~~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 Psalm 27:9: “Do not cast me off, do not forsake me, O God of my salvation.”

Let us pray. Giver of all good things, accept our gratitude for all the wonderful blessings You have given these women and men who serve in this House and also to those who labor to support their actions. We offer our thanks for keeping us safe and offer our praise and thanksgiving to You. 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. 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. ANDERSON moved that when the House adjourns, it adjourn in memory of Allen Simmons, Sr., of Georgetown, which was agreed to.

**REGULATIONS RECEIVED**

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

Document No. 4378

Agency: Department of Labor, Licensing and Regulation - Office of State Fire Marshal

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45 and 23-36-80

Office of State Fire Marshal

Received by Speaker of the House of Representatives

April 29, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration April 5, 2014

Document No. 4379

Agency: Real Estate Appraisers Board

Statutory Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3)

Requirements of Licensure in Real Estate Appraisal

Received by Speaker of the House of Representatives

April 29, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration April 5, 2014

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4317

Agency: Department of Employment and Workforce

Statutory Authority: 1976 Code Section 41-29-110

Unemployment Insurance

Received by Speaker of the House of Representatives February 6, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2013

Revised: January 16, 2014

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 25, 2013

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on H. 3453. The Report of the Committee of Conference having been adopted by both Houses ordered that the title be changed to that of an Act and the Act enrolled for ratification:

H. 3453 -- Reps. Bingham, Allison, Anthony, Hayes and Atwater: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2013 2014 SCHOOL YEAR BY MAY 5, 2013; TO PROVIDE THAT A CONTINUING CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

Very Respectfully,

President

Received as information.

**REPORTS OF STANDING COMMITTEE**

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

H. 3998 -- Rep. Mitchell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNION STREET IN SPARTANBURG COUNTY FROM ITS INTERSECTION WITH CEDAR SPRINGS ROAD TO ITS INTERSECTION WITH SOUTHPORT ROAD "SCHP PATROLMAN NORRIS NETTLES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS STREET THAT CONTAIN THE WORDS "SCHP PATROLMAN NORRIS NETTLES MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

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

H. 4006 -- Rep. Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 95 BETWEEN MILE MARKERS 165 AND 167 "SCHP LANCE CORPORAL JACOB HAM, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "SCHP LANCE CORPORAL JACOB HAM, JR. MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4040 -- Reps. Wood, 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, Douglas, 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 and Willis: A HOUSE RESOLUTION TO SALUTE GIBBS CANCER CENTER IN SPARTANBURG ON BEING AWARDED A THREE-YEAR TERM OF ACCREDITATION FOR THE BEARDEN-JOSEY CENTER FOR BREAST HEALTH BY THE NATIONAL ACCREDITATION PROGRAM FOR BREAST CENTERS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4041 -- Reps. Wood, 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, Douglas, 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 and Willis: A HOUSE RESOLUTION TO HONOR GIBBS CANCER CENTER IN SPARTANBURG ON BEING AWARDED A THREE-YEAR TERM OF ACCREDITATION BY THE COMMISSION ON CANCER OF THE AMERICAN COLLEGE OF SURGEONS AND TO CONGRATULATE GIBBS ON RECEIVING THE COMMISSION ON CANCER'S OUTSTANDING ACHIEVEMENT AWARD FOR 2013.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4042 -- Reps. Rutherford, Mack, 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, Douglas, 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, 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, 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 THE TALENT, POISE, AND DILIGENCE OF MEGAN TYLER PINCKNEY AND TO CONGRATULATE HER FOR BEING CROWNED MISS SOUTH CAROLINA USA FOR 2013.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4043 -- Reps. Rutherford, White, 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, Douglas, 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, 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, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO CONGRATULATE VICTORIA CAROL SIZEMORE, MISS SOUTH CAROLINA TEEN USA 2013, AND TO COMMEND HER FOR THE DISCIPLINE, ASPIRATIONS, AND TALENT THAT HAVE ENABLED HER TO REPRESENT THE PALMETTO STATE WITH DIGNITY AND POISE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4044 -- Rep. Rutherford: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO MISS SOUTH CAROLINA USA 2013, MEGAN TYLER PINCKNEY OF NORTH CHARLESTON, AND MISS SOUTH CAROLINA TEEN USA 2013, VICTORIA CAROL SIZEMORE OF ANDERSON, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND HONORING THEM FOR THE ASPIRATIONS, DISCIPLINE, AND TALENT THAT HAVE ENABLED THEM TO REPRESENT THE PALMETTO STATE WITH DIGNITY AND POISE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to Miss South Carolina 2013, Megan Tyler Pinckney of North Charleston, and Miss South Carolina Teen USA 2013, Victoria Carol Sizemore of Anderson, at a date and time to be determined by the Speaker, for the purpose of recognizing and honoring them for the aspirations, discipline, and talent that have enabled them to represent the Palmetto State with dignity and poise.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4045 -- Reps. Putnam, Gagnon, Bowen, Gambrell, Thayer and White: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. R. WAYNE FOWLER, SUPERINTENDENT OF ANDERSON SCHOOL DISTRICT ONE, ON THE OCCASION OF HIS RETIREMENT AFTER FORTY-TWO YEARS OF OUTSTANDING SERVICE AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4046 -- Reps. Pope and D. C. Moss: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DIANE BROWN FOR HER EXCEPTIONAL WORK AS AN EDUCATOR IN THE PALMETTO STATE AND TO CONGRATULATE HER FOR BEING NAMED THE 2012 YORK SCHOOL DISTRICT ONE TEACHER OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4047 -- Reps. Pope and D. C. Moss: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR NICK LAFAVE FOR HIS EXEMPLARY WORK AS AN EDUCATOR IN THE PALMETTO STATE AND TO CONGRATULATE HIM FOR BEING NAMED THE 2012-2013 CLOVER SCHOOL DISTRICT TEACHER OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4048 -- Rep. White: A HOUSE RESOLUTION TO AMEND RULE 5.12 OF THE RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO THE LIMITS ON CONSIDERATION OF STATEWIDE BILLS AND STATEWIDE JOINT RESOLUTIONS AND THE EXCEPTIONS TO THESE LIMITATIONS, SO AS TO DELETE, DURING THE FIRST YEAR OF A TWO-YEAR LEGISLATIVE SESSION, THE LIMIT ON THE CONSIDERATION OF A STATEWIDE BILL OR STATEWIDE JOINT RESOLUTION INTRODUCED IN THE SENATE RECEIVED BY THE HOUSE OF REPRESENTATIVES AFTER MAY FIRST.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 4049 -- Reps. Hiott, 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, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, 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 HONOR THE PICKENS HIGH SCHOOL WINTER GUARD, ITS INSTRUCTOR, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE SOUTH CAROLINA BAND DIRECTORS ASSOCIATION REGIONAL A STATE CHAMPIONSHIP.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4050 -- Reps. Hiott, 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, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, 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 EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE PICKENS HIGH SCHOOL WINTER GUARD OF PICKENS COUNTY WITH THE DIRECTOR OF BANDS, COLOR GUARD INSTRUCTOR, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2013 SOUTH CAROLINA BAND DIRECTORS ASSOCIATION REGIONAL A STATE CHAMPIONSHIP.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Pickens High School winter guard of Pickens County with the director of bands, color guard instructor, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2013 South Carolina Band Directors Association Regional A State Championship.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4054 -- Reps. Erickson, Herbkersman, 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, Douglas, Edge, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, 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 HONOR SISTER STELLA BREEN AND SISTER SHEILA BYRNE, UPON THE OCCASION OF THEIR RETIREMENT AFTER TWENTY-SIX YEARS OF SIGNIFICANT SERVICE TO BEAUFORT COUNTY, AND TO WISH THEM MANY YEARS OF CONTINUED HEALTH AND HAPPINESS IN ALL THEIR FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4055 -- Reps. Robinson-Simpson, 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, Douglas, 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, 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 THE PALMETTO STATE CHAPTERS OF ZETA PHI BETA SORORITY, INCORPORATED, FOR THEIR MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4056 -- Reps. Anderson, Alexander, Allison, 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, Douglas, 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 HONOR THE DELTA SIGMA THETA SORORITY, INC., FOR SIGNIFICANT CONTRIBUTIONS TO LOCAL COMMUNITIES WORLDWIDE, TO FURTHER RECOGNIZE AND CONGRATULATE THE GEORGETOWN ALUMNAE CHAPTER OF DELTA SIGMA THETA FOR ITS OUTSTANDING COMMUNITY SERVICE AND PUBLIC OUTREACH ACTIVITIES FOR ALMOST FIFTY YEARS, AND TO CONGRATULATE THE

MEMBERS UPON THE NATIONAL ORGANIZATION'S CENTENNIAL ANNIVERSARY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4057 -- Reps. Anderson, Alexander, Allison, 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, Douglas, 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 CONGRATULATE MT. SINAI MISSIONARY BAPTIST CHURCH OF GEORGETOWN COUNTY ON THE OCCASION OF ITS HISTORIC ONE HUNDRED TENTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR MORE THAN A CENTURY OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4064 -- Reps. Skelton, 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, Douglas, 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, 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 HONOR ROBERT RICKETTS, ASSOCIATE ATHLETIC DIRECTOR OF CLEMSON UNIVERSITY, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-SEVEN YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4065 -- Reps. Willis, Pitts, Anthony, 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, 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, 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 and Wood: A HOUSE RESOLUTION TO SALUTE THE BELL STREET MIDDLE SCHOOL SCIENCE OLYMPIAD TEAM AND ITS COACHES ON WINNING THE 2013 SCIENCE OLYMPIAD STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4066 -- Reps. Rutherford, W. J. McLeod, 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, Douglas, 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, 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, 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 ALTON HASKELL EARGLE, SR., OF NEWBERRY 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. 4051 -- Rep. Hosey: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF EAST FLAT STREET IN THE TOWN OF ALLENDALE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 TO ITS INTERSECTION WITH THE CAMPUS PERIMETER OF ALLENDALE ELEMENTARY SCHOOL "FRANK D. SOLOMON MEMORIAL WAY", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FRANK D. SOLOMON MEMORIAL WAY".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4052 -- Reps. Limehouse, R. L. Brown, Crosby, Gilliard, Goldfinch, Harrell, Horne, Mack, McCoy, Merrill, Rivers, Sottile, Stavrinakis and Whipper: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE OUTSTANDING WORK OF THE AMERICAN CANCER SOCIETY'S HOPE LODGE IN CHARLESTON COUNTY FOR FORTY YEARS OF PROVIDING VITAL AND COMPASSIONATE SUPPORT FOR CANCER PATIENTS AND THEIR CAREGIVERS IN THE PALMETTO STATE.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4053 -- Rep. Sellers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF UNITED STATES HIGHWAYS 321 AND 78 IN THE TOWN OF DENMARK "HARRISON CROSSROADS", AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "HARRISON CROSSROADS".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4058 -- Rep. Sellers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE JUNCTURE OF INTERSTATE 95 AND SOUTH CAROLINA HIGHWAY 61 IN COLLETON COUNTY "SCHP PATROLMAN FIRST CLASS WILLIE E. PEEPLES MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "SCHP PATROLMAN FIRST CLASS WILLIE E. PEEPLES MEMORIAL INTERCHANGE".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4059 -- Reps. Pitts, Clemmons, Loftis, Huggins, Erickson, J. R. Smith, Burns, Riley, Gambrell, Putnam, Merrill, Crosby, Kennedy, H. A. Crawford, Brannon, Hardee, Bedingfield, Quinn, Bingham, Finlay, Vick, G. R. Smith, Allison, Ballentine, Chumley, Daning, Delleney, Edge, Forrester, Gagnon, Goldfinch, Hamilton, Hardwick, Henderson, Hiott, Hixon, Hosey, Lowe, D. C. Moss, Murphy, Nanney, Newton, Norman, Ott, Patrick, Pope, Ridgeway, Simrill, G. M. Smith, Tallon, Taylor, Thayer, White, Willis and Wood: A CONCURRENT RESOLUTION EXPRESSING AN INVITATION FROM THE MEMBERS OF THE GENERAL ASSEMBLY TO OUT-OF-STATE BUSINESSES INVOLVED IN THE MANUFACTURING OF FIREARMS AND AMMUNITION AND ACCESSORIES FOR FIREARMS TO CONSIDER LOCATING OR EXPANDING EXISTING OPERATIONS IN SOUTH CAROLINA AND TO GUARANTEE THAT SOUTH CAROLINA AND SOUTH CAROLINIANS WILL OFFER THEM A WARM WELCOME.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4060 -- Reps. D. C. Moss, 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, Douglas, 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, 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 CONCURRENT RESOLUTION TO HONOR AND COMMEND SENIOR TROOPER WILLIAM A. MCINVILLE OF FLORENCE UPON BEING NAMED SOUTH CAROLINA HIGHWAY PATROL TROOPER OF THE YEAR FOR 2012 AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4067 -- Rep. Horne: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA'S YOUNG PEOPLE, TO THE PREVENTION OF TEEN PREGNANCY, AND TO DECLARE THE MONTH OF MAY AS "TEEN PREGNANCY PREVENTION MONTH" IN THE STATE OF SOUTH CAROLINA.

Whereas, teen pregnancies have far‑reaching consequences that adversely affect the health, education, and economic future of South Carolina’s young people; and

Whereas, in 2011, more than six thousand young girls, ages fifteen to nineteen gave birth in our State; and

Whereas, between 2001 and 2011, teen birth rates in South Carolina decreased by twenty‑eight percent; and

Whereas, teen birth rates in South Carolina decreased by eight percent between 2010 and 2011, the lowest teen birth rate for girls ages fifteen to nineteen ever recorded in South Carolina; and

Whereas, the progress in teen birth rate reductions that saved South Carolina taxpayers an estimated $127 million in 2008 alone should not suggest decreases in investment and commitment to the issue; and

Whereas, Teen Pregnancy Prevention Month is an opportunity for parents, teens, educators, program providers, faith‑based organizations, local elected leaders, and statewide policymakers to work together to reduce and prevent teen pregnancy in South Carolina. Now, therefore,

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

That the General Assembly of the State of South Carolina, by this resolution, affirms its dedication to the future success of South Carolina’s young people, to the prevention of teen pregnancy, and declares the month of May as “Teen Pregnancy Prevention Month” in the State of South Carolina.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 581 -- Senators Young, Cleary and Nicholson: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD WEEK IN APRIL 2013 AS "SHAKEN BABY SYNDROME AWARENESS WEEK" TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

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. 4061 -- Reps. Powers Norrell, King, Cobb-Hunter, Douglas, Bowen, M. S. McLeod, Knight, Munnerlyn, Bernstein, Sabb, Jefferson, Williams, Neal, Gilliard, Howard, Skelton, Spires, Bowers, Anderson, G. A. Brown, Gagnon, George, Hayes, Hosey and Ridgeway: A BILL TO AMEND SECTION 59-32-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION SELECT OR DEVELOP INSTRUCTIONAL UNITS IN COMPREHENSIVE HEALTH EDUCATION FOR USE BY SCHOOL DISTRICTS, SO AS TO REQUIRE THE BOARD TO ALSO SELECT OR DEVELOP INSTRUCTIONAL UNITS IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION, WITH SEPARATE UNITS APPROPRIATE FOR EACH AGE LEVEL FROM FOUR-YEAR OLD KINDERGARTEN THROUGH TWELFTH GRADE; AND TO AMEND SECTION 59-32-30, RELATING TO THE REQUIREMENT THAT LOCAL SCHOOL DISTRICTS IMPLEMENT THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, AMONG OTHER THINGS, SO AS TO REQUIRE THE DISTRICTS TO PROVIDE AGE-APPROPRIATE INSTRUCTION IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION AS PART OF THIS PROGRAM.

Referred to Committee on Education and Public Works

H. 4062 -- Reps. Powers Norrell, Cobb-Hunter, M. S. McLeod, Munnerlyn, Jefferson, Knight, Bernstein, Sabb, King, Neal, Hosey, Govan, Gilliard, R. L. Brown, Skelton, Spires, Bowers, Anderson, G. A. Brown, Edge, Gagnon, Hodges, Howard, Pope, Ridgeway, Simrill and Williams: A BILL TO AMEND SECTION 63-7-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFANT SAFE HAVENS AT WHICH A PERSON MAY LEAVE AN INFANT UNDER CERTAIN CIRCUMSTANCES, SO AS TO REQUIRE SAFE HAVENS TO POST A NOTICE THAT STATES THAT THE LOCATION IS A SAFE HAVEN AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PREPARE THE NOTICE FOR USE BY THE SAFE HAVEN.

Referred to Committee on Judiciary

H. 4063 -- Reps. Pitts, Brannon, Bannister and Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 11 TO TITLE 20 SO AS TO REQUIRE MEDIATION AS A MEANS OF RESOLVING CERTAIN FAMILY COURT MATTERS, CONSISTENT WITH TITLE 20, TITLE 63, AND CHAPTER 48, TITLE 15; TO PROVIDE CERTAIN REQUIREMENTS TO SERVE AS A MEDIATOR; TO PROVIDE RULES FOR CONDUCTING MEDIATION CONFERENCES; TO ASSURE ACCESS TO THE FAMILY COURTS OF THIS STATE UPON COMPLIANCE WITH MEDIATION REQUIREMENTS; AND TO PROVIDE FOR MEDIATOR FEES AND EXPENSES AND THE ASSESSMENT OF CERTAIN PENALTIES.

