~~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 Psalm 27:5: “For He will hide me in His shelter in the day of trouble; He will conceal me under the cover of His rock.”

Let us pray. Almighty God, our protector in all times and circumstances of life, keep these Representatives safe from all harm and provide them with the courage and will to perform the duties required by the people of this State. Keep them in Your love and care during these days of doubt and wonder. Bless our Nation, President, State, Governor, Speaker, staff, and all who labor in these Halls of Government. Protect our defenders of freedom, at home and abroad, as they protect us. Heal 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 yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. ALLISON moved that when the House adjourns, it adjourn in memory of Mrs. Clara Edwards of Holly Springs Community, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of Anthony Darnell Liddell of Bennettsville, a student at Coastal Carolina University in Conway.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4282

Agency: Board of Chiropractic Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

Requirements of Licensure for Chiropractors

Received by Speaker of the House of Representatives January 8, 2013

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration May 8, 2013

Revised: May 13, 2013

**HOUSE RESOLUTION**

The following was introduced:

H. 3629 -- Reps. Norman, Simrill, Delleney, Felder, Finlay, D. C. Moss and Pope: A HOUSE RESOLUTION TO HONOR AND CONGRATULATE LYNN HELMS OF ROCK HILL HIGH SCHOOL ON BEING NAMED STATE WINNER OF THE 2013 VETERANS OF FOREIGN WARS NATIONAL CITIZENSHIP EDUCATION TEACHER AWARD FOR GRADES 9 THROUGH 12.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3633 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF DOROTHY FORTNER MCCARTHA OF LEXINGTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 3626 -- Reps. Lucas, Williams, Munnerlyn, Lowe and Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-515 SO AS TO PROVIDE THAT THE OWNER OF A "MOTORSPORTS ENTERTAINMENT COMPLEX" LOCATED IN THIS STATE OR HIS DESIGNEE MAY APPLY FOR AND BE ISSUED AN ANNUAL LICENSE WHICH AUTHORIZES THE PURCHASE, SALE, AND CONSUMPTION OF BEER AND WINE AT ANY OCCASION HELD ON THE GROUNDS OF THE COMPLEX YEAR ROUND ON ANY DAY OF THE WEEK, TO PROVIDE FOR THE TERMS AND CONDITIONS FOR THIS ANNUAL LICENSE, INCLUDING THE FEE, AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE ADMINISTRATION OF THIS LICENSE AND APPLICABLE ALCOHOLIC BEVERAGE CONTROL LAWS IN CONNECTION WITH THE USE OF THIS LICENSE; AND BY ADDING SECTION 61-6-2016 SO AS TO PROVIDE THAT THE OWNER OF A "MOTORSPORTS ENTERTAINMENT COMPLEX", OR HIS DESIGNEE, ALSO MAY BE ISSUED, UPON APPLICATION, AN ANNUAL LICENSE THAT AUTHORIZES THE PURCHASE, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK AT ANY OCCASION HELD ON THE GROUNDS OF THE COMPLEX UNDER THE SAME SPECIFIED TERMS AND CONDITIONS AS PROVIDED FOR BEER AND WINE PERMITS.

Referred to Committee on Judiciary

H. 3627 -- Reps. Gagnon, Gambrell and Pitts: A BILL TO AMEND SECTION 23-31-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPONS PERMITS, SO AS TO PROVIDE THAT A PERSON WHO HOLDS A VALID OUT-OF-STATE PERMIT MAY CARRY A WEAPON IN THIS STATE, TO DELETE THE PROVISION THAT REQUIRES SLED TO MAINTAIN A LIST OF STATES WHICH HAVE WEAPONS PERMIT RECIPROCAL AGREEMENTS WITH THIS STATE, AND DELETE THE PROVISION THAT REQUIRES THIS STATE TO HONOR A WEAPONS PERMIT ISSUED BY ANOTHER STATE AS LONG AS THE OTHER STATE REQUIRES AN APPLICANT FOR A PERMIT TO SUCCESSFULLY PASS A CRIMINAL BACKGROUND CHECK AND A COURSE IN FIREARM TRAINING SAFETY.

Referred to Committee on Judiciary

H. 3628 -- Reps. Toole and Atwater: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976 BY ADDING SECTION 37-20-161, SO AS TO PROVIDE FOR CERTAIN MEASURES TO SAFEGUARD A CLASS OF PROTECTED CONSUMERS FROM BECOMING VICTIMS OF IDENTITY THEFT, TO ALLOW REPRESENTATIVES WITH SUFFICIENT PROOF OF AUTHORITY TO PLACE A PREEMPTIVE SECURITY FREEZE ON PROTECTED CONSUMER'S CREDIT REPORTS, TO PROVIDE LIMITATIONS, TO PROVIDE REQUIREMENTS TO IMPLEMENT A SECURITY FREEZE, TO PROVIDE FOR THE DURATION AND EXTENT OF A SECURITY FREEZE, AND TO PROVIDE TERMS FOR REMOVAL OF A SECURITY FREEZE ON A PROTECTED CONSUMER'S CREDIT REPORT OR RECORD.

Referred to Committee on Judiciary

H. 3630 -- Reps. Felder, Simrill, Kennedy, Erickson, Ballentine, Atwater, Douglas, Southard, Huggins, Daning, Allison, Delleney, Dillard, Finlay, Gagnon, George, Hardee, Horne, King, Long, D. C. Moss, Norman, Pope, Powers Norrell, Putnam, Robinson-Simpson, Toole, Wells and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3815 SO AS TO CREATE THE OFFENSE OF CARELESS DRIVING AND TO PROVIDE PENALTIES; TO AMEND SECTION 56-5-2920, RELATING TO RECKLESS DRIVING, SO AS TO PROVIDE THAT RECKLESS DRIVING INCLUDES DISTRACTED DRIVING OR INATTENTIVE DRIVING THAT INCLUDES TEXTING WHILE DRIVING WHEN BODILY INJURY OCCURS; AND TO AMEND SECTION 56-1-720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON'S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF CARELESS DRIVING.

Referred to Committee on Judiciary

H. 3631 -- Reps. Daning, Crosby, Sottile, Atwater and Sabb: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE FOR THE ISSUANCE OF GOLF CART PERMITS, TO REGULATE THE OPERATION OF GOLF CARTS, AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 56-2-105 RELATING TO THE ISSUANCE OF GOLF CART PERMITS AND THE OPERATION OF GOLF CARTS.

Referred to Committee on Education and Public Works

H. 3632 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 42-5-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAINTENANCE TAX IMPOSED BY THE WORKERS' COMPENSATION COMMISSION ON SELF INSURERS, SO AS TO PROVIDE THAT THE COMMISSION SHALL RETAIN A PORTION OF THE ANNUAL MAINTENANCE TAX REVENUE TO PAY THE SALARIES AND EXPENSES OF THE COMMISSION AND TO PROVIDE THAT THE COMMISSION SHALL RETAIN ONE HALF OF THE INTEREST CHARGED ON DELINQUENT MAINTENANCE TAX FOR THE SAME PURPOSE.

Referred to Committee on Ways and Means

H. 3634 -- Rep. G. A. Brown: A BILL TO AMEND SECTION 59-1-443, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT OF SCHOOLS TO PROVIDE FOR A MINUTE OF MANDATORY SILENCE AT THE BEGINNING OF EACH SCHOOL DAY, SO AS TO AUTHORIZE SCHOOLS TO SAY A PRAYER AT THE BEGINNING OF THE SCHOOL DAY, TO NOTIFY PARENTS AND GUARDIANS OF THE POLICY, AND TO REQUIRE SCHOOLS TO ALLOW A STUDENT TO LEAVE THE CLASSROOM IF THE STUDENT DOES NOT WANT TO LISTEN TO OR PARTICIPATE IN THE PRAYER.

Referred to Committee on Education and Public Works

H. 3635 -- Reps. Pope, Bales, D. C. Moss, Kennedy, Simrill, Ballentine, Munnerlyn, K. R. Crawford, Anthony, Cole, Daning, Delleney, Felder, Gagnon, Long, McCoy, Norman, Powers Norrell and Ridgeway: A BILL TO AMEND SECTION 23-3-115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, COUNTY, OR THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM.

Referred to Committee on Judiciary

S. 221 -- Senator Hayes: A BILL TO AMEND SECTION 36-4A-108, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMERCIAL CODE-FUNDS TRANSFERS, SO AS TO MAKE THE CHAPTER APPLICABLE TO REMITTANCE TRANSFERS, UNLESS THE REMITTANCE TRANSFER IS AN ELECTRONIC FUND TRANSFER, AND TO PROVIDE THAT, IN THE EVENT THERE IS AN INCONSISTENCY BETWEEN THE APPLICABLE PROVISION OF THE CHAPTER AND THE APPLICABLE PROVISION OF THE ELECTRONIC FUND TRANSFER ACT, THE PROVISION OF THE ELECTRONIC FUND TRANSFER ACT GOVERNS.

Referred to Committee on Labor, Commerce and Industry

S. 223 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-108 TO PROVIDE THAT A PERSON MAY USE A FIREARM TO KILL OR ATTEMPT TO KILL ANY ANIMAL DURING ANY SEASON IN SELF-DEFENSE, DEFENSE OF ANOTHER, OR DEFENSE OF DOMESTIC ANIMALS, TO PROVIDE THAT A PERSON WHO USES DEADLY FORCE AGAINST A BIG GAME ANIMAL OR ALLIGATOR MUST REPORT THE INCIDENT TO THE DEPARTMENT OF NATURAL RESOURCES, TO PROVIDE THAT CERTAIN ANIMAL CARCASSES TAKEN PURSUANT TO THIS SECTION MAY NOT BE RETAINED, AND TO PROVIDE A PENALTY FOR FAILURE TO REPORT THE INCIDENT OR SURRENDER THE CARCASS TO THE DEPARTMENT OF NATURAL RESOURCES.

Referred to Committee on Judiciary

S. 323 -- Senator Hayes: A BILL TO AMEND THE OFFICIAL COMMENT TO SECTION 36-9-101, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CHAPTER TITLE "UNIFORM COMMERCIAL CODE-SECURED TRANSACTIONS", SO AS TO, INTER ALIA, IDENTIFY THE SPECIFIC VERSION OF THE UNITED STATES BANKRUPTCY CODE REFERENCED THROUGHOUT THE COMMENTS TO CHAPTER 9, TITLE 36; TO AMEND SECTION 36-9-102, RELATING TO THE DEFINITIONS APPLICABLE TO CHAPTER 9, TITLE 36, SO AS TO REVISE EXISTING OR PROVIDE NEW DEFINITIONS FOR CERTAIN TERMS, AND TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 36-9-105, RELATING TO THE CONTROL OF ELECTRONIC CHATTEL PAPER, SO AS TO CLARIFY THE CONDITIONS UNDER WHICH A SECURED PARTY IS DEEMED TO HAVE CONTROL OF ELECTRONIC CHATTEL PAPER; TO AMEND SECTION 36-9-307, RELATING TO THE DEBTOR'S LOCATION, SO AS TO INCLUDE PROVISIONS FOR DESIGNATING A MAIN OFFICE, HOME OFFICE, OR OTHER COMPATIBLE OFFICE; TO AMEND SECTION 36-9-311, RELATING TO THE PERFECTION OF SECURITY INTERESTS IN PROPERTY SUBJECT TO CERTAIN STATUTES, REGULATIONS, AND TREATIES, SO AS TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION 36-9-316, RELATING TO THE CONTINUED PERFECTION OF A SECURITY INTEREST FOLLOWING A CHANGE IN THE GOVERNING LAW, SO AS TO PROVIDE RULES THAT APPLY TO COLLATERAL TO WHICH A SECURITY INTEREST ATTACHES WITHIN FOUR MONTHS AFTER A DEBTOR CHANGES LOCATION; TO AMEND SECTION 36-9-317, RELATING TO THE PRIORITY OF INTERESTS, SO AS REVISE THE TERMINOLOGY OF CERTAIN TYPES OF INTERESTS AND PRIORITIES; TO AMEND SECTION 36-9-326, RELATING TO THE PRIORITY OF SECURITY INTERESTS CREATED BY A NEW DEBTOR, SO AS TO CLARIFY PROVISIONS REGARDING THE PERFECTION OF A SECURITY INTEREST; TO AMEND SECTION 36-9-406, RELATING TO THE DISCHARGE OF AN ACCOUNT DEBTOR, SO AS TO CLARIFY PROVISIONS REGARDING A SALE UNDER A DISPOSITION PURSUANT TO SECTION 36-9-610, OR AN ACCEPTANCE OF COLLATERAL PURSUANT TO SECTION 36-9-620; TO AMEND SECTION 36-9-408, RELATING TO RESTRICTIONS ON ASSIGNMENT OF PROMISSORY NOTES, SO AS TO CLARIFY PROVISIONS REGARDING A SALE UNDER A DISPOSITION PURSUANT TO SECTION 36-9-610, OR AN ACCEPTANCE OF COLLATERAL PURSUANT TO SECTION 36-9-620; TO AMEND SECTION 36-9-502, RELATING TO THE CONTENTS OF A FINANCING STATEMENT AND A RECORD OF MORTGAGE AS A FINANCING STATEMENT, SO AS TO CLARIFY PROVISIONS REGARDING THE NAME OF A DEBTOR ON A RECORD OF MORTGAGE AS A FINANCING STATEMENT; TO AMEND SECTION 36-9-503, RELATING TO THE NAME OF A DEBTOR AND SECURED PARTY, SO AS TO REVISE PROVISIONS REGARDING THE PROPER NAME OF A DEBTOR ON A FINANCING STATEMENT; TO AMEND SECTION 36-9-507, RELATING TO THE EFFECT OF CERTAIN EVENTS ON THE EFFECTIVENESS OF A FINANCING STATEMENT, SO AS TO REVISE PROVISIONS REGARDING THE SUFFICIENCY OF THE DEBTOR'S NAME; TO AMEND SECTION 36-9-515, RELATING TO THE DURATION AND EFFECTIVENESS OF A FINANCING STATEMENT, SO AS TO CLARIFY THE EFFECTIVENESS OF CERTAIN INITIALLY FILED FINANCING STATEMENTS; TO AMEND SECTION 36-9-516, AS AMENDED, RELATING TO WHAT CONSTITUTES FILING AND THE EFFECTIVENESS OF FILING, SO AS TO CLARIFY WHEN A DEBTOR IS AN INDIVIDUAL OR AN ORGANIZATION; TO AMEND SECTION 36-9-518, AS AMENDED, RELATING TO A CLAIM CONCERNING AN INACCURATE OR WRONGFULLY FILED RECORD, SO AS TO INCLUDE PROVISIONS REGARDING THE FILING OF AN INFORMATION STATEMENT; TO AMEND SECTION 36-9-521, REGARDING THE UNIFORM FORM OF A WRITTEN FINANCING STATEMENT AND AMENDMENT, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 36-9-607, RELATING TO COLLECTION AND ENFORCEMENT BY A SECURED PARTY, SO AS TO REVISE PROVISIONS REGARDING THE SECURED PARTY'S SWORN AFFIDAVIT; BY ADDING PART 8 TO CHAPTER 9, TITLE 36, SO AS TO ENTITLE PART 8 AS "TRANSITION"; AND TO MAKE CORRESPONDING CHANGES TO APPROPRIATE OFFICIAL COMMENTS AS NECESSARY TO REFLECT THE CHANGES TO CHAPTER 9, TITLE 36.

Referred to Committee on Judiciary

S. 397 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BUILDING CODES COUNCIL, RELATING TO DUTIES AND RESPONSIBILITIES OF DEPARTMENT AND MODULAR BUILDINGS CONSTRUCTION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4226, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

S. 398 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE MANUFACTURED HOUSING BOARD, RELATING TO BOARD AUTHORIZED TO MAKE INVESTIGATIONS AND DENY, SUSPEND, OR REVOKE LICENSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4243, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

S. 399 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, RELATING TO REQUIREMENTS OF LICENSURE FOR PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PYSCHO-EDUCATIONAL SPECIALISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4231, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Medical, Military, Public and Municipal Affairs

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Newton | Norman |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Wood |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, February 27.

|  |  |
| --- | --- |
| Terry Alexander | Nathan Ballentine |
| Laurie Funderburk | Jerry Govan |
| Chris Hart | Joseph Neal |
| Harry Ott | Mike Ryhal |
| Mark Willis | David Mack |

**Total Present--120**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

Reps. EDGE and ERICKSON signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, February 26.

**DOCTOR OF THE DAY**

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

**SPECIAL PRESENTATION**

Rep. LUCAS presented to the House the Dillon High School "Wildcats" Football Team, the 2012 AA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Reps. HUGGINS, BALLENTINE and W. J. MCLEOD presented to the House the Chapin High School Naval Junior ROTC, the 2013 Navy League's Most Outstanding Unit--National Level.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3089 |
| Date: | ADD: |
| 02/27/13 | DANING |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3145 |
| Date: | ADD: |
| 02/27/13 | LOWE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3372 |
| Date: | ADD: |
| 02/27/13 | WILLIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3412 |
| Date: | ADD: |
| 02/27/13 | FORRESTER and EDGE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3490 |
| Date: | ADD: |
| 02/27/13 | WELLS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3491 |
| Date: | ADD: |
| 02/27/13 | TOOLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3231 |
| Date: | ADD: |
| 02/27/13 | BALLENTINE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3428 |
| Date: | ADD: |
| 02/27/13 | FELDER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3584 |
| Date: | ADD: |
| 02/27/13 | CHUMLEY, VICK, BINGHAM, OWENS, WELLS, HIOTT, J. R. SMITH and HIXON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3626 |
| Date: | ADD: |
| 02/27/13 | BANNISTER |

**SENT TO THE SENATE**

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

H. 3378 -- Reps. Sandifer, Whitmire and Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-90 SO AS TO ENACT THE "VOLUNTEER SERVICE PERSONNEL APPRECIATION ACT" AND TO ALLOW THE GOVERNING BODY OF A LOCAL GOVERNMENT TO AUTHORIZE THE DISTRIBUTION OF CERTAIN REWARDS TO THREE ENUMERATED CATEGORIES OF VOLUNTEER SERVICE PERSONNEL SO LONG AS ALL PERSONNEL IN A RESPECTIVE CATEGORY ARE TREATED EQUALLY.

H. 3574 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO DEFINITIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4237, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 3057--DEBATE ADJOURNED**

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

H. 3057 -- Reps. Rutherford, Bales, Jefferson and Williams: A BILL TO AMEND SECTION 17-22-50, AS AMENDED, AND SECTION 17-22-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY NOT BE CONSIDERED FOR PARTICIPATION IN A PRETRIAL INTERVENTION PROGRAM AND PROGRAM ELIGIBILITY, RESPECTIVELY, BOTH SO AS TO ALLOW A PERSON TO PARTICIPATE IN A PROGRAM MORE THAN ONCE WITH THE SOLICITOR'S CONSENT.

**H. 3011--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3011 -- Reps. Whitmire, Long, Gilliard and Williams: A BILL TO AMEND SECTION 53-3-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PURPLE HEART DAY IN SOUTH CAROLINA, SO AS TO MOVE THE DAY FROM THE THIRD SATURDAY IN FEBRUARY TO THE SEVENTH DAY OF AUGUST IN ORDER TO COINCIDE WITH THE DATE GENERAL GEORGE WASHINGTON ORIGINALLY AUTHORIZED THE AWARD.

Rep. WILLIAMS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Brannon | G. A. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--111**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

While attempting to press the “yea” button during the vote on H. 3011, my vote system malfunctioned and did not record my vote in favor of the Bill.

Rep. Wendell Gilliard

**H. 3161--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3161 -- Reps. Spires and Toole: A BILL TO AMEND SECTION 40-43-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA PHARMACY PRACTICE ACT, SO AS TO DEFINE ADDITIONAL TERMS; TO AMEND SECTION 40-43-86, RELATING TO COMPOUNDING PHARMACIES, SO AS TO REVISE MINIMUM GOOD COMPOUNDING PRACTICES, TO PROVIDE A PHARMACIST MUST PERFORM A FINAL CHECK ON A PRODUCT COMPOUNDED BY A PHARMACY TECHNICIAN, TO MODIFY REQUIREMENTS FOR AN AREA USED FOR COMPOUNDING IN A PHARMACY, TO PROVIDE PHARMACISTS SHALL ENSURE CERTAIN EXPECTED FEATURES OF INGREDIENTS USED IN A FORMULATION, TO PROVIDE A MEANS FOR DETERMINING THE MAXIMUM BEYOND-USE DATE OF AN EXCESS AMOUNT OF A SPECIFIC COMPOUND IN CERTAIN CIRCUMSTANCES, TO REQUIRE CERTAIN WRITTEN POLICIES AND PROCEDURES APPLICABLE TO A COMPOUNDING AREA, AND TO PROVIDE THAT MATERIAL DATA SAFETY MUST BE READILY ACCESSIBLE TO PHARMACY PERSONNEL WHO WORK WITH DRUG SUBSTANCES OR BULK CHEMICALS, AND TO DELETE OBSOLETE LANGUAGE; AND TO AMEND SECTION 40-43-88, RELATING TO THE HANDLING OF STERILE PRODUCTS BY PHARMACIES, SO AS TO REVISE ASSOCIATED STANDARDS AND TO BROADEN THE APPLICATION OF THESE STANDARDS TO INCLUDE OTHER FACILITIES PERMITTED BY THE BOARD, AMONG OTHER THINGS.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3161 (COUNCIL\ AGM\3161C001.AGM.AB13), which was adopted:

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

/ SECTION 1. Section 40‑43‑30 of the 1976 Code is amended to read:

“Section 40‑43‑30. For purposes of this chapter:

(1) ‘Administer’ means the direct application of a drug or device pursuant to a lawful order of a practitioner to the body of a patient by injection, inhalation, ingestion, topical application, or any other means.

(2) ‘Ante area’ means an ISO 8 or greater area where personnel perform hand hygiene, garbing, and stage components. An ante area precedes a buffer area, provided:

(a) a buffer area must be separated by a wall from an ante area if high‑risk preparations are compounded; and

(b) if only low‑risk and medium‑risk preparations are compounded, separating an ante room from a buffer area is recommended.

(3) ‘Aseptic preparation’ means the technique involving procedures designed to preclude contamination of drugs, packaging, equipment, or supplies by microorganisms during processing.

(4) ‘Automated compounding device’ or ‘ACD’ means an automated device that compounds, measures, counts, packages, or labels a specified quantity of dosage units for a designated drug preparation.

(5) ‘Beyond‑use date’ or ‘BUD’ means the date or time after which a compounded preparation is recommended not to be dispensed or used. The date is determined from the date or time the preparation is compounded.

(~~2~~6) ‘Biological safety cabinet’ or ‘BSC’ means a containment unit suitable for the preparation of low‑to‑moderate risk agents where there is a need for protection of the ~~product~~ preparation, personnel, and environment, according to National Sanitation Foundation Standard 49.

(~~3~~7) ‘Board’ or ‘Board of Pharmacy’ means the State Board of Pharmacy.

(~~4~~8) ‘Brand name’ means the proprietary or trade name placed upon a drug, its container, label, or wrapping at the time of packaging.

(9) ‘Buffer area’ means an area where the primary engineering control is physically located. Activities that occur in this area include the preparation and staging of components and supplies used when compounding sterile preparations.

(10) ‘Certified pharmacy technician’ means an individual who is a registered pharmacy technician and who has completed the requirements provided for in Section 40‑43‑82(B).

(~~5~~11) ‘Chart order’ means a lawful order from a practitioner for a drug or device for patients of a hospital or extended care facility, or such an order prepared by another person and signed by a practitioner either immediately or at another time, issued for a legitimate medical purpose within the practitioner’s course of legitimate practice and including orders derived on behalf of a practitioner from a practitioner approved drug therapy management.

