑11‑185 in its entirety, and inserting:

/ Section 1‑11‑185. (A) In addition to the powers granted the ~~Budget and Control Board~~ Department of Administration pursuant to this chapter or another provision of law, the board may require submission and approval of plans and specifications for permanent improvements by a state department, agency, or institution before a contract is awarded for the permanent improvement.

(B) The ~~Budget and Control Board~~ Department of Administration may promulgate regulations necessary to carry out its duties.

(C) The respective divisions of ~~the Budget and Control Board~~ the Department of Administration are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which must be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and those funds may be retained and expended for the same purposes./

Amend the bill further, Part IV, page 3066‑13, by deleting Section 1‑11‑435 in its entirety, and inserting:

/“Section 1‑11‑435. To protect the state’s critical information technology infrastructure and associated data systems in the event of a major disaster, whether natural or otherwise, and to allow the services to the citizens of this State to continue in such an event, the ~~Office~~ Division of ~~the~~ State ~~Chief~~ Information ~~Officer (CIO)~~ Technology in the Department of Administration should develop a Critical Information Technology Infrastructure Protection Plan devising policies and procedures to provide for the confidentiality, integrity, and availability of, and to allow for alternative and immediate online access to critical data and information systems including, but not limited to, health and human services, law enforcement, and related agency data necessary to provide critical information to citizens and ensure the protection of state employees as they carry out their disaster‑related duties. All state agencies and political subdivisions of this State are directed to assist the ~~Office of the State CIO~~ division in the collection of data required for this plan.” /

Amend the bill further, Part IV, page 3066‑14, by deleting Section 10‑11‑140 in its entirety, and inserting:

/“Section 10‑11‑140. Nothing contained in this article shall be construed to abridge the authority of ~~the State Budget and Control Board~~ the Department of Administration to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.” /

Amend the bill further, part IV, page 25, by deleting Section 1‑11‑335 in its entirety, and inserting:

/Section 1‑11‑335. The respective divisions of the ~~Budget and Control Board~~ South Carolina Department of Administration are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes. /

Amend the bill further, Part IV, page 30, by deleting Section 10‑1‑30 in its entirety, and inserting:

/Section 10‑1‑30. (A) The ~~Director of the Division of General Services of the State Budget and Control Board~~ Department of Administration may authorize the use of ~~the State House lobbies,~~ the State House steps and grounds~~,~~ and other public buildings and grounds in accordance with ~~regulations promulgated~~ restrictions set by the board.

(B) The department may authorize the use of the State House lobbies and the Gressette and Blatt Office Buildings in accordance with restrictions set by the board. The ~~director~~ board shall obtain the approval of the Clerk of the Senate before authorizing any use of the Gressette Building and shall obtain the approval of the Clerk of the House of Representatives before authorizing any use of the Blatt Building.

(C) The ~~regulations~~ restrictions upon the use of the buildings and grounds must contain provisions to ~~insure~~ ensure that the public health, safety, and welfare ~~will be~~ are protected in the use of the areas including reasonable time, place, and manner restrictions and application periods before use. If sufficient measures ~~cannot be~~ are not taken to protect the public health, safety, and welfare, the ~~director~~ Department of Administration shall deny the requested use. Other restrictions may be imposed on the use of the areas as are necessary for the conduct of business in those areas and the maintenance of the dignity, decorum, and aesthetics of the areas./

Amend the bill further, Part IV, page 3066‑14, by deleting Section 11‑9‑630 in its entirety, and inserting:

/ “Section 11‑9‑630. The ~~State Budget and Control Board~~ Department of Administration shall sell and convey, for and on behalf of the State, all such real property, assets, and effects belonging to the State as are not in actual public use, such sales to be made from time to time in such manner and upon such terms as it may deem most advantageous to the State. This shall not be construed to authorize the sale ~~by the Board~~ of any property held in trust for a specific purpose by the State or the property of the State in the phosphate rocks or phosphatic deposits in the beds of the navigable streams and waters and marshes of the State.” /

Amend the bill further, Part IV, page 3066‑15, by deleting Section 13‑7‑830 in its entirety, and inserting:

/ “Section 13‑7‑830. The recommendations described in Section 13‑7‑620 shall be made available to the General Assembly, the Governor, ~~and~~ the ~~Budget and Control Board~~ Department of Administration.” /

Amend the bill further, Part IV, page 47, by deleting Section 48‑46‑30(4) in its entirety, and inserting:

/“(4) ~~‘Board’ means the South Carolina Budget and Control Board or its designated official,~~ ‘Department’ means the South Carolina Department of Administration or its designee.”/

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

Rep. H. B. BROWN spoke in favor of the amendment.

