~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

 Our thought for today is from Micah 7:7: “But as for me, I will look to the Lord, I will wait for the God of my salvation; my God will hear me.”

 Let us pray. Almighty God, You have revealed Yourself to us in many and various ways. Inspire these women and men to wait for You, O Lord, and look to You for guidance and direction, as they make decisions for the people of this State. Provide Your blessings upon our Nation, President, State, Governor, Speaker, staff, and all who provide their services. We remember before You those who lost their lives and those injured in Boston yesterday. Keep them in Your care. 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. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. OTT moved that when the House adjourns, it adjourn in memory of former Representative Othniel Henry Wienges, Jr., of St. Matthews, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for those killed and those injured in the explosion during the Boston Marathon, and their families.

**REGULATION RECEIVED**

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

Document No. 4341

Agency: Department of Natural Resources

Statutory Authority: 1976 Code Section 50-13-2011

Term and Conditions for the Public's Use of Lakes and Ponds Owned and Leased by the Department of Natural Resources

Received by Speaker of the House of Representatives

April 15, 2013

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration March 22, 2014

**HOUSE RESOLUTION**

The following was introduced:

H. 3950 -- Reps. Douglas, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, 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, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND REID JOHNSON, COREY DAVIS, SIDNEY EDENFIELD, AND ZELICK LEVY OF FAIRFIELD COUNTY'S RICHARD WINN ACADEMY (RWA), WHO UNDER THE NAME "TEAM LILY" SPEARHEADED THE RAISING OF MORE THAN $6,500 TO BENEFIT THE LEUKEMIA & LYMPHOMA SOCIETY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3951 -- Reps. Douglas, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, 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, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF BEAUDELL STEVENSON HENDRIX OF FAIRFIELD COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3952 -- Rep. Allison: A HOUSE RESOLUTION TO CONGRATULATE CHARLES PHILLIP "PHIL" MCINTYRE III, BAND DIRECTOR FOR DISTRICT FIVE SCHOOLS OF SPARTANBURG COUNTY'S JAMES F. BYRNES HIGH SCHOOL, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-FIVE YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3953 -- Rep. Taylor: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CHIEF DEPUTY DWAYNE COURTNEY OF THE AIKEN COUNTY SHERIFF'S OFFICE FOR THIRTY-FOUR YEARS OF OUTSTANDING SERVICE IN LAW ENFORCEMENT, AND TO WISH HIM WELL IN HIS NEW ROLE AS THE CHIEF OF LAW ENFORCEMENT FOR WACKENHUT SERVICES, INC. (WSI), AT THE SAVANNAH RIVER SITE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3954 -- Rep. Henderson: A HOUSE RESOLUTION TO CONGRATULATE DICK BROOKS HONDA OF GREER ON RECEIVING THE AMERICAN HONDA MOTOR COMPANY PRESIDENT'S AWARD FOR ITS EXCEPTIONAL PERFORMANCE IN 2012.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3947 -- Reps. Clemmons, Mack, Bannister, Whitmire, Henderson and McCoy: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 15, 2013, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2016; AND AS THE DATE TO MEET IN JOINT SESSION FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT SEAT, WHOSE TERM EXPIRES ON JUNE 30, 2017, AND FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES ON JUNE 30, 2016.

Be it resolved by the House of Representatives, the Senate concurring:

(1) That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives Wednesday, May 15, 2013, at noon to elect a successor to the Honorable Brooks P. Goldsmith, judge of the Circuit Court for the Sixth Judicial Circuit, Seat 1, upon his retirement on or before June 30, 2013, and the successor will fill the unexpired term of that office which will expire June 30, 2016; for the purpose of electing a member of the board of trustees of Coastal Carolina University to fill the term of a member for the Fifth Congressional District Seat whose term will expire June 30, 2017; and for the purpose of electing a member of the board of trustees of the Medical University of South Carolina to fill the term of a member for the Fifth Congressional District, Medical Seat, whose term will expire June 30, 2016.

(2) Be it further resolved that all nominations must be made by the Chairman of the Judicial Merit Selection Commission on behalf of Judicial Candidates and by the Chairman of the Joint Legislative Committee or his designee, which screened the candidates for boards of trustees, and that no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 543 -- Senators Courson, L. Martin, Grooms, Shealy, Hayes and Bennett: A CONCURRENT RESOLUTION TO DECLARE APRIL 2013 AS "HOMESCHOOL RECOGNITION MONTH" IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOMESCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 582 -- Senators Peeler, McGill, Alexander and Hayes: A CONCURRENT RESOLUTION TO FIX TUESDAY, MAY 7, 2013, AT 12:30 P.M., AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, WINTHROP UNIVERSITY, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2013, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 595 -- Senator Massey: A CONCURRENT RESOLUTION TO PROCLAIM MAY 16, 2013, AS SENIOR HUNGER AWARENESS DAY IN SOUTH CAROLINA, AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO LEARN MORE ABOUT THE IMPACT OF HUNGER AND MALNUTRITION ON THE HEALTH OF OUR CITIZENS AND THE PROGRESS OF OUR STATE AND TO WORK TOGETHER FOR A HUNGER-FREE SOUTH CAROLINA.

