~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Job 5:8: “As for me, I would commit my cause.”

Let us pray. Almighty God, make Your presence known as these Representatives and staff begin another week of work for the good of the people of South Carolina. Inject them with the spirit of cooperation, so that they may accomplish the tasks set before them. Guide them in all they do. Bless our Nation, State, our leaders, and those who support them. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

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

After corrections to the Journal of the proceedings of Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. SANDIFER moved that when the House adjourns, it adjourn in memory of Peggy Moore Sandifer of Seneca, which was agreed to.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4284

Agency: Clemson University, State Crop Pest Commission

Statutory Authority: 1976 Code Section 46-9-40

Limited Herbicide Applicators License

Received by Speaker of the House of Representatives

May 8, 2012

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration April 7, 2013

**REGULATIONS WITHDRAWN AND RESUBMITTED**

Document No. 4226

Agency: Building Codes Council

Statutory Authority: 1976 Code Sections 6-8-20 and 40-1-70

Duties and Responsibilities of Department; Modular Buildings Construction

Received by Speaker of the House of Representatives February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Revised: January 21, 2013

Document No. 4268

Agency: Board of Funeral Service

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

Fees

Received by Speaker of the House of Representatives February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Revised: January 26, 2013

Document No. 4269

Agency: Board of Funeral Service

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

Requirements of Licensure for Funeral Service Providers

Received by Speaker of the House of Representatives February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Revised: January 21, 2013

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 8, 2012

Mr. Speaker and Members of the House:

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

Very respectfully,

President

On motion of Rep. TAYLOR the invitation was accepted.

**REPORTS OF STANDING COMMITTEES**

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

H. 5196 -- Reps. Battle and Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES UNITED STATES HIGHWAY 501 IN MARION COUNTY ALONG SOUTH CAROLINA HIGHWAY 41 "EBBIE JAMES 'E.J.' ATKINSON BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "EBBIE JAMES 'E.J.' ATKINSON BRIDGE".

Ordered for consideration tomorrow.

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

H. 5202 -- Reps. Lowe, G. A. Brown, Weeks and G. M. Smith: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF FOXWORTH MILL ROAD AND UNITED STATES HIGHWAY 15 IN SUMTER COUNTY "MOZINGO CROSSROADS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "MOZINGO CROSSROADS".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5214 -- Rep. Alexander: A HOUSE RESOLUTION TO PROCLAIM THE MONTH OF MAY 2012 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND CALL UPON ALL CITIZENS, GOVERNMENT AGENCIES, PUBLIC AND PRIVATE INSTITUTIONS, BUSINESSES, AND SCHOOLS TO RECOMMIT OUR STATE TO INCREASING AWARENESS AND UNDERSTANDING OF MENTAL ILLNESSES, REDUCING STIGMA AND DISCRIMINATION, AND PROMOTING APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESSES.

Whereas, a proven connection exists between good mental health and overall personal health; and

Whereas, mental illnesses affect almost every family in America; and

Whereas, people with mental illnesses recover if given the necessary services and support in their communities; and

Whereas, people with mental illnesses make important contributions to our families and our communities; and

Whereas, millions of adults and children are disabled by mental illnesses every year; and

Whereas, only one out of two people with a serious form of mental illness seeks treatment for his or her mental illness; and

Whereas, stigma and fear of discrimination keep many who would benefit from mental health services from seeking the help they need for a full recovery; and

Whereas, research shows that the most effective way to reduce stigma is through personal contact with someone who suffers from a mental illness; and

Whereas, good mental health is critical to the well‑being of our families, communities, schools, and businesses; and

Whereas, greater public awareness about mental illnesses can change negative attitudes and behaviors toward people with mental illnesses.

Now, therefore,

Be it resolved by the House of Representatives:

That the members of the House of Representatives of the State of South Carolina, by this resolution, proclaim the month of May 2012 as “Mental Health Month” in South Carolina and call upon all citizens, government agencies, public and private institutions, businesses, and schools to recommit our State to increasing awareness and understanding of mental illnesses, reducing stigma and discrimination, and promoting appropriate and accessible services for all people with mental illnesses.

Be it further resolved that a copy of this resolution be presented to members of the Pee Dee Mental Health Center.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5215 -- Rep. Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE SOUTH CAROLINA HIGHWAY PATROL LANCE CORPORAL CHRISTOPHER BRIGHAM UPON BEING NOMINATED FOR 2011 DUI ENFORCEMENT OFFICER OF THE YEAR AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

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

**INTRODUCTION OF BILLS**

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

H. 5216 -- Rep. Clemmons: A JOINT RESOLUTION TO PROVIDE ANY PERSON PROHIBITED FROM APPEARING ON THE JUNE 2012 PRIMARY BALLOT AS THE RESULT OF FAILURE TO FILE A STATEMENT OF ECONOMIC INTERESTS WITH AN OPPORTUNITY TO FILE A STATEMENT OF ECONOMIC INTERESTS AND APPEAR ON THE BALLOT.

Referred to Committee on Judiciary

S. 1492 -- Senator Bryant: A BILL TO PROVIDE THAT THE DESIGNATED PARCELS OF PROPERTY IN ANDERSON COUNTY ARE MADE A PART OF ANDERSON COUNTY SCHOOL DISTRICT FIVE.

Referred to Anderson Delegation

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Williams | Willis | Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, May 8.

|  |  |
| --- | --- |
| Alan D. Clemmons | William R. "Bill" Whitmire |
| Joseph Neal | James Merrill |
| Grady BrownPaul AgnewLeon Stavrinakis | Chris HartAnne Parks |

**Total Present--117**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

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

**SPECIAL PRESENTATION**

Rep. SKELTON presented to the House Dabo Swinney, head coach of the Clemson University football team, for winning the Atlantic Coast Conference and for being named the 2011 Bobby Dodd National Coach of the Year.

**S. 1031--RECONSIDERED**

The motion of Rep. TALLON to reconsider the vote whereby the following Bill was given second reading was taken up and agreed to:

S. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56-5-5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56-5-5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56-5-5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56-5-5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56-5-5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56-5-5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

**H. 4944--DEBATE ADJOURNED**

Rep. ATWATER moved to adjourn debate upon the following Bill until Wednesday, May 9, which was adopted:

H. 4944 -- Reps. Crawford, Patrick, Herbkersman, Brady, Bedingfield, Anderson, Sandifer, Erickson, McCoy, Brannon, Bowers, Gambrell, Hayes, Limehouse, Lowe, Mack, Pinson, Spires, Edge, Stavrinakis and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA TELEMEDICINE INSURANCE REIMBURSEMENT ACT"; BY ADDING SECTION 38-71-295 SO AS TO PROVIDE RELATED DEFINITIONS, TO PROVIDE FOR A PHYSICIAN OR OTHER HEALTH CARE PROVIDER THAT PERFORMS TELEMEDICINE SERVICES IN A CERTAIN MANNER MUST BE REIMBURSED FOR THOSE SERVICES IN THE SAME MANNER AS HEALTH CARE SERVICES PROVIDED THROUGH AN IN-PERSON CONSULTATION, TO PROVIDE DELIVERY OF HEALTH CARE BY MEANS OF TELEMEDICINE MUST SATISFY CERTAIN REQUIREMENTS FOR DELIVERING THE SAME CARE IN PERSON; AND TO PROVIDE THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS MAY AUTHORIZE THE PROVISION OF ADDITIONAL HEALTH CARE SERVICES BY CERTAIN MEANS THROUGH THE USE OF STANDARD TELEPHONE, FACSIMILE TRANSMISSIONS, UNSECURED ELECTRONIC MAIL, OR A COMBINATION OF THEM, SUBJECT TO AN EXCEPTION.