Referred to Committee on Judiciary

H. 4068 -- Reps. Henderson, Atwater, Ballentine, Long, Southard, K. R. Crawford, Finlay, Huggins, G. R. Smith, Erickson, Taylor, Allison, Bowen, J. R. Smith, Limehouse, Bedingfield, Burns, Chumley, Crosby, Daning, Felder, Forrester, Hamilton, Hardee, Hiott, Hixon, Loftis, Nanney, Norman, Owens, Patrick, Ryhal, Sottile, Spires, Stringer, Thayer, Toole, Wells, Willis and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-105 SO AS TO PROHIBIT A MEMBER OF THE GENERAL ASSEMBLY OR AN IMMEDIATE FAMILY MEMBER OF HIS FROM BEING ELECTED OR APPOINTED BY THE GENERAL ASSEMBLY TO THE GOVERNING BOARD OF A PUBLIC COLLEGE OR UNIVERSITY IN SOUTH CAROLINA WHILE THE MEMBER SERVES IN THE GENERAL ASSEMBLY AND FOR A PERIOD OF ONE YEAR AFTER THE MEMBER CEASES THIS SERVICE OR FAILS TO FILE FOR ELECTION TO THE GENERAL ASSEMBLY, AND TO PROVIDE A NECESSARY DEFINITION; AND TO AMEND SECTION 2-19-70, RELATING TO THE PROHIBITION OF A MEMBER OF THE GENERAL ASSEMBLY FROM BEING ELECTED TO JUDICIAL OFFICE WHILE SERVING IN THE GENERAL ASSEMBLY OR FOR ONE YEAR AFTER HE CEASES THIS SERVICE OR FAILS TO FILE FOR ELECTION TO THE GENERAL ASSEMBLY, SO AS TO EXTEND THE PROHIBITION TO AN IMMEDIATE FAMILY MEMBER OF A MEMBER OF THE GENERAL ASSEMBLY, AND TO PROVIDE A NECESSARY DEFINITION.

Referred to Committee on Judiciary

S. 349 -- Senator O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 60, TITLE 40 SO AS TO ENACT THE "APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT", TO PROVIDE A CITATION, TO PROVIDE CERTAIN DEFINITIONS, TO REQUIRE REGISTRATION FOR AN ENTITY ACTING AS AN APPRAISAL MANAGEMENT COMPANY, TO SPECIFY REGISTRATION REQUIREMENTS, TO PROVIDE EXEMPTIONS FROM REGISTRATION, TO SPECIFY THE TERM FOR WHICH REGISTRATION IS VALID AND FOR RENEWAL AND CANCELLATION OF REGISTRATIONS, TO PROVIDE FOR REGISTRATION FEES, TO LIMIT OWNERSHIP OF AN APPRAISAL MANAGEMENT COMPANY, TO REQUIRE AN APPLICANT FOR REGISTRATION TO DESIGNATE ONE CONTROLLING PERSON AS THE MAIN CONTACT BETWEEN THE COMPANY AND THE BOARD, TO PROVIDE REQUIREMENTS FOR A CONTROLLING PERSON ACTING AS A MAIN CONTACT BETWEEN A COMPANY AND THE BOARD, TO PROVIDE REQUIREMENTS RELATING TO THE USE AND PAYMENT OF INDEPENDENT APPRAISERS, TO SPECIFY CERTAIN REPORTING REQUIREMENTS OF AN APPRAISAL MANAGEMENT COMPANY, TO MAKE ATTEMPTS BY CERTAIN APPRAISAL MANAGEMENT COMPANY PERSONNEL TO INFLUENCE OR ATTEMPT TO INFLUENCE AN APPRAISAL IN A CERTAIN MANNER, TO PROHIBIT AN APPRAISAL MANAGEMENT COMPANY FROM CHANGING A COMPLETED APPRAISAL OR USING AN APPRAISAL REPORT OR ITS CONTENT PROVIDED BY AN INDEPENDENT APPRAISER IN ANOTHER TRANSACTION, TO PROVIDE RESTRICTIONS ON THE REMOVAL OF AN INDEPENDENT APPRAISER FROM THE APPRAISER PANEL BY AN APPRAISAL MANAGEMENT COMPANY, TO PROVIDE CERTAIN PENALTIES AND REMEDIES THE BOARD MAY IMPOSE FOR A VIOLATION OF THE ARTICLE, TO PROVIDE SURETY BOND REQUIREMENTS FOR AN APPRAISAL MANAGEMENT COMPANY, AND TO PROVIDE THE BOARD MAY PROVIDE ADJUDICATORY PROCEEDINGS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 40-60-10, RELATING TO THE REAL ESTATE APPRAISERS BOARD, SO AS TO INCREASE THE MEMBERSHIP OF THE BOARD BY TWO MEMBERS; AND TO DESIGNATE SECTIONS 40-60-5 THROUGH 40-60-230 AS ARTICLE 1 OF CHAPTER 60, TITLE 40, ENTITLED "REAL ESTATE APPRAISERS", AND TO RETITLE CHAPTER 60, TITLE 40 AS THE "REAL ESTATE APPRAISAL PROFESSIONALS ACT".

Referred to Committee on Labor, Commerce and Industry

S. 584 -- Senators Campsen and Rankin: A BILL TO AMEND CHAPTER 9, TITLE 50 OF THE 1976 CODE, RELATING TO HUNTING AND FISHING LICENSES, BY ADDING SECTION 50-9-15, TO DEFINE "LICENSE SALES VENDOR" AND "LICENSE YEAR"; TO AMEND SECTION 50-9-20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE FOR THE DURATION OF LICENSES FOR RECREATIONAL AND COMMERCIAL USE, AND PERMITS THE DEPARTMENT TO ISSUE A LICENSE THAT EXPIRES ON THE DAY BEFORE THE ANNIVERSARY OF ITS ISSUANCE; TO AMEND SECTION 50-9-30, RELATING TO RESIDENCY REQUIREMENTS FOR LICENSES, TO REVISE THE REQUIREMENTS; TO AMEND SECTION 50-9-350, RELATING TO APPRENTICE HUNTING LICENSES, TO PROVIDE THAT THE HOLDER OF AN APPRENTICE HUNTING LICENSE WHO OBTAINS A CERTIFICATE OF COMPLETION PRIOR TO THE EXPIRATION DATE OF HIS APPRENTICE HUNTING LICENSE WILL USE HIS APPRENTICE HUNTING LICENSE AS HIS STATEWIDE HUNTING LICENSE, PROVIDED THE LICENSEE MUST HAVE THE CERTIFICATE OF COMPLETION IN HIS POSSESSION WHILE HUNTING; TO AMEND SECTION 50-9-510, RELATING TO LICENSES FOR PURCHASE FOR THE PRIVILEGE OF HUNTING, TO REMOVE THE HUNTING LICENSE VALID ONLY IN A SINGLE COUNTY, TO REMOVE RESTRICTIONS ON THE THREE YEAR LICENSE PURCHASE, TO CLARIFY REQUIREMENTS FOR MIGRATORY WATERFOWL PERMITS, AND TO PROVIDE FOR THE RETAINED VENDOR FEE; TO AMEND SECTION 50-9-530, RELATING TO CATAWBA LICENSES, TO PROVIDE THERE IS NO COST TO A CATAWBA HUNTING AND FISHING LICENSEE FOR ANY OTHER TAGS REQUIRED BY LAW FOR RECREATIONAL HUNTING AND FISHING EXCEPT FOR THOSE DEPARTMENT HUNTING AND FISHING ACTIVITIES CONTROLLED BY LOTTERY; TO AMEND SECTION 50-9-540, RELATING TO RECREATIONAL LICENSES, TO PROVIDE THAT RESIDENTS AND NONRESIDENTS MUST PURCHASE ANY OTHER LICENSE THAT GRANTS FISHING PRIVILEGE, TO DELETE THE LAKES AND RESERVOIRS PERMIT, AND TO CHANGE THE TEMPORARY NONRESIDENT FISHING LICENSE FROM SEVEN TO FOURTEEN DAYS; TO AMEND SECTION 50-9-610, RELATING TO ADDITIONAL REQUIREMENTS FOR TAKING NONGAME FRESHWATER FISH, TO PROVIDE THAT TAGS MUST BE ATTACHED AS PRESCRIBED; TO AMEND SECTION 50-9-665, RELATING TO BEAR TAGS, TO PROVIDE FOR THE REQUIREMENT FOR BEAR TAGS; TO AMEND SECTION 50-9-920, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO MAKE CONFORMING CHANGES AND TO PROVIDE FOR LICENSE REVENUE DISTRIBUTION; TO AMEND SECTION 50-9-950, RELATING TO THE FISH AND WILDLIFE PROTECTION FUND, TO PROVIDE FUND ASSETS AND USES; TO AMEND SECTION 50-9-955, RELATING TO THE FISH AND WILDLIFE DEFERRED LICENSE FUND, TO PROVIDE FOR THE ANNUAL TRANSFER OF FUNDS; TO AMEND SECTION 50-9-960, RELATING TO THE MARINE RESOURCES FUND, TO PROVIDE FUND ASSETS AND USES; TO AMEND SECTION 50-9-965, RELATING TO THE MARINE RESOURCES DEFERRED LICENSE FUND, TO PROVIDE FOR THE ANNUAL TRANSFER OF FUNDS; AND TO REPEAL SECTION 50-15-65(E).

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Bowers | Branham |
| Brannon | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| 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 | 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 | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, April 30.

|  |  |
| --- | --- |
| Grady Brown | Shannon Erickson |
| Ted Vick | Mike Gambrell |
| Jackson "Seth" Whipper | David Mack |
| Raye Felder | Tracy Edge |

**Total Present--121**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. PUTNAM a leave of absence for the day due to a family funeral.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KNIGHT a leave of absence for the day due to illness.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

STATEMENT FOR THE JOURNAL

I was temporarily out of the Chamber, meeting with Congressman Tom Rice’s staff in Florence and was not present during some of the votes today. Please excuse those votes I missed.

Rep. Ted M. Vick

**CO-SPONSORS ADDED AND REMOVED**

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. 3584 |
| Date: | ADD: |
| 04/30/13 | BRANNON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3822 |
| Date: | ADD: |
| 04/30/13 | LOWE and RIVERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3514 |
| Date: | ADD: |
| 04/30/13 | TAYLOR |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3919 |
| Date: | ADD: |
| 04/30/13 | MITCHELL, ROBINSON-SIMPSON and DILLARD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4014 |
| Date: | ADD: |
| 04/30/13 | OWENS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4025 |
| Date: | ADD: |
| 04/30/13 | COBB-HUNTER, KING and RUTHERFORD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3894 |
| Date: | ADD: |
| 04/30/13 | HARDWICK, QUINN, WHITE, RUTHERFORD, HARRELL, SANDIFER, DELLENEY, LUCAS, OWENS and OTT |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3945 |
| Date: | REMOVE: |
| 04/30/13 | ALLISON, FORRESTER and BURNS |

**S. 612--DEBATE ADJOURNED**

Rep. MURPHY moved to adjourn debate upon the following Bill until Monday, June 30, 2014, which was adopted:

S. 612 -- Senator Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING ACT 961 OF 1974, RELATING TO THE ELECTION AND TERMS OF THE COMMISSIONERS OF PUBLIC WORKS FOR THE TOWN OF SUMMERVILLE IN DORCHESTER COUNTY.

**SENT TO THE SENATE**

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

H. 3783 -- Rep. Lucas: A BILL TO AMEND SECTION 12-21-2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

**H. 3366--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3366 -- Reps. J. E. Smith, Long, Delleney, Skelton, Huggins, Allison, Toole, Felder, Cobb-Hunter and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-66-75 SO AS TO REQUIRE A HEALTH CARE PROVIDER TO GIVE A PATIENT AN OPPORTUNITY TO AUTHORIZE DISCLOSURE OF CERTAIN INFORMATION TO DESIGNATED FAMILY MEMBERS AND OTHER INDIVIDUALS AND TO AUTHORIZE THE INVOLVEMENT OF THESE FAMILY MEMBERS AND OTHER INDIVIDUALS IN THE TREATMENT OF THE PATIENT; TO SPECIFY WHEN THE OPPORTUNITY TO SIGN AN AUTHORIZATION MUST BE PROVIDED TO A PATIENT AND TO SPECIFY THE CONTENTS OF THE AUTHORIZATION; AND TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR GOOD FAITH DISCLOSURE OF INFORMATION; AND TO AMEND SECTION 44-66-20, AS AMENDED, RELATING TO DEFINITIONS IN THE ADULT HEALTH CARE CONSENT ACT, SO AS TO DEFINE "PATIENT" AND "TREATMENT" AND TO AMEND OTHER DEFINITIONS.

Rep. K. R. CRAWFORD proposed the following Amendment No. 2 to H. 3366 (COUNCIL\MS\3366C001.MS.AHB13), which was adopted:

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

/ SECTION 1. Chapter 66, Title 44 of the 1976 Code is amended by adding:

“Section 44‑66‑75. (A) A health care provider or the provider’s agent shall provide on the patient information form an opportunity for the patient to designate a family member or other individual designated by the patient as a person with whom the provider is allowed, but not required to, discuss the patient’s medical condition and treatment plan.

(B) The authorization provided for in subsection (A):

(1) satisfies the requirements of Title 42 of the Code of Federal Regulations, relating to public health, and the privacy rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA);

(2) must present the question, ‘Do you want to designate a family member or other individual with whom the provider may discuss your medical condition and treatment?’;

(3) must specify that the patient may revoke or modify an authorization with regard to a family member or other individual designated by the patient in the authorization and that the revocation or modification must be in writing.

(C) A health care provider may disclose information pursuant to an authorization unless the provider has actual knowledge that the authorization has been revoked or modified.

(D) A health care provider who in good faith discloses information in accordance with an authorization signed by a patient pursuant to this section is not subject to civil liability, criminal liability, or disciplinary sanctions because of this disclosure.

(E) Nothing in this section may be construed to:

(1) require a health care provider to disclose information that he otherwise may withhold or limit;

(2) limit or prevent a provider from disclosing information without written authorization from the patient if this disclosure is otherwise lawful or permissible;

(3) prohibit a provider from receiving and using information relevant to the safe and effective treatment of the patient from family members; and

(4) conflict with an individual’s health care power of attorney as provided for in Section 62‑5‑504.

(F) Notwithstanding another provision of this chapter, this section does not apply to nursing homes, as defined in Section 44-7-130 or to a dentist, dental hygienist, or dental technician licensed in Chapter 15, Title 40.”

SECTION 2. Section 44‑66‑20 of the 1976 Code, as last amended by Act 351 of 2002, is further amended to read:

“Section 44‑66‑20. As used in this chapter:

(1) ‘Health care’ means a procedure to diagnose or treat a human disease, ailment, defect, abnormality, or complaint, whether of physical or mental origin. ~~It~~ Health care also includes the provision of intermediate or skilled nursing care; services for the rehabilitation of injured, disabled, or sick persons; and the placement in or removal from a facility that provides these forms of care.

(2) ‘Health care provider’ or ‘provider’ means a person, health care facility, organization, or corporation licensed, certified, or otherwise authorized or permitted by the laws of this State to administer health care.

(3) ‘Health care professional’ means an individual who is licensed, certified, or otherwise authorized by the laws of this State to provide health care to members of the public.

(4) ‘Patient’ means an individual sixteen years of age or older who presents or is presented to a health care provider for treatment.

(5) ‘Person’ includes, but is not limited to, an individual, a state agency, or a representative of a state agency.

(~~5~~6) ‘Physician’ means an individual who is licensed to practice medicine or osteopathy ~~under~~ pursuant to Chapter 47, ~~of~~ Title 40.

(7) ‘Treatment’ means the broad range of emergency, outpatient, intermediate, and inpatient services and care that may be extended to a patient to diagnose and treat a human disease, aliment, defect, abnormality, or complaint, whether of physical or mental origin. Treatment includes, but is not limited to, psychiatric, psychological, substance abuse, and counseling services.

(~~6~~8) ‘Unable to consent’ means unable to appreciate the nature and implications of the patient’s condition and proposed health care, to make a reasoned decision concerning the proposed health care, or to communicate that decision in an unambiguous manner. This ~~definition~~ term does not ~~include~~ apply to minors, and this chapter does not affect the delivery of health care to minors unless they are married or have been determined judicially to be emancipated. A patient’s inability to consent must be certified by two licensed physicians, each of whom has examined the patient. However, in an emergency the patient’s inability to consent may be certified by a health care professional responsible for the care of the patient if the health care professional states in writing in the patient’s record that the delay occasioned by obtaining certification from two licensed physicians would be detrimental to the patient’s health. A certifying physician or other health care professional shall give an opinion regarding the cause and nature of the inability to consent, its extent, and its probable duration. If a patient unable to consent is being admitted to hospice care pursuant to a physician certification of a terminal illness required by Medicare, that certification meets the certification requirements of this item.”