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

**INTRODUCTION OF BILLS**

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

H. 3948 -- Reps. Brannon, W. J. McLeod, Dillard, Daning, Sabb, Rivers and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE "DILAPIDATED BUILDINGS ACT", TO PROVIDE DEFINITIONS, TO PROVIDE THAT A MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT-APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT-APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

Referred to Committee on Judiciary

H. 3949 -- Reps. Felder, Spires, Southard, Allison, Erickson, Gagnon, George, Hayes, Horne, Norman, Powers Norrell, Simrill and Wells: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-15-93 SO AS TO DEFINE THE TERM "TOOTH WHITENING"; TO AMEND SECTION 40-15-70, RELATING TO THE PRACTICE OF DENTISTRY, SO AS TO INCLUDE TOOTH WHITENING WITHIN THE PRACTICE OF DENTISTRY; AND TO AMEND SECTION 40-15-102, RELATING TO THE FUNCTIONS A DENTAL HYGIENIST MAY PERFORM IN A PRIVATE DENTAL OFFICE, SO AS TO INCLUDE TOOTH WHITENING.

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

H. 3955 -- Rep. Erickson: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY SCHOOL TERM, COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS, AND MAKE-UP DAYS, SO AS TO PROVIDE A SCHOOL DISTRICT MAY USE INSTRUCTIONAL HOURS OR INSTRUCTIONAL DAYS TO SATISFY REQUIREMENTS FOR SCHOOL CALENDARS, COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS, AND MAKE-UP DAYS, TO DELETE A PROVISION ALLOWING A DISTRICT TO VARY THE NUMBER OF HOURS THAT COMPRISE AN INSTRUCTIONAL DAY AMONG ITS SCHOOLS, TO PROVIDE A DATE BEFORE WHICH THE OPENING DATE OF A SCHOOL MAY BEGIN UNLESS THE SCHOOL OPERATES ON A YEAR-ROUND MODIFIED CALENDAR, AND TO STATE THAT THE PROVISIONS OF THIS ACT DO NOT AFFECT THE PROSECUTION OF THE COMPULSORY ATTENDANCE LAWS OF THIS STATE.

Rep. ERICKSON asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. SABB objected.

Referred to Committee on Education and Public Works

H. 3956 -- Rep. Horne: A BILL TO AMEND SECTION 61-6-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO REVISE THE DEFINITION OF "FURNISHING LODGING" TO PROVIDE FOR AT LEAST EIGHTEEN INSTEAD OF TWENTY ROOMS THAT A BUSINESS MUST OFFER FOR ACCOMMODATIONS ON A REGULAR BASIS.

Referred to Committee on Judiciary

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, April 16.

|  |  |
| --- | --- |
| Mike Anthony | Chip Huggins |
| William "Bill" Hixon | Peter McCoy, Jr. |
| William R. "Bill" Whitmire | Mike Gambrell |
| Ted Vick | Jackson "Seth" Whipper |
| Tracy Edge |  |

**Total Present--122**

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Louie Costa of Charleston was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3101 |
| Date: | ADD: |
| 04/16/13 | HORNE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3024 |
| Date: | ADD: |
| 04/16/13 | ERICKSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3165 |
| Date: | ADD: |
| 04/16/13 | ERICKSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3224 |
| Date: | ADD: |
| 04/16/13 | ERICKSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3560 |
| Date: | ADD: |
| 04/16/13 | ANDERSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3602 |
| Date: | ADD: |
| 04/16/13 | ERICKSON, RILEY and ANDERSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3771 |
| Date: | ADD: |
| 04/16/13 | ERICKSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3797 |
| Date: | ADD: |
| 04/16/13 | ERICKSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3815 |
| Date: | ADD: |
| 04/16/13 | ERICKSON |

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ANTHONY a leave of absence for the remainder of the day due to a doctor's appointment.