(~~6~~12) ‘Class 100 environment’ or ‘ISO 5’ means an atmospheric environment which contains less than one hundred particles 0.5 microns in diameter per cubic foot of air.

(13) ‘Closed‑system transfer device’ or ‘CSTD’ means a closed‑system hazardous drug handling device comprising a number of interlocking parts for reconstituting, injecting, and administering doses of hazardous drugs.

(14) ‘Colony‑forming unit’ or ‘CFU’ means an estimate of cell quantity.

(~~7~~15) ‘Compounding’ means the preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis, or the preparation, mixing, assembling, packaging, or labeling of a drug or device as the result of a practitioner’s prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice, or for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing. Compounding also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. The term compounding does not include mixing, reconstituting, or other such acts that are performed in accordance with directions contained in approved labeling provided by the product’s manufacturer and other manufacturer directions consistent with that labeling.

(16) ‘Compounded sterile preparation’ or ‘CSP’ means a compounded biologic, diagnostic, drug, nutrient, or radiopharmaceutical that must be sterile when administered to a patient. Among other things, CSPs include:

(a) aqueous bronchial and nasal inhalations;

(b) baths and soaks for live organs and tissues;

(c) injections, such as colloidal dispersions, emulsions, solutions, suspensions, among others;

(d) irrigations for wounds and body cavities;

(e) ophthalmic drops and ointments; and

(f) tissue implants.

(17) ‘Compounding aseptic containment isolator’ or ‘CACI’ means a completely enclosed isolating cabinet that makes use of airtight glove ports designed to protect the user from exposure to airborne drugs and other agents during the compounding and material transfer processes. A CACI also provides an aseptic environment for compounding sterile preparations. Air exchange with the surrounding environment should not occur in a CACI unless the air is first passed through a HEPA minimum, microbial retentive filter system capable of containing airborne concentrations of the physical size and state of the drug being compounded. Where volatile hazardous drugs are prepared, the exhaust air from the isolator should be appropriately removed by properly designed building ventilation.

(18) ‘Compounding aseptic isolator’ or ‘CAI’ means a completely enclosed isolating cabinet that makes use of airtight glove ports designed to maintain an aseptic compounding environment within the isolator throughout the compounding and material transfer process. Air exchange into the isolator from the surrounding environment should not occur unless the air has first passed through a HEPA minimum, microbial retentive filter. A CAI is primarily used for nonhazardous drug preparations.

(~~8~~19) ‘Confidential information’ means information maintained in a patient’s records or which is communicated to a patient as part of patient counseling, which is privileged and may be released only to the patient, to those practitioners and pharmacists where, in the pharmacist’s professional judgment, release is necessary to protect the patient’s health and well being, and to other persons or governmental agencies authorized by law to receive such confidential information.

(20) ‘Critical site’ means an opening that provides a direct pathway between a CSP and the environment or any surface coming in contact with the preparation or environment.

~~(9)~~ ~~‘Cytotoxic agent’ means a drug that has the capability of killing living cells.~~

(~~10~~21) ‘Deliver’ or ‘delivery’ means the actual, constructive, or attempted transfer of a drug or device from one person to another, whether or not for consideration.

(~~11~~22) ‘Designated agent’ means a person employed by an authorized practitioner to transmit, either orally or electronically, a prescription drug order on behalf of the authorized practitioner to the pharmacist. The authorized practitioner accepts the responsibility for the correct transmission of the prescription drug order.

(~~12~~23) ‘Designated pharmacist’ means an individual currently licensed by the Board of Pharmacy in this State who certifies internship training.

(~~13~~24) ‘Device’ means an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part or accessory, which is required under federal law to bear the label: ‘Caution: Federal law restricts this device for sale by or on the order of a \_\_\_\_\_\_\_\_\_\_\_’, the blank to be filled with the word physician, dentist, veterinarian, or with the descriptive designation of any other practitioner licensed by the law of the State in which he practices to use or order the use of the device; or ‘Federal law prohibits dispensing without prescription’; or any products deemed to be a public health threat after notice and public hearing as designated by the board.

(25) ‘Direct compounding area’ or ‘DCA’ means the area within the primary engineering controls where critical sites are exposed to unidirectional HEPA‑filtered air, also known as first air.

(26) ‘Disinfectant’ means an agent that frees from infec­tion, usually a chemical agent but sometimes a physical one, and that destroys disease‑causing pathogens or other harmful microorganisms but may not kill bacterial and fungal spores. It refers to substances applied to inanimate objects.

(~~14~~27) ‘Dispense’ means the transfer of possession of one or more doses of a drug or device by a licensed pharmacist or person permitted by law, to the ultimate consumer or his agent pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to, or use by, a patient. As an element of dispensing, the dispenser shall, before the actual physical transfer, interpret and assess the prescription order for potential adverse reactions or side effects, interactions, allergies, dosage, and regimen the dispenser considers appropriate in the exercise of his professional judgment, and the dispenser shall determine that the drug or device called for by the prescription is ready for dispensing. The dispenser shall also provide counseling on proper drug usage, either orally or in writing, as provided in this chapter. The actual sales transaction and delivery of a drug or device is not considered dispensing and the administration is not considered dispensing.

(~~15~~28) ‘Distribute’ means the delivery of a drug or device other than by administering or dispensing.

(~~16~~29) ‘Drug’ or ‘medicine’ means:

(a) articles recognized as drugs in an official compendium, or supplement to a compendium, including, but not limited to, USP/NF designated from time to time by the board for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(c) articles, other than food, or nonprescription vitamins intended to affect the structure or a function of the human body or other animals; and

(d) articles intended for use as a component of any articles specified in item (a), (b), or (c) of this subsection.

(~~17~~30) ‘Drug regimen review’ includes, but is not limited to, the following activities:

(a) evaluation of prescription drug orders and pharmacy patient records for:

(i) known allergies;

(ii) rational therapy‑contraindications;

(iii) reasonable dose and route of administration; and

(iv) reasonable directions for use.

(b) evaluation of prescription drug orders and pharmacy patient records for duplication of therapy.

(c) evaluation of prescription drug orders and pharmacy patient records for interactions:

(i) drug‑drug;

(ii) drug‑food;

(iii) drug‑disease, if available; and

(iv) adverse drug reactions.

(d) evaluation of prescription drug orders and pharmacy patient records for proper utilization, including over‑utilization or under‑utilization, and optimum therapeutic outcomes.

(~~18~~31) ‘Drug therapy management’ is that practice of pharmacy which involves the expertise of the pharmacist in a collaborative effort with the practitioner and other health care providers to ensure the highest quality health care services for patients.

(32) ‘Endotoxin’ means a toxin in the cell walls of all gram‑negative bacteria that is the most common type of pyrogenic substance.

(~~19~~33) ‘Enteral’ means within or by way of the intestine.

(~~20~~34) ‘Equivalent drug product’ means a drug product which has the same established name and active ingredients to meet the same compendia or other applicable standards, but which may differ in characteristics such as shape, scoring configuration, packaging, excipient (including colors, flavors, preservatives), and expiration time. Pharmacists may utilize as a basis for the determination of generic equivalency Approved Drug Products with Therapeutic Equivalence Evaluations and current supplements published by the Federal Food and Drug Administration, within the limitations stipulated in that publication.

(35) ‘Expiration date’ means the maximum time period that a manufactured, compounded, or repackaged product may be used based on specified storage requirements.

(~~21~~36) ‘Extern’ means an individual currently enrolled in an approved college or school of pharmacy who is on required rotations for obtaining a degree in pharmacy.

(37) ‘First air’ means the air exiting the HEPA filter in a unidirectional airstream that is essentially particulate‑free.

(~~22~~38) ‘Generic names’ mean the official compendia names or United States Adopted Names (USAN).

(39) ‘Glove fingertip test’ means a test where the gloved fingertips and thumb are lightly pressed into appropriate agar plates. The plates are incubated for an appropriate time period and at an appropriate temperature.

(40) ‘Hazardous drug’ means a drug that has at least one of the following properties: carcinogenicity; teratogenicity or developmental toxicity; reproductive toxicity in humans; organ toxicity at low doses in humans or animals; genotoxicity; or new drugs that mimic existing hazardous drugs in structure or toxicity.

(~~23~~41) ‘Health care provider’ includes a pharmacist who provides health care services within the pharmacist’s scope of practice pursuant to state law and regulation.

(42) ‘High‑efficiency particulate arrestor’ or ‘HEPA’ means a type of air filter that must satisfy certain efficiency standards set by the United States Department of Energy. A filter that qualifies as a HEPA is subject to interior classifications.

(~~24~~43) ‘Institutional facility’ means an organization whose primary purpose is to provide a physical environment for patients to obtain health care services and shall not include those places where physicians, dentists, veterinarians, or other practitioners, who are duly licensed, engage in private practice.

(~~25~~44) ‘Institutional pharmacy’ means the physical portion of an institutional facility that is engaged in the compounding, dispensing, and distribution of drugs, devices, and other materials, hereinafter referred to as ‘drugs’, used in the diagnosis and treatment of injury, illness, and disease and which is permitted by the State Board of Pharmacy.

(~~26~~45) ‘Institutional consultant pharmacist’ means a pharmacist licensed in this State who acts as a consultant for institutional facilities.

(~~27~~46) ‘Intern’ means an individual who is currently registered by certificate in this State to engage in the practice of pharmacy while under the personal supervision of a pharmacist and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist.

(47) ‘ISO’ means the International Organization for Standardization.

(48) ‘ISO 5 environment’ means an atmospheric environment that contains fewer than 3,520 particles no greater than 0.5 millimeters in diameter per cubic meter of air. The previous designation of this environment was known as Class 100.

(49) ‘ISO 7 environment’ means an atmospheric environment that contains fewer than 352,000 particles no greater than 0.5 millimeters in diameter per cubic meter of air. The previous designation of this environment was known as Class 10,000.

(50) ‘ISO 8 environment’ means an atmospheric environment that contains fewer than 3,520,000 particles no greater than 0.5 millimeters in diameter per cubic meter of air. The previous designation of this environment was known as Class 100,000.

(51) ‘Isolator’ means a self‑contained primary engineering control defined by having fixed walls, a floor, and a ceiling, and includes barriers such as gloves, sleeves, and air locks that separate transfers of materials into and out of the environment. The use of an isolator can be an alternative to a buffer area for sterile preparations.

(~~28~~52) ‘Labeling’ means the process of preparing and affixing a label which includes all information required by federal and state law to a drug container exclusive of the labeling by a manufacturer, packer, or distributor of a nonprescription drug or commercially packaged legend drug or device.

(53) ‘Laminar air flow workbench’ or ‘LAFW’ means a primary engineering control that uses an ISO 5 controlled environment created by a HEPA filter to retain airborne particles and microorganisms, and has horizontal air flow or vertical air flow.

(~~29~~54) ‘Manufacturing’ of products means the production, preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis, or from bulk chemicals, and includes any packaging or repackaging of the substances or labeling or relabeling of its container, if these actions are followed by the promotion and marketing of the drugs or devices for resale to pharmacies, practitioners, or other persons.

(~~30~~55) ‘Manufacturer’ means a person engaged in the manufacture of prescription drugs or devices.

(56) ‘Media‑fill test’ means a test to evaluate the aseptic technique of:

(a) compounding personnel;

(b) a process to ensure that the process used can produce sterile preparation that has no microbial contamination.

(57) ‘Material safety data sheet’ or ‘MSDS’ means a resource that provides information concerning a chemical, including:

(a) the identity, physical and chemical characteristics, physical and health hazards, primary routes of entry, exposure limits of the chemical;

(b) whether the chemical is a carcinogen;

(c) precautions for safe handling and use of the chemical;

(d) control measures;

(e) emergency and first aid procedures;

(f) the latter of the date the MSDS was prepared or last modified; and

(g) the name, address, and telephone number of the manufacturer, importer, or employer who distributes the MSDS.

(~~31~~58) ‘Medical order’ means a lawful order of a practitioner which may or may not include a prescription drug order.

(59) ‘Negative pressure’ means a room or device that is at a lower pressure than adjacent space; the air flow moves into the room or device.

(~~32~~60) ‘Nonprescription drug’ means a drug which may be sold without a prescription and which is labeled for use by the consumer in accordance with the requirements of the laws of this State and the federal government.

(~~33~~61) ‘Nonresident pharmacy’ means a pharmacy located outside this State.

(~~34~~62) ‘Parenteral’ means a sterile preparation of drugs for injection through one or more layers of the skin.

(~~35~~63) ‘Patient counseling’ means the oral or written communication by the pharmacist to a patient or caregiver providing information on the proper use of drugs and devices.

(~~36~~64) ‘Permit consultant pharmacist’ means a pharmacist licensed in this State who acts as a consultant for a permit holder other than a pharmacy or institution.

(~~37~~65) ‘Person’ means an individual, sole‑proprietorship, corporation, partnership, association, or any other legal entity including government.

(66) ‘Personal protective equipment’ or ‘PPE’ means a gown, glove, mask, hair cover, shoe cover, eye shield, and similar items intended to protect the compounder from hazards and minimize particle shedding.

(~~38~~67) ‘Pharmacy care’ is the direct provision of drug therapy and other pharmacy patient care services through which pharmacists, in cooperation with the patient and other health care providers, design, implement, monitor, and manage therapeutic plans for the purpose of improving a patient’s quality of life. Objectives include cure of disease, elimination or reduction of a patient’s symptomatology, arresting or slowing a disease process, or prevention of a disease or symptomatology. The process includes three primary functions:

(a) identifying potential and actual drug‑related problems;

(b) resolving actual drug‑related problems; and

(c) preventing potential drug‑related problems.

(~~39~~68) ‘Pharmacist’ means an individual health care provider licensed by this State to engage in the practice of pharmacy. A pharmacist is a learned professional authorized to provide patient care services within the scope of his knowledge and skills.

(~~40~~69) ‘Pharmacist‑in‑charge’ means a pharmacist currently licensed in this State who accepts responsibility for the operation of a pharmacy in conformance with all laws pertinent to the practice of pharmacy and the distribution of drugs and who is in full and actual charge of the pharmacy and personnel.

(~~41~~70) ‘Pharmacy’ means a location for which a pharmacy permit is required and in which prescription drugs and devices are maintained, compounded, and dispensed for patients by a pharmacist. This definition includes a location where pharmacy‑related services are provided by a pharmacist.

(~~42~~71) ‘Pharmacy technician’ means an individual other than an intern or extern, who assists in preparing, compounding, and dispensing medicines under the personal supervision of a licensed pharmacist and who is required to register as a pharmacy technician.

(72) ‘Point‑of‑care activated delivery system’ means a vial or bag system where a medication and an intravenous solution is attached, but not activated or otherwise mixed until immediately before administration to a patient.

(~~43~~73) ‘Poison’ means:

(a) a drug, chemical, substance, or preparation which, according to standard works on medicine, materia medica, or toxicology, is liable to be destructive to adult human life in doses of sixty grains or less; or

(b) a substance recognized by standard authorities on medicine, materia medica, or toxicology as poisonous; or

(c) any other item enumerated in this chapter; or

(d) a drug, chemical, substance, or preparation which is labeled ‘Poison’.

(74) ‘Positive pressure’ means a room or device with higher pressure than adjacent space so that air flow moves out of, rather than into, the room or device.

(~~44~~75) ‘Practice of pharmacy’ means the interpretation, evaluation, and dispensing of prescription drug orders in the patient’s best interest; participation in drug and device selection, drug administration, prospective drug reviews, and drug or drug‑related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmacy care and drug therapy management; and responsibility for compounding and labeling of drugs and devices, (except labeling by a manufacturer, repackager, or distributor or nonprescription drugs and commercially packaged legend drugs and devices) proper and safe storage of drugs and devices and maintenance of proper records for them; or the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, education, management, and control of pharmacy.

(~~45~~76) ‘Practitioner’ means a physician, dentist, optometrist, podiatrist, veterinarian, or other health care provider authorized by law to diagnose and prescribe drugs and devices.

(77) ‘Preparation’ or ‘compounded sterile preparation (CSP)’ means a sterile drug or nutrient compounded in a licensed pharmacy or licensed health care facility pursuant to a prescription. A preparation or CSP may or may not contain sterile products.

(~~46~~78) ‘Prescription drug’ or ‘legend drug’ means:

(a) a drug which, under federal law, is required, prior to being dispensed or delivered, to be labeled with any of the following statements:

(i) ‘Caution: Federal law prohibits dispensing without prescription’;

(ii) ‘Caution: Federal law restricts this drug to use by, or on the order of, a licensed veterinarian’;

(iii) ‘Rx only’; or

(b) a drug which is required by any applicable federal or state law to be dispensed pursuant only to a prescription drug order or is restricted to use by practitioners only;

(c) any drug products or compounded preparations considered to be a public health threat, after notice and public hearing as designated by the board; or

(d) any prescribed compounded prescription is a prescription drug within the meaning of this act.

(~~47~~79) ‘Prescription drug order’ means a lawful order from a practitioner for a drug or device for a specific patient, issued for a legitimate medical purpose within the prescriber’s course of legitimate practice and including orders derived from collaborative pharmacy practice.

(80) ‘Primary engineering control’ or ‘PEC’ means a device, such as a laminar airflow workbench or an isolator, or a room that provides an ISO 5 environment.

(81) ‘Process verification and validation’ means the process:

(a) used to evaluate whether a product, service, or system meets specifications and fulfills its intended purpose; and

(b) of establishing evidence that provides a high degree of assurance that a product, service, or system accomplishes its intended requirements.

(82) ‘Product’ means a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. A product is accompanied by FDA approved manufacturer labeling or a product package insert.

(~~48~~83) ‘Prospective drug use review’ means a review of the patient’s drug therapy and prescription drug order before dispensing the drug as part of a drug regimen review.

(84) ‘Pyrogen’ means a substance or agent that tends to cause a rise in body temperature or fever.

(85) ‘Revocation’ means the cancellation or withdrawal of a license, permit, or other authorization issued by the board either permanently or for a period specified by the board before the person shall be eligible to apply anew. A person whose license, permit, or other authorization has been permanently revoked by the board shall never again be eligible for a license or permit of any kind from the board.

(86) ‘Secondary engineering control’ means a buffer area and an ante area that meet the designated ISO classification.

(87) ‘Segregated compounding area for compounding sterile products’ means a designated space:

(a) confined to a room or a demarcated area;

(b) restricted to preparing low‑risk CSPs with a twelve hour or less beyond‑use time;

(c) containing a device that provides unidirectional air flow of ISO 5 air quality;

(d) free of materials extraneous to sterile compounding; and

(e) not used for other activities or purposes.

(~~49~~88) ‘Significant adverse drug reaction’ means a drug‑related incident that may result in serious harm, injury, or death to the patient.

(~~50~~89) ‘Sterile pharmaceutical’ means a dosage form devoid of viable micro‑organisms.

(90) ‘Sterility test’ means a process designed to determine the presence of bacteria or fungi in or on a test device or solution.

(~~51~~91) ‘Therapeutically equivalent’ means a drug product with the same efficacy and toxicity when administered to an individual as the originally prescribed drug as provided for in Section 39‑24‑40.

(92) ‘Velocity’ means the displacement air flow across the line of demarcation between a buffer area into the ante area in a single room.

(~~52~~93) ‘Wholesale distributor’ means a person engaged in wholesale distribution of prescription drugs or devices including, but not limited to, manufacturers; repackagers; own‑label distributors; private‑label distributors; jobbers; brokers; warehouses including manufacturers’ and distributors’ warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions. "Wholesale distributor" does not include:

(a) intracompany sales, being defined as a transaction or transfer between a division, subsidiary, parent, or affiliated or related company under the common ownership and control of a corporate entity;

(b) the purchase or other acquisition by a hospital or other health care entity that is a member of a group‑purchasing organization of a drug for its own use from the group‑purchasing organization or from other hospitals or health care entities that are members of such organizations;

(c) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug by a charitable organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(d) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug among hospitals or other health care entities that are under common control. For purposes of this section, ‘common control’ means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, by contract, or otherwise;

(e) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug for emergency medical reasons. For purposes of this section, ‘emergency medical reasons’ includes the transfer of legend drugs by a licensed pharmacy to another licensed pharmacy or a practitioner licensed to possess prescription drugs to alleviate a temporary shortage, except that the gross dollar value of the transfers may not exceed five percent of the total legend drug sales revenue of either the transferor or the transferee pharmacy during a consecutive twelve‑month period;

(f) the sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription; or

(g) the sale, purchase, or trade of blood and blood components intended for transfusion.

(94) ‘Zone of turbulence’ means the pattern of flow of air from the HEPA filter created behind an object placed within the LAFW pulling or allowing contaminated room air into the aseptic environment.

~~(53)~~ ~~‘Revocation’ means the cancellation or withdrawal of a license, permit, or other authorization issued by the board either permanently or for a period specified by the board before the person shall be eligible to apply anew. A person whose license, permit, or other authorization has been permanently revoked by the board shall never again be eligible for a license or permit of any kind from the board.~~

~~(54)~~ ~~‘Certified pharmacy technician’ means an individual who is a registered pharmacy technician and who has completed the requirements provided for in Section 40‑43‑82(B).~~”

SECTION 2. Section 40‑43‑86(CC) of the 1976 Code is amended to read:

“(CC)(1) The provisions of this subsection only apply to the compounding of medication by pharmacies permitted in the State of South Carolina.

(2) The following are the minimum current good compounding practices for the preparation of medications by pharmacists licensed in the State for dispensing or administering, or both, to humans or animals:

(a) Pharmacists engaged in the compounding of drugs shall operate in conformance with applicable laws regulating the practice of pharmacy;

(b) Based on the existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription, or in anticipation of prescription medication orders based on routine, regularly observed prescribing patterns, pharmacists may compound, for an individual patient medications ~~that are commercially available in the market place~~ for which the components are commercially available;

(c) Pharmacists shall receive, store, or use drug substances for compounding that meet official compendia requirements, or of a chemical grade in one of the following categories: chemically pure (CP), analytical reagent (AR), American Chemical Society (ACS), or, if other than this, drug substances that meet the accepted standard of the practice of pharmacy;

(d) ~~Pharmacists may compound drugs before receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, for all such products compounded at the pharmacy as required by the Board of Pharmacy~~ A compounder shall first attempt to use components manufactured in an FDA‑registered facility. When components cannot be obtained from an FDA‑registered facility, a compounder shall use his professional judgment in selecting an acceptable and reliable source and shall establish purity and safety by reasonable means, to include Certificate of Analysis, manufacturer reputation, and reliability of source.

(e) For components that do not have expiration dates assigned by the manufacturer or supplier, a compounder shall label the container with the date of receipt and assign a conservative expiration date, not to exceed three years after receipt of the component based on the nature of the component and its degradation mechanism, the container in which it is packaged, and the storage conditions;

(~~e~~f) Pharmacists may not offer compounded medications to other pharmacies for resale; however, pharmacists may compound ~~products~~ preparations based on an order from a practitioner for ~~use by practitioners for patient use~~ administration to a patient in institutional or office settings~~. Compounding pharmacies/pharmacists may advertise or otherwise promote the fact that they provide prescription compounding services, e.g., chemicals, devices, and information, when requested; however, they may not solicit business by promoting to compound specific drug products, e.g., like a manufacturer~~;

(~~f~~g) The compounding of legend drugs in anticipation of receiving prescriptions without a historical basis or the distribution of compounded ~~products~~ preparations without a patient/practitioner/pharmacist relationship is considered manufacturing.