SECTION 3. This act takes effect January 1, 2014 . /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

The amendment was then adopted.

Rep. HART explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 61; Nays 42

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anthony | Bales |
| Bannister | Bowen | Bowers |
| Branham | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | Crosby | Delleney |
| Dillard | Douglas | Funderburk |
| George | Hardee | Hardwick |
| Hart | Hayes | Hodges |
| Horne | Hosey | Howard |
| Jefferson | King | Limehouse |
| Long | Lucas | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | Munnerlyn | Neal |
| Ott | Owens | Parks |
| Pope | Powers Norrell | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | J. E. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Weeks | White |
| Williams |  |  |

**Total--61**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Barfield | Bedingfield | Bingham |
| Brannon | Chumley | Cole |
| H. A. Crawford | Daning | Finlay |
| Forrester | Gagnon | Goldfinch |
| Henderson | Hiott | Hixon |
| Kennedy | Loftis | Lowe |
| McCoy | Merrill | V. S. Moss |
| Nanney | Newton | Norman |
| Patrick | Pitts | Ridgeway |
| Riley | Rivers | G. R. Smith |
| J. R. Smith | Tallon | Taylor |
| Thayer | Toole | Wells |
| Whitmire | Willis | Wood |

**Total--42**

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

**H. 3989--DEBATE ADJOURNED**

Rep. PATRICK moved to adjourn debate upon the following Joint Resolution, which was adopted:

H. 3989 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 4010--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Bill until Tuesday, May 7, which was adopted:

H. 4010 -- Rep. Bingham: A BILL TO AMEND ACT 288 OF 2012, RELATING TO THE 2012-2013 GENERAL APPROPRIATIONS ACT, SO AS TO REVISE PARAGRAPH 1A.48, SECTION 1A, PART IB, THAT DIRECTS THE DEPARTMENT OF EDUCATION TO TRANSFER CERTAIN FUNDS TO MEET MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY DELETING THE SET MAXIMUM AMOUNT THAT MAY BE TRANSFERRED.

**H. 3941--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3941 -- Reps. Sandifer, Harrell, Bannister, Daning, Erickson, Forrester and Gambrell: A BILL TO AMEND SECTION 6-1-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLITICAL SUBDIVISION'S AUTHORITY TO SET A MINIMUM WAGE, SO AS TO ALSO PROHIBIT THE MANDATE OF AN EMPLOYEE BENEFIT.

Reps. SANDIFER and W. J. MCLEOD proposed the following Amendment No. 1 to H. 3941 (COUNCIL\AGM\3941C001. AGM.AB13), which was adopted:

Amend the bill, as and if amended, Section 6‑1‑130(B), as contained in SECTION 1, page 1, by deleting the subsection in its entirety and inserting:

/ (B) A political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate that exceeds the federal minimum wage rate set forth in Section 6 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206. Also, a political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate related to employee wages that are exempt under 29 U.S.C. 201 et seq., the Fair Labor Standards Act of 1938. Also, a political subdivision of this State may not mandate or otherwise require an employee benefit. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER 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 103; Nays 0

Those who voted in the affirmative are:

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

**Total--103**

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. 3960--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3960 (COUNCIL\AGM\3960C001. AGM.AB13), which was adopted:

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

/ SECTION 1. Chapter 41, Title 38 of the 1976 Code is amended by adding:

“Section 38‑41‑35. Each participating employer, as a condition of participation in a multiple employer self‑insured health plan, shall execute an agreement by which the employer agrees to personally pay all claims for benefits covered under the multiple employer self‑insured health plan which are incurred by his or its covered employees and their covered dependents, but which the plan has failed to pay. Such agreements shall be made on forms prescribed by the director and shall extend to all unpaid claims for benefits incurred by the employer’s employees and their dependents during the time such employees and dependents were covered under the multiple employer self‑insured health plan. Neither failure of a participating employer to execute an agreement, nor failure of the plan to require such execution, shall excuse the employer from liability for unpaid claims incurred by covered employees and dependents. An employer shall be deemed to have notice of the requirements of this section, and upon joining a multiple employer self‑insured health plan, the employer shall be deemed to have agreed to liability for unpaid claims of his covered employees and their dependents in the same manner as if an agreement had been executed.

The multiple employer self‑insured health plan shall provide each participating employer annual notice of the participating employer’s responsibilities. This notice shall be in a form approved by the director or his designee and shall state that the participating employer is responsible for all claims incurred by the participating employer’s covered employees and their covered dependents that the multiple employer self‑insured health plan has failed to pay. The multiple employer self‑insured health plan must obtain written certification from each participating employer annually that the participating employer understands that it is liable for covered claims which the multiple employer self‑insured health plan fails to pay. The multiple employer self‑insured health plan shall file an affidavit signed by the multiple employer self‑insured health plan’s Chief Executive Officer that it has obtained each participating employer’s certification. The multiple employer self‑insured health plan shall maintain copies of each participating employer’s annual certification for the duration of the multiple employer self‑insured health plan. Failure of the multiple employer self‑insured health plan to comply with any of its obligations under this section shall not be a defense to, or in any way diminish, an employer’s obligation to personally pay all claims for benefits covered under the multiple employer self‑insured health plan which are incurred by his or its covered employees and their covered dependents, but which the plan has failed to pay.”

SECTION 2. Section 38‑41‑50 of the 1976 Code, as last amended by Act 137 of 2012, is further amended to read:

“Section 38‑41‑50. A multiple employer self‑insured health plan shall include aggregate excess stop‑loss coverage and individual excess stop‑loss coverage provided by an insurer licensed, approved, or eligible by the State. A MEWA shall maintain excess insurance coverage written by an insurer that the Department of Insurance considers approved or eligible to do business in this State. This coverage must have a net retention level determined in accordance with sound actuarial principles approved by the director or his designee, and based on the number of risks insured by the MEWA. The MEWA must file the policy contract providing this coverage with the director or his designee. The terms of this policy contract must require that before the insurer may cancel or modify the terms of this policy contract, the insurer must give notice of the pending cancellation or modification of terms to the director at least thirty days before the cancellation or modification may occur. Aggregate excess stop‑loss coverage shall include provisions to cover incurred, unpaid claim liability in the event of plan termination. The excess or stop‑loss insurer shall bear the risk of coverage for any member of the pool that becomes insolvent with outstanding contributions due. ~~In addition, the plan~~ The limits required for an excess stop‑loss policy shall ~~have a~~ be determined by the director or his designee in accordance with sound actuarial principles, so that the probability of incurred claims exceeding the participating ~~employer’s~~ employers’ fund ~~in an amount at least equal to the point at which~~ and the aggregate limit of the excess or stop‑loss ~~insurer shall assume one hundred percent of additional liability~~ coverage is de minimus. A plan shall submit its proposed excess or stop‑loss insurance contract to the director or his designee at least thirty days prior to the proposed ~~plan’s~~ contract’s effective date and at least thirty days ~~subsequent~~ prior to any renewal date. The director or his designee shall review the contract to determine whether it meets the standards established by this chapter and respond within a thirty‑day period. In reviewing an excess stop‑loss agreement for approval, the director or his designee will closely scrutinize the agreement to determine whether the levels of individual and aggregate risk retained by the plan will put the plan in an unsound condition or will render its proceedings hazardous to the public or to persons covered under the plan. Any excess or stop‑loss insurance ~~plan~~ contract must be noncancellable for a minimum term of two years. In addition, the plan shall have a participating employer’s fund in an amount at least equal to the point at which the excess or stop‑loss insurer shall assume a one hundred percent share of additional liability. The amount required for the employer’s fund must be determined in accordance with sound actuarial principles and approved by the director or his designee and based upon the number of risk insured by the plan. This employer’s fund must be funded via cash or cash equivalent securities.”

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

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER 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 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| 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 | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | 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 |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4069 -- Rules Committee: A HOUSE RESOLUTION TO SET BY SPECIAL ORDER H. 3945, RELATING TO LEGISLATIVE ETHICS RESTRUCTURING LEGISLATION, FOR SECOND READING OR OTHER DISPOSITION ON TUESDAY, APRIL 30, 2013, IMMEDIATELY AFTER RECEDING FOR LUNCH AND FOLLOWING THE QUORUM ROLL CALL, AND TO PROVIDE, FOLLOWING THE THIRD READING OF STATEWIDE UNCONTESTED BILLS ON EACH LEGISLATIVE DAY THEREAFTER, FOR THE CONTINUING SPECIAL ORDER CONSIDERATION OF H. 3945 UNTIL SECOND READING OR OTHER DISPOSITION.

REP. CLEMMONS explained the House Resolution.

The Resolution was adopted.

**H. 3893--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3893 -- Reps. Bedingfield, G. R. Smith, Loftis, Stringer, Burns, Hamilton, Erickson, Taylor, Clemmons, Delleney, Pitts and Willis: A BILL TO AMEND SECTION 59-18-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADOPTION OF NEW STATEWIDE EDUCATION STANDARDS AND ASSESSMENTS, SO AS TO PROVIDE SUCH AN ADOPTION MUST NOT BE IMPLEMENTED UNTIL APPROVED BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION.

Reps. HAYES, GEORGE, HART, OTT, WILLIAMS, JEFFERSON, WILLIS, MUNNERLYN, SABB, ANTHONY, RIDGEWAY, WEEKS, KING, COBB-HUNTER, HOWARD, NEAL, PATRICK, MCEACHERN, DOUGLAS, BALES, BEDINGFIELD, HIOTT, OWENS, HOSEY, CLYBURN, G. A. BROWN, ANDERSON, BRANHAM, WOOD, BRANNON, RYHAL, TAYLOR, WELLS, HIXON, TOOLE, J. R. SMITH and G. R. SMITH requested debate on the Bill.

**H. 4014--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4014 -- Reps. Mitchell, Cobb-Hunter, King, Dillard, Mack, Anderson, R. L. Brown, Sandifer, Whitmire, Bingham, Bannister, Neal, Finlay, Pitts, Howard, Whipper, Quinn, Hart, Brannon, Edge, K. R. Crawford, Lucas, Harrell and Owens: A BILL TO AMEND SECTION 59-127-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO RECONSTITUTE THE BOARD OF TRUSTEES BY REVISING THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH THEY ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT, PROVIDING TWO AT-LARGE SEATS FILLED BY ELECTION OF THE GENERAL ASSEMBLY AND TWO AT-LARGE SEATS FILLED BY APPOINTMENT OF THE GOVERNOR, ONE OF WHOM IS RECOMMENDED BY THE SOUTH CAROLINA STATE NATIONAL ALUMNI ASSOCIATION, TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, AND TO PROVIDE TRANSITION PROVISIONS.

Rep. MITCHELL proposed the following Amendment No. 1 to H. 4014 (COUNCIL\BBM\4014C001.BBM.HTC13), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2, beginning on page 3 and inserting:

/ SECTION 2. This act takes effect upon approval by the Governor and is implemented according to the following schedule:

(1) the terms of members of the South Carolina State University Board of Trustees elected by the General Assembly before 2013 are terminated effective July 1, 2013, except that the members occupying Seats Three and Four as of June 30, 2013, pursuant to the former provisions of Section 59‑127‑20, shall continue to serve in a holdover capacity through June 30, 2014, after which those holdover seats are abolished. These two holdover trustees are not affected by the provisions of items (3) and (4) of this section;

(2) the ex officio service of the Governor or the Governor’s designee on the board ends effective July 1, 2013;

(3)(a) the three members of the board elected by the General Assembly in 2013 pursuant to the former provisions of Section 59‑127‑20 of the 1976 Code from congressional districts 5, 6, and 7 are deemed to be elected to Seats Five, Six, and Seven pursuant to the provisions of Section 59‑127‑20 of the 1976 Code as amended by this act for terms beginning July 1, 2013;

(b) the three at‑large members of the board elected in 2013 pursuant to the former provisions of Section 59‑127‑20 of the 1976 Code, become members of the reconstituted board as follows:

(i) an at‑large member of the board elected by the General Assembly in 2013, who, when elected resided in congressional district 1, 2, 3, or 4, and who was the only board member elected from that district in 2013, is deemed to have been elected as the board member for the applicable seat number. If two such at‑large members reside in one congressional district, at the time of election, then one such member is deemed to have been elected to at‑large Seat Eight and the other is deemed to have been elected from that congressional district, selected alphabetically by last name. The person selected to occupy at‑large Seat Eight shall serve for an initial term of two years beginning July 1, 2013; and

(ii) any other at‑large member of the board elected in 2013 who is not deemed to have been elected from a congressional district pursuant to item (3)(b)(i) of this section is deemed to have been elected to at‑large Seat Nine, and takes office July 1, 2013, and shall serve for a term of four years, after which that member’s successor on the board must be elected as provided pursuant to Section 59‑127‑20 of the 1976 Code as amended by this act;

(4) notwithstanding the four‑year terms of office for board members provided pursuant to Section 59‑127‑20 of the 1976 Code, members elected to, or, pursuant to item (3) of this section, deemed to be elected, to Seats One, Three, and Four, shall serve for an initial term of two years, beginning July 1, 2013, and until their successors are elected or appointed and qualify; (5) during the transition period, vacancies in the board attributable to unrepresented congressional districts must be filled in the order that the General Assembly shall provide in the concurrent resolution setting the election. /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER 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 106; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| 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 | Daning | Delleney |
| Dillard | Douglas | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Neal | Newton | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--106**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Govan |  |  |

**Total--1**

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

**H. 3098--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3098 -- Rep. Spires: A BILL TO AMEND SECTION 44-81-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHTS OF LONG-TERM CARE FACILITY RESIDENTS, SO AS TO REQUIRE A RESIDENT OR HIS REPRESENTATIVE TO PROVIDE THE ADMINISTRATOR OF THE FACILITY CERTAIN NOTICE OF THE INTENT OF THE RESIDENT TO VOLUNTARILY RELOCATE TO ANOTHER FACILITY, AND TO PROVIDE THE FACILITY MAY CHARGE THE RESIDENT THE EQUIVALENT OF THIRTY DAYS OCCUPANCY FOR FAILURE TO GIVE THIS NOTICE.

Rep. BRANNON moved to adjourn debate on the Bill until Tuesday, May 7.

Rep. SELLERS moved to table the motion.

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

Yeas 17; Nays 77

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anthony | Dillard |
| Douglas | Funderburk | Hart |
| Howard | Jefferson | M. S. McLeod |
| W. J. McLeod | Parks | Powers Norrell |
| Ridgeway | Robinson-Simpson | Sabb |
| Sellers | Williams |  |

**Total--17**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Branham | Brannon |
| G. A. Brown | Burns | Chumley |
| Clemmons | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Finlay | Forrester |
| Gagnon | George | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hayes | Hiott |
| Hixon | Horne | Huggins |
| Kennedy | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Ott |
| Owens | Patrick | Pitts |
| Pope | Quinn | Rivers |
| Ryhal | Sandifer | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Weeks |
| Wells | White | Whitmire |
| Willis | Wood |  |

**Total--77**

So, the House refused to table the motion to adjourn debate.

The question then recurred to the motion to adjourn debate until Tuesday, May 7, which was agreed to.

**H. 3856--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3856 -- Reps. Erickson, M. S. McLeod, Spires, Mitchell, Cobb-Hunter, Long, Murphy, Munnerlyn, Sabb, King, K. R. Crawford, Jefferson, H. A. Crawford, McCoy, Robinson-Simpson, Allison, Horne, W. J. McLeod, McEachern, Dillard, Felder, Gagnon, Henderson, Nanney, Powers Norrell, Sandifer, Stavrinakis and Wood: A BILL TO AMEND SECTION 63-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT IN CHILDCARE FACILITIES, SO AS TO ALSO PROHIBIT SUCH EMPLOYMENT OF A PERSON WHO HAS BEEN CONVICTED OF UNLAWFUL CONDUCT TOWARD A CHILD, CRUELTY TO CHILDREN, OR CHILD ENDANGERMENT.

Rep. ALEXANDER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | 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 |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | M. S. McLeod |
| Merrill | Mitchell | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Neal | Newton | Parks |
| Pitts | Pope | Powers Norrell |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Weeks |
| Wells | White | Whitmire |
| Willis | Wood |  |

**Total--101**

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

During the vote on H. 3856, I voted ‘yea’, however, the system did not record my vote on the board. I support H. 3856 and intended to vote in favor of the Bill.

Rep. Dennis Moss

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**RECURRENCE TO THE MORNING HOUR**

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

**H. 3567--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3567 -- Rep. Horne: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE THE DEFINITION OF "CHILDREN AND ADOLESCENTS IN NEED OF MENTAL HEALTH TREATMENT" IN A RESIDENTIAL TREATMENT FACILITY BY REVISING THE TERM TO INCLUDE YOUNG ADULTS AND BY INCREASING THE ELIGIBILITY AGE FROM UNDER EIGHTEEN TO UNDER TWENTY-ONE.