**H. 3268--DEBATE ADJOURNED**

Rep. DELLENEY moved to adjourn debate upon the following Bill until Wednesday, April 17, which was adopted:

H. 3268 -- Reps. G. R. Smith, Bedingfield, Willis, Allison, Putnam, Chumley, Dillard, Hamilton, Henderson, Knight, Loftis, Nanney and Robinson-Simpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-2028 SO AS TO ALLOW THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, WHICH PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO VOLUNTARILY DISSOLVE ITSELF AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY IF ACCEPTED BY RESOLUTION OF ITS GOVERNING BODY; TO REQUIRE A PUBLIC HEARING TO BE CONDUCTED BEFORE TAKING A SUPERMAJORITY VOTE OF ITS GOVERNING BODY AND THE GOVERNING BODY OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6-11-2140; TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY; AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A SPECIAL PURPOSE DISTRICT THAT PROVIDES BOTH RECREATIONAL AND AGING SERVICES.

**H. 3852--DEBATE ADJOURNED**

Rep. HOWARD moved to adjourn debate upon the following Joint Resolution until Wednesday, April 17, which was adopted:

H. 3852 -- Medical, Military, Public and Municipal Affairs 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 PSYCHO-EDUCATIONAL SPECIALISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4231, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 3861--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3861 -- Reps. Herbkersman and Newton: A BILL TO AMEND SECTION 7-7-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO DELETE THE LEVY AND OKATIE PRECINCT, TO ADD THE GRAHAMVILLE 3, LEVY 1, LEVY 2, OKATIE 1, AND OKATIE 2 PRECINCTS, AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Rep. HERBKERSMAN explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 95; Nays 0

 Those who voted in the affirmative are:

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

**Total--95**

 Those who voted in the negative are:

**Total--0**

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

**S. 374--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 374 -- Senator Peeler: A BILL TO AMEND SECTION 30-5-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PERFORMANCE OF THE DUTIES OF THE REGISTER OF DEEDS, SO AS TO ADD CHEROKEE COUNTY TO THOSE COUNTIES EXEMPT FROM THE REQUIREMENT THAT THOSE DUTIES BE PERFORMED BY THE CLERK OF COURT; AND TO AMEND SECTION 30-5-12, AS AMENDED, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS FOR CERTAIN COUNTIES, SO AS TO ADD CHEROKEE COUNTY TO THOSE COUNTIES WHERE THE GOVERNING BODY OF THE COUNTY SHALL APPOINT THE REGISTER OF DEEDS.

Rep. D. C. MOSS explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 98; Nays 0

 Those who voted in the affirmative are:

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

**Total--98**

 Those who voted in the negative are:

**Total--0**

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

**H. 3868--DEBATE ADJOURNED**

Rep. MCCOY moved to adjourn debate upon the following Joint Resolution until Wednesday, April 17, which was adopted:

H. 3868 -- Reps. Stavrinakis and McCoy: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO INSTALL ELECTRONIC TRAFFIC CONTROL SIGNALS AT THE INTERSECTION OF FOLLY ROAD AND SOUTH GRIMBALL ROAD IN CHARLESTON COUNTY.

**H. 3101--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3101 -- Reps. Chumley, Taylor, G. R. Smith, Huggins, Wells, Henderson, Crosby, Atwater, Long, Wood, Toole, Willis, Clemmons, Hardwick, Hardee, Goldfinch, Bedingfield, D. C. Moss, Loftis, Nanney, Pitts, Putnam, V. S. Moss, Owens, Barfield, H. A. Crawford, Stringer, Hamilton, Burns, Tallon, Kennedy, Allison, Murphy, Delleney and Horne: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA FREEDOM OF HEALTH CARE PROTECTION ACT" BY ADDING ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO RENDER NULL AND VOID CERTAIN UNCONSTITUTIONAL LAWS ENACTED BY THE CONGRESS OF THE UNITED STATES TAKING CONTROL OVER THE HEALTH INSURANCE INDUSTRY AND MANDATING THAT INDIVIDUALS PURCHASE HEALTH INSURANCE UNDER THREAT OF PENALTY; TO PROHIBIT CERTAIN INDIVIDUALS FROM ENFORCING OR ATTEMPTING TO ENFORCE SUCH UNCONSTITUTIONAL LAWS; AND TO ESTABLISH CRIMINAL PENALTIES AND CIVIL LIABILITY FOR VIOLATING THIS ARTICLE.

Reps. DELLENEY, SKELTON, TOOLE, ATWATER, BALLENTINE, FELDER, D. C. MOSS, ROBINSON-SIMPSON, HAMILTON, MACK, HIXON, OWENS, J. R. SMITH, LUCAS, GILLIARD, NEAL, WELLS, R. L. BROWN, ANDERSON, HOSEY, CLYBURN, G. A. BROWN, WEEKS, DOUGLAS, MCEACHERN, KING, COBB-HUNTER, J. E. SMITH, JEFFERSON, DANING, SELLERS, SABB, W. J. MCLEOD, CROSBY and POPE requested debate on the Bill.