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

Rep. G. R. SMITH moved to table the amendment.

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

Yeas 63; Nays 50

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Chumley | Clemmons |
| Cole | Cooper | Corbin |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Owens | Parker | Patrick |
| Pinson | Pitts | Quinn |
| Ryan | Sandifer | Skelton |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Tallon | Thayer |
| Toole | Vick | Viers |
| White | Whitmire | Willis |

**Total--63**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Bales | Battle | Bowers |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Crawford | Dillard | Funderburk |
| Gilliard | Govan | Hayes |
| Hiott | Hixon | Hodges |
| Hosey | Howard | Jefferson |
| King | Knight | Mack |
| McEachern | McLeod | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parks | Pope | Sellers |
| Simrill | G. M. Smith | Stavrinakis |
| Taylor | Weeks | Whipper |
| Williams | Young |  |

**Total--50**

So, the amendment was tabled.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 96; Nays 13

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Govan | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Willis | Young |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brantley | G. A. Brown | H. B. Brown |
| Cobb-Hunter | Gilliard | Howard |
| Jefferson | King | Mack |
| Mitchell | J. H. Neal | Parks |
| Sellers |  |  |

**Total--13**

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

RECORD FOR VOTING

I was temporarily out of the Chamber attending a funeral, during the vote on H. 3066. If I had been present, I would have voted in favor of the Bill.

Rep. Mike Anthony

**H. 3152--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3152 -- Reps. Young, Daning, Harrison, Allison, G. R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

Rep. YOUNG explained the Joint Resolution.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 106; Nays 6

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Atwater | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--106**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| H. B. Brown | Gilliard | Govan |
| Howard | King | Sellers |

**Total--6**

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

RECORD FOR VOTING

I was temporarily out of the Chamber attending a funeral, during the vote on H. 3152. If I had been present, I would have voted in favor of the Joint Resolution.

Rep. Mike Anthony

**H. 3070--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3070 -- Reps. Young, Harrison, G. R. Smith, H. B. Brown, Taylor, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D. C. Moss, Erickson and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

Rep. YOUNG explained the Joint Resolution.

Rep. OTT spoke against the Joint Resolution.

Rep. LIMEHOUSE spoke in favor of the Joint Resolution.

Rep. BINGHAM spoke in favor of the Joint Resolution.

Rep. HOWARD spoke against the Joint Resolution.

Rep. FUNDERBURK spoke in favor of the Joint Resolution.

Rep. OTT spoke against the Joint Resolution.

Rep. G. A. BROWN spoke against the Joint Resolution.

Rep. MCLEOD spoke against the Joint Resolution.

The question then recurred to the passage of the Joint Resolution.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 82; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Atwater |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Brady |
| Brannon | H. B. Brown | Butler Garrick |
| Chumley | Clemmons | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Neilson | Norman |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Viers |
| White | Whitmire | Willis |
| Young |  |  |

**Total--82**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Bales | Bowers |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Dillard | Frye |
| Gilliard | Hodges | Hosey |
| Howard | Jefferson | King |
| Knight | Mack | McEachern |
| McLeod | Mitchell | Munnerlyn |
| J. H. Neal | J. M. Neal | Ott |
| Parks | Weeks | Whipper |
| Williams |  |  |

**Total--28**

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

RECORD FOR VOTING

I was temporarily out of the Chamber attending a funeral, during the vote on H. 3070. If I had been present, I would have voted in favor of the Joint Resolution.

Rep. Mike Anthony

Rep. HENDERSON 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. 3776 -- Reps. Hardwick, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CELEBRATE SIXTY-FIVE YEARS OF TREE FARMING IN THE PALMETTO STATE AND SALUTE THE SOUTH CAROLINA TREE FARM PROGRAM.

**ADJOURNMENT**

At 5:06 p.m. the House, in accordance with the motion of Rep. BRANTLEY, adjourned in memory of Deacon Robert Lee Graves of Pineland, to meet at 10:00 a.m. tomorrow.

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