(h) Physicians who administer compounded medications in an office or licensed ambulatory surgical facility setting shall be allowed to order and purchase those medications from the compounding pharmacy, store them in the office for future use but not for resale, and administer those medications according to their usual physician/patient/pharmacy practice relationship. A prescription for an individual patient for each administration of the drug shall not be required.

(i) Institutional pharmacies may order and store compounded preparations, both sterile and nonsterile, from compounding pharmacies in anticipation of patient orders based on the existence of a pharmacist/patient/practitioner relationship for regularly observed prescribing patterns. A chart order from a practitioner will be required for administration in a institutional facility.

(3)(a) Pharmacists engaging in compounding shall maintain proficiency through current awareness and training. Continuing education shall include training in the art and science of compounding and the rules and regulations of compounding.

(b) Pharmacy technicians may assist the pharmacist in compounding. The pharmacist is responsible for training and monitoring the pharmacy technician. The pharmacy technician’s duties must be consistent with the training received. The pharmacist must perform the final check of the compound preparation to determine if the preparation is ready to dispense.

(c) Personnel engaged in the compounding of medications shall wear clean clothing appropriate to the operation being performed. Protective apparel~~, such as coats, jackets, aprons, gowns, hand or arm coverings, or masks~~ must be worn as necessary to protect personnel from chemical exposure and medication or chemical contamination.

(d) Only personnel authorized by the responsible pharmacist may be in the immediate vicinity of the drug compounding operation. A person shown at any time, either by medical examination or pharmacist determination, to have an apparent illness or open lesions that may adversely affect the safety or quality of a drug ~~product~~ preparation being compounded must be excluded from direct contact with components, medication containers, closures, in‑process materials, and medication ~~products~~ preparations until the condition is corrected or determined by competent medical personnel not to jeopardize the safety or quality of the ~~products~~ preparations being compounded. All personnel who assist the pharmacists in compounding procedures must be instructed to report to the pharmacist any health conditions that may have an adverse effect on drug ~~products~~ preparations.

(4)(a) Pharmacists engaging in compounding shall have ~~a specifically designated and~~ an adequate area ~~(space)~~ for the ~~orderly~~ complexity level of compounding ~~of prescriptions~~ that is maintained ~~in a good state of repair~~ for the placement of material and equipment. Sterile compounding must be performed in a separate area in compliance with Section 40‑43‑88.

(b) Bulk medications and other chemicals or materials used in the compounding of medication must be stored in adequately labeled containers in a clean, dry, and temperature‑controlled area or, if required, under proper refrigeration.

(c) Adequate lighting and ventilation must be provided in all drug compounding areas. Potable water must be supplied under continuous positive pressure in a plumbing system free of defects that could contribute contamination to a compounded drug ~~product~~ preparation. Adequate washing facilities, easily accessible to the compounding areas of the pharmacy, must be provided. These facilities shall include, but are not limited to, hot and cold water, soap or detergent, and air‑dryers or single‑use towels.

(d) The area used for the compounding of drugs must be maintained in a clean and sanitary condition. It must be free of infestation by insects, rodents, and other vermin. Trash must be held and disposed of in a timely and sanitary manner. Sewage and other refuse in and from the pharmacy and immediate medication compounding areas must be disposed of in a safe and sanitary manner.

(e) If sterile ~~products~~ preparations are being compounded, the pharmacist shall comply with Section 40‑43‑88 as applicable to the procedure.

(f) If radiopharmaceuticals are being compounded, the pharmacist shall comply with Section 40‑43‑87 as applicable to the procedure.

(g) If drug products with special precautions for contamination, such as penicillin or hazardous drugs, are involved in a compounding procedure, appropriate measures, including either the dedication of equipment or meticulous cleaning of contaminated equipment before its use for the preparation of other drugs, must be utilized in order to prevent cross‑contamination.

(5)(a) Equipment and utensils used for compounding must be of appropriate design and capacity and stored in a manner to protect from contamination. In addition, all equipment and utensils must be cleaned and sanitized before use to prevent contamination that would alter the safety or quality of the drug ~~product~~ preparation beyond that desired. The pharmacist is responsible for determining suitability for use. In the case of sterile compounding, the pharmacist shall comply with Section 40‑43‑88 as applicable to equipment and utensils.

(b) Automatic, mechanical, electronic, or other equipment used in compounding must be routinely inspected, calibrated, if necessary, or checked to ensure proper performance.

(c) The pharmacist shall ensure that the proper container is selected to dispense the finished compounded prescription, whether sterile or nonsterile.

(6)(a) The pharmacist shall ensure that there are formulas and logs maintained either electronically or manually. Formulas must be comprehensive and include ingredients, amounts, methodology, and equipment, if needed, and special information regarding sterile compounding.

(b) The pharmacist shall ensure that components used in compounding are accurately weighed, measured, or subdivided as appropriate at each stage of the compounding procedure to conform to the formula being prepared. Any chemical transferred to a container from the original container must be labeled with the same information as on the original container and the date of transfer placed on the label.

(c) The pharmacist shall establish and conduct procedures so as to monitor the output of compounded prescriptions, i.e., capsule weight variation, adequacy of mixing, clarity, pH of solutions, and, where appropriate, procedures to prevent microbial contamination of medications purported to be sterile.

(7)(a) The pharmacist shall label any excess compounded ~~product~~ preparation so as to reference it to the formula used and the assigned control number and the ~~estimated~~ beyond‑use date based on ~~the pharmacist’s professional judgment,~~ appropriate testing~~,~~ or published data. In the absence of stability information applicable to the specific compound, the maximum BUD must be determined by:

(i) the type of formulation, such as nonaqueous, water containing, or topical; and

(ii) professional judgment.

(b) The ~~product~~ preparation must be stored appropriately.

(c) At the completion of compounding the prescription, the pharmacist shall examine the prescription for correct labeling.

(8) The pharmacist shall keep records of all compounded ~~products~~ preparations for a period of time as other prescriptions as required by the Board of Pharmacy. These records must be readily available for authorized inspection during the retention period at the establishment. These records are subject to duplication by photocopying or other means of reproduction as part of the inspection.

(9) All significant procedures performed in the compounding area must be covered in written policies and procedures. These procedures must be developed for the facility, equipment, personnel, preparation, packaging, and storage of compounded preparations and ingredients to ensure accountability, accuracy, quality safety, and uniformity in compounding as appropriate for the level of compounding performed at the facility.

(10) Material Data Safety should be readily accessible from an internet website or otherwise to all personnel working with drug substances or bulk chemicals located on the compounding facility premises, and personnel should be instructed on how to retrieve needed information.”

SECTION 3. Section 40‑43‑88 of the 1976 Code is amended to read:

“Section 40‑43‑88. ~~(A)~~ ~~The purpose of this section is to provide standards for the preparation, labeling, and distribution of sterile products by pharmacies, pursuant to or in anticipation of a prescription drug order for a patient in home health care.~~

~~(B)~~ ~~The pharmacy shall have a separate area designated for placement of the Class 100 laminar airflow hood, which must:~~

~~(1)~~ ~~be constructed so as to allow visual observation;~~

~~(2)~~ ~~not be a thruway for traffic;~~

~~(3)~~ ~~have walls, floor, ceiling, and work surfaces constructed of materials that are nonporous and do not produce particulate matter;~~

~~(4)~~ ~~be ventilated in a manner that will not interfere with the outward flow of air from the hood;~~

~~(5)~~ ~~not be used for unpacking bulk supplies;~~

~~(6)~~ ~~not be used for storage of bulk supplies and materials; and~~

~~(7)~~ ~~have an eye wash station and sink readily accessible to the area.~~

~~(C)(1)~~ ~~All sterile pharmaceuticals must be prepared within the airflow hood work surface.~~

~~(2)~~ ~~Work surfaces of the airflow hood must be cleaned with seventy percent isopropyl alcohol or an equivalent disinfectant every eight‑hour work shift and as needed for microbial, drug, and particulate matter removal. This cleaning must be documented by date, time, and initials. Documentation must be retained for two years.~~

~~(3)~~ ~~The airflow hood must be certified by a qualified technician every twelve months and must be recertified each time the hood is moved for operational efficiency in accordance with federal standards. The certification must be attached to the front of the hood and shall state the date the certification was performed. Certification documents must be retained for two years.~~

~~(4)~~ ~~The sterile product preparation area must be cleaned and disinfected weekly with appropriate agents according to written policy and procedures. This must be documented by date and initials and retained for two years.~~

~~(5)~~ ~~Prefilters must be changed in accordance with manufacturer’s specifications. Changes must be documented by date and initials and documentation must be retained for two years.~~

~~(6)~~ ~~Work surfaces inside the airflow hood must be clear of drugs, records, labels, and equipment unrelated to work in process.~~

~~(7)~~ ~~All solutions, additive and nonadditive, must be checked by a pharmacist before dispensing. The checking pharmacist’s initials must appear on either the prescription or medical order, the patient’s profile, a compounding record, or label. Only one system must be used. Initials may be computer produced or stamped for solutions containing noncontrolled additives.~~

~~(8)~~ ~~Sterile pharmaceuticals returned by an outpatient or the outpatient’s agent must be destroyed. Supplies and equipment designed by the manufacturer for one time use may not be reused. Returned sterile pharmaceuticals containing controlled substances must be destroyed in accordance with federal and state requirements.~~

~~(9)~~ ~~A sink with hot and cold running water readily accessible to the sterile products preparation area with immediate availability of germicidal skin cleanser and either a warm air blower or nonshedding single‑use towels for hand drying must be available to all personnel preparing sterile pharmaceuticals.~~

~~(10)~~ ~~Adverse drug reactions sustained by patients must be documented in the patient’s profile. Significant untoward reactions must be reported to the Food and Drug Administration and the manufacturer.~~

~~(D)(1)~~ ~~Compounding shall involve aseptic manipulations that are properly and promptly executed.~~

~~(2)~~ ~~Closed system transfers must be used in compounding sterile pharmaceuticals, except for initial withdrawals from ampules.~~

~~(a)~~ ~~All container closures shall remain intact throughout the aseptic process, except for the penetration of sterile, pyrogen‑free, and particulate matter‑free needles or cannulas through the designated stopper or port.~~

~~(b)~~ ~~Ancillary devices used to facilitate the transfer, withdrawal, or delivery of sterile solutions must be sterile, free of pyrogen and particulate matter, and used in accordance with the manufacturer’s labeled instructions.~~

~~(3)~~ ~~Compounded sterile pharmaceuticals must be stored immediately according to published and professional guidelines.~~

~~(4)~~ ~~Administration must be initiated in accordance with stability standards.~~

~~(5)~~ ~~If products are prepared from nonsterile ingredients, these products must be appropriately sterilized before dispensing.~~

~~(E)~~ ~~In addition to reference books currently required in a pharmacy, at least one current reference on compatibility and stability of sterile pharmaceuticals must be available.~~

~~(F)~~ ~~All sterile pharmaceuticals prepared for dispensing shall have an adhesive label affixed which shall contain the following:~~

~~(1)~~ ~~name, address, and telephone number of pharmacy for outpatients and name of facility for inpatients;~~

~~(2)~~ ~~if additive, the date solution was prepared. Nonadditive solutions must be dated if the manufacturer’s protective cover is removed before dispensing;~~

~~(3)~~ ~~name of physician;~~

~~(4)~~ ~~name of patient;~~

~~(5)~~ ~~room number and bed of patient, if applicable;~~

~~(6)~~ ~~serial number of prescription or other identifying number;~~

~~(7)~~ ~~if additive solution, the name and amount of additive. If additives are identified by their generic name, the manufacturer must be identified on either the prescription, the patient’s profile, or compounding record;~~

~~(8)~~ ~~name of basic solution;~~

~~(9)~~ ~~name or initials of individual preparing sterile pharmaceutical on either the prescription or medical order, the patient’s profile, compounding record, or label. For solutions containing noncontrolled additives, the initials may be imprinted;~~

~~(10)~~ ~~expiration date and, if applicable, the expiration time of the solution in accordance with the manufacturer’s specifications or research‑supported standard of practice;~~

~~(11)~~ ~~frequency and rate of administration;~~

~~(12)~~ ~~precautionary statements, auxiliary labels, or warning labels in keeping with current standards or practice;~~

~~(13)~~ ~~special handling or storage requirements, or both;~~

~~(G)~~ ~~There must be a system for a pharmacist to be available twenty‑four hours a day for a patient, nursing agency, or physician to which the pharmacy is providing services.~~

~~(H)~~ ~~A profile or medical record must be maintained for each patient. This profile must be maintained for two years after the last dispensing activity. It shall contain at a minimum:~~

~~(1)~~ ~~patient’s name, address, telephone number and, if applicable, the patient’s bed or room number;~~

~~(2)~~ ~~age or date of birth, weight, height, and sex of patient;~~

~~(3)~~ ~~identity of the health care agency, if applicable;~~

~~(4)~~ ~~itemization of sterile pharmaceuticals dispensed with prescription number or other identifying number, including date dispensed and the name and amount of additives;~~

~~(5)~~ ~~drug and food allergies;~~

~~(6)~~ ~~primary diagnosis;~~

~~(7)~~ ~~prescription and nonprescription drugs and home remedies the patient is receiving; and~~

~~(8)~~ ~~documentation by a pharmacist of the resolution of other potential drug related problems.~~

~~(I)(1)~~ ~~All cytotoxic solutions must be compounded in a Class II, biological safety cabinet. No other products may be compounded in this cabinet.~~

~~(2)~~ ~~Protective apparel must be worn by personnel compounding cytotoxic agents including gloves, closed front gowns with tight cuffs, and masks. Written procedures for handling spills of cytotoxic agents must be developed.~~

~~(3)~~ ~~There must be immediate access to emergency spill supplies wherever cytotoxic drugs are prepared.~~

~~(4)~~ ~~Prepared solutions must be identified with warning labels in accordance with state and federal requirements.~~

~~(5)~~ ~~Prepared solutions must be packaged for handling and delivery in a manner that minimizes the risk of rupture of the primary container and ensures the stability and potency of the solution.~~

~~(6)~~ ~~Documentation that personnel have been trained in the compounding, handling, and destruction of cytotoxic agents must be available. This documentation must be obtained annually.~~

~~(7)~~ ~~Documentation that personnel have been informed of the carcinogenic, mutagenic, and teratogenic nature of the cytotoxic agents handled must be available. This documentation must be updated annually by all personnel.~~

~~(8)~~ ~~Class II safety cabinets must be certified by a qualified technician every twelve months and must be recertified each time the hood is moved for operational efficiency. Earlier recertification may be required if dictated by federal or state requirements or manufacturer’s specifications due to workload.~~

~~(J)~~ ~~All waste materials must be disposed of in accordance with federal, state, and local requirements.~~

~~(K)~~ ~~A policy and procedure manual must be available in the pharmacy. The manual shall include policies and procedures as applicable for the following:~~

~~(1)~~ ~~quality control;~~

~~(2)~~ ~~sterile technique;~~

~~(3)~~ ~~destruction of returned solutions;~~

~~(4)~~ ~~labeling of injectable solutions;~~

~~(5)~~ ~~drug recall procedures;~~

~~(6)~~ ~~investigational drugs;~~

~~(7)~~ ~~handling and disposal of hazardous waste;~~

~~(8)~~ ~~cytotoxic agents;~~

~~(9)~~ ~~maintenance of patient profiles; and~~

~~(10)~~ ~~material safety data sheets.~~

~~(L)~~ ~~When sterile pharmaceuticals are provided to home care patients, the dispensing pharmacy may supply a nurse with emergency drugs if a physician has authorized the use of these drugs by a protocol or prescription drug order for use in an emergency situation, e.g., anaphylactic shock.~~

~~(M)~~ ~~A licensed health care professional may possess noncontrolled prescribed legend drugs or devices such as water for injection, normal saline for IV, and heparin flush used in the administration of sterile pharmaceuticals.~~

~~(N)~~ ~~If appropriate, the pharmacist shall demonstrate or document the patient’s training and competency in managing therapy provided by the pharmacist to the patient in the home environment. A pharmacist must be involved in the patient training process in any area that relates to drug compounding, labeling, administration, storage, stability, compatibility, or disposal. The pharmacist is responsible for seeing that the patient’s competency in the above areas is reassessed on an ongoing basis.~~

~~(O)~~ ~~There must be a documented, ongoing, quality assurance control program that monitors patient care and pharmacy care outcomes, including but not limited to:~~

~~(1)~~ ~~routine performance of prospective drug use review and patient monitoring functions by a pharmacist;~~

~~(2)~~ ~~patient‑monitoring plans that include written outcome measures and systems for routine patient assessment including, but not limited to, infection rates, rehospitalization rates, and the incidence of adverse drug reactions;~~

~~(3)~~ ~~documentation of patient training as specified in subsection (N);~~

~~(4)~~ ~~appropriate collaboration with other health care professionals.~~ (A) The purpose of this section is to provide standards for the preparation, labeling, storing, dispensing and distribution of sterile preparations by pharmacies and other facilities permitted by the board.

(B) Compounded sterile preparation (CSP) microbial contamination risk level is assigned according to the corresponding probability of contamination.

(1) A low‑risk level CSP is compounded under the following conditions:

(a) The CSP must be compounded with aseptic manipulations entirely within ISO Class 5 or better air quality using only sterile ingredients, products, components, and devices with the exception of radiopharmaceuticals as stated in Section 40‑43‑87.

(b) The compounding only may involve transfer, measuring, and mixing manipulations using not more than three commercially manufactured packages of sterile products and not more than two entries into one sterile container or package of sterile product or administration container or device to prepare the CSP.

(c) For a low‑risk level preparation, in the absence of passing a sterility test or process validation, the storage periods should not exceed the following time periods before administration and with proper storage:

(i) not more than forty‑eight hours at controlled room temperature;

(ii) not more than fourteen days at a cold temperature; and

(iii) not more than forty‑five days in solid frozen state.

(2) A low‑risk level CSP prepared in a PEC and that cannot be located within an ISO Class 7 or better buffer area requires a twelve hour or less BUD. A low‑risk level CSP with a BUD of twelve hours or less must meet the following criteria:

(a) PECs must be certified and maintain ISO Class 5 for exposure to critical sites and must be in a segregated compounding area restricted to sterile compounding activities that minimize the risk of CSP contamination.

(b) The segregated compounding area must not be in a location that has unsealed windows or doors that connect to the outdoors or high traffic flow, or that is adjacent to construction sites, warehouses, or food preparation.

(c) Personnel shall follow all procedures outlined in subsection (F) prior to compounding. A sink may not be located adjacent to the ISO Class 5 PEC and must be separated from the immediate area of the ISO Class 5 PEC device.

(d) The specifications for cleaning and disinfecting the sterile compounding area, personnel training and responsibilities, aseptic procedures, and air sampling must be followed as described in subsection (F).

(3) A medium‑risk level CSP occurs under low‑risk conditions when one or more of the following conditions exist:

(a) Multiple individual or small doses of sterile products are combined or pooled to prepare CSPs that will be administered either to multiple patients or to one patient on multiple occasions.

(b) The compounding process includes complex aseptic manipulations other than the single‑volume transfer.

(c) The compounding process requires unusually long duration, such as that required to complete dissolution or homogeneous mixing.

(d) In the absence of passing a sterility test or process validation, the storage periods should not exceed the following time periods before administration and with proper storage:

(i) not more than thirty hours at controlled room temperature;

(ii) not more than nine days at a cold temperature; and

(iii) not more than forty‑five days in solid frozen state.

(4) A CSP is considered high‑risk if it is compounded under the following conditions due to contamination or high risk of becoming contaminated:

(a) Nonsterile ingredients and products are incorporated or a nonsterile device is employed before terminal sterilization.

(b) Any of the following are exposed to air quality worse than ISO Class 5 for more than one hour:

(i) sterile contents of commercially manufactured products;

(ii) CSPs that lack effective antimicrobial preservatives; and

(iii) sterile surfaces of devices and containers for the preparation, transfer, sterilization, and packaging of CSPs.

(c) Presterilization procedures for high‑risk level CSP, such as weighing and mixing, are completed in an ISO Class 8 or better environment.

(d) Preparations are appropriately sterilized before dispensing.

(e) For a high‑risk level preparation, in the absence of passing a sterility test or process validation, the storage periods should not exceed the following time periods before administration and with proper storage:

(i) not more than twenty four hours at controlled room temperature;

(ii) not more than three days at a cold temperature; and

(iii) not more than forty five days in solid frozen state.

(5) The immediate‑use CSP provision stated here only may be used for situations where a need for emergency or immediate patient administration of a CSP exists. An immediate‑use preparation may not include a medium‑risk level or a high‑risk level CSP. An immediate‑use CSP is exempt from the requirements described in subection (B)(1) if:

(a) The compounding process involves simple transfer of commercially manufactured packages of sterile nonhazardous products or diagnostic radiopharmaceutical products from the manufacturers’ original containers into any one container or package of sterile infusion solution or administration container or device.

(b) The compounding procedure is a continuous process not to exceed one hour unless otherwise required for preparation.

(c) During preparation, aseptic technique is followed and, if not immediately administered, the finished CSP is under continuous supervision to minimize the potential for contact with nonsterile surfaces, introduction of particulate matter or biological fluids, mix‑ups with other CSPs, and direct contact of outside surfaces.

(d) Administration begins not later than one hour following the start of the preparation of the CSP.

(e) Unless immediately and completely administered by the person who prepared it or immediate and complete administration is witnessed by the preparer, the CSP must bear a label listing the patient identification information, the names and amounts of all ingredients, the name or initials of the person who prepared the CSP, and the exact one hour BUD and time.

(f) If administration has not begun within one hour following the start of preparing the CSP, the CSP must be discarded.

(C) The compounding area of the facility must meet the facility requirements relative to the risk level of preparations they prepare.

(1) Facility design and environmental control must be designed to minimize airborne contamination from contacting critical sites.

(a) A PEC must maintain ISO Class 5 or better conditions while compounding.

(b) The PEC HEPA‑filtered air must be supplied in critical areas at a velocity sufficient to sweep particles away from the compounding area.

(2) The buffer area must maintain at least ISO Class 7 conditions under dynamic operating conditions.

(a) The room must be segregated from surrounding, unclassified spaces to reduce the risk of contaminants being blown, dragged, or otherwise introduced into the HEPA‑filtered airflow environment.

(b) For buffer areas not physically separated from the ante areas, the principle of displacement airflow must be employed. The displacement concept shall not be used for high–risk compounding.

(c) The PEC must be placed out of the traffic flow in a manner to avoid conditions that could adversely affect their operation.

(d) Cleaning materials must be nonshedding and dedicated for use only in the sterile compounding area.

(e) Only the furniture, equipment, supplies, and other material required for the compounding activities to be performed may be brought into the buffer area, and they must be nonpermeable, nonshedding, cleanable, and resistant to disinfectants. They must be cleaned, then disinfected before brought into the area.

(f) The surfaces of ceilings, walls, floors, fixtures, shelving, counters, and cabinets in the buffer area must be smooth, impervious, and nonshedding in order to promote cleanliness.

(g) The buffer area shall not contain sources of water or floor drains with the exception of emergency safety devices.

(3) An ISO Class 7 buffer area and ante area supplied with HEPA‑filtered air must have air changes per hour (ACPH) of not less than thirty.

(4) HEPA‑filtered supply air should be introduced at the ceiling and returns must be mounted low on the wall, creating a general top‑down dilution of area air.

(5) The floors in the clean and ante areas are cleaned by sweeping and mopping on each day of operation when no aseptic operations are in progress.

(6) The environment for compounding must contain an ante area that is ISO Class 8 quality air or better. Areas participating in high risk compounding must have a separate ante area. Supplies and equipment must be removed from shipping cartons outside of the ante area, and must be wiped with a sanitizing agent before being transported to the clean room.