**H. 3563--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3563 -- Reps. Delleney, J. E. Smith and Lucas: A BILL TO AMEND CHAPTER 20, TITLE 39, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITIES, SO AS TO DEFINE “ELECTRONIC MAIL”, TO PROVIDE THAT WHEN RENT OR OTHER CHARGES ARE FIVE OR MORE DAYS PAST DUE THE OWNER MAY DENY THE OCCUPANT ACCESS TO THE PERSONAL PROPERTY AND THE OCCUPANT IS CONSIDERED IN DEFAULT, TO PROVIDE THAT WHEN RENT OR OTHER CHARGES ARE FOURTEEN OR MORE DAYS PAST DUE THE OCCUPANT MUST BE NOTIFIED, AND TO PROVIDE THE PROCESS BY WHICH A DEFAULTING OCCUPANT'S PERSONAL PROPERTY MAY BE DESTROYED OR SOLD.

Reps. WELLS, DELLENEY, OWENS, TAYLOR, J. R. SMITH, HIOTT, POPE, D. C. MOSS, SIMRILL, NORMAN, BALLENTINE, TOOLE, ATWATER, NEAL, DILLARD, ROBINSON-SIMPSON, HAMILTON, G. R. SMITH, BRANNON, RYHAL, MACK, GILLIARD, ANDERSON, CLYBURN, G. A. BROWN, HOSEY, FORRESTER, POWERS NORRELL, KING, SELLERS and JEFFERSON requested debate on the Bill.

**H. 3560--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3560 -- Reps. Tallon, Harrell, Quinn, Stavrinakis, Patrick, Allison, McCoy, Pitts, Taylor, H. A. Crawford, Simrill, J. R. Smith, Crosby, Brannon, V. S. Moss, G. R. Smith, Henderson, Delleney, Cole, McEachern, Barfield, Ridgeway, Stringer, Nanney, R. L. Brown, Wood, Daning, Erickson, Clemmons, Powers Norrell, Funderburk, Mitchell, Merrill, Kennedy, D. C. Moss, Gagnon, Bannister, Atwater, Rivers, Owens, Bingham, Forrester, Ballentine, Toole, Hixon, Spires, Huggins, Lucas, Horne, Putnam, Weeks, M. S. McLeod and Anderson: A BILL TO AMEND SECTION 16-23-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO, AMONG OTHER THINGS, INDIVIDUALS WHO ARE PROHIBITED FROM POSSESSING OR ACQUIRING A HANDGUN, SO AS TO ALSO PROHIBIT A PERSON ADJUDICATED MENTALLY INCAPACITATED OR COMMITTED TO A MENTAL INSTITUTION FROM POSSESSING OR ACQUIRING A HANDGUN; TO AMEND SECTION 44-22-100, RELATING TO THE CONFIDENTIALITY OF MENTAL HEALTH COMMITMENT AND TREATMENT RECORDS, SO AS TO AUTHORIZE REPORTING INFORMATION IN THESE RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) TO BE UTILIZED IN DETERMINING IF A PERSON IS DISQUALIFIED FROM PURCHASING A FIREARM; AND BY ADDING ARTICLE 10, CHAPTER 31, TITLE 23 SO AS TO ESTABLISH A CONFIDENTIAL PROCESS FOR COMPILING AND TRANSMITTING INFORMATION ON PERSONS WHO HAVE BEEN ADJUDICATED MENTALLY INCAPACITATED OR COMMITTED TO A MENTAL INSTITUTION, THEREBY BEING DISQUALIFIED FROM POSSESSING OR ACQUIRING A HANDGUN AND TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION (SLED) TO TRANSMIT THIS INFORMATION TO NICS; TO REQUIRE SLED TO CROSS CHECK THE NAMES SENT TO NICS WITH SLED'S DATABASE FOR CONCEALED WEAPONS PERMITS TO ASCERTAIN IF ANY PERMITS MUST BE REVOKED; AND TO ESTABLISH A JUDICIAL PROCESS FOR PERSONS PROHIBITED FROM POSSESSING FIREARMS, DUE SOLELY TO AN ADJUDICATION AS MENTALLY INCAPACITATED OR COMMITMENT TO A MENTAL INSTITUTION, TO OBTAIN REMOVAL OF THE DISQUALIFICATIONS THAT PROHIBITED THEM FROM POSSESSING FIREARMS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3560 (COUNCIL\NBD\3560C002.NBD.AC13), which was adopted:

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

 SECTION 1. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 10

NICS: Mental Health Adjudication and Commitment Reporting

 Section 23‑31‑1010. As used in this article, and for the purposes of 18 U. S. C. Section 922 (g)(4):

 (1) ‘Adjudicated as a mental defective’ means a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

 (a) is a danger to himself or to others; or

 (b) lacks the mental capacity to contract or manage his own affairs.