Rep. ALEXANDER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| 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 |
| Douglas | Finlay | Forrester |
| Funderburk | George | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Norman |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

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

**H. 3907--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3907 -- Reps. Willis, Owens, Stringer, Daning, Brannon, Rivers, Kennedy, King, Mitchell, Putnam, Wells and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 1, TITLE 56 SO AS TO AUTHORIZE THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT UNCERTIFIED CHECKS FOR PAYMENT FOR PRODUCTS OR SERVICES ISSUED BY THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT MAY REFUSE TO PROVIDE A PERSON ANY PRODUCT OR SERVICE, EXCEPT AN IDENTIFICATION CARD, UNTIL THE PERSON HAS PAID ALL FEES OWED THE DEPARTMENT AS A RESULT OF A RETURNED CHECK, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A FEE SPECIFIED IN SECTION 34-11-70 TO COVER THE COSTS ASSOCIATED WITH THE COLLECTION OF FEES, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A PROCESSING FEE FOR THE USE OF CREDIT CARDS, AND TO PROVIDE THAT ALL PROCESSING FEES COLLECTED PURSUANT TO THIS ARTICLE MUST BE PLACED IN A SPECIAL RESTRICTED ACCOUNT TO BE USED BY THE DEPARTMENT TO DEFRAY ITS COSTS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3907 (COUNCIL\SWB\3907C003. SWB.CM13), which was adopted:

Amend the bill, as and if amended, Section 56‑1‑1210(B), as contained in SECTION 1, page 2, by deleting line 3 and inserting:

/ (B) The department may, upon the approval of the office of State Treasurer, contract with banks or vendors to guarantee collection of funds paid by uncertified check. /

Renumber sections to conform.

Amend title to conform.

Rep. WILLIS 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 | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Erickson |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | 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 |
| Pitts | Pope | Powers Norrell |
| Quinn | Ridgeway | Riley |
| Rivers | Rutherford | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Weeks |
| Wells | 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.

**H. 3961--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3961 -- Reps. Wood, Allison, Owens, Horne, Crosby, Daning, Gagnon, Govan, Hardee, Jefferson, Kennedy, Munnerlyn, J. R. Smith, Spires, Taylor, Wells, R. L. Brown and Whipper: 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.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3961 (COUNCIL\SWB\3961C002. SWB.CM13), which was adopted:

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

/ SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 132

Autism Awareness Special License Plates

Section 56‑3‑13210. This article may be cited as the ‘Savannah Lee Monroe Autism Awareness Special License Plates Act’.

Section 56‑3‑13220. (A) The Department of Motor Vehicles may issue ‘Autism Awareness’ special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56‑3‑8100. The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the South Carolina Autism Society.”

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

Renumber sections to conform.

Amend title to conform.

Rep. WOOD 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 103; Nays 0

Those who voted in the affirmative are:

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

**Total--103**

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. 3983--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3983 -- Reps. Sellers, G. M. Smith and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 29 TO CHAPTER 7, TITLE 44 SO AS TO PROVIDE RURAL COUNTIES WITH ACCESS TO FREE EMERGENCY HOSPITAL CARE AND ALLOW RELICENSURE OF CLOSED RURAL HOSPITALS AS FREESTANDING EMERGENCY HEALTH CARE FACILITIES UNDER CERTAIN CIRCUMSTANCES.

Rep. COBB-HUNTER moved to commit the Bill to the Committee on Medical, Military, Public and Municipal Affairs.

Rep. K. R. CRAWFORD moved to table the motion, which was agreed to.

Reps. COBB-HUNTER, OTT, GEORGE, W. J. MCLEOD, PARKS, ROBINSON-SIMPSON and R. L. BROWN requested debate on the Bill.

**H. 3978--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3978 -- Reps. White and G. M. Smith: A BILL TO AMEND ARTICLE 2, CHAPTER 7, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAID NURSING HOME PERMITS, TO DEFINE "MEDICAID PERMIT DAY", TO SPECIFY THE MANNER IN WHICH ADDITIONAL MEDICAID PERMIT DAYS ARE ALLOCATED, TO SET FORTH COMPLIANCE STANDARDS AND PENALTIES FOR VIOLATIONS, AND TO PROVIDE CERTAIN REPORTING REQUIREMENTS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3978 (COUNCIL\NL\3978C001.NL.DG13), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 5, by striking lines 22‑26 and inserting:

/ policy resident; and

(3) the resident did not convert to Medicaid within thirty days of being admitted as a private pay resident. /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE 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 107; 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 | Burns | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Erickson | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | 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 | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**S. 143--DEBATE ADJOURNED**

Rep. DELLENEY moved to adjourn debate upon the following Bill until Tuesday, May 14, which was adopted:

S. 143 -- Senators Malloy, Ford, Massey, S. Martin and Hayes: A BILL TO AMEND ARTICLES 1, 2, 3 AND 4 OF TITLE 62, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO, AMONG OTHER THINGS, DEFINE THE JURISDICTION OF THE PROBATE CODE, TO DETERMINE INTESTATE SUCCESSION, TO PROVIDE FOR THE PROCESS OF EXECUTING A WILL, TO PROVIDE FOR THE PROCESS TO PROBATE AND ADMINISTER A WILL, AND TO PROVIDE FOR LOCAL AND FOREIGN PERSONAL REPRESENTATIVES; AND TO AMEND ARTICLES 6 AND 7 OF TITLE 62, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO PROVIDE FOR THE GOVERNANCE OF NONPROBATE TRANSFERS, AND TO AMEND THE SOUTH CAROLINA TRUST CODE.

**H. 3822--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3822 -- Reps. Pitts, Loftis, Funderburk, Hixon, Norman and G. R. Smith: A BILL TO AMEND SECTION 23-31-210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF CONCEALABLE WEAPONS PERMITS, SO AS DELETE THE DEFINITIONS OF "RESIDENT", "QUALIFIED NONRESIDENT", "PROOF OF RESIDENCE", AND "PROOF OF OWNERSHIP OF REAL PROPERTY" AND REVISE THE DEFINITIONS OF "PICTURE IDENTIFICATION", "PROOF OF TRAINING", AND "CONCEALABLE WEAPON"; TO AMEND SECTION 23-31-215, AS AMENDED, RELATING TO THE ISSUANCE OF A CONCEALABLE WEAPONS PERMIT, SO AS TO REVISE THE REQUIREMENTS THAT MUST BE MET IN ORDER TO RECEIVE A CONCEALABLE WEAPONS PERMIT, INCREASE THE APPLICATION FEE FOR A PERMIT FOR RESIDENTS OF THE STATE TO ONE HUNDRED DOLLARS AND CREATE A NONRESIDENT APPLICATION FEE OF ONE HUNDRED FIFTY DOLLARS, ALLOW PERMIT APPLICATIONS TO BE SUBMITTED ONLINE WITH SLED, AND TO REVISE THE LIST OF PLACES WHERE A PERSON MAY NOT CARRY A CONCEALABLE WEAPON AND PROVIDE THAT A PERSON MAY NOT CARRY A CONCEALABLE WEAPON INTO A PLACE CLEARLY MARKED WITH A SIGN PROHIBITING THE CARRYING OF A CONCEALABLE WEAPON, PROVIDE THAT A PERMIT IS VALID FOR FIVE YEARS, AND TO REQUIRE SLED TO SEND A RENEWAL NOTICE AT LEAST THIRTY DAYS BEFORE A PERMIT EXPIRES; AND TO REPEAL SECTION 23-31-240 RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3822 (COUNCIL\MS\3822C001.MS.AHB13), which was tabled:

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

/ SECTION 1. Section 23‑31‑210 of the 1976 Code, as last amended by Act 347 of 2006, is further amended to read:

“Section 23‑31‑210. As used in this article:

(1) ‘Resident’ means an individual who is present in South Carolina with the intention of making a permanent home in South Carolina or military personnel on permanent change of station orders.

(2) ‘Qualified nonresident’ means an individual who owns real property in South Carolina, but who resides in another state.

(3) ‘Picture identification’ means:

(a) a valid ~~South Carolina~~ driver’s license~~, or if the applicant is a qualified nonresident, a valid driver’s license~~ issued by the state in which the applicant resides; or

(b) an official photographic identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or the United States Department of State.

~~(4)~~ ~~‘Proof of residence’ means a person’s current address on the original or certified copy of:~~

~~(a)~~ ~~a valid South Carolina driver’s license;~~

~~(b)~~ ~~an official identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or the United States Department of State;~~

~~(c)~~ ~~a voter registration card; or~~

~~(d)~~ ~~another document that SLED may determine that fulfills this requirement.~~

~~(5)~~(4) ‘Proof of training’ means an original document or certified copy of the document supplied by an applicant that certifies that he is either:

(a) a person who, within three years before filing an application, has successfully completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course ~~must be a minimum of eight hours and~~ must include, but is not limited to:

(i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;

(ii) information on handgun use and safety;

(iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; and

(iv) the actual firing of the handgun in the presence of the instructor;

(b) a person who demonstrates any of the following must comply with the provisions of subitem (a)(i) only:

(i) a person who demonstrates the completition of basic military training provided by any branch of the United States military who produces proof of his military service through the submission of a DD214 form;

(ii) a retired law enforcement officer who produces proof that he is a graduate of the Criminal Justice Academy or that he was a law enforcement officer prior to the requirement for graduation from the Criminal Justice Academy; or

(iii) a retired state or federal law enforcement officer who produces proof of graduation from a federal or state academy that includes firearms training as a graduation requirement.

(c) an instructor certified by the National Rifle Association or another SLED‑approved competent national organization that promotes the safe use of handguns;

~~(c)~~(d) a person who can demonstrate to the Director of SLED or his designee that he has a proficiency in both the use of handguns and state laws pertaining to handguns;

~~(d)~~(e) an active duty police handgun instructor;

~~(e)~~(f) a person who has a SLED‑certified or approved competitive handgun shooting classification; or

~~(f)~~(g) a member of the active or reserve military, or a member of the National Guard who has had handgun training in the previous three years.

SLED shall promulgate regulations containing general guidelines for courses and qualifications for instructors which would satisfy the requirements of this item. For purposes of subitems (a) and (b), ‘proof of training’ is not satisfied unless the organization and its instructors meet or exceed the guidelines and qualifications contained in the regulations promulgated by SLED pursuant to this item.

~~(6)~~(5) ‘Concealable weapon’ means a firearm having a length of less than twelve inches measured along its greatest dimension that must be carried in a manner that is hidden from public view in normal wear of clothing except when needed for self‑defense, defense of others, and the protection of real or personal property.

~~(7)~~(6) ‘Proof of ownership of real property’ means a certified current document from the county assessor of the county in which the property is located verifying ownership of the real property. SLED must determine the appropriate document that fulfills this requirement.”

SECTION 2. Section 23‑31‑215 of the 1976 Code, as last amended by Act 349 of 2008, is further amended to read:

“Section 23‑31‑215. (A) Notwithstanding any other provision of law, except subject to subsection (B) ~~of this section~~, SLED must issue a permit, which is no larger than three and one‑half inches by three inches in size, to carry a concealable weapon to a ~~resident or qualified nonresident~~ person who is at least twenty‑one years of age and who is not prohibited by state law from possessing the weapon upon submission of:

(1) a completed application signed by the person;

(2) ~~one current full face color photograph of the person, not smaller than one inch by one inch nor larger than three inches by five inches~~ photocopy of a driver’s license;

(3) proof of residence or if the person is a qualified nonresident, proof of ownership of real property in this State;

(4) proof of actual or corrected vision rated at 20/40 within six months of the date of application or, in the case of a person licensed to operate a motor vehicle in this State, presentation of a valid driver’s license;

(5) proof of training;

(6) payment of a ~~fifty‑dollar~~ seventy‑five dollar application fee for a resident of this State and seventy‑five dollars for a nonresident. This fee must be waived for disabled veterans and retired law enforcement officers; and

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant’s fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

(B) Upon submission of the items required by subsection (A) ~~of this section~~, SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. SLED ~~must~~ also must conduct a background check of the applicant through notification to and input from the sheriff of the county where the applicant resides or if the applicant is a qualified nonresident, where the applicant owns real property in this State. The sheriff within ten working days after notification by SLED, ~~must~~ may submit a recommendation on an application. Before making a determination whether or not to issue a permit under this article, SLED must consider the recommendation provided pursuant to this subsection. ~~The failure of the sheriff to submit a recommendation within the ten‑day period constitutes a favorable recommendation for the issuance of the permit to the applicant~~. If the fingerprint review and background check are favorable, SLED must issue the permit.

(C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within ninety days from the date the application was received; otherwise, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of Section 23‑31‑210~~(4)~~(5), SLED shall offer the applicant a handgun training course that satisfies the requirements of Section 23‑31‑210~~(4)(a)~~(5). The course shall cost fifty dollars. SLED shall use the proceeds to defray the training course’s operating costs. If a permit is granted by operation of law because an applicant was not notified of a denial within the ninety‑day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.

(D) Denial of an application may be appealed. The appeal must be in writing and state the basis for the appeal. The appeal must be submitted to the Chief of SLED within thirty days from the date the denial notice is received. The chief shall issue a written decision within ten days from the date the appeal is received. An adverse decision shall specify the reasons for upholding the denial and may be reviewed by the Administrative Law ~~Judge Division~~ Court pursuant to Article 5, Chapter 23 ~~of~~, Title 1, upon a petition filed by an applicant within thirty days from the date of delivery of the division’s decision.

(E) SLED must make permit application forms available to the public. A permit application form shall require an applicant to supply:

(1) name, including maiden name if applicable;

(2) date and place of birth;

(3) sex;

(4) race;

(5) height;

(6) weight;

(7) eye and hair color;

(8) current residence address~~, or if the applicant is a qualified nonresident, current residence address and where the applicant owns real property in this State~~; and

(9) all residence addresses for the three years preceding the application date.

(F) The permit application form shall require the applicant to certify that:

(1) he is not a person prohibited under state law from possessing a weapon;

(2) he understands the permit is revoked and must be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon; and

(3) ~~he is a resident of this State, is military personnel on permanent change of station orders, or is a qualified nonresident; and~~

~~(4)~~ all information contained in his application is true and correct to the best of his knowledge.

(G) Medical personnel, law enforcement agencies, organizations offering handgun education courses pursuant to Section 23‑31‑210~~(4)(a)~~(5), and their personnel, who in good faith provide information regarding a person’s application, must be exempt from liability that may arise from issuance of a permit; provided, however, a weapons instructor must meet the requirements established in Section 23‑31‑210~~(4)(b), (c), (d), (e), or (f)~~(5) in order to be exempt from liability under this subsection.

(H) A permit application must be submitted in person ~~or~~, by mail, or online to SLED headquarters which shall verify the legibility and accuracy of the required documents. If an applicant submits his application online, SLED may continue to make all contact with that applicant through online communications.

(I) SLED must maintain a list of all permit holders and the current status of each permit. SLED may release the list of permit holders or verify an individual’s permit status only if the request is made by a law enforcement agency to aid in an official investigation, or if the list is required to be released pursuant to a subpoena or court order. SLED may charge a fee not to exceed its costs in releasing the information under this subsection. Except as otherwise provided in this subsection, a person in possession of a list of permit holders obtained from SLED must destroy the list.

(J) A permit is valid statewide unless revoked because the person has:

(1) become a person prohibited under state law from possessing a weapon;

(2) moved his permanent residence to another state and no longer owns real property in this State;

(3) voluntarily surrendered the permit; or

(4) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.

Once a permit is revoked, it must be surrendered to a sheriff, police department, a SLED agent, or by certified mail to the Chief of SLED. A person who fails to surrender his permit in accordance with this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty‑five dollars.

(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4 ~~of~~, Chapter 31 ~~of~~, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:

(1) identifies himself as a law enforcement officer; and

(2) requests identification or a driver’s license from a permit holder.

A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty‑five dollars.

(L) SLED shall issue a replacement for lost, stolen, damaged, or destroyed permit identification cards after the permit holder has updated all information required in the original application and the payment of a five‑dollar replacement fee. Any change of permanent address must be communicated in writing to SLED within ten days of the change accompanied by the payment of a fee of five dollars to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder’s failure to notify SLED in accordance with this subsection constitutes a misdemeanor punishable by a twenty‑five dollar fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

(M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a~~:~~

(1) ~~police, sheriff, or highway patrol station or any other law enforcement office or facility~~ law enforcement, correctional, or detention facility;

(2) ~~detention facility, prison, or jail or any other correctional facility or office;~~

~~(3)~~ courthouse or courtroom;

~~(4)~~(3) polling place on election days;

~~(5)~~(4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;

~~(6)~~(5) school or college athletic event not related to firearms;

~~(7)~~(6) daycare facility or pre‑school facility;

~~(8)~~(7) place where the carrying of firearms is prohibited by federal law; or

~~(9)~~ ~~church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body; or~~

~~(10)~~ ~~hospital, medical clinic, doctor’s office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer~~

(8) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23‑31‑220 and 23‑31‑235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary.