**S. 1031--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56-5-5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56-5-5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56-5-5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56-5-5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56-5-5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56-5-5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

Rep. TALLON proposed the following Amendment No. 9 to S. 1031 (COUNCIL\MS\7789AHB12), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS at the end to read:

/ SECTION \_\_. Section 16‑11‑523 of the 1976 Code is amended to read:

 “Section 16‑11‑523. (A) For purposes of this section, ‘nonferrous metals’ means metals not containing significant quantities of iron or steel, including, but not limited to, copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum other than aluminum cans, a product that is a mixture of aluminum and copper, catalytic converters, lead‑acid batteries, ~~and~~ stainless steel beer kegs or containers, and steel propane gas tanks obtained by a demolisher or secondary metals recycler or otherwise.

 (B) It is unlawful for a person to wilfully and maliciously cut, mutilate, deface, or otherwise injure any personal or real property, including any fixtures or improvements, for the purpose of obtaining nonferrous metals in any amount.

 (C) A person who violates a provision of this section is guilty of a:

 (1) misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is less than five thousand dollars; or

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is five thousand dollars or more.

 (D)(1) A person who violates the provisions of this section and the violation results in great bodily injury to another person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years. For purposes of this subsection, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

 (2) A person who violates the provisions of this section and the violation results in the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

 (E) A person who violates the provisions of this section and the violation results in disruption of communication or electrical service to critical infrastructure or more than ten customers of the communication or electrical service is guilty of a misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

 (F) If a person is convicted of violating the provisions of this section and the person has been issued a permit pursuant to Section 16‑17‑680, the permit must be revoked.

 ~~(F)(1)~~(G)(1) A public or private owner of personal or real property is not civilly liable to a person who is injured during the theft or attempted theft, by the person or a third party, of nonferrous metals in any amount.

 (2) A public or private owner of personal or real property is not civilly liable for a person’s injuries caused by a dangerous condition created as a result of the theft or attempted theft of nonferrous metals in any amount, of the owner when the owner of personal or real property did not know and could not have reasonably known of the dangerous condition.

 (3) This subsection does not create or impose a duty of care upon a owner of personal or real property that would not otherwise exist under common law.”

SECTION \_\_. Section 16‑17‑680 of the 1976 Code is amended to read:

 “Section 16‑17‑680. (A) For purposes of this section:

 (1) ‘Fixed site’ means ~~any~~ a site occupied by a secondary metals recycler as the owner of the site or as a lessee of the site under a lease or other rental agreement providing for occupation of the site by a secondary metals recycler for a total duration of not less than three hundred sixty‑four days.

 (2) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including, but not limited to, copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum other than aluminum cans, a product that is a mixture of aluminum and copper, catalytic converters, lead‑acid batteries, and stainless steel beer kegs or containers, and steel propane gas tanks.

 (3) ‘Secondary metals recycler’ means ~~any~~ a person or entity who is engaged, from a fixed site or otherwise, in the business of paying compensation for nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

 ~~(4)~~ ~~‘Vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals’ includes, but is not limited to, vehicles used by gas, electric, communications, water, plumbing, electrical, and climate conditioning service providers, and their employees, agents, and contractors, in the course of providing these services.~~

 (B)(1) A secondary metals recycler shall obtain a permit to purchase nonferrous metals. A secondary metals recycler’s employee is not required to obtain a separate permit to purchase nonferrous metals provided that the employee is acting within the scope and duties of their employment with the secondary metals recycler. A secondary metals recycler’s employee who intends to purchase nonferrous metals on behalf of the secondary metals recycler at a location other than a fixed site shall have a copy of the secondary metals recycler’s permit readily available for inspection.

 (2) If a secondary metals recycler intends to purchase nonferrous metals at a fixed site or fixed sites, the secondary metals recycler shall obtain a permit from the sheriff of the county in which each of the secondary metals recycler’s fixed sites are located. The sheriff ~~shall~~ may issue the permit to the secondary metals recycler, if the secondary metals recycler:

 ~~(1)~~(a) has a fixed site or fixed sites located in the sheriff’s county; ~~and~~

 (b) has not been convicted of a violation of Section 16‑11‑523 or this section; and

 ~~(2)~~(c) declares on ~~a form~~ an application provided by the sheriff that the secondary metals recycler is informed of and will comply with the provisions of this section.

 (3) If a secondary metals recycler intends to purchase nonferrous metals at a location other than a fixed site, the secondary metals recycler shall obtain a permit from the sheriff of each county in which the secondary metals recycler intends to purchase nonferrous metals. The sheriff may issue the permit to the secondary metals recycler if the secondary metals recycler:

 (a) can sufficiently demonstrate to the sheriff the secondary metals recycler’s ability to comply with the provisions of this section;

 (b) has not been convicted of a violation of Section 16‑11‑523 or this section; and

 (c) declares on an application provided by the sheriff that the secondary metals recycler is informed of and will comply with the provisions of this section.

 (4) The South Carolina Law Enforcement Division shall develop the application and permit in consultation with the state’s sheriffs and representatives from the secondary metals recyclers’ industry.

 (5) A sheriff may investigate a secondary metals recycler’s background prior to issuing a permit for purposes of determining if the secondary metals recycler qualifies to be issued a permit.

 (6) ~~The~~ A sheriff may charge and retain a two hundred dollar fee for ~~the~~ each permit.

 (7) ~~The~~ A sheriff shall keep a record of all permits issued ~~pursuant to this subsection~~ containing, at a minimum, the date of issuance, and the name and address of the ~~permit holder~~ secondary metals recycler.

 (8) ~~The~~ A permit is valid for twenty‑four months.

 (9) A permit may be denied, suspended, or revoked at any time if a sheriff discovers that the information on an application is inaccurate, a secondary metals recycler does not comply with the requirements of this section, or a secondary metals recycler is convicted of a violation of Section 16‑11‑523 or this section.

 (C)(1) A person or entity ~~other than a holder of a retail license, an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider,~~ who wants to transport or sell nonferrous metals to a secondary metals recycler shall obtain a permit to transport and sell the nonferrous metals. An entity’s employee is not required to obtain a separate permit to transport or sell nonferrous metals provided that the employee is acting within the scope and duties of their employment with the entity. An entity’s employee who intends to transport and sell nonferrous metals on behalf of an entity shall have a copy of the entity’s permit readily available for inspection.