 The term includes:

 (i) a finding of insanity by a court in a criminal case; and

 (ii) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. Sections 850(a) and 876(b).

 (2) ‘Committed to a mental institution’ means a formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

 (3) ‘Mental institution’ includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and other facilities that provide diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.

 Section 23‑31‑1020. (A) The Judicial Department and the Chief of the State Law Enforcement Division, or his designee, shall work in conjunction with the appropriate court of each county in developing procedures for the collection and submission of information of persons who have been adjudicated as a mental defective or who have been committed to a mental institution.

 (B) When a court submits this information to the State Law Enforcement Division. SLED shall transmit the information to the National Instant Criminal Background Check System (NICS) established pursuant to the Brady Handgun Violence Protection Act of 1993, Pub. Law 103-159.

 (C) On an ongoing basis the courts shall submit this information to SLED as adjudications and commitments occur. Under no circumstances may the courts or SLED submit information pursuant to this section relating to a person’s diagnosis or treatment.

 (D) SLED shall keep information submitted by the courts confidential and it may only be disclosed to the National Instant Criminal Background Check System pursuant to this section or for purposes directly related to the Brady Act or as provided for in subsection (E).

 (E) If the court has submitted a person’s name and other identifying information to SLED to be transmitted to NICS , the State Law Enforcement Division shall review the State concealed weapons permit holders list and if the review reveals that the person possesses a current concealed weapons permit, the permit is revoked and must be surrendered to a sheriff, police department, a SLED agent, or by certified mail to the Chief of SLED. If the permit holder fails to return the permit within ten days of being notified of its revocation, SLED shall retrieve the permit from the permit holder.

 (F) Information submitted by the courts pursuant to this section, which is also contained in court orders or in other state or local agency records, is not affected by this section, and these court orders or other state or local agency records may be disclosed in accordance with existing laws and procedures.

 Section 23‑31‑1030. (A) If a person is prohibited from shipping, transporting, possessing, or receiving a firearm or ammunition pursuant to 18 U.S.C. Section 922(g)(4) or Section 23-31-1040 as a result of adjudication as a mental defective or commitment to a mental institution, the person may petition the court that issued the original order to remove the prohibitions. The person may file the petition upon the expiration of any current commitment order; however the court only may consider petitions for relief due to adjudications and commitments that occurred in this State.

 (B) The petition must be accompanied by a fifty dollar filing fee and an authorization and release signed by the petitioner, authorizing disclosure of petitioner’s current and past medical records, including mental health records.

 (C) The petitioner shall serve his petition on and notice parties in the discretion of the court.

 (D)(1) Within ninety days of receiving the petition, unless the court grants an extension upon request of the petitioner, the court shall conduct a hearing which must be presided over by a person other than the person who gathered evidence for use by the court in the hearing.

 (2) At the hearing on the petition, the petitioner shall have the opportunity to submit evidence, and a record of the hearing must be made and maintained for review. The court shall consider information and records, which otherwise are confidential or privileged, relevant to the criteria for removing firearm and ammunition prohibitions and shall receive and consider evidence concerning the following:

 (a) the circumstances regarding the firearm and ammunitions prohibitions imposed by 18 U.S.C. Section 922(g)(4) and Section 23-31-1040;

 (b) the petitioner’s record, which must include, at a minimum, the petitioner’s mental health and criminal history records;

 (c) the petitioner’s reputation developed, at a minimum, through character witness statements, testimony, or other character evidence~~.~~ ; and

 (d) a current evaluation presented by the petitioner conducted by the Department of Mental Health or a physician licensed in this State specializing in mental health specifically addressing whether due to mental defectiveness or mental illness the petitioner poses a threat to the safety of the public or himself or herself.

 (E) Unless the court finds that the public interest would be better served, the hearing must be closed to the public and the petitioner's mental health records must be restricted from public disclosure. However, if the court determines the hearing should be open to the public, upon motion by the petitioner the court may allow for the in camera inspection of the petitioner's mental health records and for the use of these records, but these records must be restricted from public disclosure.

 (F)(1) The court shall make findings of fact regarding the following and shall remove the firearm and ammunition prohibitions if the petitioner proves by a preponderance of the evidence that:

 (a) the petitioner is no longer required to participate in court‑ordered psychiatric treatment;

 (b) the petitioner is determined by the Department of Mental Health or by a physician licensed in this State specializing in mental health to benot likely to act in a manner dangerous to public safety; and

 (c) granting the petitioner relief will not be contrary to the public interest.

 (2) Notwithstanding subsection (F)(1), the court must not remove the firearm and ammunition prohibitions if, by a preponderance of the evidence, it is proven that the petitioner has engaged in acts of violence subsequent to the petitioner’s last adjudication as a mental defective or last commitment to a mental institution, unless the petitioner, by clear and convincing evidence, proves that he is not likely to act in a manner dangerous to public safety.