A person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

Nothing contained ~~herein~~ in this section may be construed to alter or affect the provisions of Sections 10‑11‑320, 16‑23‑420, 16‑23‑430, 16‑23‑465, 44‑23‑1080, 44‑52‑165, 50‑9‑830, and 51‑3‑145.

(N) Valid out‑of‑state permits to carry concealable weapons held by a resident of a reciprocal state must be honored by this State, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal state carrying a concealable weapon in South Carolina is subject to and must abide by the laws of South Carolina regarding concealable weapons. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity.

(O) A permit issued pursuant to this article is not required for a person:

(1) specified in Section 16‑23‑20, items (1) through (5) and items (7) through (11);

(2) carrying a self‑defense device generally considered to be nonlethal including the substance commonly referred to as ‘pepper gas’; or

(3) carrying a concealable weapon in a manner not prohibited by law.

(P) A permit issued pursuant to this article is valid for ~~four~~ five years. Subject to subsection (Q) ~~of this section~~, SLED shall renew a currently valid permit upon:

(1) payment of a fifty‑dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;

(2) completion of the renewal application; and

(3) ~~submission of a photocopy of the applicant’s valid South Carolina driver’s license or South Carolina identification card, or if the applicant is a qualified nonresident, a photocopy of the applicant’s valid driver’s license or identification card issued by the state in which the applicant resides~~ picture identification or facsimile copy thereof.

(Q) Upon submission of the items required by subsection (P) ~~of this section~~, SLED must conduct or facilitate a ~~local,~~ state~~,~~ and federal ~~fingerprint review~~ background check of the applicant. If the background check is favorable, SLED must renew the permit.

(R) No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.

(S) ~~Once a concealed weapon permit holder is no longer a resident of this State or is no longer a qualified nonresident, his concealed weapon permit is void, and immediately must be surrendered to SLED~~ At least thirty days before a permit issued pursuant to this article expires, SLED shall notify the permit holder by mail or online if permitted by subsection (H) at the permit holder’s address of record that the permit is set to expire along with notification of the permit holder’s opportunity to renew the permit pursuant to the provisions of subsections (P) and (Q).

(T) During the first quarter of each calendar year, SLED must publish a report of the following information regarding the previous calendar year:

(1) the number of permits;

(2) the number of permits that were issued;

(3) the number of permit applications that were denied;

(4) the number of permits that were renewed;

(5) the number of permit renewals that were denied;

(6) the number of permits that were suspended or revoked; and

(7) the name, address, and county of a person whose permit was revoked, including the reason for the revocation ~~under~~ pursuant to ~~Section 23‑31‑215~~ subsection (J)(1).

The report must include a breakdown of such information by county.”

SECTION 3. Section 16‑23‑20(9)(a) of the 1976 Code, as last amended by Act 28 of 2007, is further amended to read:

“(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver’s license, registration, or proof of insurance. If the person has been issued a concealed weapons permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle’s passenger compartment; or”

SECTION 4. Section 16‑23‑10(10) of the 1976 Code, as added by Act 294 of 2004, is amended to read:

"(10) ‘Luggage compartment’ means the trunk of a motor vehicle which has a trunk; however, with respect to a motor vehicle which does not have a trunk, the term ‘luggage compartment’ refers to the area of the motor vehicle in which the manufacturer designed that luggage be carried or to the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hatchback vehicle, truck, or sport utility vehicle, the term ‘luggage compartment’ refers to the area behind~~, but not under,~~ the rearmost seat. ~~In a truck, the term ‘luggage compartment’ refers to the area behind the rearmost seat, but not under the front seat.~~”

SECTION 5. Section 23‑31‑240 of the 1976 Code is repealed.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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

Reps. COLE and PITTS proposed the following Amendment No. 3 to H. 3822 (COUNCIL\MS\3822C003.MS.AHB13):

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

/ SECTION 1. Section 23‑31‑210 of the 1976 Code, as last amended by Act 347 of 2006, is further amended to read:

“Section 23‑31‑210. As used in this article:

(1) ‘Resident’ means an individual who is present in South Carolina with the intention of making a permanent home in South Carolina or military personnel on permanent change of station orders.

(2) ‘Qualified nonresident’ means an individual who owns real property in South Carolina, but who resides in another state.

(3) ‘Picture identification’ means:

(a) a valid ~~South Carolina~~ driver’s license~~, or if the applicant is a qualified nonresident, a valid driver’s license~~ issued by the state in which the applicant resides; or

(b) an official photographic identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or the United States Department of State.

~~(4)~~ ~~‘Proof of residence’ means a person’s current address on the original or certified copy of:~~

~~(a)~~ ~~a valid South Carolina driver’s license;~~

~~(b)~~ ~~an official identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or the United States Department of State;~~

~~(c)~~ ~~a voter registration card; or~~

~~(d)~~ ~~another document that SLED may determine that fulfills this requirement.~~

~~(5)~~(4) ‘Proof of training’ means an original document or certified copy of the document supplied by an applicant that certifies that he is either:

(a) a person who, within three years before filing an application, has successfully completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course ~~must be a minimum of eight hours and~~ must include, but is not limited to:

(i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;

(ii) information on handgun use and safety;

(iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; and

(iv) the actual firing of the handgun in the presence of the instructor;

(b) a person who demonstrates any of the following must comply with the provisions of subitem (a)(i) only:

(i) a person who demonstrates the completition of basic military training provided by any branch of the United States military who produces proof of his military service through the submission of a DD214 form;

(ii) a retired law enforcement officer who produces proof that he is a graduate of the Criminal Justice Academy or that he was a law enforcement officer prior to the requirement for graduation from the Criminal Justice Academy; or

(iii) a retired state or federal law enforcement officer who produces proof of graduation from a federal or state academy that includes firearms training as a graduation requirement.

(c) an instructor certified by the National Rifle Association or another SLED‑approved competent national organization that promotes the safe use of handguns;

~~(c)~~(d) a person who can demonstrate to the Director of SLED or his designee that he has a proficiency in both the use of handguns and state laws pertaining to handguns;

~~(d)~~(e) an active duty police handgun instructor;

~~(e)~~(f) a person who has a SLED‑certified or approved competitive handgun shooting classification; or

~~(f)~~(g) a member of the active or reserve military, or a member of the National Guard who has had handgun training in the previous three years.

SLED shall promulgate regulations containing general guidelines for courses and qualifications for instructors which would satisfy the requirements of this item. For purposes of subitems (a) and (b), ‘proof of training’ is not satisfied unless the organization and its instructors meet or exceed the guidelines and qualifications contained in the regulations promulgated by SLED pursuant to this item.

~~(6)~~(5) ‘Concealable weapon’ means a firearm having a length of less than twelve inches measured along its greatest dimension that must be carried in a manner that is hidden from public view in normal wear of clothing except when needed for self‑defense, defense of others, and the protection of real or personal property.

~~(7)~~(6) ‘Proof of ownership of real property’ means a certified current document from the county assessor of the county in which the property is located verifying ownership of the real property. SLED must determine the appropriate document that fulfills this requirement.”

SECTION 2. Section 23‑31‑215 of the 1976 Code, as last amended by Act 349 of 2008, is further amended to read:

“Section 23‑31‑215. (A) Notwithstanding any other provision of law, except subject to subsection (B) ~~of this section~~, SLED must issue a permit, which is no larger than three and one‑half inches by three inches in size, to carry a concealable weapon to a resident or qualified nonresident who is at least twenty‑one years of age and who is not prohibited by state law from possessing the weapon upon submission of:

(1) a completed application signed by the person;

(2) ~~one current full face color photograph of the person, not smaller than one inch by one inch nor larger than three inches by five inches~~ photocopy of a driver’s license;

(3) proof of residence or if the person is a qualified nonresident, proof of ownership of real property in this State;

(4) proof of actual or corrected vision rated at 20/40 within six months of the date of application or, in the case of a person licensed to operate a motor vehicle in this State, presentation of a valid driver’s license;

(5) proof of training;

(6) payment of a ~~fifty‑dollar~~ seventy‑five dollar application fee for a resident of this State and seventy‑five dollars for a nonresident. This fee must be waived for disabled veterans and retired law enforcement officers; and

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant’s fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

(B) Upon submission of the items required by subsection (A) ~~of this section~~, SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. SLED ~~must~~ also must conduct a background check of the applicant through notification to and input from the sheriff of the county where the applicant resides or if the applicant is a qualified nonresident, where the applicant owns real property in this State. The sheriff within ten working days after notification by SLED, ~~must~~ may submit a recommendation on an application. Before making a determination whether or not to issue a permit under this article, SLED must consider the recommendation provided pursuant to this subsection. ~~The failure of the sheriff to submit a recommendation within the ten‑day period constitutes a favorable recommendation for the issuance of the permit to the applicant~~. If the fingerprint review and background check are favorable, SLED must issue the permit.

(C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within ninety days from the date the application was received; otherwise, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of Section 23‑31‑210~~(4)~~(5), SLED shall offer the applicant a handgun training course that satisfies the requirements of Section 23‑31‑210~~(4)(a)~~(5). The course shall cost fifty dollars. SLED shall use the proceeds to defray the training course’s operating costs. If a permit is granted by operation of law because an applicant was not notified of a denial within the ninety‑day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.

(D) Denial of an application may be appealed. The appeal must be in writing and state the basis for the appeal. The appeal must be submitted to the Chief of SLED within thirty days from the date the denial notice is received. The chief shall issue a written decision within ten days from the date the appeal is received. An adverse decision shall specify the reasons for upholding the denial and may be reviewed by the Administrative Law ~~Judge Division~~ Court pursuant to Article 5, Chapter 23 ~~of~~, Title 1, upon a petition filed by an applicant within thirty days from the date of delivery of the division’s decision.

(E) SLED must make permit application forms available to the public. A permit application form shall require an applicant to supply:

(1) name, including maiden name if applicable;

(2) date and place of birth;

(3) sex;

(4) race;

(5) height;

(6) weight;

(7) eye and hair color;

(8) current residence address~~, or if the applicant is a qualified nonresident, current residence address and where the applicant owns real property in this State~~; and

(9) all residence addresses for the three years preceding the application date.

(F) The permit application form shall require the applicant to certify that:

(1) he is not a person prohibited under state law from possessing a weapon;

(2) he understands the permit is revoked and must be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon; and

(3) ~~he is a resident of this State, is military personnel on permanent change of station orders, or is a qualified nonresident; and~~

~~(4)~~ all information contained in his application is true and correct to the best of his knowledge.

(G) Medical personnel, law enforcement agencies, organizations offering handgun education courses pursuant to Section 23‑31‑210~~(4)(a)~~(5), and their personnel, who in good faith provide information regarding a person’s application, must be exempt from liability that may arise from issuance of a permit; provided, however, a weapons instructor must meet the requirements established in Section 23‑31‑210~~(4)(b), (c), (d), (e), or (f)~~(5) in order to be exempt from liability under this subsection.

(H) A permit application must be submitted in person ~~or~~, by mail, or online to SLED headquarters which shall verify the legibility and accuracy of the required documents. If an applicant submits his application online, SLED may continue to make all contact with that applicant through online communications.

(I) SLED must maintain a list of all permit holders and the current status of each permit. SLED may release the list of permit holders or verify an individual’s permit status only if the request is made by a law enforcement agency to aid in an official investigation, or if the list is required to be released pursuant to a subpoena or court order. SLED may charge a fee not to exceed its costs in releasing the information under this subsection. Except as otherwise provided in this subsection, a person in possession of a list of permit holders obtained from SLED must destroy the list.

(J) A permit is valid statewide unless revoked because the person has:

(1) become a person prohibited under state law from possessing a weapon;

(2) moved his permanent residence to another state and no longer owns real property in this State;

(3) voluntarily surrendered the permit; or

(4) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.

Once a permit is revoked, it must be surrendered to a sheriff, police department, a SLED agent, or by certified mail to the Chief of SLED. A person who fails to surrender his permit in accordance with this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty‑five dollars.

(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4 ~~of~~, Chapter 31 ~~of~~, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:

(1) identifies himself as a law enforcement officer; and

(2) requests identification or a driver’s license from a permit holder.

A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty‑five dollars.

(L) SLED shall issue a replacement for lost, stolen, damaged, or destroyed permit identification cards after the permit holder has updated all information required in the original application and the payment of a five‑dollar replacement fee. Any change of permanent address must be communicated in writing to SLED within ten days of the change accompanied by the payment of a fee of five dollars to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder’s failure to notify SLED in accordance with this subsection constitutes a misdemeanor punishable by a twenty‑five dollar fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

(M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a~~:~~

(1) ~~police, sheriff, or highway patrol station or any other law enforcement office or facility~~ law enforcement, correctional, or detention facility;

(2) ~~detention facility, prison, or jail or any other correctional facility or office;~~

~~(3)~~ courthouse or courtroom;

~~(4)~~(3) polling place on election days;

~~(5)~~(4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;

~~(6)~~(5) school or college athletic event not related to firearms;

~~(7)~~(6) daycare facility or pre‑school facility;

~~(8)~~(7) place where the carrying of firearms is prohibited by federal law; or

~~(9)~~ ~~church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body; or~~

~~(10)~~ ~~hospital, medical clinic, doctor’s office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer~~

(8) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23‑31‑220 and 23‑31‑235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary.

A person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

Nothing contained ~~herein~~ in this section may be construed to alter or affect the provisions of Sections 10‑11‑320, 16‑23‑420, 16‑23‑430, 16‑23‑465, 44‑23‑1080, 44‑52‑165, 50‑9‑830, and 51‑3‑145.

(N) Valid out‑of‑state permits to carry concealable weapons held by a resident of a reciprocal state must be honored by this State, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal state carrying a concealable weapon in South Carolina is subject to and must abide by the laws of South Carolina regarding concealable weapons. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity.

(O) A permit issued pursuant to this article is not required for a person:

(1) specified in Section 16‑23‑20, items (1) through (5) and items (7) through (11);

(2) carrying a self‑defense device generally considered to be nonlethal including the substance commonly referred to as ‘pepper gas’; or

(3) carrying a concealable weapon in a manner not prohibited by law.

(P) A permit issued pursuant to this article is valid for ~~four~~ five years. Subject to subsection (Q) ~~of this section~~, SLED shall renew a currently valid permit upon:

(1) payment of a fifty‑dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;

(2) completion of the renewal application; and

(3) ~~submission of a photocopy of the applicant’s valid South Carolina driver’s license or South Carolina identification card, or if the applicant is a qualified nonresident, a photocopy of the applicant’s valid driver’s license or identification card issued by the state in which the applicant resides~~ picture identification or facsimile copy thereof.

(Q) Upon submission of the items required by subsection (P) ~~of this section~~, SLED must conduct or facilitate a ~~local,~~ state~~,~~ and federal ~~fingerprint review~~ background check of the applicant. If the background check is favorable, SLED must renew the permit.

(R) No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.

(S) ~~Once a concealed weapon permit holder is no longer a resident of this State or is no longer a qualified nonresident, his concealed weapon permit is void, and immediately must be surrendered to SLED~~ At least thirty days before a permit issued pursuant to this article expires, SLED shall notify the permit holder by mail or online if permitted by subsection (H) at the permit holder’s address of record that the permit is set to expire along with notification of the permit holder’s opportunity to renew the permit pursuant to the provisions of subsections (P) and (Q).

(T) During the first quarter of each calendar year, SLED must publish a report of the following information regarding the previous calendar year:

(1) the number of permits;

(2) the number of permits that were issued;

(3) the number of permit applications that were denied;

(4) the number of permits that were renewed;

(5) the number of permit renewals that were denied;

(6) the number of permits that were suspended or revoked; and

(7) the name, address, and county of a person whose permit was revoked, including the reason for the revocation ~~under~~ pursuant to ~~Section 23‑31‑215~~ subsection (J)(1).

The report must include a breakdown of such information by county.”

SECTION 3. Section 16‑23‑20(9)(a) of the 1976 Code, as last amended by Act 28 of 2007, is further amended to read:

“(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver’s license, registration, or proof of insurance. If the person has been issued a concealed weapons permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle’s passenger compartment; or”

SECTION 4. Section 16‑23‑10(10) of the 1976 Code, as added by Act 294 of 2004, is amended to read:

"(10) ‘Luggage compartment’ means the trunk of a motor vehicle which has a trunk; however, with respect to a motor vehicle which does not have a trunk, the term ‘luggage compartment’ refers to the area of the motor vehicle in which the manufacturer designed that luggage be carried or to the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hatchback vehicle, truck, or sport utility vehicle, the term ‘luggage compartment’ refers to the area behind~~, but not under,~~ the rearmost seat. ~~In a truck, the term ‘luggage compartment’ refers to the area behind the rearmost seat, but not under the front seat.~~”

SECTION 5. Section 23‑31‑240 of the 1976 Code is repealed.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COLE explained the amendment.

Rep. PITTS moved to adjourn debate on the Bill, which was agreed to.