 (2) If a person is a resident of South Carolina or an entity is located in South Carolina, the person or entity shall obtain a permit from the sheriff of the county in which the person resides or has a secondary residence or in which the entity is located or has a secondary business. The sheriff ~~shall~~ may issue the permit to the person or entity if the:

 (a) person resides or has a secondary residence or the entity is located or has a secondary business in the sheriff’s county~~, or, if the person is not a resident of or the entity is not located in South Carolina, secondary metals recycler purchasing the nonferrous metals is located in the sheriff’s county~~; ~~and~~

 (b) person or entity has not been convicted of a violation of Section 16‑11‑523 or this section; and

 ~~(b)~~(c) person or entity declares on ~~a form~~ an application provided by the sheriff that the person or entity is informed of and will comply with the provisions of this section.

 (3) If ~~the~~ a person is not a resident of this State or ~~the~~ an entity is not located in South Carolina, the person or entity shall obtain a permit ~~to transport and sell nonferrous metals~~ from ~~the~~ any sheriff of ~~the~~ any county ~~in which the secondary metals recycler purchasing the nonferrous metals is located~~. The sheriff may issue the permit to the person or entity if the:

 (a) person is not a resident of South Carolina or the entity is not located in South Carolina;

 (b) person or entity has not been convicted of a violation of Section 16‑11‑523 or this section; and

 (c) person or entity declares on an application provided by the sheriff that the person or entity is informed of and will comply with the provisions of this section.

 (4) The South Carolina Law Enforcement Division shall develop the application and permit in consultation with the state’s sheriffs and representatives of the secondary metals recyclers’ industry.

 (5) A sheriff may investigate a person or entity’s background prior to issuing a permit for purposes of determining if the person or entity qualifies to be issued a permit.

 (6) ~~The~~ A sheriff may not charge a fee for ~~the~~ a permit. A sheriff may charge a ten dollar fee to replace a permit that has been lost or destroyed. If the original permit is later found by the person or entity, the person or entity must turn the original permit into the sheriff or destroy the original permit.

 (7) ~~The~~A sheriff shall keep a record of all permits issued ~~pursuant to this subsection~~ containing, at a minimum, the date of issuance, the name and address of the ~~permit holder~~ person or entity, a photocopy of the ~~permit holder’s~~ person’s identification or of the employee’s identification, ~~the license plate number of the permit holder’s person’s motor vehicle or the entity’s motor vehicle,~~ and the ~~permit holder’s~~ person’s photograph or the entity’s employee’s photograph.

 (8) ~~The~~A permit is valid ~~for twelve months~~ statewide and expires on the person’s birth date on the second calendar year after the calendar year in which the permit is issued, or, if the permittee is an entity, the permit expires on the date of issuance on the second calendar year after the calendar year in which the permit is issued. ~~If a person or entity only wants to sell or transport nonferrous metals a maximum of two times in a twelve month period, the person or entity can obtain a forty‑eight hour permit from the applicable sheriff’s office pursuant to this subsection, except that the person only needs to call the sheriff’s office, provide the required information, and obtain a permit number. A person or entity only may request such a permit two times in a twelve month period.~~

 (9) A permit may be denied, suspended, or revoked at any time if a sheriff discovers that the information on an application is inaccurate, a person or entity does not comply with the requirements of this section, or a person or entity is convicted of a violation of Section 16‑11‑523 or this section.

 ~~(2)(a)~~(10)(a) It is unlawful for a person or entity to obtain a permit to transport and sell nonferrous metals for the purpose of transporting or selling stolen nonferrous metals.

 (b) A person who violates a provision of this subitem is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. The person or entity’s permit must be revoked.

 (D)(1) It is unlawful to purchase nonferrous metals in any amount for the purpose of recycling the nonferrous metals from a seller ~~who is not a holder of a retail license, an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider,~~ unless the purchaser is a secondary metals recycler who has a valid permit to purchase nonferrous metals issued pursuant to subsection (B) and the seller has a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C). A secondary metals recycler may hold a seller’s nonferrous metals while the seller obtains a permit to transport and sell nonferrous metals pursuant to subsection (C).

 (2) A secondary metals recycler shall maintain a record containing, at a minimum, the date of purchase, the name and address of the seller, a photocopy of the seller’s identification, a photocopy of the seller’s permit to transport and sell nonferrous metals, if applicable, the license plate number of the seller’s motor vehicle, if available, the seller’s photograph, the weight ~~or length,~~ and size or other description of the nonferrous metals purchased, the amount paid for ~~it~~ the nonferrous metals, and a signed statement from the seller stating that the seller is the rightful owner or is entitled to sell the nonferrous metals being sold. If the secondary metals recycler has the seller’s photograph on file, the secondary metals recycler photograph for each transaction; however, the secondary metals recycler shall update the seller’s photograph on an annual basis. A secondary metals recycler may use a video of the seller in lieu of a photograph provided the secondary metals recycler maintains the video for at least one hundred and twenty days. A secondary metals recycler may maintain a record in an electronic database provided that the information is legible and can be accessed by law enforcement upon request.

 (3) All nonferrous metals that are purchased by and are in the possession of a secondary metals recycler and all records required to be kept by this section must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies during regular business hours. The records must be maintained for ~~two years~~ one year from the date of purchase.

 ~~(2)~~(4) ~~A secondary metals recycler shall purchase copper, catalytic converters, and beer kegs by check alone~~ A secondary metals recycler shall not enter into a cash transaction in payment for the purchase of copper, catalytic converters, and beer kegs. Payment for the purchase of copper, catalytic converters, and beer kegs must be made by check alone issued and made payable to the seller. A secondary metals recycler shall neither cash a check issued pursuant to this item nor use an automated teller machine (ATM) or other cash card system in lieu of a check.

 ~~(3)~~(5) A secondary metals recycler shall prominently display a twenty‑inch by thirty‑inch sign in the secondary metals recycler’s fixed site that states: ‘NO NONFERROUS METALS, INCLUDING COPPER, MAY BE PURCHASED BY A SECONDARY METALS RECYCLER FROM A SELLER UNLESS THE SELLER IS A HOLDER OF A RETAIL LICENSE, AN AUTHORIZED WHOLESALER, A CONTRACTOR LICENSED PURSUANT TO ARTICLE 1, CHAPTER 11, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, A GAS, ELECTRIC, COMMUNICATIONS, WATER, PLUMBING, ELECTRICAL, OR CLIMATE CONDITIONING SERVICE PROVIDER, OR THE SELLER PRESENTS THE SELLER’S VALID PERMIT TO TRANSPORT AND SELL NONFERROUS METALS ISSUED PURSUANT TO SECTION 16‑17‑680, CODE OF LAWS OF SOUTH CAROLINA, 1976.’

 ~~(4)~~(6) A purchaser who violates a provision of this subsection:

 (a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days;

 (b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than one year, or both; and

 (c) for a third offense or subsequent offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

 If the purchaser obtained a permit to purchase nonferrous metals pursuant to subsection (B), the permit must be revoked.