 (G) If the petitioner is denied relief and the firearm and ammunition prohibitions are not removed, the petitioner may appeal to the circuit court for de novo review. In conducting its review, the circuit court:

 (1) shall review the record;

 (2) may give deference to the decision of the court denying the petitioner relief; and

 (3) may receive additional evidence as necessary to conduct an adequate review.

 (H) Medical records, psychological reports, and other treatment records which have been submitted to the court or admitted into evidence under this section must be part of the record, but must be sealed and opened only on order of the court.

 (I) If a court issues an order pursuant to this section that removes the firearm and ammunition prohibitions that prohibited the petitioner from shipping, transporting, possessing, or receiving a firearm or ammunition pursuant to 18 U.S.C. Section 922(g)(4) or Section 23-31-1040, arising from adjudication as a mental defective or commitment to a mental institution, the court shall provide the State Law Enforcement Division with a certified copy of the order. The State Law Enforcement Division promptly shall inform the National Instant Criminal Background Check System of the court action removing these firearm and ammunition prohibitions.

 Section 23-31-1040. It is unlawful for a person who has been adjudicated as a mental defective or who has been committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition.

 Section 23-31-1050. As used in Section 23-31-1030 and Section 23-31-1040:

 (1) ‘Ammunition’ means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm other than an antique firearm. The term shall not include:

 (a) any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing; or

 (b) any unloaded, non-metallic shotgun hull or casing not having a primer.

 (2) ‘Antique firearm’ means:

 (a) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

 (b) any replica of any firearm described in subitem (a) of this definition if such replica:

 (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

 (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

 (3) ‘Firearm’ means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; but the term shall not include an antique firearm. In the case of a licensed collector, the term shall mean only curios and relics.

 (4) ‘Firearm frame or receiver’ means that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

 (5) ‘Firearm muffler or firearm silencer’ means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.”

SECTION 2. Section 44‑22‑100 of the 1976 Code is amended to read:

 “Section 44‑22‑100. (A) Certificates, applications, records, and reports made for the purpose of this chapter or Chapter 9, Chapter 11, Chapter 13, ~~Article 1 of~~ Chapter 15, Chapter 17, Chapter 20, Chapter 23, Chapter 24, Chapter 25, Chapter 27, or Chapter 52 ~~of this title~~ and directly or indirectly identifying a mentally ill or alcohol and drug abuse patient or former patient or individual whose commitment has been sought must be kept confidential and must not be disclosed unless:

 (1) the individual identified or his guardian consents;

 (2) a court directs that disclosure is necessary for the conduct of proceedings before it and that failure to make the disclosure is contrary to the public interest;

 (3) disclosure is required for research conducted or authorized by the department or the Department of Alcohol and Other Drug Abuse Services and with the consent of the patient;

 (4) disclosure is necessary to cooperate with law enforcement, health, welfare, and other state or federal agencies or when furthering the welfare of the patient or his family; ~~or~~

 (5) disclosure is necessary to make reports to the Judicial Department or State Law Enforcement Division for the limited purpose of providing notice to the federal National Instant Criminal Background Check System, established pursuant to the Brady Handgun Violence Prevention Act of 1993, Pub. L. 103-159 and in accordance with Article 10, Chapter 31, Title 23; or

 (6) disclosure is necessary to carry out the provisions of this chapter or Chapter 9, Chapter 11, Chapter 13, ~~Article 1 of~~ Chapter 15, Chapter 17, Chapter 20, Chapter 23, Chapter 24, Chapter 25, Chapter 27, or Chapter 52 ~~of this title~~.

 (B) Nothing in this section:

 (1) precludes disclosure, upon proper inquiry, of information as to a patient’s current medical condition to members of his family, or the Governor’s ombudsman office; or

 (2) requires the release of records of which disclosure is prohibited or regulated by federal law.

 (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both.”

SECTION 3. Courts required to submit information to the State Law Enforcement Division pursuant to this act concerning individuals who have been adjudicated as a mental defective or who have been committed to a mental institution shall, from the effective date of this act forward, submit information as it arises and in accordance with procedures developed as required by this act and have one year from this act's effective date to submit retroactive information on such individuals going back a minimum of ten years or if records are not available as far back as ten years, then as far back as records exist.