**H. 3833--DEBATE ADJOURNED**

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

H. 3833 -- Reps. Horne, Bannister and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-738 SO AS TO ALLOW THE HOLDER OF A RETAIL WINE PERMIT FOR OFF-PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY-FOUR WINE TASTINGS IN A CALENDAR QUARTER, AND TO PROVIDE RESTRICTIONS; AND BY ADDING SECTION 61-4-965 SO AS TO ALSO ALLOW THE HOLDER OF A RETAIL PERMIT AUTHORIZING THE SALE OF BEER FOR OFF-PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY-FOUR BEER TASTINGS IN A CALENDAR QUARTER, AND TO PROVIDE RESTRICTIONS.

**S. 22--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Tuesday, May 14, which was adopted:

S. 22 -- Senators Sheheen, Massey, L. Martin, Hayes, Campsen, Nicholson, Young and Alexander: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2013" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10 OF THE 1976 CODE, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY AMENDING SECTION 1-11-10, TO DIVEST THE BUDGET AND CONTROL BOARD OF CERTAIN PROGRAMS, POWERS, DUTIES, AND RESPONSIBILITIES AND TRANSFER THOSE PROGRAMS, POWERS, DUTIES, AND RESPONSIBILITIES TO OTHER GOVERNMENT AGENCIES; BY AMENDING SECTION 1-11-20, TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR THE TRANSITION; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 1, TO ESTABLISH THE EXECUTIVE BUDGET AND STRATEGIC PLANNING OFFICE WITHIN THE DEPARTMENT OF ADMINISTRATION, AND TO PROVIDE FOR THE POWERS, DUTIES, AND AUTHORITY OF THE OFFICE; BY ADDING CHAPTER 2 TO TITLE 2 TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; BY ADDING CHAPTER 55 TO TITLE 11 TO ESTABLISH THE STATE FISCAL ACCOUNTABILITY AUTHORITY, TO PROVIDE FOR THE MEMBERSHIP OF THE AUTHORITY, AND TO PROVIDE FOR THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE AUTHORITY; TO AMEND CHAPTER 35, TITLE 11 BY ADDING SECTION 11-35-315 TO ESTABLISH THE PROCUREMENT OVERSIGHT BOARD, THE MEMBERSHIP ON THE BOARD, AND THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE BOARD; TO AMEND CHAPTER 3, TITLE 2 BY ESTABLISHING THE LEGISLATIVE FISCAL OFFICE, AND TO PROVIDE FOR THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE OFFICE, TO AMEND TITLE 2 BY ADDING CHAPTER 79 TO ENACT THE STATE AGENCY DEFICIT PREVENTION AND RECOGNITION ACT, AND TO PROVIDE FOR THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH AGENCY DEFICIT PREVENTION AND RECOGNITION; TO AMEND CHAPTER 17, TITLE 60 TO ESTABLISH THE CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION AND THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE COMMISSION; TO AMEND TITLE 2 BY ADDING A CHAPTER 9 TO ESTABLISH THE JOINT STRATEGIC TECHNOLOGY COMMITTEE, TO PROVIDE FOR THE MEMBERS ON THE COMMITTEE AND THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE COMMITTEE; TO ESTABLISH THE CHARLESTON NAVY BASE MUSEUM AUTHORITY, TO PROVIDE THAT THE AUTHORITY MAY EXERCISE ALL POWERS AND AUTHORITY GRANTED TO THE HUNLEY COMMISSION BY SPECIFIC STATUTORY AUTHORITY REFERENCED IN SECTIONS 54-7-100 AND 54-7-110; BY ADDING SECTION 1-11-185, TO PROVIDE FOR APPROVALS FOR PERMANENT IMPROVEMENT PROJECTS; BY ADDING SECTION 11-31-5, TO PROVIDE THAT STATE BOARD MEANS THE GOVERNING BODY OF THE STATE FISCAL AFFAIRS AUTHORITY; BY ADDING SECTION 11-50-65, TO PROVIDE THAT THE STATE FISCAL AFFAIRS AUTHORITY MUST PROVIDE ADMINISTRATIVE SUPPORT TO THE RURAL INFRASTRUCTURE AUTHORITY; TO AMEND SECTIONS 1-11-20, 1-11-25, 1-11-26, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-140, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 1-11-440, 1-15-10, CHAPTER 47, TITLE 2, 2-7-72, 2-7-73, 2-7-74, 2-7-76, 2-13-240, 2-15-50, 2-59-10, CHAPTER 9, TITLE 3, 10-1-10, 10-1-30, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, 10-11-90, 10-11-110, 10-11-140, 10-11-330, 11-9-610, 11-9-620, 11-9-630, 11-9-665, 11-9-670, 11-9-680, 11-9-820, 11-9-825, 11-9-830, 11-9-880, 11-9-890, 11-18-20, 11-27-10, 11-35-310, 11-35-3820, 11-35-3840, 11-35-5270, 11-37-30, 11-37-200, 11-38-20, 11-40-20, 11-40-250, 11-41-70, 11-41-80, 11-41-90, 11-41-100, 11-42-30, 11-42-40, 11-42-60, 11-43-510, 11-45-30, 11-45-55, 11-45-105, 11-49-40, 11-50-50, 11-49-100, 11-51-30, 11-51-125, 11-51-190, 11-53-20, 13-7-10, 13-7-30, 13-7-810, 13-7-830, 13-7-860, 15-78-140, 16-3-1620, 16-3-1680, 25-11-10, 25-11-80, 25-11-90, 25-11-310, 44-38-380, 44-53-530, 44-96-140, 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, 48-52-460, 48-52-635, 48-52-680, 59-109-30, 59-109-40, 59-115-20, 59-115-40, 63-11-500, 63-11-700, 63-11-730, 63-11-1110, 63-11-1140, 63-11-1310, 63-11-1340, 63-11-1360, AND 63-11-1510 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE DEPARTMENT OF ADMINISTRATION, STATE FISCAL ACCOUNTABILITY AUTHORITY, AND OTHER STATE AGENCIES, AND TO SUPPLEMENT SUCH PROVISIONS; AND TO REPEAL SECTIONS 1-30-110, 1-11-22, AND 11-11-90.

**H. 3149--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3149 -- Rep. Tallon: A BILL TO AMEND SECTION 40-54-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING DEALERS IN PRECIOUS METALS, SO AS TO MODIFY THE TERM "PURCHASE"; TO AMEND SECTION 40-54-40, RELATING TO THE REQUIREMENT THAT A SELLER OF PRECIOUS METALS PROVIDE CERTAIN POSITIVE IDENTIFICATION BEARING HIS PHOTOGRAPH, SO AS TO PROVIDE THIS REQUIREMENT MAY BE SATISFIED BY CERTAIN IDENTIFICATION ISSUED BY THE STATE OR THE UNITED STATES; TO AMEND SECTION 40-54-50, RELATING TO A MANDATORY PERIOD FOR WHICH A DEALER IN PRECIOUS METALS MUST HOLD PRECIOUS METALS HE PURCHASES BEFORE HE MAY SELL THE PRECIOUS METALS, SO AS TO INCREASE THE MANDATORY PERIOD AND SPECIFY LOCATION FOR HOLDING THE METALS; AND TO AMEND SECTION 40-54-80, RELATING TO PENALTIES, SO AS TO INCREASE PENALTIES FOR THE PURCHASE OF PRECIOUS METALS BY A DEALER WITH A REVOKED LICENSE.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3149 (COUNCIL\AGM\3149C001.AGM.AB13):

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

/ SECTION 1. Section 40‑54‑10(7) of the 1976 Code is amended to read:

“(7) ‘Purchase’ means the acquisition, including by means of being pawned to a dealer, of precious metal or precious or semiprecious stones or gems or both precious metal and precious or semiprecious stones or gems for a consideration of cash, goods, or other precious metals or precious or semiprecious stones or gems or both precious metals and precious or semiprecious stones or gems. Trade‑ins are covered by the provisions of this chapter unless the item traded was purchased directly from the dealer allowing the trade.”

SECTION 2. Section 40‑54‑20 of the 1976 Code is amended to read:

“Section 40‑54‑20. (A) No dealer as defined herein shall operate in the State of South Carolina unless he first obtains a permit to engage in the business of purchasing precious metals from the local law enforcement agency and operates only from a permanent place of business. No dealer shall operate upon public property nor from a vehicle, flea market, hotel room ~~or~~, residential dwelling, similar temporary location, or sub‑leased space with a lease term of less than one year.

(B) The form of the permit to engage in the business of purchasing precious metals shall be prescribed by the State Law Enforcement Division and all applicants for a permit under this chapter, whether a person, firm or corporation, shall file a written sworn application signed by the applicant if an individual, by all the partners if a partnership, and by the president if a corporation, with the local law enforcement agency showing:

(~~a~~1) The names of the persons managing, supervising or conducting the applicant’s business in any places proposed to carry on business; the addresses of such persons; the driver’s license number of such persons; the capacity in which such persons will act, that is, whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, the state of incorporation.

(~~b~~2) The permanent places of business and other places in the State of South Carolina where it is proposed to carry on the applicant’s business and the places where the applicant has carried on the business of purchasing precious metals within one year preceding the date of such application.

(~~c~~3) Such other reasonable information as to the identity of the persons managing, supervising or conducting the applicant’s business as the local law enforcement agency may deem proper to fulfill the purposes of this chapter.

(~~d~~4) A statement of the nature, character and quality of the precious metals to be purchased in the business.

(C) Upon receipt of such application for a permit, the local law enforcement agency shall cause an investigation of such person’s business and personal background to be made. Such investigation shall be limited to information pertinent to the purpose of this chapter. If, as a result of the investigation, the background is found to be unsatisfactory, the permit shall be denied. The permit shall be denied or issued within thirty days from the date of application. Upon the issuance of the permit, the local law enforcement agency shall notify the State Law Enforcement Division of the locations where the permit holder proposes to carry on his business. The permit issued under this chapter shall be valid for a period of one year from the date issued and the annual fee shall be fifty dollars to provide for the administrative costs. If the dealer intends to operate from more than one location within the State, then separate permits shall be issued for each place of business; provided, however, only one annual fee shall be collected.

(D) The permits under this chapter shall be in addition to and not in lieu of other business licenses.

(E) A permit may be denied, suspended or revoked at any time if the local law enforcement agency discovers that the information on the application is inaccurate or the dealer or applicant does not comply with the requirements of this act. The permit holder shall notify, within ten days, the local law enforcement agency if any substantive changes occur in the permanent place of business in the persons managing, supervising or conducting the applicant’s business, or in the places the permit holder intends to do business.”

SECTION 3. Section 40‑54‑40 of the 1976 Code is amended to read:

“Section 40‑54‑40. (A)(1) Every dealer shall keep a book in which must be written at the time of any purchase of precious metal or precious or semiprecious stones or gems made from the general public, whether in bulk or manufactured form, the date of purchase, amount of money or other property exchanged for the metal, stones, or gems, the name, sex, race, age, address, and driver’s license number of the person selling the items, articles, or things bought, and the number and nature and brand name of the items, articles, or things. Descriptions must include size, weight, patterns, or engraving or any unusual identification marks.

(2) If the seller does not have a driver’s license, some other positive identification bearing his photograph and an identifying number may be substituted including:

(a) another form of identification containing a photograph and issued by the Department of Motor Vehicles;

(b) a passport;

(c) military identification containing a photograph and issued by the United States federal government; or

(d) a South Carolina voter registration card containing a photograph pursuant to Section 7‑5‑675.

(3) If the seller cannot produce a driver’s license or other positive identification, the dealer may not buy any merchandise from him. Every dealer shall, at the time of purchase, obtain the signature of the seller as part of the recording of the transaction.

(B) The record book must be kept for three years and at all reasonable times must be open to the inspection of any judicial or law enforcement officials or their designees.

(C) The local law enforcement agency may not reveal a seller’s identity supplied under this section except to other law enforcement agencies and prosecuting officials or pursuant to the valid order of a court or in the course of any criminal investigation or prosecution.”

SECTION 4. Section 40‑54‑50 of the 1976 Code is amended to read:

“Section 40‑54‑50. (A) No dealer may purchase any precious metal from a minor unless accompanied by his parent or guardian with appropriate identification.

(B) All precious metals, except coins, purchased by a dealer ~~shall~~ must be held by the dealer at his permanent place of business or ~~at another suitable location in the~~ within the county of purchase in this State ~~of South Carolina~~ without being resold, melted, or altered in any manner, for a period of ~~seven~~ fourteen days from the purchase date. This fourteen‑day period begins on the date of purchase. All goods required to be held under this section ~~shall~~ must at all reasonable times be open to inspection by any law enforcement agency.

(C) Coins purchased by a dealer must be held by the dealer at his permanent place of business or at another suitable location in this State without being resold, melted, or altered in any manner for a period of seven days from the purchase date. All goods required to be held under this section must at all reasonable times be open to inspection by any law enforcement agency.”

SECTION 5. Section 40‑54‑80 of the 1976 Code is amended to read:

“Section 40‑54‑80. (A) Any dealer wilfully violating the provisions of this chapter ~~shall be deemed~~ is guilty of a misdemeanor and upon conviction~~,~~ for a first offense~~, shall~~ must be fined not more than five hundred dollars ~~or~~, imprisoned for not more than ninety days, or both. A second offense conviction ~~shall be~~ is punishable by a fine of not more than two thousand dollars ~~or~~, imprisonment for not more than one year, or both. A third or subsequent offense conviction ~~shall be~~ is punishable by a fine of not more than five thousand dollars ~~or~~, imprisonment for not more than three years, or both. A dealer convicted of a second offense ~~shall be~~ is ineligible for a permit to conduct business in precious metals in this State for at least two years and a dealer convicted of a third or subsequent offense ~~shall not be eligible~~ is ineligible for a permit for a least five years.

(B)(1) In addition to the provisions of subsection (A), any dealer who wilfully makes a purchase with an invalid, suspended, or revoked license as a dealer of precious metals is guilty of a misdemeanor and upon conviction for a:

(a) first offense must be fined not more than five hundred dollars, imprisoned for not more than ninety days, or both;

(b) second offense must be fined not more than two thousand dollars, imprisoned for not more than one year, or both; and

(c) third offense must be fined not more than five thousand dollars, imprisoned for not more than three years, or both.

(2)(a) A dealer convicted of a second offense is ineligible for a permit to conduct business in precious metals in this State for at least two years; and

(b) a dealer convicted of a third offense is ineligible for a permit to conduct business in precious metals in this State for at least five years.

(3) A penalty under this section is cumulative to penalties in items (1) and (2).”

SECTION 6. Section 40‑54‑100(1) of the 1976 Code is amended to read:

“(1) a transaction between dealers of precious metals where the selling dealer has already complied with the ~~seven day~~ applicable holding period, nor shall they apply to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions. However, this exemption only applies to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions for the purchase of coins.”

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

Rep. SKELTON moved to adjourn debate on the Bill, which was agreed to.

**H. 3124--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3124 -- Reps. Bingham, Taylor, Long and M. S. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-7-315 SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, OR DISCIPLINING AN EMPLOYEE WHO REPORTS CHILD ABUSE OR NEGLECT, WHETHER REQUIRED OR PERMITTED TO REPORT; AND TO CREATE A CAUSE OF ACTION FOR REINSTATEMENT AND BACK PAY WHICH AN EMPLOYEE MAY BRING AGAINST AN EMPLOYER WHO VIOLATES THIS PROHIBITION.

Rep. HORNE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 71; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Bernstein | Bingham |
| Bowen | Bowers | Branham |
| G. A. Brown | R. L. Brown | Burns |
| Cobb-Hunter | K. R. Crawford | Crosby |
| Daning | Dillard | Douglas |
| Finlay | Funderburk | Gagnon |
| George | Hardee | Harrell |
| Hart | Hayes | Henderson |
| Hiott | Hodges | Horne |
| Hosey | Jefferson | Kennedy |
| King | Limehouse | Long |
| Lowe | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| V. S. Moss | Munnerlyn | Murphy |
| Neal | Owens | Parks |
| Pope | Powers Norrell | Quinn |
| Ridgeway | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Sellers | Skelton | G. M. Smith |
| Sottile | Spires | Stavrinakis |
| Taylor | Vick | Weeks |
| Wells | Williams |  |

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Chumley | Clemmons | Cole |
| H. A. Crawford | Delleney | Forrester |
| Goldfinch | Hamilton | Hardwick |
| Herbkersman | Hixon | Huggins |
| Loftis | Lucas | Merrill |
| D. C. Moss | Nanney | Newton |
| Norman | Patrick | Pitts |
| Riley | Rivers | Simrill |
| G. R. Smith | J. R. Smith | Southard |
| Stringer | Tallon | Thayer |
| Toole | White | Whitmire |
| Willis | Wood |  |

**Total--38**

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

**H. 3956--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3956 -- Reps. Horne and Whipper: 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.