 (E)(1)(a) It is unlawful to sell nonferrous metals in any amount to a secondary metals recycler unless the secondary metals recycler has a valid permit to purchase nonferrous metals issued pursuant to subsection (B) and the seller ~~is a holder of a retail license, an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider, or the seller~~ has a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C).

 (b) A seller who violates a provision of this subitem:

 (i) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both;

 (ii) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five hundred dollars or imprisoned not more than three years, or both; and

 (iii) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than five years, or both.

 If the seller obtained a permit to transport and sell nonferrous metals pursuant to subsection (C), the permit must be revoked.

 (2)(a) It is unlawful to purchase or otherwise acquire nonferrous metals in any amount from a seller who does not have a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C) with the intent to resell the nonferrous metals in any amount to a secondary metals recycler using the purchaser’s valid permit to transport and sell nonferrous metals issued pursuant to subsection (C).

 (b) A purchaser who violates a provision of this subitem is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. The purchaser’s permit must be revoked.

 (F)(1) When a law enforcement officer has reasonable cause to believe that any item of nonferrous metal in the possession of a secondary metals recycler has been stolen, the law enforcement officer may issue a hold notice to the secondary metals recycler. The hold notice must be in writing, be delivered to the secondary metals recycler, specifically identify those items of nonferrous metal that are believed to have been stolen and that are subject to the notice, and inform the secondary metals recycler of the information contained in this subsection. Upon receipt of the notice, the secondary metals recycler must not process or remove the items of nonferrous metal identified in the notice, or any portion thereof, from the secondary metal recycler’s fixed site for fifteen calendar days after receipt of the notice unless released prior to the fifteen‑day period by the law enforcement officer.

 (2) No later than the expiration of the fifteen‑day period, a law enforcement officer may issue a second hold notice to the secondary metals recycler, which shall be an extended hold notice. The extended hold notice must be in writing, be delivered to the secondary metals recycler, specifically identify those items of nonferrous metal that are believed to have been stolen and that are subject to the extended hold notice, and inform the secondary metals recycler of the information contained in this subsection. Upon receipt of the extended hold notice, the secondary metals recycler must not process or remove the items of nonferrous metal identified in the notice, or any portion thereof, from the secondary metals recycler’s fixed site for thirty calendar days after receipt of the extended hold notice unless released prior to the thirty‑day period by the law enforcement officer.

 (3) At the expiration of the hold period or, if extended, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the nonferrous metals unless other disposition has been ordered by a court of competent jurisdiction.

 (4) A secondary metals recycler who violates a provision of this subsection:

 (a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days;

 (b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than one year, or both; and

 (c) for a third or subsequent offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense shall constitute a prior offense within the meaning of this subsection.

 The secondary metals recycler’s permit to purchase nonferrous metals issued pursuant to subsection (B) must be revoked.

 (G)(1) It is unlawful to transport nonferrous metals in a vehicle or have nonferrous metals in a person’s possession in a vehicle on the highways of this State ~~nonferrous metals of an aggregate weight of more than ten pounds~~.

 (2) Subsection (G)(1) does not apply if:

 (a) ~~the vehicle is a vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals;~~

 ~~(b)~~ the person can present a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C); or

 ~~(c)~~(b) the person can present a valid bill of sale for the nonferrous metals.

 (3) If a law enforcement officer determines that one or more of the exceptions listed in item (G)(2) applies, or the law enforcement officer determines that the nonferrous metals are not stolen goods and are in the rightful possession of the person, the law enforcement officer shall not issue a citation for a violation of this subsection.

 (4) A person who violates a provision of item (G)(1):

 (a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days;

 (b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both; and

 (c) for a third or subsequent offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

 (5) If a person transports nonferrous metals that the person knows are stolen in a vehicle or has in the person’s possession in a vehicle on the highways of this State nonferrous metals that the person knows are stolen, is operating a vehicle used in the ordinary course of business to transport nonferrous metals that the person knows are stolen, presents a valid or falsified permit to transport and sell nonferrous metals that the person knows are stolen, or presents a valid or falsified bill of sale for nonferrous metals that the person knows to be stolen, the person is guilty of a felony, and, upon conviction, must be must be fined in the discretion of the court or imprisoned not more than ten years, or both. If the person obtained a permit to transport and sell nonferrous metals pursuant to subsection (C), the permit must be revoked.

 (H) For purposes of this section, the only acceptable identification ~~acceptable~~ is a valid:

 (1) ~~valid~~ South Carolina driver’s license issued by the Department of Motor Vehicles;

 (2) ~~valid~~ South Carolina identification card issued by the Department of Motor Vehicles;

 (3) ~~valid~~ driver’s license from another state that contains the licensee’s picture on the face of the license; or

 (4) ~~valid~~ military identification card.

 (I) A secondary metals recycler must not purchase or otherwise acquire an iron or steel:

 (1) manhole cover; or

 (2) drainage grate.

 ~~(I)~~(J)(1) Except as provided in item (2), ~~The~~ the provisions of this section do not apply to:

 (a) the purchase or sale of aluminum cans;

 (b) a transaction between a secondary metals recycler and another secondary metals recycler;

 (c) a governmental entity;

 (d) a manufacturing or industrial vendor that generates or sells regulated metals in the ordinary course of its business;

 (e) a holder of a retail license, an authorized wholesaler, an automobile demolisher as defined in Section 56‑5‑5810(d), a contractor licensed pursuant to Chapter 11, Title 40, a residential home builder licensed pursuant to Chapter 59, Title 40, a demolition contractor, a provider of gas service, electric service, communications service, water service, plumbing service, electrical service, climate conditioning service, core recycling service, appliance repair service, automotive repair service, or electronics repair service; or

 (f) organizations, corporations, or associations registered with the State as charitable organizations or any nonprofit corporation.

 (2) An exempted entity listed in item (1) is subject to the provisions of subsection (C)(10) and subsection (G)(5).

 A secondary metals recycler shall maintain a record of transactions involving exempted entities listed in item (1) pursuant to subsection (D) and is subject to the penalty provisions of subsection (D)(6). Any item of nonferrous metals acquired from an exempted entity listed in item (1) is subject to a hold notice pursuant to subsection (F).

 ~~(J)~~(K) This section preempts local ordinances and regulations governing the purchase, sale, or transportation of nonferrous metals in any amount, except to the extent that such ordinances pertain to zoning or business license fees. Political subdivisions of the State may not enact ordinances or regulations more restrictive than those contained in this section.” /

Renumber sections to conform.

Amend title to conform.

Rep. TALLON explained the amendment.

**POINT OF ORDER**

Rep. NORMAN raised the Point of Order that under Rule 9.3, Amendment No. 9 was out of order in that it was not germane to S.1031.

Rep. TALLON spoke against the Point and stated that S.1031, as amended, relates to the purchasing of junk, the procedures that purchasers of junk must follow including the purchase of recyclable metals. He stated further that Amendment No. 9 concerned the purchase and procedures for purchasing non-ferrous metals.

Rep. NORMAN spoke to the Point stating that S. 1031 is a Demolishers Bill that concerns cars. He stated that the Bill had nothing to do with copper or non-ferrous metals.