SECTION 4. 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 5. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COLE 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 112; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | 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 | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Quinn |
| Ridgeway | Riley | Rivers |
| Rutherford | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Toole | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--112**

 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. 3602--REQUESTS FOR DEBATE AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 3602 -- Reps. Weeks, Cobb-Hunter, Clemmons, Pope, Kennedy, M. S. McLeod, Tallon, Murphy, Crosby, McCoy, Dillard, Long, Bowen, Munnerlyn, Sellers, Limehouse, Brannon, Gilliard, Bales, Barfield, Bowers, Branham, G. A. Brown, R. L. Brown, Daning, Delleney, Edge, Funderburk, Henderson, Horne, Howard, Huggins, Jefferson, Loftis, Lowe, W. J. McLeod, Merrill, D. C. Moss, Norman, Powers Norrell, Quinn, Sandifer, Simrill, G. M. Smith, Spires, Taylor, Wells, Whipper, Wood, Newton, Riley, Anderson and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-131 SO AS TO CREATE AN OFFENSE RELATING TO STEALING GOODS OR MERCHANDISE FROM A MERCHANT BY AFFIXING A PRODUCT CODE AND TO PROVIDE A PENALTY; BY ADDING SECTION 16-13-135 SO AS TO DEFINE NECESSARY TERMS, CREATE AN OFFENSE RELATING TO RETAIL THEFT, AND TO PROVIDE A PENALTY; TO AMEND SECTION 16-13-440, RELATING TO THE USE OF A FALSE OR FICTITIOUS NAME OR ADDRESS TO OBTAIN A REFUND FROM A BUSINESS ESTABLISHMENT FOR MERCHANDISE, SO AS TO INCLUDE USING A FALSE OR ALTERED IDENTIFICATION CARD TO COMMIT CERTAIN RETAIL THEFT OFFENSES; TO AMEND SECTION 16-13-180, AS AMENDED, RELATING TO RECEIVING STOLEN GOODS, SO AS TO INCLUDE RECEIVING OR POSSESSING STOLEN GOODS WHEN THE PERSON IS ON NOTICE BY LAW ENFORCEMENT THAT THE GOODS ARE STOLEN; TO AMEND SECTION 17-25-323, RELATING TO DEFAULT ON COURT-ORDERED PAYMENTS INCLUDING RESTITUTION BY PERSONS ON PROBATION OR PAROLE AND CIVIL JUDGMENTS AND LIENS, SO AS TO INCLUDE DEFENDANTS WHO DEFAULT ON THE VARIOUS MAGISTRATES COURT OR MUNICIPAL COURT-ORDERED PAYMENTS INCLUDING RESTITUTION IN THE PURVIEW OF THE STATUTE AND TO PROVIDE THAT A FILING FEE OR OTHER FEE MAY NOT BE REQUIRED WHEN SEEKING A CIVIL JUDGMENT; TO AMEND SECTION 14-25-65, AS AMENDED, RELATING TO PENALTIES THE MAGISTRATES COURT MAY IMPOSE, RESTITUTION, AND CONTEMPT, SO AS TO ALLOW A MAGISTRATE TO CONVERT CERTAIN UNPAID COURT-ORDERED PAYMENTS TO A CIVIL JUDGMENT; AND TO AMEND SECTION 22-3-550, AS AMENDED, RELATING TO THE JURISDICTION OF THE MAGISTRATES COURT OVER MINOR OFFENSES, RESTITUTION, AND CONTEMPT, SO AS TO ALLOW A MAGISTRATE TO CONVERT CERTAIN UNPAID COURT-ORDERED PAYMENTS TO A CIVIL JUDGMENT AND TO INCLUDE VIOLATIONS OF SECTIONS 16-13-180 AND 16-13-440 IN THOSE OFFENSES FOR WHICH A MAGISTRATE HAS THE POWER TO SENTENCE A PERSON TO CONSECUTIVE TERMS OF IMPRISONMENT TOTALING MORE THAN NINETY DAYS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3602 (COUNCIL\MS\3602C001.MS.AHB13):

Amend the bill, as and if amended, by deleting SECTION 4 in its entirety and inserting:

/ SECTION 4. Section 16‑13‑180 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

 “Section 16‑13‑180. (A) It is unlawful for a person to buy, receive, or possess stolen goods, chattels, or other property if the person knows or has reason to believe the goods, chattels, or property is stolen. A person is guilty of this offense whether or not anyone is convicted of the theft of the property.

 (B) A person who violates the provisions of this section is guilty of a:

 (1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days;

 (2) felony and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than five years if the value of the property is more than two thousand dollars but less than ten thousand dollars; or

 (3) felony and, upon conviction, must be fined not less than two thousand dollars or imprisoned not more than ten years if the value of the property is ten thousand dollars or more.

 (C) For the purposes of this section, the receipt of multiple items in a single transaction or event constitutes a single offense.

 (D) For the purposes of this section, multiple offenses occurring within a ninety‑day period may be aggregated into a single count with the aggregated value used to determine whether the violation is a misdemeanor or felony as provided in subsection (B).” /

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

Reps. RUTHERFORD and SELLERS requested debate on the Bill.