Rep. HORNE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 59; Nays 48

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Bannister | Barfield | Bernstein |
| Bingham | Bowers | Brannon |
| G. A. Brown | R. L. Brown | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crosby | Daning | Dillard |
| Erickson | Funderburk | Gagnon |
| George | Goldfinch | Hardwick |
| Harrell | Hart | Hayes |
| Herbkersman | Horne | Hosey |
| Jefferson | Kennedy | King |
| Limehouse | Long | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | Munnerlyn | Murphy |
| Newton | Ott | Parks |
| Patrick | Pope | Powers Norrell |
| Rutherford | Sabb | Sellers |
| Skelton | J. E. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Vick |  |

**Total--59**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Ballentine | Bedingfield |
| Bowen | Burns | Chumley |
| H. A. Crawford | K. R. Crawford | Delleney |
| Finlay | Forrester | Hamilton |
| Henderson | Hiott | Hixon |
| Huggins | Loftis | Lowe |
| Lucas | D. C. Moss | V. S. Moss |
| Nanney | Neal | Norman |
| Owens | Pitts | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Ryhal | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. R. Smith | Southard | Stringer |
| Thayer | Toole | Weeks |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**Total--48**

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

**H. 3907--RECONSIDERED, AMENDED AND ORDERED TO THIRD READING**

Rep. WILLIS moved to reconsider the vote whereby the following Bill was given second reading, which was agreed to:

H. 3907 -- Reps. Willis, Owens, Stringer, Daning, Brannon, Rivers, Kennedy, King, Mitchell, Putnam, Wells and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 1, TITLE 56 SO AS TO AUTHORIZE THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT UNCERTIFIED CHECKS FOR PAYMENT FOR PRODUCTS OR SERVICES ISSUED BY THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT MAY REFUSE TO PROVIDE A PERSON ANY PRODUCT OR SERVICE, EXCEPT AN IDENTIFICATION CARD, UNTIL THE PERSON HAS PAID ALL FEES OWED THE DEPARTMENT AS A RESULT OF A RETURNED CHECK, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A FEE SPECIFIED IN SECTION 34-11-70 TO COVER THE COSTS ASSOCIATED WITH THE COLLECTION OF FEES, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A PROCESSING FEE FOR THE USE OF CREDIT CARDS, AND TO PROVIDE THAT ALL PROCESSING FEES COLLECTED PURSUANT TO THIS ARTICLE MUST BE PLACED IN A SPECIAL RESTRICTED ACCOUNT TO BE USED BY THE DEPARTMENT TO DEFRAY ITS COSTS.

Rep. WILLIS moved to reconsider the vote whereby the Amendment No. 1 was adopted, which was agreed to.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3907 (COUNCIL\SWB\3907C003. SWB.CM13), which was tabled:

Amend the bill, as and if amended, Section 56‑1‑1210(B), as contained in SECTION 1, page 2, by deleting line 3 and inserting:

/ (B) The department may, upon the approval of the office of State Treasurer, contract with banks or vendors to guarantee collection of funds paid by uncertified check. /

Renumber sections to conform.

Amend title to conform.

Rep. WILLIS moved to table the amendment.

So, the amendment was tabled.

The Committee on Education and Public Works proposed the following Amendment No. 2 to H. 3907 (COUNCIL\AGM\3907C001. AGM.AB13), which was adopted:

Amend the bill, and if amended, Section 56-1-1220 as contained in SECTION 1, page 2, by adding after the period on line 30:

/ (C) Subsections (A) and (B) of this section shall not interfere with a bona fide sale of a motor vehicle by a dealer. /

Renumber sections to conform.

Amend title to conform.

Rep. WILLIS 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 |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Bowers | Branham |
| Brannon | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Erickson |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | 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 |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | 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. 3722--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3722 -- Reps. Wells, Clemmons, Felder, Gagnon, Goldfinch, Hixon, Kennedy, Ridgeway, Robinson-Simpson, Ryhal, G. R. Smith, J. R. Smith, Taylor and Wood: A BILL TO AMEND CHAPTER 1, TITLE 26, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTARIES PUBLIC, SO AS TO DEFINE TERMS, TO MAKE GRAMMATICAL CORRECTIONS, TO PROVIDE THAT TO BE QUALIFIED FOR A NOTARIAL COMMISSION, A PERSON MUST BE REGISTERED TO VOTE AND READ AND WRITE IN THE ENGLISH LANGUAGE, TO AUTHORIZE AND PROHIBIT CERTAIN ACTS OF A NOTARY PUBLIC, TO PROVIDE MAXIMUM FEE A NOTARY MAY CHARGE, TO PROVIDE THE PROCESS FOR GIVING A NOTARIAL CERTIFICATE, TO SPECIFY CHANGES FOR WHICH A NOTARY MUST NOTIFY THE SECRETARY OF STATE, TO PROVIDE THE ELEMENTS AND PENALTIES OF CERTAIN CRIMES RELATING TO NOTARIAL ACTS, AND TO PROVIDE THE FORM FOR A NOTARIZED DOCUMENT SENT TO ANOTHER STATE, AMONG OTHER THINGS.

Rep. WELLS explained the Bill.

Reps. G. M. SMITH, WEEKS, OTT, D. C. MOSS, K. R. CRAWFORD, SABB, MCCOY, CLEMMONS, WILLIAMS, NEAL, MCEACHERN, ANTHONY, R. L. BROWN, ANDERSON, BRANHAM, TAYLOR, GOLDFINCH, H. A. CRAWFORD, J. R. SMITH and KENNEDY requested debate on the Bill.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**RECURRENCE TO THE MORNING HOUR**

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

**H. 3894--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3894 -- Reps. Clemmons and Horne: A BILL TO AMEND SECTION 28-2-370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FACTORS THAT MAY BE CONSIDERED WHEN DETERMINING JUST COMPENSATION IN CONDEMNATION ACTIONS REGARDING EMINENT DOMAIN, SO AS TO INCLUDE DIMINUTION IN VALUE OF THE LANDOWNER'S REMAINING PROPERTY CAUSED BY RECONFIGURATION OF ROADWAYS AND CIRCUITOUS ACCESS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3894 (COUNCIL\MS\3894C001.MS.AHB13):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ TO AMEND SECTION 28‑2‑370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FACTORS THAT MAY BE CONSIDERED WHEN DETERMINING JUST COMPENSATION IN CONDEMNATION ACTIONS REGARDING EMINENT DOMAIN, SO AS TO INCLUDE DIMINUTION IN VALUE OF THE LANDOWNER’S REMAINING PROPERTY CAUSED BY RECONFIGURATION OF ROADWAYS, RESTRICTION OF ACCESS, AND CIRCUITOUS ACCESS.

Whereas, the General Assembly has intended since the passage of the Eminent Domain Procedure Act that just compensation would include all the effects that an exercise of the state’s eminent domain authority has on the value and usefulness of the landowner’s property; and

Whereas, roadway reconfiguration, restriction of access, and circuitous access caused by an exercise of the state’s eminent domain authority may in some instances cause a diminution in value to the landowner’s remaining property; and

Whereas, the General Assembly desires to make clear that its intent is that any such diminution in value to a landowner’s remaining property is an essential consideration in determining just compensation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 28‑2‑370 of the 1976 Code is amended to read:

“Section 28‑2‑370. In determining just compensation, only the value of the property to be taken, any diminution in the value of the landowner’s remaining property including, but not limited to, diminution caused by reconfiguration of roadways, restriction of access, and circuitous access, and any benefits as provided in Section 28‑2‑360 may be considered.”

SECTION 2. This act takes effect upon approval by the Governor and applies to all matters currently pending before a court of competent jurisdiction whether in that court’s original or appellate jurisdiction. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS moved to adjourn debate on the Bill, which was agreed to.

**H. 3147--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3147 -- Reps. Pope, Tallon, Southard, V. S. Moss and Huggins: 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.

Reps. POPE, SIMRILL, NORMAN, KENNEDY and HIOTT requested debate on the Bill.

**H. 4026--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Joint Resolution until Wednesday, May 1, which was adopted:

H. 4026 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO AGRITOURISM AND TOURISM-ORIENTED DIRECTIONAL SIGNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4314, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 4027--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Joint Resolution until Wednesday, May 1, which was adopted:

H. 4027 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SIGN REQUIREMENTS FOR PETITIONS TO CLOSE ROAD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4311, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 4028--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Joint Resolution until Wednesday, May 1, which was adopted:

H. 4028 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SPECIFIC INFORMATION SERVICE SIGNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4312, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**S. 621--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Joint Resolution until Tuesday, May 14, which was adopted:

S. 621 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 3919--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3919 -- Reps. Owens, Bowen, Patrick, Taylor, Anderson, Allison, Brannon, Loftis, Ballentine, Rivers, Huggins, Knight, Simrill, King, Willis, Whitmire, McCoy, Anthony, Crosby, Neal, Clyburn, Barfield, Bedingfield, R. L. Brown, Cobb-Hunter, George, Hayes, Hiott, Hixon, Hosey, Lucas, Pope, Putnam, G. R. Smith, Wells, Wood, Whipper, Mitchell, Robinson-Simpson and Dillard: A BILL TO AMEND SECTION 59-18-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXIT EXAM REQUIRED FOR HIGH SCHOOL GRADUATION, SO AS TO PROVIDE THAT ALL STUDENTS MUST TAKE THE EXIT EXAM TO GRADUATE BUT NEED NOT ATTAIN ANY MINIMUM SCORE ON THE EXIT EXAM TO GRADUATE, TO PROVIDE AN ELIGIBLE STUDENT WHO PREVIOUSLY FAILED TO RECEIVE A HIGH SCHOOL DIPLOMA OR WAS DENIED GRADUATION SOLELY FOR FAILING THE EXIT EXAM MAY REENROLL IN HIGH SCHOOL AND WILL NOT HAVE TO PASS THE EXIT EXAM TO RECEIVE A HIGH SCHOOL DIPLOMA, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO REMOVE ANY CONFLICTING REQUIREMENTS AND PROMULGATE CONFORMING CHANGES IN ITS APPLICABLE REGULATIONS; TO AMEND SECTION 59-48-35, RELATING TO REQUIREMENTS FOR A DIPLOMA FROM THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS, AND SECTION 59-139-60, RELATING TO THE DUTY OF THE STATE BOARD OF EDUCATION TO REVIEW STUDENT PERFORMANCE ON ASSESSMENT TESTING AND TO MONITOR THE PERFORMANCE OF SCHOOLS AND SCHOOL DISTRICTS, ALL SO AS TO MAKE CONFORMING CHANGES; AND TO CREATE THE HIGH SCHOOL ASSESSMENT STUDY COMMITTEE TO CONSIDER WHETHER THE HIGH SCHOOL ASSESSMENT PROGRAM SHOULD REMAIN THE ACCOUNTABILITY ASSESSMENT USED BY THE STATE AND TO RECOMMEND AN ALTERNATIVE IF NECESSARY, TO PROVIDE FOR THE COMPOSITION AND STAFFING OF THE STUDY COMMITTEE, TO REQUIRE THE COMMITTEE REPORT CERTAIN INFORMATION TO THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE TERMINATION OF THE STUDY COMMITTEE.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3919 (COUNCIL\AGM\3919C001. AGM.AB13), which was adopted:

Amend the bill, as and if amended, Section 59‑18‑310(B)(2), as contained in Part I, SECTION 1, page 3, lines 1‑2, by deleting /Department of Education/ and inserting /State Board of Education/.

Amend the bill further, SECTION 4, by deleting subsection (B)(8) and (9).

Renumber sections to conform.

Amend title to conform.

Rep. OWENS 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 100; Nays 10

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| 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 | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Erickson | Finlay |
| Forrester | Gagnon | Gambrell |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | McEachern |
| M. S. McLeod | Merrill | Mitchell |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Quinn |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| H. A. Crawford | K. R. Crawford | Funderburk |
| Lucas | McCoy | D. C. Moss |
| Ridgeway | G. M. Smith | Stavrinakis |
| Weeks |  |  |

**Total--10**

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

**H. 4020--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4020 -- Rep. Allison: A JOINT RESOLUTION TO PROVIDE THAT ACT 99 OF 1999, THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT, IS REAUTHORIZED UNTIL JULY 1, 2014.

Rep. ALLISON explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | 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 | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pope | Powers Norrell | 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 | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--112**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution 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. 4020, First Steps. If I had been present, I would have voted in favor of the Joint Resolution.

Rep. Walt McLeod

**H. 4033--DEBATE ADJOURNED**

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

H. 4033 -- Rep. Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-2426 SO AS TO PROVIDE THAT ONE-HALF OF THE PAID ADMISSIONS TO A SOCCER SPECIFIC STADIUM IS EXEMPT FROM THE ADMISSION LICENSE TAX IMPOSED PURSUANT TO SECTION 12-21-2420, AND TO DEFINE THE TERM "SOCCER SPECIFIC STADIUM".

**H. 4038--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4038 -- Reps. Sandifer and Harrell: A BILL TO AMEND SECTION 40-22-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE APPLICATION OF THE CHAPTER CONCERNING ENGINEERS AND SURVEYORS, SO AS TO ADD AN EXEMPTION FOR CERTAIN ENGINEERS.

Rep. SANDIFER proposed the following Amendment No. 1 to H. 4038 (COUNCIL\AGM\4038C001.AGM.AB13), which was adopted:

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

/ SECTION 1. Section 40‑22‑280(A) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) the work or practice of a person rendering engineering services to a corporation that operates in South Carolina under a production certificate issued by the Federal Aviation Authority, provided that the general business of the corporation does not consist, either wholly or in part, of the rendering of engineering services to the general public. For purposes of this section, ‘Engineering services’ means design, construction, and maintenance of airplanes and airplane manufacturing equipment.”

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

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER 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 |
| 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 |
| Douglas | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | 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.

**S. 237--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Wednesday, May 1, which was adopted:

S. 237 -- Senators Shealy, Setzler, Courson, Turner, Cromer, Massey, Young and Alexander: A BILL TO AMEND SECTION 10-1-161 OF THE 1976 CODE, RELATING TO STATE CAPITOL BUILDING FLAGS FLOWN AT HALF-STAFF, TO PROVIDE THAT FLAGS ATOP THE STATE CAPITOL BUILDING MUST BE LOWERED TO HALF-STAFF FOR MEMBERS OF THE UNITED STATES MILITARY SERVICES, WHO WERE RESIDENTS OF THIS STATE AND WHO LOST THEIR LIVES IN THE LINE OF DUTY, ON THE DAY WHEN THEIR NAMES ARE RELEASED TO THE GENERAL PUBLIC, AND THE FLAGS SHALL REMAIN AT HALF-STAFF UNTIL AT LEAST DAWN THE SECOND DAY AFTER FUNERAL SERVICES ARE CONDUCTED.

**H. 3631--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3631 -- Reps. Daning, Crosby, Sottile, Atwater, Sabb, Erickson and Newton: 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.

Rep. HERBKERSMAN proposed the following Amendment No. 2S to H. 3631 (COUNCIL\NL\3631C003.NL.DG13), which was adopted:

Amend the bill, as and if amended, Section 56‑3‑115, by adding an appropriately numbered subsection to read:

/ ( ) The provisions of this section that restrict the operation of a golf cart to daylight hours only do not apply to a golf cart that is equipped with working headlights and rear lights so long as the operator may legally operate a motor vehicle after daylight. /

Renumber sections to conform.

Amend title to conform.

Rep. DANING explained the amendment.

The amendment was then adopted.

Rep. W. J. MCLEOD proposed the following Amendment No. 3 to H. 3631 (COUNCIL\NL\3631C002.NL.DG13), which was tabled:

Amend the bill, and if amended, by striking Section 56‑3‑115(E), and inserting:

/ (E) A political subdivision may, on designated streets or roads within the political subdivision’s jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles. However, a political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section. /

Renumber sections to conform.

Amend title to conform.

Rep. DANING explained the amendment.

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

Rep. DANING proposed the following Amendment No. 4 to H. 3631 (COUNCIL\SWB\3631C003.SWB.CM13), which was adopted:

Amend the bill, and if amended, Section 56‑3‑115(B), as contained in SECTION 1, page 1, by adding after the period on line 34:

/ The Comptroller General shall place a sufficient portion of this fee into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering golf cart permits. /

Renumber sections to conform.

Amend title to conform.