(7) Placement of a PEC must be based on the following:

(a) a LAFW, BSC, CAI, and CACI only may be located within a restricted access ISO Class 7 buffer area; and

(b) a CAI and CACI only may be placed in an ISO Class 7 buffer area unless the isolator maintains ISO Class 5 during dynamic operating conditions.

(8) The buffer area designated for placement of the ISO Class 5 PEC must be constructed to allow visual observation.

(9) The buffer area may not be used for storage of bulk supplies and materials.

(10) Maintain areas at temperatures and humidity levels to ensure the integrity of the drugs prior to their dispensing as stipulated by the USP/NF or the labeling of the manufacturer or distributor, or both.

(11) A sink with hot and cold running water readily accessible to the sterile preparations preparation area with immediate availability of germicidal skin cleanser and either an air blower or nonshedding single‑use towels for hand drying must be available to all personnel preparing sterile pharmaceuticals.

(D) Environmental quality and control practices include:

(1) Giving the highest priority in a sterile compounding practice to the protection of critical sites by precluding physical contact and airborne contamination.

(2) Performing viable and nonviable environmental air sampling testing every six months as part of a comprehensive quality management program and:

(a) as part of the commissioning and certification of new facilities and equipment;

(b) as part of the recertification of facilities and equipment; or

(c) in response to identified problems with the sterility of end preparations.

(3) Engineering control performance verification procedures must be performed by a qualified individual no less than every six months and when the device or room is relocated or altered. Certification documents must be retained for two years.

(4) Certification that each ISO classified area is within established guidelines for total particle counts must be performed no less than every six months and whenever the LAFW, BSC, CAI, or CACI is relocated or the physical structure of the buffer area or ante area has been altered. Testing must be performed by qualified operators.

(5) All certification records must be maintained and reviewed by pharmacy personnel to ensure that the controlled environments are in compliance.

(6) A pressure gauge or velocity meter must be installed to monitor the pressure differential or airflow between the buffer area and the ante area and between the ante area and the general environment outside the compounding area.

(a) The pressure between the positive ISO Class 7 or better buffer area, the ante area, and the general pharmacy area may not be less than a 0.02 inch water column.

(b) The pressure between the negative ISO Class 7 or better buffer area, the ante area, and the general pharmacy area may not be less than a –0.01inch water column. For negative pressure buffer areas, the ante area must be ISO Class 7 or better.

(c) The results must be reviewed and documented on a log maintained either electronically or manually at least every work shift or by a continuous recording device.

(7) An appropriate facility specific environmental sampling procedure must be followed for airborne viable particles based on a risk assessment of compounding activities performed.

(a) The documentation must include sample location, method of collection, volume of air sampled, time of day and action levels.

(b) Evaluation of airborne microorganisms using volumetric collection methods in the controlled air environments, including LAFWs, CAIs, clean room or buffer areas, and ante areas, must be performed by properly trained individuals for all compounding risk levels. Impaction is the preferred method of volumetric air sampling.

(c) For all compounding risk levels, air sampling must be performed at locations prone to contamination during compounding activities and during other activities such as staging, labeling, gowning, and cleaning. Locations must include zones of air backwash turbulence within LAFW and other areas where air backwash turbulence may enter the compounding area.

(d) Corrective actions must be taken when CFU counts for each ISO classification are exceeded, or when microorganisms are identified that are potentially harmful to patients receiving CSPs.

(E)(1) All hazardous CSPs must be compounded and prepared in an ISO Class 5 environment in a BSC or CACI with the exception of radiopharmaceuticals as stated in Section 40‑43‑87. Hazardous drugs may not be prepared in a laminar airflow workbench or a compounding aseptic isolator.

(2) Appropriate personal protective equipment must be worn by personnel compounding hazardous agents.

(3) Written procedures for disposal and handling spills of hazardous agents must be developed.

(4) There must be immediate access to emergency spill supplies wherever hazardous drugs are prepared.

(5) A hazardous CSP must be identified with warning labels in accordance with state and federal requirements.

(6) A hazardous CSP must be packaged for handling and delivery in a manner that minimizes the risk of rupture of the primary container and ensures the stability, sterility, and potency of the solution.

(7) A hazardous drug must be handled with caution at all times during receiving, distribution, stocking, inventorying, preparation for administration, and disposal.

(8) Documentation that personnel have been trained in the compounding, handling, and disposal of hazardous agents must be available. This documentation must be updated annually. The training must include the following if applicable:

(a) safe aseptic manipulation practices;

(b) negative pressure techniques when utilizing a BSC or CACI;

(c) correct use of CSTD devices;

(d) containment, cleanup and disposal procedures for breakages and spills; and

(e) treatment of personnel contact and inhalation exposure.

(F) Policies and procedures must be developed and implemented for the pharmacy. These policies and procedures must include the following as applicable:

(1) annual training and evaluation of sterile compounding personnel to include skills observation of antiseptic hand cleansing, other personnel cleansing, media‑fill challenge, glove fingertip testing, cleaning of compounding environment, donning protective garb, maintaining or achieving sterility of CSPs;

(2) semi‑annual media‑fill test representative of high risk compounding must be performed by all personnel authorized to prepare high risk CSPs;

(3) cleaning and disinfecting of the sterile compounding areas and devices with supporting documentation;

(4) ensuring identity, quality, and purity of ingredients;

(5) sterilization methods for High Risk CSPs;

(6) establishment of appropriate storage requirements and BUDs;

(7) measuring, mixing, dilution, purification, packaging, and labeling;

(8) unpackaging and introducing supplies into the sterile compounding environment;

(9) compounding activities that require the manipulation and disposal of a hazardous material;

(10) expiration dating of single dose and multiple dose containers;

(11) quality control and quality assurance of CSP processes;

(12) material safety data sheets;

(13) use of investigational drugs;

(14) written procedures outlining required equipment calibration, maintenance, monitoring for proper function, and controlled procedures for use of the equipment and specified time frames for these activities must be established and followed. Results from the equipment calibration, semi‑annual certification reports, and routine maintenance must be kept on file for two years;

(15) patient training and competency in managing therapy in the home environment;

(16) safety measures to ensure accuracy of CSPs; and

(17) compounding logs for nonpatient specific CSPs.

(G) Compounding personnel:

(1) may not introduce food or drinks, into the ante areas, buffer areas, or segregated compounding areas; and

(2) shall ensure that all CSPs are checked by a pharmacist before dispensing.

(H) In addition to references currently required in a pharmacy, at least one current reference on compatibility and stability of sterile pharmaceuticals must be available.

(I) All sterile pharmaceuticals prepared for dispensing must be labeled in accordance with Section 40‑43‑86 and include:

(1) name, address, and telephone number of pharmacy for outpatients and name of facility for inpatients;

(2) dating of a nonadditive solution if the manufacturer’s protective cover, if applicable, is removed before dispensing;

(3) name of prescribing physician;

(4) room number and bed of patient, if applicable; and

(5) special handling, storage requirements, or both.

(J) Bulk or unformulated drug substances and added substances or excipients must be stored in tightly closed containers under temperature, humidity, and lighting conditions that are either indicated in official monographs or approved by suppliers. The date of receipt by the compounding facility must be clearly and indelibly marked on each package of ingredient. After receipt by the compounding facility, packages of ingredients that lack a supplier’s expiration date cannot be used after one year unless either appropriate inspection or testing indicates that the ingredient has retained its purity and quality for use in CSPs.

(K) When sterile pharmaceuticals are provided to home care patients, the dispensing pharmacy may supply a nurse with emergency drugs if a physician has authorized the use of these drugs by a protocol or prescription drug order for use in an emergency situation, such as anaphylactic shock.

(L) A licensed health care professional may possess noncontrolled legend drugs or devices such as water for injection, normal saline for an IV, and heparin flushes to facilitate in the administration of prescribed CSPs.

(M) There must be a system that requires an institutional or home infusion pharmacist to be available twenty‑four hours a day for a patient, nursing agency, or physician to which the pharmacy is providing services.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. PARKS explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Brannon | G. A. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hardee | Hardwick |
| Harrell | Hart | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**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. 3356--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3356 -- Reps. Williams, J. E. Smith, Dillard, Robinson-Simpson, Wood, Gilliard and Anderson: A BILL TO AMEND SECTION 25-1-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL POWERS AND DUTIES OF THE ADJUTANT GENERAL, SO AS TO REQUIRE THE ADJUTANT GENERAL TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3356 (COUNCIL\ BBM\3356C001.BBM.ZW13), which was adopted:

Amend the bill, as and if amended, Section 25‑1‑350(2), as contained in SECTION 1, by deleting item (2) in its entirety and inserting:

/ (2) keep rosters of all active, reserve and retired officers of the militia of the State, keep in his office all records and papers required to be kept and filed therein and submit to the Governor and General Assembly each year a printed annual ~~report of~~ Report of the Adjutant General of the State of South Carolina that includes the operations and conditions of the National Guard of South Carolina; /

Renumber sections to conform.

Amend title to conform.

Rep. DOUGLAS explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Brannon | G. A. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Toole | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Wood |

**Total--108**

Those who voted in the negative are:

**Total--0**

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

**LEAVE OF ABSENCE**

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

**H. 3411--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3411 -- Reps. R. L. Brown, G. A. Brown, Cobb-Hunter, Mitchell, Neal, Weeks, Whipper, Williams and Gilliard: A BILL TO AMEND SECTION 40-7-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "HAIR BRAIDING" ASSOCIATED WITH THE LICENSURE AND REGULATION OF BARBERS, SO AS TO PERMIT THE USE OF HAIR EXTENSIONS IN HAIR BRAIDING, EXCEPT IN PUBLIC PLACES.

Rep. SPIRES explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 79; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Bowers | G. A. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Cole |
| Crosby | Daning | Dillard |
| Edge | Erickson | Felder |
| Finlay | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Govan | Hardee | Harrell |
| Hart | Henderson | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Lucas |
| McCoy | McEachern | Mitchell |
| V. S. Moss | Munnerlyn | Newton |
| Ott | Owens | Parks |
| Patrick | Pope | Powers Norrell |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Skelton | J. E. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Toole |
| Vick | Weeks | Wells |
| White | Whitmire | Williams |
| Wood |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Brannon | Chumley | Clemmons |
| H. A. Crawford | K. R. Crawford | Delleney |
| Forrester | Goldfinch | Hamilton |
| Hardwick | Hiott | Hixon |
| Loftis | Lowe | Merrill |
| D. C. Moss | Nanney | Norman |
| Pitts | Putnam | Simrill |
| G. R. Smith | Taylor | Willis |

**Total--27**

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

**H. 3229--DEBATE ADJOURNED**

Rep. DANING moved to adjourn debate upon the following Bill until Monday, March 11, which was adopted:

H. 3229 -- Reps. Daning and Crosby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-5-170 SO AS TO CREATE THE DIVISION OF INTERSCHOLASTIC ATHLETICS TO SERVE AS THE SOLE GOVERNING BODY OF ATHLETICS FOR SOUTH CAROLINA PUBLIC SCHOOLS, TO PROVIDE FOR A DIRECTOR OF THE DIVISION APPOINTED BY THE SUPERINTENDENT OF EDUCATION, TO PROVIDE MATTERS ABOUT WHICH THE DIVISION SHALL PROMULGATE REGULATIONS AND FOR WHICH THE DIVISION MAY ISSUE EMERGENCY REGULATIONS, TO PROVIDE FOR THE CREATION OF AN ADVISORY COMMITTEE TO ASSIST THE DIVISION IN EVALUATING THE OVERALL INTERSCHOLASTIC ATHLETIC PROGRAM AND RELATED RECOMMENDATIONS, TO PROVIDE FOR THE COMPOSITION OF THE COMMITTEE, AND TO PROVIDE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE SUPERINTENDENT OF EDUCATION AND MAY NOT RECEIVE COMPENSATION; AND TO AMEND SECTION 59-39-160, RELATING TO REQUIREMENTS FOR PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES, SO AS TO MAKE CONFORMING CHANGES.

**H. 3472--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3472 -- Reps. Owens, Harrell, Patrick, Gambrell, Taylor, Wells, Anthony, Mitchell, Cobb-Hunter, Allison, Pitts, Daning, Wood and Southard: A BILL TO AMEND SECTION 59-40-210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL AND THE REQUIREMENT THAT THE CONVERTED PRIVATE SCHOOL NOT BE ALLOWED TO OPEN AS A CHARTER SCHOOL FOR A PERIOD OF TWELVE MONTHS, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST THE CONVERTED PRIVATE SCHOOL BEING ALLOWED TO OPEN AS A CHARTER SCHOOL FOR A PERIOD OF TWELVE MONTHS DOES NOT APPLY UNDER SPECIFIED CONDITIONS IF THE ENROLLMENT OF THE CONVERTED PRIVATE SCHOOL FOR THE MOST RECENTLY COMPLETED SCHOOL TERM BEFORE THE DATE OF THE PROPOSED CONVERSION REFLECTS THE RACIAL COMPOSITION OF THE LOCAL SCHOOL DISTRICT IN WHICH THE CONVERTED PRIVATE SCHOOL IS LOCATED.

Rep. PATRICK explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Brannon | G. A. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| Neal | Newton | Norman |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 3586--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3586 -- Rep. George: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF THE MULLINS NATIONAL GUARD ARMORY TO THE CITY OF MULLINS.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowers |
| Brannon | R. L. Brown | Chumley |
| Clemmons | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Hamilton | Hardwick |
| Harrell | Henderson | Herbkersman |
| Hixon | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Kennedy | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | Neal |
| Newton | Norman | Ott |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Vick |
| Weeks | White | Whitmire |
| Willis |  |  |

**Total--94**

Those who voted in the negative are:

**Total--0**

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

**H. 3617--COMMITTED**

The following Bill was taken up:

H. 3617 -- Rep. Ott: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO JANUARY 2, 2013, AND TO DELETE AN INAPPLICABLE SUBITEM.

Rep. WHITE moved to commit the Bill to the Committee on Ways and Means, which was agreed to.

**H. 3568--RECALLED AND REFERRED TO COMMITTEE ON JUDICIARY**

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

H. 3568 -- Reps. Weeks and Sandifer: A BILL TO AMEND SECTION 16-13-385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERING, TAMPERING WITH, OR BYPASSING ELECTRIC, GAS, OR WATER METERS, SECTION 58-7-60, RELATING TO THE UNLAWFUL APPROPRIATION OF GAS, AND SECTION 58-7-70, RELATING TO THE WRONGFUL USE OF GAS AND INTERFERENCE WITH GAS METERS, ALL SO AS TO RESTRUCTURE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS OF THE STATUTES.

**H. 3552--ADOPTED**

The following House Resolution was taken up:

H. 3552 -- Reps. Clemmons and Harrell: A HOUSE RESOLUTION TO EXPRESS SUPPORT TO THE WESTERN STATES OF THE UNITED STATES OF AMERICA AND THE FEDERAL TRANSFER OF PUBLIC LANDS TO THE WESTERN STATES, AND TO URGE THE UNITED STATES CONGRESS TO ENGAGE IN GOOD FAITH COMMUNICATION AND COOPERATION TO COORDINATE THE TRANSFER OF TITLE TO THE WESTERN STATES.

The Resolution was adopted.

**H. 3525--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3525 -- Reps. Hayes, Barfield, Clemmons, H. A. Crawford, George, Goldfinch, Hardee, Hardwick and Ryhal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 410 IN HORRY COUNTY "LIEUTENANT JOHN RONALD FLOYD INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "LIEUTENANT JOHN RONALD FLOYD INTERSECTION".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 251--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 251 -- Senators Scott, Massey, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Ford, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PLEASANT LANE ROAD IN EDGEFIELD COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 378 "MAMIE J. REARDEN HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "MAMIE J. REARDEN HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 324--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 324 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE OVER HIGHWAY 123 AT THE INTERSECTION OF HIGHWAY 123 AND ROAD 37-18 AS THE SAMUEL MAVERICK BRIDGE AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS "SAMUEL MAVERICK BRIDGE".

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**H. 3298--DEBATE ADJOURNED**

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

H. 3298 -- Reps. Lucas, Delleney, Ballentine, Brannon, Clemmons, Hixon, Huggins, Long, McCoy, Murphy, Nanney, Pitts, Sottile, Thayer, Harrell, Bales, Loftis and Kennedy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-46 SO AS TO IMPOSE REQUIREMENTS REGARDING THE ACKNOWLEDGMENT OF STATEMENTS OF CANDIDACY AND PUBLICATION OF FILING PERIODS; BY ADDING SECTION 8-13-1115 SO AS TO REQUIRE STATEMENTS OF ECONOMIC INTERESTS TO BE FILED ONLINE NO LATER THAN APRIL FIFTEENTH FOR ALL CANDIDATES; TO AMEND SECTION 7-11-10, AS AMENDED, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO DELETE REFERENCES TO POLITICAL PARTY CONVENTION; TO AMEND SECTION 7-11-15, AS AMENDED, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN A GENERAL ELECTION, SO AS TO REVISE THE PROCEDURES FOR FILING STATEMENTS OF INTENTION OF CANDIDACY TO BE FILED WITH THE COUNTY BOARDS OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-11-210, AS AMENDED, RELATING TO THE NOTICE OF CANDIDACY AND PLEDGE, SO AS TO REVISE THE PROCEDURES FOR NOTICE SUBMISSIONS, CANDIDATE SIGNATURES, AND OFFICER ACKNOWLEDGMENTS; TO AMEND SECTION 7-13-40, AS AMENDED, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO REVISE THE PROCEDURES FOR CERTIFYING AND COMPILING THE NAMES OF CANDIDATES TO BE PLACED ON PRIMARY BALLOTS; TO AMEND SECTION 7-27-110, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS, SO AS TO PROVIDE THAT ALL COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-27-260, RELATING TO THE CHEROKEE COUNTY ELECTION COMMISSION AND THE CHEROKEE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-290, RELATING TO THE DILLON COUNTY ELECTION COMMISSION AND THE DILLON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-320, RELATING TO THE GREENVILLE COUNTY ELECTION COMMISSION AND THE GREENVILLE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-325, RELATING TO THE GREENWOOD COUNTY ELECTION COMMISSION AND THE GREENWOOD COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-335, RELATING TO THE HORRY COUNTY ELECTION COMMISSION AND THE HORRY COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-415, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND THE SPARTANBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-430, RELATING TO THE WILLIAMSBURG COUNTY ELECTION COMMISSION AND THE WILLIAMSBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 8-13-365, AS AMENDED, RELATING TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND REPORTS, SO AS TO PROVIDE THAT A DISCLOSURE FORM FILED PURSUANT TO THIS SECTION IS DEEMED TO SATISFY ANY OTHER FILING REQUIREMENT MANDATED BY LAW; TO AMEND SECTION 8-13-1110, AS AMENDED, RELATING TO PERSONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REQUIRE THE STATE ETHICS COMMISSION TO FURNISH A WEBSITE ON WHICH ALL STATEMENTS OF ECONOMIC INTERESTS ARE TO BE FILED ONLINE AND TO DESIGNATE AN ANNUAL DEADLINE BY WHICH STATEMENTS OF ECONOMIC INTERESTS ARE TO BE FILED ONLINE; TO REPEAL SECTION 7-11-30, RELATING TO CONVENTION NOMINATION OF CANDIDATES; AND TO REPEAL SECTION 7-11-220, RELATING TO NOTICE OR PLEDGE BY CANDIDATES FOR STATE SENATOR.

**S. 3--RECONSIDERED**

The motion of Rep. DELLENEY to reconsider the vote whereby debate was adjourned until Thursday, February 28, on the following Bill was taken up and agreed to:

S. 3 -- Senators L. Martin, Hayes, Fair and Campsen: A BILL TO AMEND SECTION 61-2-180, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION IS NOT AN EXCEPTION OR LIMITATION TO ACTIVITIES, DEVICES, OR MACHINES THAT ARE PROHIBITED BY SECTION 12-21-2710 OR OTHER PROVISIONS THAT PROHIBIT GAMBLING; AND TO AMEND SECTION 61-4-580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF AN ACTIVITY, DEVICE, OR MACHINE THAT IS PROHIBITED BY SECTION 12-21-2710 OR BY OTHER PROVISIONS THAT PROHIBIT GAMBLING.

**S. 3--DEBATE ADJOURNED**

The following Bill was taken up:

S. 3 -- Senators L. Martin, Hayes, Fair and Campsen: A BILL TO AMEND SECTION 61-2-180, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION IS NOT AN EXCEPTION OR LIMITATION TO ACTIVITIES, DEVICES, OR MACHINES THAT ARE PROHIBITED BY SECTION 12-21-2710 OR OTHER PROVISIONS THAT PROHIBIT GAMBLING; AND TO AMEND SECTION 61-4-580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF AN ACTIVITY, DEVICE, OR MACHINE THAT IS PROHIBITED BY SECTION 12-21-2710 OR BY OTHER PROVISIONS THAT PROHIBIT GAMBLING.

Rep. DELLENEY moved to adjourn debate on the Bill until Wednesday, March 6, which was agreed to.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. D. C. MOSS a temporary leave of absence.

**H. 3501--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3501 -- Reps. White, Simrill, Merrill, Limehouse, J. R. Smith, Bingham and Pitts: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF SECTION 6-27-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON AMENDING OR REPEALING PROVISIONS IN THE STATE AID TO SUBDIVISIONS ACT ARE SUSPENDED FOR FISCAL YEARS 2013-2014 AND 2014-2015, AND TO PROVIDE THAT FOR THOSE FISCAL YEARS COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

Rep. WHITE explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 69; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brannon |
| Chumley | Clemmons | Cole |
| H. A. Crawford | K. R. Crawford | Delleney |
| Edge | Erickson | Felder |
| Finlay | Gagnon | Gambrell |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Kennedy |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Riley |
| Rivers | Ryhal | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Spires |
| Stringer | Tallon | Taylor |
| Toole | Wells | White |
| Whitmire | Willis | Wood |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Bernstein | Bowers | G. A. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Crosby | Daning | Dillard |
| Douglas | Funderburk | George |
| Gilliard | Govan | Hart |
| Hodges | Hosey | Howard |
| Jefferson | King | Knight |
| McEachern | W. J. McLeod | Mitchell |
| Munnerlyn | Neal | Newton |
| Ott | Parks | Powers Norrell |
| Ridgeway | Robinson-Simpson | Sabb |
| J. E. Smith | Sottile | Southard |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

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

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

**THE HOUSE RESUMES**

At 1:30 p.m. the House resumed, ACTING SPEAKER H. A. CRAWFORD in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 3412--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3412 -- Reps. Harrell, Lucas, Clemmons, Herbkersman, Loftis, Barfield, Huggins, Bowen, K. R. Crawford, Allison, Merrill, Ballentine, McCoy, Wood, Erickson, Putnam, Bannister, Branham, Taylor, Limehouse, Southard, Atwater, Bingham, Brannon, Chumley, Cole, Crosby, Daning, Delleney, Gagnon, Gambrell, Goldfinch, Henderson, Hiott, Hixon, Kennedy, Lowe, D. C. Moss, V. S. Moss, Murphy, Newton, Owens, Patrick, Pitts, Pope, Rivers, Ryhal, Sandifer, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Spires, Stringer, Tallon, Thayer, Toole, White, Whitmire, Willis, Hardwick, Quinn, Hamilton, Forrester and Edge: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-36-2647 SO AS TO PROVIDE THAT THE SALES, USE, AND CASUAL EXCISE TAX REVENUES IN A FISCAL YEAR FROM THE SALE, USE, OR TITLING OF A VEHICLE REQUIRED TO BE REGISTERED AND LICENSED BY THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES MUST BE CREDITED TO THE STATE NON-FEDERAL AID HIGHWAY FUND, AND TO PROVIDE FOR THE USE OF THESE REVENUES.