SPEAKER HARRELL overruled the Point of Order stating that the Bill had been amended and, as amended, dealt with more than just the demolishing and recycling of automobiles. He overruled the Point of Order and stated that Amendment No. 9 was germane to the Bill.

Rep. TALLON continued speaking.

Rep. RUTHERFORD spoke in favor of the amendment.

The amendment was then adopted.

The question then recurred to the adoption of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 113; Nays 0

 Those who voted in the affirmative are:

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

**Total--113**

 Those who voted in the negative are:

**Total--0**

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

**H. 3258--DEBATE ADJOURNED**

Rep. DANING moved to adjourn debate upon the following Bill until Wednesday, May 9, which was adopted:

H. 3258 -- Rep. Herbkersman: A BILL TO AMEND SECTION 56-3-6500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF "UNITED STATES NAVAL ACADEMY" SPECIAL LICENSE PLATES, SO AS TO PROVIDE THAT A WIDOW OR WIDOWER OF A GRADUATE OF THE UNITED STATES NAVAL ACADEMY MAY BE ISSUED THIS SPECIAL LICENSE PLATE.

**S. 1268--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

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

S. 1268 -- Senators Peeler, Shoopman and Ford: A JOINT RESOLUTION TO PROVIDE THAT IN 2013 AND 2014, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN THE MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SEVEN HUNDRED TWO DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

**H. 3730--DEBATE ADJOURNED**

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

H. 3730 -- Reps. Munnerlyn, Sabb, Vick, Hayes, Tribble and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-450 SO AS TO PROVIDE THAT A COMMERCIAL FUR LICENSE, IN ADDITION TO A STATE HUNTING LICENSE IS REQUIRED OF ALL PERSONS WHO SELL OR TAKE FURBEARING ANIMALS BY ANY MEANS, EXCEPT A PROCESSOR, MANUFACTURER, OR RETAILER, AND TO PROVIDE THAT A PERSON UNDER THE AGE OF SIXTEEN MAY PURCHASE A COMMERCIAL FUR LICENSE WITHOUT HAVING TO PURCHASE A STATE HUNTING LICENSE AFTER COMPLETING THE TRAPPERS EDUCATION COURSE; TO AMEND SECTION 50-11-40, RELATING TO THE UNLAWFUL USE OF RECORDED SOUNDS OR AMPLIFIED IMITATIONS OF CALLS OR SOUNDS BY A PERSON TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS, SO AS TO DELETE THE PROVISION THAT MAKES IT UNLAWFUL TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE HUNTING AND TAKING OF COYOTES; TO AMEND SECTION 50-11-1080, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES DECLARING OPEN SEASON ON COYOTES, SO AS TO PROVIDE THAT THERE IS NO CLOSED SEASON FOR HUNTING OR TAKING COYOTES WITH WEAPONS; TO AMEND SECTION 50-11-2400, RELATING TO DEFINITIONS OF CERTAIN TERMS THAT PERTAIN TO THE TRAPPING OF FURBEARING ANIMALS, SO AS TO REVISE THE DEFINITION OF THE TERMS "FURBEARING ANIMAL" AND "COMMERCIAL PURPOSES", AND TO PROVIDE DEFINITIONS FOR THE TERMS "OWNER" AND "AGENT"; TO AMEND SECTION 50-11-2430, RELATING TO REQUIRING A FUR TRAPPER TO CARRY PROOF THAT HE IS THE OWNER OF THE PROPERTY ON WHICH HE SETS HIS TRAPS, OR HAS PERMISSION FROM THE OWNER OF THE PROPERTY UPON WHICH HIS TRAPS ARE SET, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50-11-2440, RELATING TO REQUIRING A TRAPPER TO VISIT HIS TRAPS DAILY, SO AS TO MODIFY THE FREQUENCY THAT A TRAPPER MUST VISIT HIS TRAPS; TO AMEND SECTION 50-11-2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE BY THE OWNERS OF TRAPS, SO AS TO ALLOW A TRAP OWNER'S DESIGNEE TO REMOVE WILDLIFE FROM HIS TRAPS, AND TO PROVIDE THAT A DESIGNEE MUST POSSESS WRITTEN PERMISSION FROM THE TRAP'S OWNER TO ACT ON HIS BEHALF AND MUST MEET ALL COMMERCIAL FUR LICENSING REQUIREMENTS OR BE LISTED ON A VALID DEPREDATION PERMIT; TO AMEND SECTION 50-11-2460, RELATING TO CERTAIN TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RESTRICTS THE TYPES OF TRAPS THAT ARE ALLOWED TO THOSE THAT ARE IN ACCORDANCE WITH APPROVED COMMERCIAL FUR LICENSES, TO ALLOW FOR THE USE OF LIVE TRAPS TO CAPTURE CERTAIN FERAL ANIMALS, TO REVISE THE SIZE OF FOOT-HOLD TRAPS THAT ARE ALLOWABLE, TO PROVIDE THAT SMALL SNAP, BOX, AND OTHER TRAPS ARE ALLOWED FOR TRAPPING; TO AMEND SECTION 50-11-2475, RELATING TO THE ISSUANCE OF A FUR PROCESSOR'S LICENSE, SO AS TO REVISE THE COST OF THE LICENSE, TO REQUIRE A TAXIDERMIST TO KEEP A DAILY REGISTER OF THE NAME AND ADDRESS OF EACH PERSON FROM WHOM A FURBEARING ANIMAL IS RECEIVED ALONG WITH OTHER INFORMATION ABOUT THE ANIMAL, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTIONS 50-11-1060, 50-11-1070, AND 50-11-2420 RELATING TO THE ISSUANCE OF A COMMERCIAL FUR LICENSE, THE ISSUANCE OF A PERMIT TO POISON PREDATORY ANIMALS, AND THE KILLING OF BOBCATS.

Rep. HIOTT moved to adjourn debate upon the Senate Amendments until Tuesday, May 15, which was agreed to.

**H. 3152--DEBATE ADJOURNED**

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

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 THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, SO AS TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, SO AS TO REMOVE INCONSISTENT PROVISIONS; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, SO AS TO CONFORM APPROPRIATE REFERENCES.

Rep. YOUNG moved to adjourn debate upon the Senate Amendments until Wednesday, May 9, which was agreed to.

**S. 391--RECOMMITTED**

The following Bill was taken up:

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7-13-40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7-13-350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

Rep. BINGHAM moved to recommit the Bill to the Committee on Judiciary, which was agreed to.

**MOTION PERIOD**

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

**H. 3788--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3788 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 12 SO AS TO ENACT THE "HERITAGE GOLF PRESERVATION ACT".

Rep. HERBKERSMAN moved to adjourn debate on the Bill until Tuesday, May 15, which was agreed to.

Rep. WILLIAMS moved that the House do now adjourn pending ratification of acts, which was agreed to.

**MOTION NOTED**

Rep. BINGHAM moved to reconsider the vote whereby S. 391 was recommitted to the Judiciary Committee and the motion was noted.