Rep. WEEKS continued speaking.

Rep. G. M. SMITH moved to adjourn debate on the Bill until Wednesday, April 17, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3957 -- Rep. Henderson: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, MAY 1, 2013, IMMEDIATELY FOLLOWING THE ELECTION OF CERTAIN MEMBERS TO THE PUBLIC SERVICE COMMISSION, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, WINTHROP UNIVERSITY, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2013, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

That the Senate and the House of Representatives meet in joint session in the House of Representatives on Wednesday, May 1, 2013, immediately following the election of certain members to the Public Service Commission, for the purpose of electing members of the Boards of Trustees for The Citadel, Coastal Carolina University, College of Charleston, Francis Marion University, Lander University, Medical University of South Carolina, South Carolina State University, Winthrop University, and Wil Lou Gray Opportunity School, to succeed those members whose terms expire on June 30, 2013, or whose positions otherwise must be filled; and to establish a procedure regarding nominations and seconding speeches for the candidates for these offices during the joint session.

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. 3958 -- Rep. Quinn: A BILL TO AMEND CHAPTER 23, TITLE 23, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO PROVIDE THAT THIS CHAPTER ALSO RELATES TO THE CRIMINAL JUSTICE ACADEMY, TO PROVIDE DEFINITIONS FOR THE TERMS "ACADEMY" AND "DIRECTOR", TO CORRECT CERTAIN REFERENCES, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 17-5-130, AS AMENDED, RELATING TO THE QUALIFICATIONS FOR THE ELECTION OF AND TRAINING FOR CORONERS, SO AS TO SUBSTITUTE THE TERM "SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY" FOR THE TERM "DEPARTMENT OF PUBLIC SAFETY"; TO AMEND SECTION 24-5-340, RELATING TO RESERVE DETENTION OFFICERS, SO AS TO SUBSTITUTE THE TERM "SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY" FOR THE TERM "DEPARTMENT OF PUBLIC SAFETY"; TO AMEND SECTIONS 63-19-1860 AND 63-19-1880, BOTH RELATING TO THE CONDITIONAL RELEASE OF A JUVENILE AND THE EMPLOYMENT OF PROBATION COUNSELORS, SO AS TO SUBSTITUTE THE TERM "SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL" FOR THE TERM "DEPARTMENT OF PUBLIC SAFETY", AND TO CORRECT CERTAIN REFERENCES TO THE CODE OF LAWS.

Referred to Committee on Judiciary

H. 3959 -- Reps. Kennedy, Quinn, Spires, Huggins, Atwater, Bingham, Delleney, Felder, Finlay, D. C. Moss, Norman, Pope, Sellers, Simrill, Tallon, Weeks and Wood: A BILL TO AMEND SECTION 16-15-395, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE; TO AMEND SECTION 16-15-405, AS AMENDED, RELATING TO SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE AND INCREASE THE MAXIMUM PENALTY FROM TEN TO FIFTEEN YEARS; AND TO AMEND SECTION 16-15-410, AS AMENDED, RELATING TO THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE.

Referred to Committee on Judiciary

H. 3960 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-41-35 SO AS TO REQUIRE EMPLOYERS PARTICIPATING IN A MULTIPLE EMPLOYER SELF-INSURED HEALTH PLAN TO EXECUTE HOLD HARMLESS AGREEMENTS IN WHICH THE EMPLOYER AGREES TO PAY ALL UNPAID PORTIONS OF INSURED CLAIMS, AND TO REQUIRE THE DEPARTMENT OF INSURANCE TO PROVIDE FORMS THAT MUST BE USED FOR THESE AGREEMENTS, AMONG OTHER THINGS.

Referred to Committee on Labor, Commerce and Industry

H. 3961 -- Reps. Wood, Allison, Owens, Horne, Crosby, Daning, Gagnon, Govan, Hardee, Jefferson, Kennedy, Munnerlyn, J. R. Smith, Spires, Taylor and Wells: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "AUTISM AWARENESS" SPECIAL LICENSE PLATES.

Referred to Committee on Education and Public Works

H. 3962 -- Reps. Pitts, Parks and Riley: A BILL TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO ADD CERTAIN PRECINCTS AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

Rep. H. A. CRAWFORD moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3957 -- Rep. Henderson: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, MAY 1, 2013, IMMEDIATELY FOLLOWING THE ELECTION OF CERTAIN MEMBERS TO THE PUBLIC SERVICE COMMISSION, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, WINTHROP UNIVERSITY, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2013, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

**ADJOURNMENT**

At 1:25 p.m. the House, in accordance with the motion of Rep. OTT, adjourned in memory of Othniel Henry Wienges, Jr., of St. Matthews, to meet at 10:00 a.m. tomorrow.

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