The Committee on Way and Means proposed the following Amendment No. 1 to H. 3412 (COUNCIL\BBM\3412C002. BBM.HTC13), which was tabled:

Amend the bill, as and if amended, by striking Section 12‑36‑2647, as contained in SECTION 2, page 2, and inserting:

/ “Section 12‑36‑2647. (A) Notwithstanding the provisions of Section 59‑21‑1010, for fiscal years 2013‑2014 and 2014‑2015, fifty percent and thereafter one hundred percent of sales, use, and casual excise tax revenues derived from the sale, use, or titling of a vehicle required to be licensed and registered by the South Carolina Department of Motor Vehicles, otherwise required to be credited as provided pursuant to Section 59‑21‑1010, instead must be credited to the State Non‑Federal Aid Highway Fund established pursuant to Section 57‑11‑20. Revenues credited to the State Non‑Federal Aid Highway Fund pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair.

(B) There is transferred from income tax revenues credited to the general fund of the State in each fiscal year to the Education Improvement Fund an amount sufficient to offset sales tax revenues not credited to the EIA fund as a result of the operation of this section.” /

Renumber sections to conform.

Amend title to conform.

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

Rep. WHITE proposed the following Amendment No. 2S to H. 3412 (COUNCIL\BBM\3412C006.BBM.HTC13), which was adopted:

Amend the bill, and if amended, by striking Section 12‑36‑2647, as contained in SECTION 2, page 2, and inserting:

/ “Section 12‑36‑2647. Notwithstanding the provisions of Section 59‑21‑1010, for fiscal years 2013‑2014, fifty percent and thereafter one hundred percent of the components of the revenues of sales, use, and casual excise taxes derived pursuant to Sections 12‑36‑2620(1), 12‑36‑2630(1), and 12‑36‑2640(1) on the sale, use, or titling of a vehicle required to be licensed and registered by the South Carolina Department of Motor Vehicles, otherwise required to be credited as provided pursuant to Section 59‑21‑1010, instead must be credited to the State Non‑Federal Aid Highway Fund established pursuant to Section 57‑11‑20. Revenues credited to the State Non‑Federal Aid Highway Fund pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair.” /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

Rep. SKELTON proposed the following Amendment No. 3 to H. 3412 (COUNCIL\NL\3412C001.NL.DG13), which was tabled:

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

/ SECTION 1. A. Section 12‑28‑310 of the 1976 Code, as last amended by Act 386 of 2006, is further amended to read:

“Section 12‑28‑310. (A) Subject to the exemptions provided in this chapter, a user fee of ~~sixteen~~ twenty‑six cents a gallon is imposed on:

(1) all gasoline, gasohol, or blended fuels containing gasoline that are used or consumed for any purpose in this State; and

(2) all diesel fuel, substitute fuels, or alternative fuels, or blended fuels containing diesel fuel that are used or consumed in this State in producing or generating power for propelling motor vehicles.

(B) The user fee levied on motor fuel subject to the user fee pursuant to this chapter is a levy and assessment on the consumer, and the levy and assessment on other persons as specified in this chapter are as agents of the State for the collection of the user fee. This section does not affect the method of collecting the user fee as provided in this chapter. The user fee imposed by this section must be collected and paid at those times, in the manner, and by the persons specified in this chapter.

(C) The license user fee imposed by this section is instead of all sales, use, or other excise tax that may be imposed otherwise by any municipality, county, or other local political subdivision of the State.

(D)(1) The department shall increase or decrease the amount of the user fee imposed pursuant to subsection (A) by the percentage change in the wholesale price of motor fuel subject to the user fee in the applicable base period.

(2) The two base periods are six‑month periods, with one ending on September thirtieth and one ending on March thirty‑first. The department must set the user fee twice a year based on the percentage change in the wholesale price of motor fuel for each base period. A user fee set by the department using information for the base period that ends on September thirtieth applies to the six‑month period that begins the following January first. A user fee set by the department using information for the base period that ends on March thirty‑first applies to the six‑month period that begins the following July first.

(3) The department must determine the change in the average wholesale price of motor fuel for each base period. The department must use information on refiner and gas plant operator sales prices of finished motor gasoline and diesel fuel for resale, published by the United States Department of Energy in the ‘Monthly Energy Review’, or equivalent data. The department must use a weighted average of the results for each motor fuel based on the proportion of user fee collected on each pursuant to subsection (A) to the base period. The department must then convert the weighted average price to a cents‑per‑gallon rate for all motor fuel and round the rate to the nearest one‑tenth of a cent. If the converted cents‑per‑gallon rate is exactly between two‑tenths of a cent, the department must round the rate up to the higher of the two.

(4) The department must notify affected taxpayers of the user fee to be in effect for each six‑month period beginning January first and July first.”

B. The first adjustment to the user fee imposed pursuant to Section 12‑28‑310 shall take effect July 1, 2014, using the base period ending on March thirty‑first.

SECTION 2. A. Section 56‑11‑410 of the 1976 Code is amended to read:

“Section 56‑11‑410. (A) A road ~~tax~~ user fee for the privilege of using the streets and highways in this State is imposed upon every motor carrier. The ~~tax~~ user fee is equivalent to ~~sixteen~~ twenty‑six cents a gallon, calculated on the amount of gasoline or other motor fuel used by the motor carrier in its operations within this State. Except as credit for certain ~~taxes~~ fees as provided for in this chapter, taxes imposed on motor carriers by this chapter are in addition to taxes imposed upon the carriers by any other provision of law.

(B) The department shall increase or decrease the amount of the road user fee imposed pursuant to subsection (A) in the same manner as it adjusts the user fee imposed pursuant to Section 12‑28‑310.”

B. The first adjustment to the road user fee imposed pursuant to Section 56‑11‑410 shall take effect July 1, 2014, using the base period ending on March thirty‑first.

SECTION 3. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3755. (A) For tax year 2013, there is allowed a refundable income tax credit equal to twenty‑six dollars for every motor vehicle registered to the taxpayer that is licensed in this State. The taxpayer only may claim the credit if there are no delinquent property taxes owed on the motor vehicle.

(B) For tax years 2014 and 2015, there is allowed a refundable income tax credit equal to fifty‑three dollars for every motor vehicle registered to the taxpayer that is licensed in this State. The taxpayer only may claim the credit if there are no delinquent property taxes owed on the motor vehicle.

(C) The department shall notify the Department of Transportation of the total amount of credits claimed pursuant to this section. The Department of Transportation shall transfer the total amounts of credits claimed to the general fund. The amount of the user fee transferred to reimburse the general fund for the costs of this section is deemed to have been imposed for the same purpose.

(D) The department may promulgate regulations necessary to implement the provisions of this section. The department may require the taxpayer provide proof of eligibility for the credit.”

SECTION 4. A. Section 12‑28‑2740(A) of the 1976 Code, as last amended by Act 293 of 2002, is further amended to read:

“(A) The proceeds from ~~two and sixty‑six one‑hundredths~~ three and one‑half cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be deposited with the State Treasurer and expended for purposes set forth in this section. The monies must be apportioned among the counties of the State in the following manner:

(1) one‑third distributed in the ratio which the land area of the county bears to the total land area of the State;

(2) one‑third distributed in the ratio which the population of the county bears to the total population of the State as shown by the latest official decennial census;

(3) one‑third distributed in the ratio which the mileage of all rural roads in the county bears to the total rural road mileage in the State as shown by the latest official records of the Department of Transportation. ~~The Department of Revenue shall collect the information required pursuant to Section 12‑28‑1390 regarding the number of gallons sold in each county for use in making allocations of donor funds as provided in subsection (H).~~ The Department of Revenue shall submit the percentage of the total represented by each county to the Department of Transportation and to each county transportation committee annually by May first of the following calendar year. Upon request of a county transportation committee, the Department of Transportation shall continue to administer the funds allocated to the county.

All interest earnings on the County Transportation Fund in the State Treasury must be added to the distribution to counties under this section in proportion to each county’s portion of the entire County Transportation Fund. Except for those funds being used in connection with highway projects administered by the Department of Transportation on behalf of counties administering their own ‘C’ funds, these distributions of earnings and the calculation required to determine the appropriate amount shall not include those counties administering their own ‘C’ funds.”

B. Section 12‑28‑2740(H) of the 1976 Code is amended to read:

“(H) ~~For purposes of this subsection, “donor county” means a county that contributes to the “C” fund an amount in excess of what it receives under the allocation formula as stated in subsection (A). In addition to the allocation to the counties pursuant to subsection (A), the Department of Transportation annually shall transfer from the state highway fund to the donor counties an amount equal to nine and one‑half million dollars in the ratio of the individual donor county’s contribution in excess of “C” fund revenue allocated to the county under subsection (A) to the total excess contributions of all donor counties~~ Reserved.”

C. This SECTION takes effect July 1, 2013.

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this Act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. Except as provided otherwise, this act takes effect July 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Rep. SKELTON explained the amendment.

Rep. SKELTON spoke in favor of the amendment.

Rep. SKELTON moved to table the amendment.

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

Yeas 83; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | G. A. Brown | Chumley |
| Clemmons | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Felder | Finlay |
| Forrester | Gagnon | Gambrell |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Huggins | Kennedy |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | Merrill |
| V. S. Moss | Nanney | Newton |
| Ott | Owens | Parks |
| Patrick | Pope | Putnam |
| Quinn | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Vick | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bowers | Brannon |
| R. L. Brown | Clyburn | Dillard |
| Douglas | Gilliard | Hosey |
| Jefferson | W. J. McLeod | Mitchell |
| D. C. Moss | Munnerlyn | Norman |
| Powers Norrell | Ridgeway | Sabb |
| Skelton | Weeks | Whipper |

**Total--21**

So, the amendment was tabled.

Rep. SKELTON proposed the following Amendment No. 4 to H. 3412 (COUNCIL\NL\3412C002.NL.DG13), which was tabled:

Amend the bill, as and if amended, by striking SECTION 3 and inserting:

/SECTION 3. A. Section 12‑28‑310 of the 1976 Code, as last amended by Act 386 of 2006, is further amended to read:

“Section 12‑28‑310. (A) Subject to the exemptions provided in this chapter, a user fee of ~~sixteen~~ twenty‑six cents a gallon is imposed on:

(1) all gasoline, gasohol, or blended fuels containing gasoline that are used or consumed for any purpose in this State; and

(2) all diesel fuel, substitute fuels, or alternative fuels, or blended fuels containing diesel fuel that are used or consumed in this State in producing or generating power for propelling motor vehicles.

(B) The user fee levied on motor fuel subject to the user fee pursuant to this chapter is a levy and assessment on the consumer, and the levy and assessment on other persons as specified in this chapter are as agents of the State for the collection of the user fee. This section does not affect the method of collecting the user fee as provided in this chapter. The user fee imposed by this section must be collected and paid at those times, in the manner, and by the persons specified in this chapter.

(C) The license user fee imposed by this section is instead of all sales, use, or other excise tax that may be imposed otherwise by any municipality, county, or other local political subdivision of the State.

(D)(1) The department shall increase or decrease the amount of the user fee imposed pursuant to subsection (A) by the percentage change in the wholesale price of motor fuel subject to the user fee in the applicable base period.

(2) The two base periods are six‑month periods, with one ending on September thirtieth and one ending on March thirty‑first. The department must set the user fee twice a year based on the percentage change in the wholesale price of motor fuel for each base period. A user fee set by the department using information for the base period that ends on September thirtieth applies to the six‑month period that begins the following January first. A user fee set by the department using information for the base period that ends on March thirty‑first applies to the six‑month period that begins the following July first.

(3) The department must determine the change in the average wholesale price of motor fuel for each base period. The department must use information on refiner and gas plant operator sales prices of finished motor gasoline and diesel fuel for resale, published by the United States Department of Energy in the ‘Monthly Energy Review’, or equivalent data. The department must use a weighted average of the results for each motor fuel based on the proportion of user fee collected on each pursuant to subsection (A) to the base period. The department must then convert the weighted average price to a cents‑per‑gallon rate for all motor fuel and round the rate to the nearest one‑tenth of a cent. If the converted cents‑per‑gallon rate is exactly between two‑tenths of a cent, the department must round the rate up to the higher of the two.

(4) The department must notify affected taxpayers of the user fee to be in effect for each six‑month period beginning January first and July first.”

B. The first adjustment to the user fee imposed pursuant to Section 12‑28‑310 shall take effect July 1, 2014, using the base period ending on March thirty‑first.

SECTION 4. A. Section 56‑11‑410 of the 1976 Code is amended to read:

“Section 56‑11‑410. (A) A road ~~tax~~ user fee for the privilege of using the streets and highways in this State is imposed upon every motor carrier. The ~~tax~~ user fee is equivalent to ~~sixteen~~ twenty‑six cents a gallon, calculated on the amount of gasoline or other motor fuel used by the motor carrier in its operations within this State. Except as credit for certain ~~taxes~~ fees as provided for in this chapter, taxes imposed on motor carriers by this chapter are in addition to taxes imposed upon the carriers by any other provision of law.

(B) The department shall increase or decrease the amount of the road user fee imposed pursuant to subsection (A) in the same manner as it adjusts the user fee imposed pursuant to Section 12‑28‑310.”

B. The first adjustment to the road user fee imposed pursuant to Section 56‑11‑410 shall take effect July 1, 2014, using the base period ending on March thirty‑first.

SECTION 5. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3755. (A) For tax year 2013, there is allowed a refundable income tax credit equal to twenty‑six dollars for every motor vehicle registered to the taxpayer that is licensed in this State. The taxpayer only may claim the credit if there are no delinquent property taxes owed on the motor vehicle.

(B) For tax years 2014 and 2015, there is allowed a refundable income tax credit equal to fifty‑three dollars for every motor vehicle registered to the taxpayer that is licensed in this State. The taxpayer only may claim the credit if there are no delinquent property taxes owed on the motor vehicle.

(C) The department shall notify the Department of Transportation of the total amount of credits claimed pursuant to this section. The Department of Transportation shall transfer the total amounts of credits claimed to the general fund. The amount of the user fee transferred to reimburse the general fund for the costs of this section is deemed to have been imposed for the same purpose.

(D) The department may promulgate regulations necessary to implement the provisions of this section. The department may require the taxpayer provide proof of eligibility for the credit.”

SECTION 6. A. Section 12‑28‑2740(A) of the 1976 Code, as last amended by Act 293 of 2002, is further amended to read:

“(A) The proceeds from ~~two and sixty‑six one‑hundredths~~ three and one‑half cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be deposited with the State Treasurer and expended for purposes set forth in this section. The monies must be apportioned among the counties of the State in the following manner:

(1) one‑third distributed in the ratio which the land area of the county bears to the total land area of the State;

(2) one‑third distributed in the ratio which the population of the county bears to the total population of the State as shown by the latest official decennial census;

(3) one‑third distributed in the ratio which the mileage of all rural roads in the county bears to the total rural road mileage in the State as shown by the latest official records of the Department of Transportation. ~~The Department of Revenue shall collect the information required pursuant to Section 12‑28‑1390 regarding the number of gallons sold in each county for use in making allocations of donor funds as provided in subsection (H).~~ The Department of Revenue shall submit the percentage of the total represented by each county to the Department of Transportation and to each county transportation committee annually by May first of the following calendar year. Upon request of a county transportation committee, the Department of Transportation shall continue to administer the funds allocated to the county.

All interest earnings on the County Transportation Fund in the State Treasury must be added to the distribution to counties under this section in proportion to each county’s portion of the entire County Transportation Fund. Except for those funds being used in connection with highway projects administered by the Department of Transportation on behalf of counties administering their own ‘C’ funds, these distributions of earnings and the calculation required to determine the appropriate amount shall not include those counties administering their own ‘C’ funds.”

B. Section 12‑28‑2740(H) of the 1976 Code is amended to read:

“(H) ~~For purposes of this subsection, “donor county” means a county that contributes to the “C” fund an amount in excess of what it receives under the allocation formula as stated in subsection (A). In addition to the allocation to the counties pursuant to subsection (A), the Department of Transportation annually shall transfer from the state highway fund to the donor counties an amount equal to nine and one‑half million dollars in the ratio of the individual donor county’s contribution in excess of “C” fund revenue allocated to the county under subsection (A) to the total excess contributions of all donor counties~~ Reserved.”

C. This SECTION takes effect July 1, 2013.

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this Act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. Except as provided otherwise, this act takes effect July 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Rep. SKELTON explained the amendment.

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

Rep. COBB-HUNTER spoke against the Bill.

Rep. SIMRILL spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 5

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Brannon | G. A. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McEachern |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--106**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Cobb-Hunter | Gilliard | Mitchell |
| Neal | Whipper |  |

**Total--5**

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 on constituent business during the vote on H. 3412. If I had been present, I would have voted in favor of the Bill.

Rep. Peter McCoy

**RECURRENCE TO THE MORNING HOUR**

Rep. RIDGEWAY moved that the House recur to the morning hour, which was agreed to.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4328

Agency: Occupational Therapy Board

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10 et seq.

Requirements of Licensure for Occupational Therapists

Received by Speaker of the House of Representatives January 30, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 30, 2013

Revised: June 5, 2013

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 27, 2013

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at 3:45 p.m. today for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. DOUGLAS the invitation was accepted.

**REPORTS OF STANDING COMMITTEES**

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

H. 3603 -- Reps. Goldfinch, Anderson and H. A. Crawford: A CONCURRENT RESOLUTION TO MEMORIALIZE THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO SUPPORT H.R. 355 AND S. 218 TO ENSURE THAT HARBOR MAINTENANCE TRUST FUND REVENUES ARE APPROPRIATED IN AN AMOUNT EQUAL TO REVENUE COLLECTED, AND USED FOR ITS INTENDED PURPOSE OF DREDGING AND MAINTAINING OUR NATION'S WATERWAYS.

Ordered for consideration tomorrow.

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

H. 3615 -- Reps. Goldfinch and Hardwick: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO ENACT LEGISLATION THAT GIVES THE STATE OF SOUTH CAROLINA AUTHORITY TO MANAGE ITS STOCK OF BLACK SEA BASS (CENTROPRISTIS STRIATA) IN BOTH STATE AND FEDERAL WATERS.

Ordered for consideration tomorrow.

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

H. 3578 -- Reps. Gilliard, Anderson, Williams, Mitchell, Dillard, Hodges, King, Govan, Robinson-Simpson, Jefferson, M. S. McLeod, Howard and Mack: A CONCURRENT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND ITS COMPONENT FEDERAL HIGHWAY ADMINISTRATION TO TAKE A LEADING ROLE IN ORGANIZING AND PROVIDING REGULAR PUBLIC FERRY SERVICE TO SANDY ISLAND IN GEORGETOWN COUNTY.

Ordered for consideration tomorrow.

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

H. 3583 -- Reps. Putnam and Gagnon: A CONCURRENT RESOLUTION TO EXPRESS THE WILL OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA NOT TO PURSUE ANY INCENTIVES THAT MAY BE PROVIDED BY FEDERAL LAW OR THROUGH AN EXECUTIVE ORDER BY THE PRESIDENT OF THE UNITED STATES WHICH MAY INFRINGE UPON THE SECOND AMENDMENT'S RIGHT TO BEAR ARMS OF SOUTH CAROLINA CITIZENS THROUGH PARTICIPATION IN PROPOSED UNIVERSAL BACKGROUND CHECKS TO FURTHER RESTRICT THE PURCHASE OR OWNERSHIP OF GUNS OR OTHER FIREARMS BEYOND THAT WHICH IS ALREADY PROVIDED BY STATE LAW.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3147 -- Reps. Pope, Tallon, Southard and V. S. Moss: A BILL TO AMEND SECTION 42-1-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS OF "INJURY" AND "PERSONAL INJURY" IN WORKERS' COMPENSATION, SO AS TO MODIFY THE REQUIREMENTS OF AN EMPLOYEE SEEKING WORKERS' COMPENSATION FOR PERSONAL INJURY CAUSED BY STRESS, MENTAL INJURY, OR MENTAL ILLNESS, AND TO ADD MENTAL ILLNESS TO RELATED CONDITIONS THAT ARE NOT COMPENSABLE IF RESULTING FROM AN EVENT INCIDENTAL TO NORMAL RELATIONS BETWEEN AN EMPLOYEE AND EMPLOYER.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3163 -- Reps. Taylor, G. R. Smith, Long and Daning: A BILL TO AMEND SECTION 30-4-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND THE TIME IN WHICH A PUBLIC BODY MUST RESPOND TO A REQUEST MADE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE FOR THE ELECTRONIC TRANSMISSION OF PUBLIC RECORDS UNDER THE ACT, TO PROVIDE A PUBLIC BODY MAY NOT CHARGE FOR STAFF TIME BUT MAY CHARGE THE PREVAILING COMMERCIAL RATE FOR COPY COSTS WHEN RESPONDING TO A REQUEST, TO PROVIDE A PUBLIC BODY MAY NOT ASSESS A COPY CHARGE WHEN PROVIDING A RECORD STORED OR TRANSMITTED IN ELECTRONIC FORMAT, TO PROVIDE A PUBLIC BODY MAY REQUIRE A DEPOSIT BEFORE FULFILLING A REQUEST, TO REVISE THE TIME LIMITS FOR RESPONDING TO A REQUEST, TO PROVIDE THAT DURING THE HOURS OF OPERATION OF A PUBLIC BODY IT MUST MAKE AVAILABLE WITHOUT WRITTEN REQUEST ALL DOCUMENTS RECEIVED OR REVIEWED BY A MEMBER OF THE BODY IN A PUBLIC MEETING DURING THE PRECEDING SIX MONTHS, AND TO PROVIDE THAT A PUBLIC BODY MAY SATISFY THIS REQUIREMENT BY MAKING THE RECORDS AVAILABLE ON THE INTERNET; TO AMEND SECTION 30-4-100, RELATING TO EQUITABLE REMEDIES AVAILABLE UNDER THE ACT, SO AS TO PROVIDE FOR SPECIFIC ENFORCEMENT AND CIVIL CONTEMPT REMEDIES WHEN A PUBLIC BODY FAILS TO COMPLY WITH THE TIME LIMITS FOR RESPONDING TO A REQUEST; AND TO AMEND SECTION 30-4-110, RELATING TO FINES AND CRIMINAL PENALTIES FOR A VIOLATION OF THE ACT, SO AS TO INCREASE THE FINES AND PROVIDE AN OFFICER OR PUBLIC OFFICIAL WHO WILFULLY VIOLATES THE ACT MAY BE PUNISHED PURSUANT TO THE ACT.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3074 -- Rep. Stavrinakis: A BILL TO AMEND SECTION 56-7-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNIFORM TRAFFIC TICKETS, SO AS TO AUTHORIZE LAW ENFORCEMENT OFFICERS AND OTHER PERSONS AUTHORIZED TO PROSECUTE THOSE OFFENSES TO REISSUE A UNIFORM TRAFFIC TICKET FOR ANOTHER OFFENSE INCIDENT TO A PLEA NEGOTIATION OR AGREEMENT.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3193 -- Rep. Rutherford: A BILL TO AMEND SECTION 24-13-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPUTATION OF TIME SERVED BY A PRISONER, SO AS TO PROVIDE THAT ANY TIME SERVED UNDER HOUSE ARREST BY A PRISONER MUST BE USED IN COMPUTING TIME SERVED BY THE PRISONER.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3451 -- Reps. Tallon, Cole, Forrester, Kennedy, Murphy, Pope, Rutherford and Weeks: A BILL TO AMEND SECTION 56-7-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSES THAT A PERSON MAY BE CHARGED ON A UNIFORM TRAFFIC TICKET, SO AS TO PROVIDE THAT THE OFFENSES OF SHOPLIFTING AND CRIMINAL DOMESTIC VIOLENCE MUST BE CHARGED ON A UNIFORM TRAFFIC TICKET.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3342 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-15-175 SO AS TO PROVIDE THAT A JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UNLESS THE SOLICITOR OR CLERK OF COURT HAS PROVIDED NOTICE TO THE ATTORNEY OF RECORD BEFORE ISSUING THE BENCH WARRANT.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3636 -- Rep. Taylor: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JEREMIAH JOSEPH "JERRY" GUERIN OF AIKEN COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3637 -- Rep. Barfield: A CONCURRENT RESOLUTION TO HONOR THE COASTAL CAROLINA UNIVERSITY WOMEN'S INDOOR TRACK AND FIELD TEAM ON WINNING THE 2013 BIG SOUTH TOURNAMENT CHAMPIONSHIP TITLE AND TO SALUTE THE TEAM'S OUTSTANDING PLAYERS AND COACHES.