**RATIFICATION OF ACTS**

At 1:20 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R172, S. 6) -- Senators Leatherman, McGill, Rose, McConnell, Campsen, Fair, Setzler, Alexander and Rankin: AN ACT TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO PROVIDE THAT MONIES IN THE CAPITAL RESERVE FUND, IN ANY YEAR THE GENERAL RESERVE FUND DOES NOT HAVE THE REQUIRED PERCENTAGE OF GENERAL FUND REVENUE, FIRST MUST BE USED TO FULLY REPLENISH THE APPLICABLE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND BEFORE BEING USED FOR OTHER AUTHORIZED PURPOSES WHICH DO NOT INCLUDE OFFSETTING MIDYEAR BUDGET REDUCTIONS.

 (R173, S. 271) -- Senators Cleary, Ford and Knotts: AN ACT TO AMEND SECTION 15‑41‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO DELETE THE PROVISION THAT THE EXEMPTION ONLY APPLIES TO THE EXTENT REASONABLY NECESSARY FOR THE SUPPORT OF THE DEBTOR AND ANY DEPENDENT OF THE DEBTOR, AND TO PROVIDE THAT THE INTEREST OF AN INDIVIDUAL IS EXEMPT FROM CREDITOR PROCESS  IN CERTAIN CIRCUMSTANCES.

 (R174, S. 872) -- Senators Knotts, Rose, Reese, O’Dell, Verdin, Rankin, Bryant, Malloy, McConnell, Scott, Grooms, Fair, Campbell, Elliott, Setzler, McGill, Davis, Williams, Pinckney, Cromer, Hayes, Land, Jackson, Lourie, Nicholson, Matthews, L. Martin, Alexander and Ford: AN ACT TO AMEND SECTION 25‑1‑590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RETIREMENT OF MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD, SO AS TO EXTEND THE RETIREMENT HONORARY PROMOTION PROVISIONS TO HONORABLY DISCHARGED SERVICEMEMBERS WHO ARE REMOVED FROM THE NATIONAL GUARD DUE TO MEDICAL CONDITIONS, AND TO PROVIDE THAT THE EXPANDED HONORARY PROMOTION ELIGIBILITY DESCRIBED ABOVE IS TO BE APPLIED RETROACTIVELY.

 (R175, S. 1085) -- Senator Hayes: AN ACT TO AMEND SECTION 48‑11‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ORGANIZATION AND FUNCTIONING OF SPECIFIC WATERSHED CONSERVATION DISTRICTS UNDER THE GENERAL LAW PERTAINING TO SUCH DISTRICTS, SO AS TO PROVIDE THAT FOR PURPOSES OF CHAPTER 11, TITLE 48, INCLUDING THE CONDUCT OF ELECTIONS, THE DIGITAL HYDROLOGIC MAP PREPARED BY THE SERVICE CENTER AGENCIES OF THE UNITED STATES DEPARTMENT OF AGRICULTURE OF THE FISHING CREEK WATERSHED DISTRICT IN YORK COUNTY REPRESENTS AND IS DECLARED TO BE THE BOUNDARIES OF THE DISTRICT.

 (R176, S. 1122) -- Senator Gregory: AN ACT TO AMEND SECTION 7‑7‑350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

 (R177, S. 1223) -- Senator Alexander: AN ACT TO AMEND SECTION 7‑7‑430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

 (R178, S. 1316) -- Senator L. Martin: AN ACT TO AMEND SECTION 7‑7‑450, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN PICKENS COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

 (R179, S. 1351) -- Senator Fair: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑55‑2390 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE OF THE POOL AND NUMBER OF PATRONS, A TYPE “A” PUBLIC SWIMMING POOL MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT; TO REQUIRE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVAL OF LIFEGUARD COVERAGE PLANS FOR TYPE “E” PUBLIC SWIMMING POOLS; TO PROVIDE THAT A POOL REQUIRED TO HAVE ONLY ONE LIFEGUARD MUST HAVE AN ADDITIONAL EMPLOYEE AVAILABLE; AND TO PROVIDE PROCEDURES FOR APPLYING FOR A VARIANCE.

 (R180, S. 1384) -- Senator Hayes: AN ACT TO AMEND ACT 469 OF 2000, AS AMENDED, RELATING TO YORK COUNTY SCHOOL DISTRICT 1, SO AS TO REAPPORTION THE FIVE SPECIFIC ELECTION DISTRICTS FROM WHICH CERTAIN MEMBERS OF THE GOVERNING BODY OF THE YORK COUNTY SCHOOL DISTRICT 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS, AND MAKE NECESSARY CONFORMING CHANGES.

 (R181, S. 1412) -- Senators Grooms, Campbell and Campsen: AN ACT TO AMEND ACT 518 OF 1982, RELATING TO BERKELEY COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF BERKELEY COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BERKELEY COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

 (R182, S. 1413) -- Senator Peeler: AN ACT TO AMEND ACT 587 OF 1992, AS AMENDED, RELATING TO CHEROKEE COUNTY SCHOOL DISTRICT 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF CHEROKEE COUNTY SCHOOL DISTRICT 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

 (R183, S. 1460) -- Senators Hayes and Gregory: AN ACT TO AMEND ACT 270 OF 1981, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 IN YORK COUNTY, SO AS TO PROVIDE FOR THE EXPIRATION DATE OF THE TERMS OF CERTAIN MEMBERS OF THE BOARD IN ORDER TO HAVE ALL MEMBERS OF THE BOARD ELECTED IN NOVEMBER OF EVEN‑NUMBERED YEARS.

 (R184, S. 1461) -- Senator McGill: AN ACT TO AMEND SECTION 7‑7‑520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN WILLIAMSBURG COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

 (R185, H. 3059) -- Reps. Merrill, Stavrinakis, J.E. Smith and Whipper: AN ACT TO AMEND SECTION 12‑6‑3376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INCOME TAX CREDIT FOR PLUG‑IN HYBRID VEHICLES, SO AS TO REVISE THE DEFINITION OF “PLUG‑IN HYBRID VEHICLE”, REVISE THE METHOD OF ALLOCATING THE CREDIT, PROVIDE THAT CERTAIN INFORMATION MUST BE PROVIDED TO THE DEPARTMENT OF REVENUE IN ORDER TO CLAIM THE CREDIT, REVISE ITS EXPIRATION DATE, AND PROVIDE THAT THE CREDIT MUST BE ALLOCATED TO ELIGIBLE CLAIMANTS DURING A FISCAL YEAR ON A FIRST‑COME, FIRST‑SERVE BASIS.

 (R186, H. 3083) -- Reps. Pitts, Daning, Toole, G.M. Smith, Clyburn, Bingham, J.R. Smith, Huggins, Young, Taylor, Long, H.B. Brown, Ryan, Whipper and R.L. Brown: AN ACT TO AMEND ACT 200 OF 2002, RELATING TO THE ESTABLISHMENT AND FUNDING SOURCES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO EXTEND FOR FIVE YEARS THROUGH JUNE 30, 2018, THE PROVISIONS OF CHAPTER 59, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, THE SOUTH CAROLINA CONSERVATION BANK ACT OTHERWISE SCHEDULED FOR REPEAL EFFECTIVE JULY 1, 2013, AND SIMILARLY TO EXTEND THE PROVISIONS OF ACT 200 OF 2002, RELATING TO FUNDING SOURCES AND OTHER MATTERS RELATING TO THE OPERATION OF THE SOUTH CAROLINA CONSERVATION BANK.