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

**INTRODUCTION OF BILLS**

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

H. 3638 -- Reps. Harrell, Stavrinakis and Limehouse: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-1-80 SO AS TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MEMBERS TO COUNTY AVIATION COMMISSIONS AND TO PROVIDE THAT IN COUNTIES WITH TWO MUNICIPALITIES WITH A POPULATION IN EXCESS OF FIFTY THOUSAND, THE MAYORS OF THESE MUNICIPALITIES SHALL SERVE, EX OFFICIO, AS MEMBERS OF THE COMMISSION.

On motion of Rep. LIMEHOUSE, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3639 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-15-70 SO AS TO PROVIDE FOR THE FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONTRACTS BY STIPULATING THAT STATE OR LOCAL ENTITIES, OFFICIALS, AND EMPLOYEES, IN REGARD TO A PUBLIC BUILDING, MAY NOT REQUIRE OR PROHIBIT A BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR FROM ENTERING INTO OR ADHERING TO AN AGREEMENT WITH ONE OR MORE LABOR ORGANIZATIONS IN REGARD TO THE PROJECT AND MAY NOT OTHERWISE DISCRIMINATE AGAINST A BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR FOR BECOMING OR REFUSING TO BECOME A SIGNATORY TO AN AGREEMENT WITH ONE OR MORE LABOR ORGANIZATIONS IN REGARD TO THE PROJECT, TO PROVIDE THAT STATE AND LOCAL ENTITIES, OFFICIALS, AND EMPLOYEES SHALL NOT AWARD A GRANT, TAX ABATEMENT, OR TAX CREDIT CONDITIONED UPON THE INCLUSION OF SUCH AGREEMENTS IN THE AWARD, AND TO PROVIDE EXCEPTIONS TO AND EXEMPTIONS FROM THESE PROVISIONS.

Referred to Committee on Labor, Commerce and Industry

H. 3640 -- Rep. Bales: A BILL TO AMEND SECTION 12-28-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USER FEE ON GASOLINE AND DIESEL FUEL, SO AS TO INCREASE THE FEE TO TWENTY-ONE CENTS A GALLON; AND TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO INCREASE THE ROAD TAX IN THE SAME MANNER AS THE USER FEE.

Referred to Committee on Ways and Means

H. 3641 -- Reps. Newton and Taylor: A BILL TO AMEND SECTION 30-4-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FOR CERTAIN WORK OF THE MEMBERS OF THE GENERAL ASSEMBLY AND THEIR STAFF FROM THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE THESE LIMITATIONS APPLY ONLY TO WORK PERTAINING TO THE DEVELOPMENT, DRAFTING, OR EVALUATION OF LEGISLATION THAT HAS NOT BEEN INTRODUCED OR AN AMENDMENT TO THIS LEGISLATION THAT HAS NOT BEEN PROPOSED TO A LEGISLATIVE COMMITTEE OR LEGISLATIVE BODY; TO CLARIFY THAT THE PROVISION DOES NOT LIMIT OR RESTRICT PUBLIC ACCESS TO SOURCE DOCUMENTS OR RECORDS, FACTUAL DATA OR SUMMARIES OF FACTUAL DATA, PAPERS, MINUTES, OR REPORTS OTHERWISE CONSIDERED PUBLIC INFORMATION AND NOT OTHERWISE EXEMPT FROM DISCLOSURE BY THE ACT; AND TO EXEMPT WRITTEN OR ELECTRONIC CORRESPONDENCE SENT TO AN INDIVIDUAL PUBLIC OFFICIAL BY A CONSTITUENT OF THAT PUBLIC OFFICIAL.

Referred to Committee on Judiciary

H. 3642 -- Rep. Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-3-102 SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MUST BE ELECTED TO OFFICE BY THE QUALIFIED ELECTORS OF THE STATE IN THE GENERAL ELECTION AND PROVIDE FOR THE DIRECTOR'S TERM OF OFFICE, QUALIFICATIONS, VACANCIES, AND RELATED MATTERS; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF INSURANCE IS THE DIRECTOR OF THE DEPARTMENT OF INSURANCE ELECTED TO OFFICE UNDER THE LAWS OF THIS STATE; TO AMEND SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS UNDER THE INSURANCE LAWS OF THIS STATE, SO AS TO MAKE CERTAIN CHANGES TO THE DEFINITION OF "DIRECTOR" OF THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38-3-10, RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO DELETE CERTAIN PROVISIONS RELATING TO THE DEPARTMENT'S DIRECTOR, TO PROVIDE THAT THE DIRECTOR IS ELECTED RATHER THAN APPOINTED, AND TO MAKE CHANGES IN THE PROVISIONS CONCERNING THE REMOVAL OF THE DIRECTOR; TO AMEND SECTION 38-3-100, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO, AMONG OTHER CHANGES, DELETE THE REQUIREMENT THAT, IF THE DIRECTOR BECOMES A CANDIDATE FOR PUBLIC OFFICE OR BECOMES A MEMBER OF A POLITICAL COMMITTEE DURING TENURE, HIS OFFICE MUST BE IMMEDIATELY VACATED; AND TO PROVIDE THAT THE ELECTION OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE BEGINS WITH THE 2014 STATEWIDE ELECTION PROCESS AND THAT THE DIRECTOR SERVING ON THE EFFECTIVE DATE OF THIS ACT SHALL CONTINUE TO SERVE UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIES FOR OFFICE.

Referred to Committee on Labor, Commerce and Industry

H. 3643 -- Reps. Loftis, Henderson, G. R. Smith and Stringer: A BILL TO AMEND SECTION 59-43-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWER OF A SCHOOL DISTRICT BOARD CONCERNING THE FUNDING AND PROVISION OF ADULT EDUCATION, SO AS TO PROVIDE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION RATHER THAN THE STATE BOARD OF EDUCATION DETERMINES APPROPRIATE SUBJECTS FOR ADULT EDUCATION; TO AMEND SECTION 59-43-20, RELATING TO THE POWERS OF THE STATE BOARD OF EDUCATION WITH RESPECT TO ADULT EDUCATION, SO AS TO TRANSFER THOSE POWERS TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND 59-53-30, RELATING TO THE POWER OF THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO AUTHORIZE A SCHOOL WITHIN ITS JURISDICTION TO CONTRACT WITH A LOCAL SCHOOL DISTRICT TO PROVIDE ADULT LITERACY EDUCATION, SO AS TO DELETE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION APPROVE SUCH AN AUTHORIZATION; AND TO AMEND SECTION 59-53-50, RELATING TO POWERS AND DUTIES OF THE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, SO AS TO INCLUDE ADULT EDUCATION AMONG THOSE POWERS AND DUTIES.

Referred to Committee on Education and Public Works

H. 3644 -- Reps. Loftis, Sellers, W. J. McLeod, Funderburk, Gagnon, Govan, Herbkersman, Lowe, Lucas, D. C. Moss, Ott, Pitts, Toole, Vick and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13-1-390 SO AS TO ESTABLISH WITHIN THE DIVISION OF STATE DEVELOPMENT OF THE DEPARTMENT OF COMMERCE THE CLEAN ENERGY INDUSTRY MARKET DEVELOPMENT ADVISORY COUNCIL AND PROVIDE FOR ITS MEMBERSHIP AND FUNCTIONS; TO AMEND SECTION 12-6-3588, RELATING TO THE RENEWABLE ENERGY TAX CREDIT INCENTIVE PROGRAM, SO AS TO REDESIGNATE THE PROGRAM THE SOUTH CAROLINA CLEAN ENERGY TAX INCENTIVE PROGRAM, TO REVISE DEFINITIONS TO EXTEND THE CREDIT TO ADDITIONAL FORMS OF ENERGY PRODUCTION AND OPERATIONS, TO DECREASE INVESTMENT THRESHOLDS AND DECREASE JOB CREATION THRESHOLDS FOR QUALIFYING FOR THE CREDIT AND MAKE THE CREDIT, PREVIOUSLY DUE TO EXPIRE DECEMBER 31, 2015, AVAILABLE THROUGH 2019 AND TO REVISE CREDIT ADMINISTRATION PROCEDURES; AND TO AMEND SECTION 12-6-3600, AS AMENDED, RELATING TO THE INCOME TAX CREDIT FOR CORN-BASED ETHANOL OR SOY-BASED BIODIESEL PRODUCTION IN THIS STATE, SO AS TO EXTEND THE CREDIT TO ALL LIQUID FUELS DERIVED FROM RENEWABLE SOURCES, MAKE CONFORMING DEFINITIONS, REDUCE THE AMOUNT OF LIQUID FUEL ELIGIBLE FOR THE CREDIT, AND TO EXTEND THE PERIOD DURING WHICH THE CREDIT MAY BE CLAIMED THROUGH 2019.

Referred to Committee on Labor, Commerce and Industry

H. 3645 -- Rep. Stringer: A BILL TO AMEND SECTION 12-28-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USER FEE ON GASOLINE AND DIESEL FUEL, SO AS TO INCREASE THE FEE TO TWENTY-ONE CENTS A GALLON, AND TO REQUIRE THE DEPARTMENT TO ADJUST THE USER FEE ANNUALLY BY AN INFLATION FACTOR EQUAL TO THE ANNUAL AVERAGE PERCENTAGE ADJUSTMENT IN THE PREVIOUS TEN COMPLETED CALENDAR YEARS OF THE CONSUMER PRICE INDEX; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO INCREASE THE ROAD TAX IN THE SAME MANNER AS THE USER FEE; AND BY ADDING SECTION 56-3-930 SO AS TO IMPOSE AN ADDITIONAL ANNUAL ROAD FEE ON THE OWNER OF A HYBRID, PLUG-IN HYBRID, OR ELECTRIC MOTOR VEHICLE, AND TO SET FORTH THE EQUATION BY WHICH THE ADDITIONAL ANNUAL ROAD FEE IS CALCULATED.

Referred to Committee on Ways and Means

H. 3646 -- Reps. G. R. Smith, Bingham, Quinn, Huggins, Bedingfield, Stringer, Hamilton, K. R. Crawford, Atwater, Willis, Patrick, Erickson, Bannister, Ballentine, J. R. Smith, Allison, Chumley, Clemmons, Cole, H. A. Crawford, Crosby, Daning, Forrester, Goldfinch, Harrell, Henderson, Herbkersman, Hixon, Kennedy, Lucas, V. S. Moss, Nanney, Pitts, Pope, Putnam, Simrill, Tallon, Taylor, Wells and Wood: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2013", SO AS TO TRANSFER, REALIGN, OR RESTRUCTURE VARIOUS AGENCIES, PROGRAMS, REQUIREMENTS, AND PROCEDURES IN THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING PROVISIONS TO ABOLISH THE STATE BUDGET AND CONTROL BOARD ON JULY 1, 2014; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO THE DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO PROVIDE FOR THE TRANSFER TO THIS NEWLY CREATED DEPARTMENT OF ADMINISTRATION OF CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, TO PROVIDE FOR THE TRANSFER OF ADDITIONAL AGENCIES, ENTITIES, OR PROGRAMS TO AGENCIES OR DEPARTMENTS OTHER THAN THE DEPARTMENT OF ADMINISTRATION, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; TO REPEAL SECTION 1-11-10 RELATING TO THE COMPOSITION OF THE BUDGET AND CONTROL BOARD; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF THE 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, AS AMENDED, 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, AS AMENDED, 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, 1-15-10, AS AMENDED, CHAPTER 9 OF TITLE 3, SECTIONS 10-1-10, 10-1-30, 10-1-130, 10-1-190, CHAPTER 9 OF TITLE 10, SECTIONS 10-11-50, 10-11-90, 10-11-110, 10-11-140, 10-11-330, 11-9-610, 11-9-620, 11-9-630, 11-35-3810, 11-35-3820, 11-35-3830, 11-35-3840, 11-35-5270, 11-53-20, 13-7-810, AS AMENDED, 13-7-830, 13-7-860, 16-3-1620, ALL AS AMENDED, 16-3-1680, 25-11-10, 25-11-80, AS AMENDED, 25-11-90, 25-11-310, 44-53-530, AS AMENDED, 44-96-140, 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 63-11-500, AS AMENDED, 63-11-700, AS AMENDED, 63-11-730, 63-11-1110, 63-11-1140, 44-38-380, 63-11-1310, 63-11-1340, 63-11-1360, AND 63-11-1510, ALL RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS, AND BY ADDING SECTION 1-11-185 ALL SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS; TO REPEAL SECTION 1-30-110 RELATING TO SPECIFIC AGENCIES, BOARDS, AND COMMISSIONS AND THEIR RELATED ENTITIES ADMINISTERED UNDER THE OFFICE OF THE GOVERNOR; BY ADDING SECTION 1-11-15 SO AS TO TRANSFER SPECIFIC ENTITIES, OFFICES, OR DIVISIONS TO OTHER ENTITIES OR OFFICES, WITH CERTAIN EXCEPTIONS, NOT A PART OF THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTIONS 1-11-1110 AND 1-11-1140, RELATING TO THE CONFEDERATE RELIC ROOM AND MILITARY MUSEUM UNDER THE BUDGET AND CONTROL BOARD, SO AS TO PROVIDE THAT THE CONFEDERATE RELIC ROOM AND MUSEUM SHALL BECOME A PART OF THE DEPARTMENT OF ADMINISTRATION AND TO PROVIDE RELATED PROVISIONS; BY ADDING ARTICLE 11 TO CHAPTER 9, TITLE 11 SO AS TO PROVIDE FOR THE REVENUE AND FISCAL AFFAIRS OFFICE AND PROVIDE FOR ITS ORGANIZATION, DUTIES, POWERS, AND PROCEDURES; TO AMEND SECTIONS 11-9-820, 11-9-825, 11-9-830, 11-9-880, AND 11-9-890, AS AMENDED, RELATING TO THE BOARD OF ECONOMIC ADVISORS, SO AS TO MAKE THE BOARD A DIVISION OF THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO FURTHER PROVIDE FOR ITS PROCEDURES, DUTIES, AND FUNCTIONS; BY ADDING CHAPTER 79 TO TITLE 2 SO AS TO PROVIDE PROCEDURES AND REQUIREMENTS PERTAINING TO STATE AGENCY DEFICIT PREVENTION AND RECOGNITION; TO REPEAL SECTION 1-11-495 RELATING TO YEAR-END DEFICITS; TO AMEND SECTIONS 2-7-72, 2-7-73, 2-7-74, AND 2-7-76, RELATING TO THE FISCAL IMPACT OF BILLS OR RESOLUTIONS, SO AS TO FURTHER PROVIDE FOR HOW THESE FISCAL IMPACTS ARE DETERMINED AND REPORTED; TO AMEND SECTIONS 48-52-410, 48-52-440, 48-52-460, 48-52-635, AND 48-52-680, RELATING TO THE STATE ENERGY OFFICE, SO AS TO PROVIDE THAT THE STATE ENERGY OFFICE SHALL BE A PART OF THE OFFICE OF REGULATORY STAFF AND TO FURTHER PROVIDE FOR THE PROGRAMS AND OPERATIONS OF THE STATE ENERGY OFFICE; TO AMEND SECTIONS 1-11-25 AND 1-11-26, RELATING TO THE DIVISION OF LOCAL GOVERNMENT OF THE BUDGET AND CONTROL BOARD AND THE RURAL INFRASTRUCTURE AUTHORITY, AND BY ADDING SECTION 11-50-65 ALL SO AS TO PROVIDE THAT THE DIVISION OF LOCAL GOVERNMENT SHALL BECOME A PART OF THE RURAL INFRASTRUCTURE AUTHORITY, FOR THE OPERATIONS OF THE DIVISION OF LOCAL GOVERNMENT, FOR THE OPERATIONS AND EMPLOYEES OF THE RURAL INFRASTRUCTURE AUTHORITY, AND FOR THE USE AND TRANSFER OF CERTAIN FUNDING TO THE AUTHORITY; BY ADDING CHAPTER 55 TO TITLE 11 SO AS TO ESTABLISH THE STATE CONTRACTS AND ACCOUNTABILITY AUTHORITY (SCAA) AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND FUNCTIONS; TO PROVIDE THAT THE INSURANCE RESERVE FUND IS TRANSFERRED TO THE SCAA AS ONE OF ITS DIVISIONS; TO AMEND SECTIONS 1-11-140 AND 15-78-140, RELATING TO THE PROVISIONS OF TORT LIABILITY COVERAGE BY THE STATE, SO AS TO CONFORM THESE SECTIONS TO THE ABOVE PROVISIONS; TO AMEND CHAPTER 47, TITLE 2, RELATING TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO REVISE THE MANNER IN WHICH AND PROCEDURES UNDER WHICH THE COMMITTEE REVIEWS PERMANENT IMPROVEMENT PROJECTS AND THEIR FUNDING, THE PROCESS BY WHICH THESE PROJECTS AND FUNDING ARE APPROVED, AND FOR THE REPORTING OF CERTAIN NEW PROJECTS; TO AMEND SECTION 1-11-440, RELATING TO THE DUTY OF THE STATE TO DEFEND MEMBERS OF THE BUDGET AND CONTROL BOARD AGAINST CLAIM OR SUIT ARISING OUT OF THEIR OFFICIAL ACTIONS, SO AS TO DELETE REFERENCES TO THE BOARD AND INCLUDE REFERENCES TO THE SCAA, AND DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTION 2-65-15, AS AMENDED, TO AMEND SECTION 11-27-10, BY ADDING SECTION 11-31-15, TO AMEND SECTIONS 11-38-20, 11-41-70, 11-41-80, 11-41-90, 11-41-100, 11-41-180, 11-43-510, 11-45-30, 11-45-55, 11-45-105, 11-51-30, 11-51-125, 11-51-190, ALL RELATING TO VARIOUS BOND OR OTHER FINANCIAL PROVISIONS, TO AMEND SECTION 11-18-20, RELATING TO ARRA BONDS, SECTION 11-37-30, RELATING TO THE SOUTH CAROLINA RESOURCES AUTHORITY, SECTION 11-37-200, RELATING TO THE WATER RESOURCES COORDINATING COUNCIL, SECTION 11-40-20, RELATING TO THE INFRASTRUCTURE FACILITIES AUTHORITY, AND SECTION 11-40-250, ALL RELATING TO THE DIVISION OF LOCAL GOVERNMENT, SO AS TO CORRECT REFERENCES FROM THE BUDGET AND CONTROL BOARD TO THE APPROPRIATE ENTITY, AND TO FURTHER PROVIDE FOR THE USE OF CERTAIN FUNDING BY THE DIVISION OF LOCAL GOVERNMENT; TO AMEND SECTION 11-49-40, RELATING TO THE TOBACCO SETTLEMENT AUTHORITY, SECTIONS 41-43-100 AND 41-43-110, BOTH AS AMENDED, RELATING TO THE JOBS-ECONOMIC DEVELOPMENT AUTHORITY, SECTION 54-3-119, RELATING TO THE SALE OF CERTAIN PROPERTY BY THE STATE PORTS AUTHORITY, SECTION 48-5-30, RELATING TO THE WATER QUALITY REVOLVING FUND AUTHORITY, SECTIONS 59-109-30 AND 59-109-40, RELATING TO THE EDUCATIONAL FACILITIES AUTHORITY FOR PRIVATE NONPROFIT INSTITUTIONS OF HIGHER LEARNING, AND SECTIONS 59-115-20 AND 59-115-40, RELATING TO THE STATE EDUCATION ASSISTANCE AUTHORITY, ALL SO AS TO PROVIDE THAT THEIR RESPECTIVE GOVERNING BODY SHALL BE THE SCAA, AND TO MAKE CONFORMING REFERENCES; TO REPEAL CHAPTER 4, TITLE 9 RELATING TO THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA), SO AS TO ABOLISH THE AUTHORITY AND TRANSFER ITS POWERS, DUTIES, AND FUNCTIONS TO THE SOUTH CAROLINA CONTRACTS AND ACCOUNTABILITY AUTHORITY FOR SPECIFIED POLICY MATTERS RELATING TO THE STATE RETIREMENT SYSTEMS AND STATE INSURANCE PROGRAMS AND TO THE DEPARTMENT OF ADMINISTRATION AND ITS APPROPRIATE DIVISIONS FOR ADMINISTRATIVE FUNCTIONS RELATED TO THE STATE RETIREMENT SYSTEMS AND STATE INSURANCE PROGRAMS; TO AMEND ARTICLE 5, CHAPTER 11, TITLE 1, SECTIONS 8-23-20, 8-23-110, 9-1-10, 9-1-20, 9-1-230, 9-1-240, 9-1-250, 9-1-260, 9-1-270, 9-1-280, 9-1-290, 9-1-300, 9-1-310, AS AMENDED, 9-1-1020, AS AMENDED, 9-1-1060, 9-1-1070, 9-1-1085, 9-1-1090, 9-1-1140, AS AMENDED, 9-1-1175, 9-1-1310, AS AMENDED, 9-1-1320, 9-1-1340, AS AMENDED, 9-1-1515, AS AMENDED, 9-1-1750, 9-1-1775, 9-1-1810, AS AMENDED, 9-1-1830, AS AMENDED, CHAPTER 2, TITLE 9, 9-8-10, AS AMENDED, 9-8-30, AS AMENDED, 9-8-60, AS AMENDED, 9-8-140, 9-9-10, AS AMENDED, 9-9-30, AS AMENDED, 9-9-130, 9-9-160, 9-10-10, AS AMENDED, 9-10-20, 9-10-60, AS AMENDED, 9-10-80, 9-11-10, AS AMENDED, 9-11-20, 9-11-30, AS AMENDED, 9-11-45, 9-11-48, AS AMENDED, 9-11-125, AS AMENDED, 9-11-210, 9-11-225, BOTH AS AMENDED, CHAPTER 12, TITLE 9, 9-16-10, AS AMENDED, 9-16-20, 9-16-55, 9-16-80, 9-16-90, 9-16-315, 9-16-320, 9-16-330, 9-18-10, 9-20-30, 9-21-20, AND 59-1-470, ALL AS AMENDED, AND TO AMEND OR REPEAL CERTAIN PROVISIONS OF ACT 278 OF 2012, RELATING TO STATE RETIREMENT PROVISIONS, ALL SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE ABOLISHMENT OF PEBA AND THE TRANSFER AND DEVOLVEMENT OF ITS POWERS, DUTIES, AND FUNCTIONS, AND TO REVISE CERTAIN ADDITIONAL PROVISIONS TO CONFORM THEM TO PRIOR ACTIONS TAKEN BY PEBA; BY ADDING SECTION 1-11-45 AND TO AMEND SECTIONS 11-35-310, 11-35-540, 11-35-1210, AS AMENDED, 11-35-1560, 11-35-3010, AS AMENDED, 11-35-3220, AND SUBARTICLE 3, ARTICLE 17, CHAPTER 35, TITLE 11, ALL SO AS TO ESTABLISH THE DIVISION OF PROCUREMENT SERVICES IN THE DEPARTMENT OF ADMINISTRATION, AND TO PROVIDE THAT THE DIVISION OF PROCUREMENT SERVICES SHALL EXERCISE THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES IN REGARD TO THE CONSOLIDATED PROCUREMENT CODE PREVIOUSLY EXERCISED BY THE BUDGET AND CONTROL BOARD, EXCEPT FOR THOSE MATTERS RESERVED FOR THE SOUTH CAROLINA CONTRACTS AND ACCOUNTABILITY AUTHORITY AS PROVIDED BY LAW, AND TO ALSO REVISE THE MEMBERSHIP AND NAME OF THE PROCUREMENT REVIEW BOARD; TO AMEND SECTION 1-1-810, RELATING TO ANNUAL ACCOUNTABILITY REPORTS OF STATE AGENCIES, SO AS TO PROVIDE THAT THESE REPORTS SHALL BE SUBMITTED TO AND DISSEMINATED BY THE STATE AUDITOR; TO AMEND SECTION 1-1-820, RELATING TO ACCOUNTABILITY REPORTS, SO AS TO PROVIDE THAT THE STATE AUDITOR WHEN CONDUCTING PERFORMANCE AUDITS OF STATE AGENCIES SHALL USE THESE REPORTS AS SOURCE MATERIAL; TO AMEND SECTION 1-6-20, RELATING TO THE STATE INSPECTOR GENERAL, SO AS TO PROVIDE THAT THE STATE INSPECTOR GENERAL AND THE STATE AUDITOR SHALL BE LOCATED IN THE OFFICE OF ACCOUNTABILITY AND AUDITING WITHIN THE STATE CONTRACTS AND ACCOUNTABILITY AUTHORITY, BUT SHALL REMAIN INDEPENDENT ENTITIES; TO AMEND SECTION 11-7-10, RELATING IN PART TO THE APPOINTMENT OF THE STATE AUDITOR, SO AS TO FURTHER PROVIDE FOR HIS SELECTION; TO AMEND SECTION 11-7-30, RELATING TO AUDITS CONDUCTED BY THE STATE AUDITOR, SO AS TO CORRECT CERTAIN REFERENCES, TO DESIGNATE SECTION 11-7-10 THROUGH 11-7-60, RELATING TO THE STATE AUDITOR, AS ARTICLE 1, CHAPTER 7, TITLE 11, AND BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 11 SO AS TO PROVIDE FOR THE CONDUCT OF PERFORMANCE AUDITS BY THE STATE AUDITOR; TO PROVIDE FOR ADDITIONAL MEMBERS OF THE NAVAL COMPLEX REDEVELOPMENT AUTHORITY WHO, TOGETHER WITH CERTAIN OTHER MEMBERS OF THE AUTHORITY, SHALL CONSTITUTE THE NAVAL BASE MUSEUM AUTHORITY WITH SPECIFIED POWERS AND DUTIES; AND TO PROVIDE FOR OTHER TRANSITIONAL PROVISIONS, FOR THE EFFECTIVE DATE OF THIS ACT, AND THE MANNER IN WHICH IT SHALL BE IMPLEMENTED.

Referred to Committee on Judiciary

H. 3647 -- Rep. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 11-11-90 RELATING TO JOINT OPEN MEETINGS OF THE STANDING COMMITTEES OF EACH HOUSE OF THE GENERAL ASSEMBLY IN CHARGE OF APPROPRIATION MEASURES.

Referred to Committee on Judiciary

H. 3648 -- Reps. Pope, D. C. Moss, Felder, Norman, Long, Tallon, Cole and Allison: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF EACH LOCAL SCHOOL DISTRICT BOARD OF TRUSTEES TO ESTABLISH ANNUAL SCHOOL CALENDARS FOR SCHOOLS UNDER ITS JURISDICTION, SO AS TO ADD THE AUTHORITY TO ESTABLISH THE OPENING DATE FOR THE ANNUAL SCHOOL CALENDAR OF THESE SCHOOLS, AND TO ELIMINATE A CONFLICTING PROVISION.

Referred to Committee on Education and Public Works

**H. 3057--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3057 -- Reps. Rutherford, Bales, Jefferson and Williams: A BILL TO AMEND SECTION 17-22-50, AS AMENDED, AND SECTION 17-22-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY NOT BE CONSIDERED FOR PARTICIPATION IN A PRETRIAL INTERVENTION PROGRAM AND PROGRAM ELIGIBILITY, RESPECTIVELY, BOTH SO AS TO ALLOW A PERSON TO PARTICIPATE IN A

PROGRAM MORE THAN ONCE WITH THE SOLICITOR'S CONSENT.

Rep. WEEKS moved to adjourn debate on the Bill until Thursday, February 28, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. ROBINSON-SIMPSON.

**RATIFICATION OF ACTS**

At 3:45 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolution were duly ratified:

(R. 2, S. 91) -- Senator Gregory: AN ACT TO AMEND SECTION 50‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HUNTING AND TAKING OF ANTLERED DEER, SO AS TO DELETE A PROHIBITION ON BAITING DEER IN GAME ZONES 1 AND 2.

(R. 3, S. 165) -- Senators Campsen and Grooms: AN ACT TO AMEND SECTION 50‑15‑65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANAGEMENT AND CONTROL OF ALLIGATORS ON PRIVATE LANDS, SO AS TO EXTEND THE HUNTING SEASON OF ALLIGATORS ON PRIVATE LANDS TO MAY THIRTY‑FIRST.

(R. 4, S. 244) -- Senators McGill, Cleary and Campsen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50‑11‑940 RELATING TO THE DESIGNATION OF CERTAIN PROPERTY OF THE BELLE W. BARUCH FOUNDATION IN GEORGETOWN COUNTY AS A BIRD AND GAME REFUGE; AND BY REPEALING SECTION 50-11-941 PROVIDING THAT PROVISIONS OF SECTION 50-11-940 MUST NOT BE CONSTRUED TO BE IN CONFLICT WITH THE LAST WILL AND TESTAMENT OF BELLE W. BARUCH.

(R. 5, S. 379) -- Senator Sheheen: AN ACT TO AMEND ACT 930 OF 1970, AS AMENDED, RELATING TO THE SCHOOL DISTRICT BOARD OF TRUSTEES FOR KERSHAW COUNTY, SO AS TO REVISE THE SPECIFIC ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE KERSHAW COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES SHALL BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2014, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

(R. 6, H. 3180) -- Reps. Pope and V. S. Moss: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF CLOVER NATIONAL GUARD ARMORY IN CLOVER, SOUTH CAROLINA, TO THE TOWN OF CLOVER.

**H. 3298--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3298 -- Reps. Lucas, Delleney, Ballentine, Brannon, Clemmons, Hixon, Huggins, Long, McCoy, Murphy, Nanney, Pitts, Sottile, Thayer, Harrell, Bales, Loftis and Kennedy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-46 SO AS TO IMPOSE REQUIREMENTS REGARDING THE ACKNOWLEDGMENT OF STATEMENTS OF CANDIDACY AND PUBLICATION OF FILING PERIODS; BY ADDING SECTION 8-13-1115 SO AS TO REQUIRE STATEMENTS OF ECONOMIC INTERESTS TO BE FILED ONLINE NO LATER THAN APRIL FIFTEENTH FOR ALL CANDIDATES; TO AMEND SECTION 7-11-10, AS AMENDED, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO DELETE REFERENCES TO POLITICAL PARTY CONVENTION; TO AMEND SECTION 7-11-15, AS AMENDED, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN A GENERAL ELECTION, SO AS TO REVISE THE PROCEDURES FOR FILING STATEMENTS OF INTENTION OF CANDIDACY TO BE FILED WITH THE COUNTY BOARDS OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-11-210, AS AMENDED, RELATING TO THE NOTICE OF CANDIDACY AND PLEDGE, SO AS TO REVISE THE PROCEDURES FOR NOTICE SUBMISSIONS, CANDIDATE SIGNATURES, AND OFFICER ACKNOWLEDGMENTS; TO AMEND SECTION 7-13-40, AS AMENDED, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO REVISE THE PROCEDURES FOR CERTIFYING AND COMPILING THE NAMES OF CANDIDATES TO BE PLACED ON PRIMARY BALLOTS; TO AMEND SECTION 7-27-110, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS, SO AS TO PROVIDE THAT ALL COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-27-260, RELATING TO THE CHEROKEE COUNTY ELECTION COMMISSION AND THE CHEROKEE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-290, RELATING TO THE DILLON COUNTY ELECTION COMMISSION AND THE DILLON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-320, RELATING TO THE GREENVILLE COUNTY ELECTION COMMISSION AND THE GREENVILLE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-325, RELATING TO THE GREENWOOD COUNTY ELECTION COMMISSION AND THE GREENWOOD COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-335, RELATING TO THE HORRY COUNTY ELECTION COMMISSION AND THE HORRY COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-415, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND THE SPARTANBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-430, RELATING TO THE WILLIAMSBURG COUNTY ELECTION COMMISSION AND THE WILLIAMSBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 8-13-365, AS AMENDED, RELATING TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND REPORTS, SO AS TO PROVIDE THAT A DISCLOSURE FORM FILED PURSUANT TO THIS SECTION IS DEEMED TO SATISFY ANY OTHER FILING REQUIREMENT MANDATED BY LAW; TO AMEND SECTION 8-13-1110, AS AMENDED, RELATING TO PERSONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REQUIRE THE STATE ETHICS COMMISSION TO FURNISH A WEBSITE ON WHICH ALL STATEMENTS OF ECONOMIC INTERESTS ARE TO BE FILED ONLINE AND TO DESIGNATE AN ANNUAL DEADLINE BY WHICH STATEMENTS OF ECONOMIC INTERESTS ARE TO BE FILED ONLINE; TO REPEAL SECTION 7-11-30, RELATING TO CONVENTION NOMINATION OF CANDIDATES; AND TO REPEAL SECTION 7-11-220, RELATING TO NOTICE OR PLEDGE BY CANDIDATES FOR STATE SENATOR.

Reps. BEDINGFIELD, G. R. SMITH and LOFTIS proposed the following Amendment No. 7 to H. 3298 (COUNCIL\GGS\ 3298C008.GGS.ZW13), which was tabled:

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

/ SECTION 1. Article 11, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1115. (A) All candidates for public office, must file a statement of economic interests online with the State Ethics Commission no later than April fifteenth of each election year, or fifteen days after becoming a candidate, whichever comes last.

(B) An individual, who becomes a candidate other than by filing, must file a statement of economic interests online with the State Ethics Commission no later than April fifteenth of each election year, or fifteen days after becoming a candidate, whichever comes last.”

SECTION 2. Section 8‑13‑365 of the 1976 Code, as last amended by Act 190 of 2010, is further amended to read:

“Section 8‑13‑365.(A) The ~~commission~~ State Ethics Commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8 and Chapter 17, Title 2 from all persons and entities subject to its jurisdiction. These disclosures and reports must be filed using an Internet‑based filing system as prescribed by the ~~commission. Reports and disclosures filed with the Ethics Committees of the Senate and House of Representatives for legislative offices must be in a format such that these filings can be forwarded to the State Ethics Commission using an Internet‑based system.~~ State Ethics Commission, which shall forward these reports to the appropriate supervisory office. The information contained in the reports and disclosure forms, with the exception of social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable.

(B) ~~The Ethics Commission must submit to the General Assembly a report no later than one year after implementation of subsection (A), concerning the effectiveness of mandatory electronic filing, and must make recommendations as to the implementation of mandatory filing for all other candidates and entities.~~ Notwithstanding another provision of law, a disclosure form filed pursuant to this section must be deemed to satisfy any other filing requirement required by law.”

SECTION 3. Section 8‑13‑1110 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 8‑13‑1110. (A) ~~No public official, regardless of compensation, and no public member, or public employee as designated in subsection (B) may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests in accordance with the provisions of this chapter with the appropriate supervisory office.~~ The State Ethics Commission must furnish the website on which all statements of economic interests must be filed. Except for the reporting of gifts, a candidate who is not an incumbent public official and who must otherwise file a statement of economic interests is subject to the same disclosure requirements as an incumbent public official. If a public official, public member, or public employee referred to in this section has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect ~~with the appropriate supervisory office~~. All disclosure statements are matters of public record open to inspection upon request.

(B) ~~Each of the following public officials, public members, and public employees must file a statement of economic interests with the appropriate supervisory office, unless otherwise provided~~ All public officials must file a Statement of Economic Interests online with the State Ethics Commission no later than April fifteenth of each calendar year, or fifteen days after being appointed, whichever comes last. This includes elected officials, and the following:

(1) a person appointed to fill the unexpired term of an elective office;

(2) a salaried member of a state board, commission, or agency;

(3) the chief administrative official, or employee, and the deputy or assistant administrative official, or employee, or director of a division, institution, or facility of ~~any~~ an agency or department of state government;

(4) the city administrator, city manager, or chief municipal administrative official, or employee, by whatever title;

(5) the county manager, county administrator, county supervisor, or chief county administrative official, or employee, by whatever title;

(6) the chief administrative official, or employee of each political subdivision including, but not limited to, school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions;

(7) a school district and county superintendent of education;

(8) a school district board member and a county board of education member;

(9) the chief finance official, or employee, and the chief purchasing official, or employee, of each agency, institution, or facility of state government, and of each county, municipality, or other political subdivision including, but not limited to, those named in item (6);

(10) a public official;

(11) a public member who serves on a state board, commission, or council; and

(12) Department of Transportation District Engineering Administrators.”

SECTION 4. Section 8‑13‑1356 of the 1976 Code is repealed.

SECTION 5. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. BEDINGFIELD explained the amendment.

Rep. QUINN spoke against the amendment.

Rep. BEDINGFIELD spoke in favor of the amendment.

Rep. QUINN moved to table the amendment.

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

Yeas 75; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Bowers | Brannon | G. A. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | George |
| Gilliard | Govan | Hardwick |
| Harrell | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Long | Lowe | Lucas |
| McCoy | McEachern | Merrill |
| Mitchell | V. S. Moss | Munnerlyn |
| Neal | Newton | Ott |
| Owens | Parks | Patrick |
| Pope | Quinn | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Toole | Vick | Wells |
| Whipper | White | Williams |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Chumley | Clemmons | Cole |
| H. A. Crawford | K. R. Crawford | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | Goldfinch | Hamilton |
| Henderson | Loftis | W. J. McLeod |
| D. C. Moss | Nanney | Norman |
| Pitts | Powers Norrell | Putnam |
| Ridgeway | Riley | G. M. Smith |
| G. R. Smith | J. R. Smith | Southard |
| Stringer | Weeks | Whitmire |
| Willis | Wood |  |

**Total--35**

So, the amendment was tabled.

Rep. LUCAS proposed the following Amendment No. 8 to H. 3298 (COUNCIL\GGS\3298C013.GGS.ZW13), which was adopted:

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

/ SECTION 1. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑46. (A) In every general election year the county board of registration and elections shall:

(1) designate a specified place, other than a private residence, where a person may file as a candidate;

(2) establish regular hours of not less than four hours a day during the final seventy‑two hours of the filing period in which some person authorized by law must be present at the designated place to accept filings;

(3) place an advertisement at least five by seven inches in size to appear two weeks before the filing period begins in a newspaper of general circulation in the county which notifies the public of the dates of the filing periods, the location and hours for signing the statement of intention of candidacy, and the notice of candidacy and pledge set by the party executive committees, the offices that may be filed for, the place and street address where filings must be turned in to the county board of registration and elections, and the hours that an authorized person will be present to receive filings, paid for at the rates prescribed by law for legal notices;

(4) allow for a single designee, selected by the county chair, for each recognized political party within the county to be present at the place selected by the board to accept election filings at all times filings are to be accepted; and

(5) transmit, in writing, to each political party in the county a listing of all candidates who have filed for the various offices that the county board accepts filings for. If a particular party requests, and the county board has the ability, the county board will provide daily electronic mail updates to an identified party designee.”

SECTION 2. Article 1, Chapter 27, Title 7 of the 1976 Code is amended by adding:

“Section 7‑27‑140. Notwithstanding another provision of law, individual counties, by ordinance, may alter the number of members serving on their board of registration and elections.”

SECTION 3. Article 11, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1115. (A) All candidates for public office must file a statement of economic interests online with the State Ethics Commission no later than April fifteenth of each election year, or fifteen days after becoming a candidate, whichever comes last.

(B) An individual, who becomes a candidate other than by filing, must file a statement of economic interests online with the State Ethics Commission no later than April fifteenth of each election year, or fifteen days after becoming a candidate, whichever comes last.”

SECTION 4. Section 7‑11‑10 of the 1976 Code, as last amended by Act 419 of 1982, is further amended to read:

“Section 7‑11‑10. Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention, or by petition; ~~provided~~ however, ~~no~~ a person who was defeated as a candidate for nomination to an office in a party primary or party convention shall not have his name placed on the ballot for the ensuing general or special election, except that this proviso ~~shall~~ does not prevent a defeated candidate from later becoming his party’s nominee for that office in that election if the candidate first selected as the party’s nominee dies, resigns, is disqualified, or otherwise ceases to become the party’s nominee for ~~such~~ that office before the election is held.”

SECTION 5. Section 7‑11‑15 of the 1976 Code, as last amended by Act 3 of 2003, is further amended to read:

“Section 7‑11‑15. ~~In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy between noon on March sixteenth and noon on March thirtieth as provided in this section.~~

~~(1)~~ ~~Candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy with the state executive committee of their respective party.~~

~~(2)~~ ~~Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy with the county executive committee of their respective party in the county of their residence. The county committees must, within five days of the receipt of the statements, transmit the statements along with the applicable filing fees to the respective state executive committees. However, the county committees must report all filings to the state committees no later than five p.m. on March thirtieth. The state executive committees must certify candidates pursuant to Section 7‑13‑40.~~

~~(3)~~ ~~Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy with the county executive committee of their respective party.~~

~~Except as provided herein, the county executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all statements of intention of candidacy with the county election commission by noon on the tenth day following the deadline for filing statements by candidates. If the tenth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day. The state executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all the statements of intention of candidacy with the State Election Commission by noon on the tenth day following the deadline for filing statements by candidates. If the tenth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day. No candidate’s name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy has not been filed with the County Election Commission or State Election Commission, as the case may be, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7‑13‑40 and 7‑13‑350, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy.~~

~~The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. It must be filed in triplicate by the candidate, and the political party committee with whom it is filed must stamp it with the date and time received, sign it, keep one copy, return one copy to the candidate, and send one copy to either the county election commission or the State Election Commission, as the case may be.~~

~~If, after the closing of the time for filing statements of intention of candidacy, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.~~

~~The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.~~ (A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or convention must file for office between noon on March sixteenth and noon on March thirtieth as provided in this section.

(B) Candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must:

(1) complete the statement of intention of candidacy and the notice of candidacy and pledge received from the State Election Commission;

(2) obtain the signature of the appropriate State Election Commission official on the statement of intention of candidacy; and

(3) file the signed statement of intention of candidacy and the notice of candidacy and pledge with the State Election Commission along with the filing fee for office as prescribed by this section.

(C) Candidates seeking nomination for the state Senate or House of Representatives must:

(1) complete the statement of intention of candidacy and the notice of candidacy and pledge received from either the State Election Commission or the county board of registration and elections in the county in which they reside;

(2) obtain the signature of the appropriate county board of registration and elections official in the county in which the candidate resides on the statement of intention of candidacy; and

(3) file the signed statement of intention of candidacy and the notice of candidacy and pledge with the county board of registration and elections in the county in which the candidate resides, along with the filing fee for office pursuant to this section.

(D) Candidates seeking nomination for a countywide or less than countywide office must:

(1) complete the statement of intention of candidacy and the notice of candidacy and pledge received from either the State Election Commission or the county board of registration and elections in the county the office serves ;

(2) obtain the signature of the appropriate county board of registration and elections official in the county on the statement of intention of candidacy; and

(3) file the signed statement of intention of candidacy and the notice of candidacy and pledge with the county board of registration and elections, along with the filing fee for office pursuant to this section.

(E) The county board of registration and elections, within five days of the receipt of the statements, must transmit the statements along with the applicable filing fees to the State Election Commission.

(F) The county board of registration and elections or the State Election Commission, where appropriate, must report all candidate statements to the state executive committees no later than five o’clock p.m. on March thirtieth.

(G) A candidate’s name may not appear on a primary election ballot, general election ballot, or special election ballot, except as otherwise provided by law, if the candidate’s statement of intention of candidacy, notice of candidacy and pledge, and filing fee have not been filed with the county board of registration and elections or State Election Commission, as appropriate, by the deadline. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy and proof that his filing fee was received by the appropriate body.

(H) Copies of the filing documents showing the time and date filed, the candidate’s signature, and the signature of the election official must be made available to the public, upon request, no later than the next business day following the last day on which the county board of registration and elections or State Election Commission may receive notice of candidacy.

(I) The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater, and must be made by check payable to the State Election Commission. A candidate whose check is returned to the State Election Commission for insufficient funds may not have his name placed on a ballot.

(J) The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The form must be available to the public at the offices of the State Election Commission, the office of the Clerk of Court in each county, and available for printing from a website maintained by the State Election Commission and must be filed in duplicate by the candidate. The county board or State Election Commission, as appropriate, with which it is filed must stamp it with the date and time received, sign it, keep one copy, and return one copy to the candidate.

(K) If, after the closing of the time for filing statements of intention of candidacy, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as appropriate, only in its discretion if the nomination is by political party primary, may afford opportunity for the entry of other candidates for the office involved. However, for the office of state House of Representatives or state Senator, the discretion must be exercised by the state committee.

(L) The provisions of this section do not apply to nonpartisan school trustee elections in a school district where local law provides for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local provisions control.”

SECTION 6. Section 7‑11‑30 of the 1976 Code, as last amended by Act 403 of 1984, is further amended to read:

“Section 7‑11‑30. ~~If a party nominates candidates by conventions, the state convention shall nominate the party's candidate for Governor, Lieutenant Governor, and all other statewide officers and United States Senators, members of Congress, and circuit solicitors, and the county conventions shall nominate the party's candidates for all county offices. No convention shall make nominations for candidates for offices unless the decision to use the convention method is reached by a three‑fourths vote of the total membership of the convention, except the office of state Senator and of member of the House of Representatives. The nomination of the party's candidates for the office of the state Senator and of member of the House of Representatives must be made in the manner determined by the state committee. If a party determines that nomination for the office of state Senator and of member of the House of Representatives must be by convention, these nominations must be made by the state convention. No convention shall make nominations for one or more offices at the convention and order primaries for other offices to be filled during the same election year. Conventions for political parties not nominating candidates in primaries may be called by state and county committees on other dates than those given in this title for conventions after three weeks' published notices of the calls. Any political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.~~ (A) A party may choose to nominate candidates for all offices, including but not limited to Governor, Lieutenant Governor, United States Senator, United States House of Representatives, circuit solicitor, state Senator, and members of the state House of Representatives if:

(1) there is a three fourths vote of the total membership of the convention to use the convention nomination process; and

(2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.

(B) A party may not choose to nominate by party convention for an election cycle in which the filing period for candidates has begun.

(C) A political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.”