 (R187, H. 3236) -- Reps. Daning and G.R. Smith: AN ACT TO AMEND SECTION 59‑65‑10 AND SECTION 59‑65‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPULSORY EDUCATION FOR SOUTH CAROLINA SCHOOL CHILDREN AND THE EXCEPTION TO THE REQUIREMENT, RESPECTIVELY, SO AS TO INCLUDE THE SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS AS AN AUTHORIZER OF SCHOOLS THAT CHILDREN MAY ATTEND WITHIN THE COMPULSORY EDUCATION REQUIREMENT.

 (R188, H. 3241) -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL SPONSOR POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59‑40‑175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; BY ADDING SECTION 59‑40‑235 SO AS TO PROVIDE THAT THE GEOGRAPHICAL BOUNDARIES FROM WHICH A CHARTER SCHOOL SPONSORED BY A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING MAY ACCEPT STUDENTS ARE THE SAME AS THE BOUNDARIES OF THE STATE OF SOUTH CAROLINA; TO AMEND SECTION 59‑40‑20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59‑40‑40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS, INCLUDING PROVISIONS WITHIN THE DEFINITION OF A “CHARTER SCHOOL” TO ALLOW AN APPLICANT TO SEEK TO FORM A SINGLE GENDER CHARTER SCHOOL, AND TO PERMIT WITHIN THE DEFINITIONS OF “SPONSOR” AND “APPLICANT” A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING OR ITS BOARD TO BE A SPONSOR OR APPLICANT; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES AND FOR OTHER PROVISIONS PERTAINING TO THE OPERATION OR GOVERNANCE OF THE CHARTER SCHOOL, INCLUDING THE SELECTION OF ITS BOARD OF DIRECTORS AND THE AUTHORIZATION OF CHARTER SCHOOLS AND CHARTER SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC COMPETITIONS, PROGRAMS, AND EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO REQUIRE A CONTRACT TO BE EXECUTED BETWEEN THE CHARTER SCHOOL AND ITS SPONSOR, REFLECTING THE PROVISIONS IN THE APPLICATION AMONG OTHER REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL DEVELOP A CONTRACT TEMPLATE TO BE USED BY CHARTER SCHOOLS AND THEIR SPONSORS, AND TO FURTHER PROVIDE FOR ACTIONS REQUIRED OF AN APPLICANT AND WHAT MUST BE IN THE APPLICATION; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP, TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION, AND TO PROVIDE FOR OTHER PROVISIONS RELATIVE TO THE APPLICATION, INCLUDING A REQUIREMENT THAT THE ADVISORY COMMITTEE SHALL NOTIFY THE LOCAL DELEGATION OF A COUNTY IN WHICH A PROPOSED CHARTER SCHOOL IS TO BE LOCATED UPON RECEIPT OF A CHARTER SCHOOL APPLICATION AND ALSO SHALL PROVIDE A COPY OF THE CHARTER SCHOOL APPLICATION UPON REQUEST BY A MEMBER OF THE LOCAL DELEGATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO A CHARTER SCHOOL CONVERSION, SO AS TO PROVIDE FOR SPECIFIC VOTE REQUIREMENTS IF THE PROPOSED CONVERSION SCHOOL HAS CERTAIN TYPES OF OUTSTANDING GENERAL OBLIGATION BOND DEBT, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION, AND TO PROHIBIT UNLAWFUL REPRISALS AGAINST EMPLOYEES OF A SCHOOL DISTRICT BECAUSE OF THEIR INVOLVEMENT IN ESTABLISHING OR CONVERTING A CHARTER SCHOOL; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO PERMIT A CHARTER SCHOOL TO SUBMIT A RENEWAL APPLICATION TO ANOTHER CHARTER GRANTING AUTHORITY IF THE SPONSOR REFUSES TO RENEW THE CHARTER UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO REVISE THE MANNER IN WHICH SPECIFIC FUNDS MUST BE DISTRIBUTED BY THE DEPARTMENT OF EDUCATION TO SCHOOL DISTRICTS HAVING CHARTER SCHOOLS AND THEN BY THE DISTRICTS TO THE CHARTER SCHOOLS, TO FURTHER PROVIDE FOR THE DISTRIBUTION OF CERTAIN OTHER FUNDS TO A CHARTER SCHOOL BY THE SPONSOR, TO FURTHER PROVIDE FOR CONTRACT AND REPORTING REQUIREMENTS IN REGARD TO THE CHARTER SCHOOL, AND TO PROVIDE FOR THE MANNER IN WHICH FUNDING SHALL BE DETERMINED FOR CONVERTED CHARTER SCHOOLS; TO AMEND SECTION 59‑40‑190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT OR AREA COMMISSION FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59‑40‑230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, SO AS TO REVISE ITS MEMBERSHIP; TO AMEND SECTION 59‑40‑130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES; TO AMEND SECTION 59‑40‑220, RELATING TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT HAVING A LOCAL TAX BASE AND RECEIVING LOCAL PROPERTY TAXES DOES NOT EXTEND TO CERTAIN LOCAL FUNDS; TO AMEND SECTION 59‑18‑920, RELATING TO REPORT CARD REQUIREMENTS FOR CHARTER AND OTHER SCHOOLS, SO AS TO PROVIDE THAT THE PERFORMANCE OF CHARTER SCHOOL STUDENTS MUST NOT BE INCLUDED IN THE OVERALL PERFORMANCE RATINGS OF THE LOCAL SCHOOL DISTRICT UNLESS THERE IS A MUTUAL AGREEMENT TO INCLUDE SCORES IN THE LOCAL DISTRICT RATINGS; AND BY ADDING SECTION 59‑19‑350 SO AS TO PROVIDE THAT A LOCAL SCHOOL DISTRICT BOARD OF TRUSTEES DESIROUS OF CREATING AN AVENUE FOR NEW, INNOVATIVE, AND MORE FLEXIBLE WAYS OF EDUCATING CHILDREN WITHIN THEIR DISTRICT MAY CREATE A SCHOOL OF CHOICE WITHIN THE DISTRICT THAT IS EXEMPT FROM STATE STATUTES WHICH GOVERN OTHER SCHOOLS IN THE DISTRICT AND REGULATIONS PROMULGATED BY THE STATE BOARD OF EDUCATION, AND TO PROVIDE FOR THE REQUIREMENTS AND PROCEDURES TO IMPLEMENT THESE SCHOOLS OF CHOICE.