SECTION 7. Section 7‑11‑210 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑11‑210. Every candidate for selection as a nominee of ~~any~~a political party for ~~any~~a state office, United States Senator, member of Congress, or solicitor, to be voted for in ~~any~~a party primary election or political party convention, shall file with and place in the possession of the ~~treasurer of the state committee~~ State Election Commission by twelve o’clock noon on March thirtieth a notice or pledge in the following form, the blanks being properly filled in and the notice or pledge signed by the candidate and by the appropriate filing official: “I hereby file my notice as a candidate for the nomination as \_\_\_\_\_\_\_\_\_\_ in the primary election or convention to be held on \_\_\_\_\_\_\_\_\_\_. I affiliate with the \_\_\_\_\_\_\_\_\_\_ Party, and I hereby pledge myself to abide by the results of the primary or convention. I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write‑in candidate for this office or any other office for which the party has a nominee. I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election. I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office.

Every candidate for selection in a primary election as the nominee of ~~any~~a political party for member of the Senate, member of the House of Representatives, and all county and township offices shall file with and place in the possession of the county ~~chairman or other officer as may be named by the county committee of the county in which they reside~~ board of registration and elections of the county in which they reside by twelve o’clock noon on March thirtieth a like notice and pledge.

~~The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and the signature of the candidate must be signed in the presence of the county chairman or other officer as may be named by the county committee with whom the candidate is filing, or a candidate must have his signature on the notice of the candidacy acknowledged and certified by any officer authorized to administer an oath. Any notice of candidacy of any candidate signed by an agent in behalf of a candidate shall not be valid.~~ The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate. A notice of candidacy of a candidate signed by an agent on behalf of a candidate is not valid.

~~In the event that a person who was defeated as a candidate for nomination to an office in a party’s primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the state chairman of the party which held the primary (if the office involved is one voted for in the general election by the electors of more than one county), or the county chairman of the party which held the primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining the person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of these facts to issue an order.~~”

SECTION 8. Section 7‑13‑40 of the 1976 Code, as last amended by Act 236 of 2000, is further amended to read:

“Section 7‑13‑40. ~~In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county election commissions on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county election commission, whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on April ninth, or if April ninth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. Political parties must not accept the filing of any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate desires to file, and such candidate’s name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.~~ In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county board of registration and elections on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be compiled by the State Election Commission and forwarded to the respective state executive committees not later than twelve o’clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday.”

SECTION 9. Section 7‑27‑110 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑110. ~~Those counties that do not have combined boards of registration and election commissions must have their members appointed and powers of their boards and commissions as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) All counties of this State must have a single board of registration and elections whose membership is established in this chapter and whose members are appointed in accordance with this chapter.

(B) Notwithstanding the provisions of subsection (A), a county by affirmative vote of its county council may choose not to combine its existing board of registration and board of elections provided this vote occurs within one calendar year of the effective date of this act. If a county council fails to conduct the vote described in this subsection, then the provisions of subsection (A) shall apply. If a county chooses not to combine its existing boards of registration and elections pursuant to this subsection, the existing board of elections must be designated as the appropriate body to receive a statement of intention of candidacy, notice of candidacy and pledge to be filed in that county as required by Title 7.”

SECTION 10. Section 7‑27‑260 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑260.~~The Cherokee County Election Commission and the Cherokee County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Cherokee County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Cherokee County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Cherokee County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Cherokee County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Cherokee County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Cherokee County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 11. Section 7‑27‑290 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑290. ~~The Dillon County Election Commission and the Dillon County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Dillon County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Dillon County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Dillon County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Dillon County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Dillon County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Dillon County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 12. Section 7‑27‑320 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑320. ~~The Greenville County Election Commission and the Greenville County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Greenville County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Greenville County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Greenville County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Greenville County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Greenville County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Greenville County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 13. Section 7‑27‑325 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑325. ~~The Greenwood County Election Commission and the Greenwood County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Greenwood County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Greenwood County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Greenwood County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Greenwood County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Greenwood County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Greenwood County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 14. Section 7‑27‑335 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑335. ~~The Horry County Election Commission and the Horry County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Horry County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Horry County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Horry County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Horry County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Horry County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Horry County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 15. Section 7‑27‑415 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑415. ~~The Spartanburg County Election Commission and the Spartanburg County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Spartanburg County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Spartanburg County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Spartanburg County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Spartanburg County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Spartanburg County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Spartanburg County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 16. Section 7‑27‑430 of the 1976 Code, as added by Act 312 of 2008, is amended to read:

“Section 7‑27‑430. ~~The Williamsburg County Election Commission and the Williamsburg County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7‑5‑10 and 7‑13‑70.~~ (A) There is created the Board of Registration and Elections of Williamsburg County. There are eight members of the board who must be appointed by the Governor upon recommendation of a majority of the Williamsburg County Legislative Delegation, including the senators, who are appointed for terms of four years and until their successors are appointed and qualify. Initially, in order to stagger terms, four members must be appointed for terms of two years. At the expiration of these two‑year terms, successors must be appointed for terms of four years. The board shall elect officers as it considers necessary.

(B) Between the first day of January and the fifteenth day of March of every even‑numbered year, the Governor shall appoint the members of the board.

(C) A vacancy on the board may be filled by appointment in the manner of original appointment for the unexpired term only.

(D) The members of the board staff receive compensation as may be appropriated by the county council.

(E) Staff may be appointed and may be removed by a majority vote of the members of the Williamsburg County Board of Registration and Elections.

(F) The Office of Commissioners of Election and the Registration Board for Williamsburg County are abolished. The powers and duties of the Commissioners of Election and the Registration Board are devolved upon the Board of Registration and Elections of Williamsburg County created in subsection (A).

(G) The eight members of the Board of Registration and Elections of Williamsburg County serving in office on the effective date of this section shall constitute the eight members of the board provided for by this section. Upon the expiration of their current terms, successors must be appointed in the manner provided by law.”

SECTION 17. Section 8‑13‑365 of the 1976 Code, as last amended by Act 190 of 2010, is further amended to read:

“Section 8‑13‑365.(A) The ~~commission~~ State Ethics Commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8 and Chapter 17, Title 2 from all persons and entities subject to its jurisdiction. These disclosures and reports must be filed using an Internet‑based filing system as prescribed by the ~~commission. Reports and disclosures filed with the Ethics Committees of the Senate and House of Representatives for legislative offices must be in a format such that these filings can be forwarded to the State Ethics Commission using an Internet‑based system.~~ State Ethics Commission, which shall forward these reports to the appropriate supervisory office. The information contained in the reports and disclosure forms, with the exception of social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable.

(B) ~~The Ethics Commission must submit to the General Assembly a report no later than one year after implementation of subsection (A), concerning the effectiveness of mandatory electronic filing, and must make recommendations as to the implementation of mandatory filing for all other candidates and entities.~~ Notwithstanding another provision of law, a disclosure form filed pursuant to this section must be deemed to satisfy any other filing requirement required by law.”

SECTION 18. Section 8‑13‑1110 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 8‑13‑1110. (A) ~~No public official, regardless of compensation, and no public member, or public employee as designated in subsection (B) may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests in accordance with the provisions of this chapter with the appropriate supervisory office.~~ The State Ethics Commission must furnish the website on which all statements of economic interests must be filed. Except for the reporting of gifts, a candidate who is not an incumbent public official and who must otherwise file a statement of economic interests is subject to the same disclosure requirements as an incumbent public official. If a public official, public member, or public employee referred to in this section has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect ~~with the appropriate supervisory office~~. All disclosure statements are matters of public record open to inspection upon request.

(B) ~~Each of the following public officials, public members, and public employees must file a statement of economic interests with the appropriate supervisory office, unless otherwise provided~~ All public officials must file a Statement of Economic Interests online with the State Ethics Commission no later than April fifteenth of each calendar year, or fifteen days after being appointed, whichever comes last. This includes elected officials, and the following:

(1) a person appointed to fill the unexpired term of an elective office;

(2) a salaried member of a state board, commission, or agency;

(3) the chief administrative official, or employee, and the deputy or assistant administrative official, or employee, or director of a division, institution, or facility of ~~any~~ an agency or department of state government;

(4) the city administrator, city manager, or chief municipal administrative official, or employee, by whatever title;

(5) the county manager, county administrator, county supervisor, or chief county administrative official, or employee, by whatever title;

(6) the chief administrative official, or employee of each political subdivision including, but not limited to, school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions;

(7) a school district and county superintendent of education;

(8) a school district board member and a county board of education member;

(9) the chief finance official, or employee, and the chief purchasing official, or employee, of each agency, institution, or facility of state government, and of each county, municipality, or other political subdivision including, but not limited to, those named in item (6);

(10) a public official;

(11) a public member who serves on a state board, commission, or council; and

(12) Department of Transportation District Engineering Administrators.”

SECTION 19. Section 7‑11‑220 of the 1976 Code is repealed.

SECTION 20. Section 8‑13‑1356 of the 1976 Code is repealed.

SECTION 21. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. LUCAS explained the amendment.

The amendment was then adopted by a division vote of 85 to 9.

Reps. BEDINGFIELD and G. R. SMITH proposed the following Amendment No. 9 to H. 3298 (COUNCIL\MS\3298C005. MS.AHB13), which was tabled:

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

/ SECTION 1. Article 11, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1115. (A) All candidates for public office, must file a statement of economic interests online with the State Ethics Commission no later than April fifteenth of each election year, or fifteen days after becoming a candidate, whichever comes last.

(B) An individual, who becomes a candidate other than by filing, must file a statement of economic interests online with the State Ethics Commission no later than April fifteenth of each election year, or fifteen days after becoming a candidate, whichever comes last.”

SECTION 2. Section 8‑13‑365 of the 1976 Code, as last amended by Act 190 of 2010, is further amended to read:

“Section 8‑13‑365.(A) The ~~commission~~ State Ethics Commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8 and Chapter 17, Title 2 from all persons and entities subject to its jurisdiction. These disclosures and reports must be filed using an Internet‑based filing system as prescribed by the ~~commission. Reports and disclosures filed with the Ethics Committees of the Senate and House of Representatives for legislative offices must be in a format such that these filings can be forwarded to the State Ethics Commission using an Internet‑based system.~~ State Ethics Commission, which shall forward these reports to the appropriate supervisory office. The information contained in the reports and disclosure forms, with the exception of social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable.

(B) ~~The Ethics Commission must submit to the General Assembly a report no later than one year after implementation of subsection (A), concerning the effectiveness of mandatory electronic filing, and must make recommendations as to the implementation of mandatory filing for all other candidates and entities.~~ Notwithstanding another provision of law, a disclosure form filed pursuant to this section must be deemed to satisfy any other filing requirement required by law.”

SECTION 3. Section 8‑13‑1110 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 8‑13‑1110. (A) ~~No public official, regardless of compensation, and no public member, or public employee as designated in subsection (B) may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests in accordance with the provisions of this chapter with the appropriate supervisory office.~~ The State Ethics Commission must furnish the website on which all statements of economic interests must be filed. Except for the reporting of gifts, a candidate who is not an incumbent public official and who must otherwise file a statement of economic interests is subject to the same disclosure requirements as an incumbent public official. If a public official, public member, or public employee referred to in this section has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect ~~with the appropriate supervisory office~~. All disclosure statements are matters of public record open to inspection upon request.

(B) ~~Each of the following public officials, public members, and public employees must file a statement of economic interests with the appropriate supervisory office, unless otherwise provided~~ All public officials must file a Statement of Economic Interests online with the State Ethics Commission no later than April fifteenth of each calendar year, or fifteen days after being appointed, whichever comes last. This includes elected officials, and the following:

(1) a person appointed to fill the unexpired term of an elective office;

(2) a salaried member of a state board, commission, or agency;

(3) the chief administrative official, or employee, and the deputy or assistant administrative official, or employee, or director of a division, institution, or facility of ~~any~~ an agency or department of state government;

(4) the city administrator, city manager, or chief municipal administrative official, or employee, by whatever title;

(5) the county manager, county administrator, county supervisor, or chief county administrative official, or employee, by whatever title;

(6) the chief administrative official, or employee of each political subdivision including, but not limited to, school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions;

(7) a school district and county superintendent of education;

(8) a school district board member and a county board of education member;

(9) the chief finance official, or employee, and the chief purchasing official, or employee, of each agency, institution, or facility of state government, and of each county, municipality, or other political subdivision including, but not limited to, those named in item (6);

(10) a public official;

(11) a public member who serves on a state board, commission, or council; and

(12) Department of Transportation District Engineering Administrators.”

SECTION 4. Section 7‑11‑30 of the 1976 Code, as last amended by Act 403 of 1984, is further amended to read:

“Section 7-11-30. ~~If a party nominates candidates by conventions, the state convention shall nominate the party's candidate for Governor, Lieutenant Governor, and all other statewide officers and United States Senators, members of Congress, and circuit solicitors, and the county conventions shall nominate the party's candidates for all county offices. No convention shall make nominations for candidates for offices unless the decision to use the convention method is reached by a three‑fourths vote of the total membership of the convention, except the office of state Senator and of member of the House of Representatives. The nomination of the party's candidates for the office of the state Senator and of member of the House of Representatives must be made in the manner determined by the state committee. If a party determines that nomination for the office of state Senator and of member of the House of Representatives must be by convention, these nominations must be made by the state convention. No convention shall make nominations for one or more offices at the convention and order primaries for other offices to be filled during the same election year. Conventions for political parties not nominating candidates in primaries may be called by state and county committees on other dates than those given in this title for conventions after three weeks' published notices of the calls. Any political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.~~

(A) A party may choose to nominate candidates for all offices including, but not limited to, Governor, Lieutenant Governor, United States Senator, members of The United States House of Representatives, circuit solicitor, state Senator, and members of the state House of Representatives if:

(1) there is a three-fourths vote of the total membership of the convention to use the convention nomination process; and

(2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.

(B) In no case may a party choose to nominate by party convention for any election cycle in which the filing period for candidates has begun.

(C) A political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.”

SECTION 5. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑46. (A) In every general election year the county board of elections shall:

(1) designate a specified place, other than a private residence, where a person may file as a candidate with the recognized political parties in that county;

(2) establish regular hours of not less than four hours a day during the final seventy‑two hours of the filing period in which some person authorized by law must be present at the designated place to accept filings; and

(3) place an advertisement to appear two weeks before the filing period begins in a newspaper of general circulation in the county at least five by seven inches in size that notifies the public of the dates of the filing periods, the location and hours for signing the statement of intention of candidacy and the notice of candidacy and pledge set by the party executive committees, the offices which may be filed for, the place and street address where filings must be turned in to the county board of registration and elections, and the hours that an authorized person will be present to receive filings, paid for at the rates prescribed by law for legal notices.

(B) In every general election year the county party chairman shall:

(1) designate a party official or officials who shall be present during all hours that the County Board of Elections shall establish to provide to candidates and accept from candidates notice of candidacy, petition for candidacy and pledge; and

(2) the party official shall provide to and accept from any candidates who present themselves the appropriate documents to complete the filing process.”

SECTION 6. Section 8‑13‑1356 of the 1976 Code is repealed.

SECTION 7. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BEDINGFIELD explained the amendment.

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

Rep. G. R. SMITH proposed the following Amendment No. 10 to H. 3298 (COUNCIL\GGS\3298C011.GGS.ZW13), which was ruled out of order:

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

/ SECTION \_\_\_\_. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑115. (A) A person may not vote in a partisan primary election or partisan advisory referendum unless he has registered as a member of that party or the party elects to allow all voters not registered with another party to participate in a partisan primary election for the selection of its party nominee. A voter registered as a member of a political party may not vote in the partisan primary election of a party with which they are not registered.

(B) The State Election Commission shall assist the county entities charged by law with registering electors with capturing the data and maintaining a list of all electors registered by party affiliation. To expedite the registration of electors, the county entities shall allow electors to register by party, if they wish, at all partisan primary elections conducted before June 2014.

(C) After the first primary is conducted under the provisions of this section, the entity charged by law with registering qualified electors shall contact the qualified electors of that county, by whatever method it determines to be appropriate, informing them of partisan primary voting procedures as provided in this section.”

SECTION \_\_\_\_. Section 7‑5‑170 of the 1976 Code, as last amended by Act 265 of 2012, is further amended to read:

“Section 7‑5‑170. (1) Written application required.‑‑A person may not be registered to vote except upon written application or electronic application pursuant to Section 7‑5‑185, ~~which shall become~~ that becomes a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.

(2) Form of application.‑‑The application must be on a form prescribed and provided by the executive director and ~~shall~~ must contain the following information: name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, political party affiliation, if any, and location of prior voter registration. The applicant ~~must~~ shall affirm that he is not under a court order declaring him mentally incompetent, confined in ~~any~~a public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, ~~that~~ he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant ~~must~~ shall take the following oath: “I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that I am a member of the \_\_\_\_\_\_\_\_\_ political party. I further swear (or affirm) that the present residence address listed ~~herein~~ in this application is my sole legal place of residence and that I claim no other place as my legal residence.” ~~Any~~An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(3) Administration of oaths.‑‑~~Any~~A member of the registration board, deputy registrar, or ~~any~~a registration clerk must be qualified to administer oaths in connection with the application.

(4) Decisions on applications.‑‑~~Any~~A member of the registration board, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application.”

SECTION \_\_\_\_. Section 7‑9‑20 of the 1976 Code, as last amended by Act 245 of 2010, is further amended to read:

“Section 7‑9‑20. “Section 7‑9‑20. (A) The qualifications for membership in a certified party and for voting at a party primary election include the following:

(1) the applicant for membership, or voter, must be at least eighteen years of age or become so before the succeeding general election~~,~~; ~~and~~

(2) must be a registered elector, ~~and~~ a citizen of the United States, and of this State~~.~~; and

(3) has registered as a member of the certified party.

(B) A person may not belong to a party club or vote in a primary unless he is a registered elector and a member of that party. The state convention of ~~any~~a political party, organization, or association in this State may add by party rules to the qualifications for membership in the party, organization, or association and for voting at the primary elections if the qualifications do not conflict with the provisions of this section or with the Constitution and laws of this State or of the United States.

(C) The entity charged by law with conducting a primary shall allow an elector to change his political party affiliation by executing an affidavit not later than thirty days before the primary. During that time, an elector may execute an affidavit declaring that he desires not to be affiliated with a political party. The affiliation with a political party or as a nonpartisan is valid until changed by the qualified elector pursuant to the provisions of this section.

(D) When a qualified elector presents himself at a polling place to vote in a primary election, the entity charged by law with conducting the election or its representative shall require the qualified elector to sign an affidavit affirming that he is a member of the party conducting the primary. If the qualified elector does not sign this affidavit, he is declared to be nonpartisan and he may not vote in a partisan primary election.”

SECTION \_\_\_\_. Notwithstanding the provisions of this act, in all primaries conducted before June 2014, an elector is permitted to vote if he has not signed the affidavit required by this act. After May 31, 2014, all political party primaries must be conducted pursuant to the provisions of this act.

SECTION \_\_\_\_. This act takes effect upon approval by the Governor.” /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

**POINT OF ORDER**

Rep. LUCAS raised the Point of Order that under Rule 9.3 Amendment No. 10 to H. 3298 was out of order in that it was not germane to the Bill.

Rep. G. R. SMITH spoke against the Point stating that the amendment before the body was germane in that it required voters to register by political party and would therefore define the individuals who would vote upon the nomination by convention option provided for in the Bill.

Rep. LUCAS responded by stating that House precedents required that the amendment and bill share the same substantial effect in order for the amendment to be germane and that it was not the same in this case.  He argued that the substantial effect of the Bill was to change the manner in which a candidate files for election in the State.  He stated that Amendment No. 10 dealt solely with requiring voters to register by party in order to participate in party primary elections.  Therefore, Amendment No. 10 was not germane to the Bill.

Rep. BEDINGFIELD spoke against the Point.

Rep. BRANNON spoke in favor of the Point.

SPEAKER HARRELL sustained the Point of Order and ruled Amendment No. 10 out of order as it was non-germane.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Brannon | G. A. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--111**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Pitts |  |  |

**Total--1**

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

**H. 3298--MOTION TO RECONSIDER TABLED**

Rep. LUCAS moved to reconsider the vote whereby the following Bill was given second reading:

H. 3298 -- Reps. Lucas, Delleney, Ballentine, Brannon, Clemmons, Hixon, Huggins, Long, McCoy, Murphy, Nanney, Pitts, Sottile, Thayer, Harrell, Bales, Loftis and Kennedy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-46 SO AS TO IMPOSE REQUIREMENTS REGARDING THE ACKNOWLEDGMENT OF STATEMENTS OF CANDIDACY AND PUBLICATION OF FILING PERIODS; BY ADDING SECTION 8-13-1115 SO AS TO REQUIRE STATEMENTS OF ECONOMIC INTERESTS TO BE FILED ONLINE NO LATER THAN APRIL FIFTEENTH FOR ALL CANDIDATES; TO AMEND SECTION 7-11-10, AS AMENDED, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO DELETE REFERENCES TO POLITICAL PARTY CONVENTION; TO AMEND SECTION 7-11-15, AS AMENDED, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN A GENERAL ELECTION, SO AS TO REVISE THE PROCEDURES FOR FILING STATEMENTS OF INTENTION OF CANDIDACY TO BE FILED WITH THE COUNTY BOARDS OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-11-210, AS AMENDED, RELATING TO THE NOTICE OF CANDIDACY AND PLEDGE, SO AS TO REVISE THE PROCEDURES FOR NOTICE SUBMISSIONS, CANDIDATE SIGNATURES, AND OFFICER ACKNOWLEDGMENTS; TO AMEND SECTION 7-13-40, AS AMENDED, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO REVISE THE PROCEDURES FOR CERTIFYING AND COMPILING THE NAMES OF CANDIDATES TO BE PLACED ON PRIMARY BALLOTS; TO AMEND SECTION 7-27-110, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS, SO AS TO PROVIDE THAT ALL COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-27-260, RELATING TO THE CHEROKEE COUNTY ELECTION COMMISSION AND THE CHEROKEE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-290, RELATING TO THE DILLON COUNTY ELECTION COMMISSION AND THE DILLON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-320, RELATING TO THE GREENVILLE COUNTY ELECTION COMMISSION AND THE GREENVILLE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-325, RELATING TO THE GREENWOOD COUNTY ELECTION COMMISSION AND THE GREENWOOD COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-335, RELATING TO THE HORRY COUNTY ELECTION COMMISSION AND THE HORRY COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-415, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND THE SPARTANBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-430, RELATING TO THE WILLIAMSBURG COUNTY ELECTION COMMISSION AND THE WILLIAMSBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 8-13-365, AS AMENDED, RELATING TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND REPORTS, SO AS TO PROVIDE THAT A DISCLOSURE FORM FILED PURSUANT TO THIS SECTION IS DEEMED TO SATISFY ANY OTHER FILING REQUIREMENT MANDATED BY LAW; TO AMEND SECTION 8-13-1110, AS AMENDED, RELATING TO PERSONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REQUIRE THE STATE ETHICS COMMISSION TO FURNISH A WEBSITE ON WHICH ALL STATEMENTS OF ECONOMIC INTERESTS ARE TO BE FILED ONLINE AND TO DESIGNATE AN ANNUAL DEADLINE BY WHICH STATEMENTS OF ECONOMIC INTERESTS ARE TO BE FILED ONLINE; TO REPEAL SECTION 7-11-30, RELATING TO CONVENTION NOMINATION OF CANDIDATES; AND TO REPEAL SECTION 7-11-220, RELATING TO NOTICE OR PLEDGE BY CANDIDATES FOR STATE SENATOR.

Rep. LUCAS moved to table the motion to reconsider, which was agreed to.

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

**ADJOURNMENT**

At 4:12 p.m. the House, in accordance with the motion of Rep. ALLISON, adjourned in memory of Mrs. Clara Edwards of the Holly Springs Community, to meet at 10:00 a.m. tomorrow.

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