 (R189, H. 3558) -- Reps. J.E. Smith, Govan and Harrell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑2270 SO AS TO REQUIRE ALL STATE INSTITUTIONS OF HIGHER EDUCATION TO ALLOW STUDENTS TO COMPLETE ASSIGNMENTS OR TAKE MAKE‑UP EXAMINATIONS WHEN AN ABSENCE IS CAUSED BY ATTENDING OR PARTICIPATING IN MILITARY SERVICE, DUTY, TRAINING, OR DISASTER RELIEF EFFORTS.

 (R190, H. 3921) -- Rep. Hardwick: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 25 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE UNCLAIMED CREMATED REMAINS OF A VETERAN MAY BE INTERRED WITHOUT LIABILITY TO THE FUNERAL HOME, FUNERAL ESTABLISHMENT, MORTUARY, OR ANY MANAGER THEREOF OR A VETERANS’ SERVICE ORGANIZATION INVOLVED IN THE INTERNMENT.

 (R191, H. 3923) -- Rep. Parker: AN ACT TO AMEND SECTION 7‑7‑490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO RENAME THE INMAN MILLS BAPTIST VOTING PRECINCT THE GREATER ST. JAMES VOTING PRECINCT AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

 (R192, H. 4205) -- Reps. Funderburk, G.A. Brown and Lucas: AN ACT TO AMEND ARTICLE 8, CHAPTER 36, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOT‑FOR‑PROFIT CORPORATIONS PROVIDING WATER SERVICE FINANCED BY FEDERAL OR STATE LOANS BEING PERMITTED TO CONVERT TO A PUBLIC SERVICE DISTRICT, BY ADDING SECTION 33‑36‑1315 SO AS TO PROVIDE FOR ADDITIONAL CONVERSION PROVISIONS, TERMS, AND LIMITATIONS FOR NOT-FOR-PROFIT CORPORATIONS OF A CERTAIN SIZE THAT PROVIDE WATER SERVICE IN TWO OR MORE COUNTIES; AND TO AMEND SECTION 33‑36‑1330, RELATING TO THE GOVERNING BOARD AND STRUCTURE OF A CORPORATION WHICH HAS BEEN CONVERTED TO A PUBLIC SERVICE DISTRICT, SO AS TO PROVIDE FOR THE GOVERNING STRUCTURE OF A PUBLIC SERVICE DISTRICT OF A CERTAIN SIZE THAT PROVIDES SERVICE IN TWO OR MORE COUNTIES.

 (R193, H. 4463) -- Reps. Harrison, Clyburn, Murphy, McLeod and Weeks: AN ACT TO AMEND SECTION 22‑3‑545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF CERTAIN CRIMINAL CASES FROM GENERAL SESSIONS COURT TO MAGISTRATES OR MUNICIPAL COURT, SO AS TO CLARIFY THE TYPES OF CASES THAT MAY BE TRANSFERRED INCLUDES CRIMINAL CASES ORIGINALLY CHARGED AND THOSE IN WHICH THE CHARGES ARE PURSUANT TO A PLEA AGREEMENT, TO ALLOW DEFENDANTS TO WAIVE CERTAIN RIGHTS, AND TO DELETE PROVISIONS WHICH REQUIRED THE APPROVAL OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES FOR THE GENERAL SESSIONS COURT REGARDING TERMS OF COURT OF THE MAGISTRATES AND MUNICIPAL COURTS FOR THE DISPOSITION OF TRANSFERRED CASES.

 (R194, H. 4690) -- Reps. Owens, J.M. Neal, Patrick, Willis, Daning, Erickson and Whipper: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “JASON FLATT ACT” BY ADDING SECTION 59‑26‑110 SO AS TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL REQUIRE TWO HOURS OF TRAINING IN YOUTH SUICIDE AWARENESS AND PREVENTION AS A REQUIREMENT FOR THE RENEWAL OF CREDENTIALS FOR INDIVIDUALS EMPLOYED IN MIDDLE SCHOOLS AND HIGH SCHOOLS; TO REQUIRE THE DEPARTMENT TO DEVELOP GUIDELINES FOR TRAINING AND MATERIALS THAT MAY BE USED BY SCHOOLS AND SCHOOL DISTRICTS AND TO PROVIDE THAT SCHOOL DISTRICTS MAY APPROVE TRAINING MATERIALS FOR TRAINING THEIR EMPLOYEES; TO PROVIDE THAT THIS TRAINING REQUIREMENT MAY BE SATISFIED THROUGH SELF REVIEW OF SUICIDE PREVENTION MATERIALS; AND TO PROVIDE THAT NO CAUSE OF ACTION RESULTS FROM THE IMPLEMENTATION OF THIS ACT.

 (R195, H. 4733) -- Rep. Anderson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN GEORGETOWN COUNTY AS THE PLANTERSVILLE SCENIC BYWAY, AND TO MAKE IT SUBJECT TO REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

 (R196, H. 4787) -- Reps. Brady and Sandifer: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 97 TO TITLE 38 SO AS TO ENACT THE “PORTABLE ELECTRONICS INSURANCE ACT”, TO PROVIDE CERTAIN DEFINITIONS RELATED TO PORTABLE ELECTRONICS INSURANCE, TO PROVIDE REQUIREMENTS RELATING TO THE SALE OF PORTABLE ELECTRONICS INSURANCE, TO PROVIDE REQUIREMENTS CONCERNING THE MODIFICATION OR TERMINATION OF ELECTRONICS INSURANCE, TO PROVIDE LICENSURE REQUIREMENTS AND PROCEDURES, AND TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY TAKE CERTAIN MEASURES TO PROTECT THE PUBLIC AND IMPLEMENT THE PROVISIONS OF THIS CHAPTER.

 (R197, H. 4906) -- Rep. J.E. Smith: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE VETERANS’ ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM JANUARY 31, 2012, TO JANUARY 31, 2016.

 (R198, H. 5028) -- Reps. G.M. Smith and White: A JOINT RESOLUTION TO PROVIDE CERTAIN REQUIREMENTS WITH WHICH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL COMPLY IN ORDER TO MEET APPROPRIATIONS FOR MEDICAID NURSING HOME SERVICE FOR FISCAL YEAR 2012‑2013; TO PROVIDE CERTAIN REQUIREMENTS WITH WHICH NURSING HOMES SHALL COMPLY FOR FISCAL YEAR 2012‑2013; AND TO REQUIRE THE DEPARTMENT REGULARLY TO REPORT TO SPECIFIED COMMITTEES OF THE GENERAL ASSEMBLY REGARDING CHANGES IN NURSING HOME PERFORMANCE AND TO POST THESE CHANGES ON THE DEPARTMENT’S WEBSITE.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3601 -- Rep. H. B. Brown: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 77 FROM ITS INTERSECTION WITH FAIRFIELD/RICHLAND COUNTY LINE TO ITS INTERSECTION WITH THE FAIRFIELD/CHESTER COUNTY LINE "JOHN M. SPRATT, JR., FREEWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "JOHN M. SPRATT, JR., FREEWAY".

**ADJOURNMENT**

At 1:34 p.m. the House, in accordance with the motion of Rep. SANDIFER, adjourned in memory of Peggy Moore Sandifer of Seneca, to meet at 10:00 a.m. tomorrow.

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