Rep. DANING 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 75; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bernstein | G. A. Brown | Burns |
| Clemmons | Clyburn | Cole |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Finlay |
| Forrester | Gambrell | Goldfinch |
| Hardee | Hardwick | Harrell |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Kennedy | King |
| Limehouse | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | Merrill | Mitchell |
| V. S. Moss | Munnerlyn | Murphy |
| Neal | Newton | Norman |
| Owens | Parks | Patrick |
| Powers Norrell | Quinn | Ridgeway |
| Rivers | Robinson-Simpson | Rutherford |
| Sabb | Sandifer | Sellers |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Vick | Wells |
| Whitmire | Williams | Wood |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Bingham |
| Branham | Brannon | Chumley |
| Cobb-Hunter | H. A. Crawford | K. R. Crawford |
| Douglas | Hamilton | Hayes |
| Henderson | Hiott | Huggins |
| Loftis | D. C. Moss | Nanney |
| Ott | Pitts | Riley |
| Ryhal | Skelton | G. R. Smith |
| Stringer | Weeks | White |
| Willis |  |  |

**Total--28**

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

**H. 3561--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3561 -- Reps. White, Stavrinakis and Merrill: A BILL TO AMEND SECTION 12-36-920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX ON ACCOMMODATIONS, SO AS TO DELETE CERTAIN ITEMS SUBJECT TO THE FIVE PERCENT TAX ON ADDITIONAL SURCHARGES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3561 (COUNCIL\BBM\3561C003. BBM.HTC13), which was adopted:

Amend the bill, and if amended, by striking SECTION 1, page 1, and inserting:

/ SECTION 1. Subsections (A) and (B) of Section 12‑36‑920 of the 1976 Code, as last amended by Act 56 of 2005, are further amended to read:

“(A) A sales tax equal to seven percent is imposed on the gross proceeds derived from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration. This tax does not apply where the facilities consist of less than six sleeping rooms, contained on the same premises, which is used as the individual’s place of abode. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of ninety continuous days are not considered proceeds from transients. The tax imposed by this subsection (A) does not apply to additional guest charges as defined in subsection (B) or separately stated optional charges on a bill to a customer for amenities, entertainment, special items in promotional tourist packages, and other guest services.

(B) A sales tax of five percent is imposed on additional guest charges at any place where rooms, lodgings, or accommodations are furnished to transients for a consideration, unless otherwise taxed under this chapter. For purposes of this subsection, ~~The term~~ additional guest charges ~~includes, but is not limited to~~ are limited to charges for:

(1) room service;

(2) ~~amenities;~~

~~(3)~~ ~~entertainment;~~

~~(4)~~ ~~special items in promotional tourist packages;~~

~~(5)~~ laundering and dry cleaning services;

~~(6)~~(3) in‑room movies;

~~(7)~~(4) telephone ~~charges~~ service; and

~~(8)~~(5) rentals of meeting rooms~~; and~~

~~(9)~~ ~~other guest services~~.” /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE 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 105; Nays 0

Those who voted in the affirmative are:

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

**Total--105**

Those who voted in the negative are:

**Total--0**

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

Rep. CLYBURN moved that the House recede until 3:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 3:30 p.m. the House resumed, ACTING SPEAKER NEAL in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3945--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3945 -- Reps. G. M. Smith, Harrell, Lucas, Bannister, Toole, Stringer, Hamilton, Sottile, Barfield, Bingham, Spires, Hardwick, Owens, Hiott, Long, Erickson, Murphy, Horne, Willis, Gagnon, Simrill, Funderburk and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, TO PROVIDE FOR ITS POWERS, DUTIES, PROCEDURES, AND JURISDICTION, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO REPEAL ARTICLE 3, CHAPTER 13, TITLE 8 RELATING TO THE STATE ETHICS COMMISSION; TO REPEAL ARTICLE 5, CHAPTER 13, TITLE 8 RELATING TO THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-700, AS AMENDED, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, SO AS TO PROVIDE THAT IF A MEMBER OF THE GENERAL ASSEMBLY DETERMINES THAT HE HAS A CONFLICT OF INTEREST, HE MUST COMPLY WITH CERTAIN REQUIREMENTS BEFORE ABSTAINING FROM ALL VOTES ON THE MATTER, AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL WHO IS REQUIRED TO RECUSE HIMSELF FROM A MATTER MUST DO SO; TO AMEND SECTION 8-13-740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL ENTITY, SO AS TO FURTHER DELINEATE WHAT IS CONSIDERED A CONTESTED CASE WHEN REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY IS PERMITTED; TO AMEND SECTION 8-13-745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY OR AN ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO DELETE A PROHIBITION AGAINST CERTAIN CONTRACTS WITH AN ENTITY FUNDED WITH GENERAL FUNDS; TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, SO AS TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8-13-1338, RELATING TO PERSONS WHO MAY NOT SOLICIT CONTRIBUTIONS, SO AS TO INCLUDE THE HEAD OF ANY STATE AGENCY WHO IS SELECTED BY THE GOVERNOR, THE GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, SO AS TO DELETE AN EXCEPTION FOR A COMMITTEE CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 8-13-1510 AND 8-13-1520, BOTH AS AMENDED, RELATING TO PENALTIES FOR ETHICAL AND OTHER VIOLATIONS, AND BY ADDING SECTION 8-13-1530 SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS AND FOR WHERE CERTAIN WILFUL VIOLATIONS MUST BE TRIED; AND TO REPEAL SECTIONS 8-13-710 AND 8-13-715 RELATING TO REPORTING OF PARTICULAR GIFTS AND AUTHORIZED REIMBURSEMENTS FOR SPEAKING ENGAGEMENTS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3945 (COUNCIL\AGM\3945C003.AGM.SD13), which was tabled:

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

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

“Article 4

South Carolina Commission on Ethics Enforcement

and Disclosure

Section 8‑13‑410. (A) There is created the South Carolina Commission on Ethics Enforcement and Disclosure composed of twelve members selected as follows:

(1) four members elected by the House of Representatives;

(2) four members elected by the Senate; and

(3) four members appointed by the Governor.

The House of Representatives and Senate must provide for application, screening, and bipartisan election processes within their respective Houses by rule of that House.

All members shall serve six year terms and until their successors are appointed or elected and qualify. However, one member elected by the House and by the Senate, and one member appointed by the Governor shall serve an initial term of two years and one member elected by the House and by the Senate, and one member appointed by the Governor shall serve an initial term of four years, the initial terms of all members to be designated by their appointing or electing authority when making the appointments or conducting the elections. No person shall serve consecutive terms. The members who serve an initial term of less than six years are eligible to be reappointed or reelected for a single additional term of six years.

No member of the General Assembly or other public official is eligible to serve on the commission and selections must be based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina. In addition, members shall have at least a bachelor’s degree from an accredited college or university and also at least ten years experience in business, industry, law, accounting, investigatory work, or government with a diverse background of positions or responsibilities that best qualify them for selection to the commission.

(B) Vacancies must be filled in the manner of the original selection for the unexpired portion of the term only.

(C) The chairman of the commission is elected by the members of the commission. The commission may elect a vice chairman and such other officers as it considers necessary. Seven members of the commission shall constitute a quorum. The commission shall adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority of its members and is required to meet at least once a month. Members may set their own policy related to the rotation of the selection of officers other than the chairman.

(D)(1) Each member of the commission shall receive an annual salary of twelve thousand dollars. This compensation must be paid from the approved accounts of the commission. Members, in addition to their annual salary, shall receive mileage and subsistence authorized by law for members of state boards, commissions, and committees paid from approved accounts of the commission.

(2) Notwithstanding any other provision of law, membership on the commission does not make a member eligible to participate in a retirement system administered pursuant to Title 9 and does not make a member eligible to participate in the employee insurance program administered pursuant to Article 5, Chapter 11, Title 1. Any compensation paid on account of the member’s service on the commission is not considered earnable compensation for purposes of any state retirement system.

(E) The terms of the members of the commission begins on July first of the applicable year and ends on June thirtieth. The terms of the present members of the State Ethics Commission selected in the manner provided by the provisions of Article 3, Chapter 13, Title 8 now being repealed shall expire on June 30, 2013, and their successors selected in the manner provided by this article shall take office on July 1, 2013. Nothing herein prevents a current member of the commission whose term expires on June 30, 2013, from being considered for or from being appointed or elected to the reconstituted commission for a term to begin July 1, 2013.

(F) The commission shall receive such appropriations for its operations and responsibilities as may be provided by the General Assembly in the annual general appropriations act, in addition to the funding provided to the commission pursuant to Section 8‑13‑465.

(G) A member, while serving on the commission, may not make political contributions in the manner prohibited by Section 8‑13‑470 and shall conduct themselves in accordance with Cannons of Judicial Conduct as issued and amended by the South Carolina Supreme Court.

Section 8‑13‑415. The commission has these duties and powers:

(1) to prescribe online forms for statements required to be filed by this chapter and make these forms available in a publicly accessible online format;

(2) to prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements required by this chapter;

(3) to accept and file information voluntarily supplied that exceeds the requirements of this chapter;

(4) to develop and maintain a searchable, online database of all filings received by the commission. At a minimum. the database must be searchable by the name of any filer, contributor, or recipient of campaign funds, office sought, or position held;

(5) to ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of this chapter and to notify promptly the person to file the necessary notices and reports to satisfy the requirements of this chapter or regulations promulgated by the commission under this chapter;

(6)(a) to initiate or receive complaints alleging any violation of Chapter 17, Title 2 or Chapter 13, Title 8, including the receipt of complaints against:

(i) all statewide or constitutional officers of the state and their staffs;

(ii) all members of the General Assembly and their staffs, including employees of caucuses;

(iii) any person who holds an elected or appointed position for any political subdivision of the state and their staffs;

(iv) members of all boards and commission of the State and its political subdivisions and their staffs;

(v) any lobbyist or lobbyist principal or any person acting as a lobbyist or lobbyist principal who has failed to register as such;

(vi) candidates for a state or local public office filled by popular election whether or not elected to such office;

(b)(i) no complaint may be accepted by the commission concerning a candidate for elective office during the fifty‑day period before an election in which the person is a candidate;

(ii) action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be processed by the commission, must be postponed until after the election;

(c) if an alleged violation is found to be groundless by the commission, the entire matter must be stricken from public record. If the commission finds that the complaining party willfully filed a groundless complaint, the finding must be reported to the Attorney General. The willful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year;

(d) action may not be taken on a complaint filed more than one year after the person complained of has left the particular office or position they held during which the alleged violation occurred unless a person, by fraud or other device, prevents discovery of the violation;

(7) to issue, upon request from persons covered by this chapter, and publish advisory opinions on the requirements of this chapter, based on real or hypothetical sets of circumstances; provided, that an opinion rendered by the commission, until amended or revoked, is binding on the commission in any subsequent charges concerning the person who requested the opinion and who acted in reliance on it in good faith unless material facts were omitted or misstated by the person in the request for the opinion. Advisory opinions must be in writing and are considered rendered when approved by five or more commission members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the commission, by majority vote of the total membership of the commission, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request;

(8) to promulgate regulations to carry out the provisions of this chapter. However, with respect to complaints, investigations, and hearings the rights of due process as expressed in the rules governing the practice of law must be followed;

(9) to administer Chapter 17, Title 2 and Chapter 13, Title 8 by use of the duties and powers listed in this section;

(10) to file, in the court of common pleas of the county in which the respondent of a complaint resides, a certified copy of an order or decision of the commission, whereupon the court shall render judgment in accordance with the order or decision without charge to the commission and shall notify the respondent of the judgment imposed. The judgment has the same effect as though it had been rendered in a case duly heard and determined by the court; and

(11) to file a complaint against an individual over whom the commission has jurisdiction by a majority vote of the full commission upon the receipt of credible information received from a state or federal law enforcement agency.

Section 8‑13‑420. All complaints received by the commission must:

(1) be in written form;

(2) contain specific factual allegations of a violation of Chapter 17, Title 2 or Chapter 13, Title 8 against an individual public official, public employee, or public member;

(3) contain any and all supporting documentation or evidence in the possession of the complainant that supports the allegations contained in the complaint;

(4) be signed by the person filing the complaint; and

(5) contain a signed statement that the complainant will abide by the procedures established by the commission for the investigation and disposition of complaints.

Section 8‑13‑425. (A) Except as otherwise provided in Section 8‑13‑450(D), all complaints, documents, meetings, correspondence, memorandums, or other items in the possession of the commission relating to a specific complaint are considered confidential until the complaint is substantiated by a vote of the full commission as provided in Section 8‑13‑450(C).

(B) The release, in any manner, of any information by any person in violation of subsection (A) is a considered a misdemeanor and, upon conviction, the person must be fined one thousand dollars or imprisoned sixty days, or both.

(C) The commission is authorized through its staff to prosecute violations of this section before the appropriate magistrate’s court of Richland County.

Section 8‑13‑430. A respondent, at any time after being notified of the existence of a complaint against them, may waive their right to confidentiality. This waiver must be made in writing and signed by the respondent or their counsel. All waivers are considered complete and shall apply to all materials, except internal commission communications or attorney work product unrelated to the staff’s investigation of the complaint, that is in the possession of the commission and its staff. Partial waivers are not allowed.

Section 8‑13‑435. (A) Upon the receipt of a complaint, the executive director of the commission shall:

(1) within ten business days forward a copy of the complaint and all supporting evidence or documentation submitted by the complainant to the subject of the complaint;

(2) evaluate the allegations of the complaint, assuming all alleged facts are accurate, to determine if the complaint contains an allegation of a violation of Chapter 17, Title 2 or Chapter 13, Title 8. If the complaint does not contain facts sufficient to constitute a violation of Chapter 17, Title 2 or Chapter 13, Title 8, the executive director shall cause the complaint to be dismissed and notify the complainant and respondent of his decision, in writing. If the matter is dismissed, the executive director shall have no further duties related to the specific complaint;

(3) cause a panel of three commissioners, one from each of the appointing authorities, to be assigned to oversee the commission’s investigation of the complaint;

(4) notify the respondent, in writing, that they shall reply to the allegations in writing within thirty calendar days of this notification. The executive director also shall advise the respondent, in writing, of their right to obtain counsel and the investigation and hearing procedures used by the commission,

(5) cause the commission staff to begin the investigation of the complaint. Staff assigned to investigate a complaint shall report directly to the three member panel assigned for that complaint.

Section 8‑13‑440. (A) The staff may request and receive information in any form from any party relevant to the complaint being investigated.

(B) The commission staff, through an affirmative vote of the three member panel, may issue subpoenas for documents in the possession of either the complainant or respondent in a matter or in possessing of any relevant witness identified by either party in their initial filing with the commission.

(C) The commission staff, through an affirmative vote of the three member panel, may request the assistance of specialized staff from the Department of Revenue or the South Carolina Law Enforcement Division, as the matter may require. Upon a request from the commission, the Department of Revenue or SLED may temporarily assign the necessary staff to the commission. Any temporarily assigned staff shall abide by the policy and procedures for investigation set out by the commission and shall report to the three member panel.

(D) The staff, under the supervision of the three member panel, shall compile the results of its investigation, including all supporting documentation, depositions, or other evidence for presentation to the full commission.

Section 8‑13‑445. The three member panel, at any time during the conduct of the investigation, may recommend to the full commission and the commission may determine by majority vote that the matter be:

(1) disposed of by issuing a confidential letter of reprimand as provided for in Section 8‑13‑450(D) containing specified corrective actions required of the respondent;

(2) disposed of by entering into a public consent order with the respondent by which the respondent agrees to undertake specific actions;

(3) referred to the Public Integrity Unit pursuant to Section 23‑2‑60 for the investigation of alleged criminal activity; or

(4) dismissed for lack of evidence.

Section 8‑13‑450. (A) The results of an investigation by the three member panel, along with the complaint, respondents response, and all documentation accompanying both, then must be presented to the full commission in executive session, unless the respondent has waived their right to confidentiality, by the commission staff.

(B) The full commission shall consider whether the weight of the evidence presented constitutes facts sufficient to determine if the complaint has been substantiated.

(C) The commission, by a majority vote of the membership, may determine that a complaint is substantiated. ‘Substantiated’ for this purpose means the establishment by proof or competent evidence that there is substance to the alleged violation.

(D) If the full commission, based on the recommendation of the three member panel that a confidential letter of reprimand be issued, substantiates the complaint but finds the violation was a technical and not a substantive violation, was committed without intent, and by majority vote of its membership approves the issuance of a confidential letter of reprimand, the confidential letter of reprimand shall be issued, which together with all other materials and information relating to the complaint and investigation, shall remain confidential and privileged and not subject to disclosure. If the full commission finds the complaint has been substantiated and is of a substantive nature, all records and information of the commission relating to the complaint and its investigation at this point become public information.

Section 8‑13‑455. Upon a finding that a complaint is substantiated, the commission may:

(1) enter into a consent order with the respondent by which the respondent agrees to undertake specific actions to rectify the violation substantiated by the commission; or

(2) set a date for a public hearing to determine whether the complaint is factually accurate and a violation occurred.

Section 8‑13‑460. (A) All hearings must be conducted in public before the full commission.

(B) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the commission’s possession relating to the charges. The same discovery techniques which are available to the commission must be equally available to the respondent, including the right to request the commission to subpoena witnesses or materials and the right to conduct depositions. The commission shall conduct the hearing in accordance with Chapter 23, Title 1 (Administrative Procedures Act), except as otherwise expressly provided. During a commission hearing conducted to determine whether a violation of the chapter has occurred, the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All evidence, including records the commission considers, must be offered fully and made a part of the record in the proceedings.

(C) The executive director shall serve as the presiding officer for all hearings.

(D) The commission may deliberate in executive session by its own motion. However, all votes on the merits of the complaint must be held in public session. If the commission determines after hearing that a violation occurred, it may impose the penalties authorized by Section 8‑13‑1510 or 8‑13‑1520.

Section 8‑13‑465. In order to offset costs associated with the: (1) administration and regulation of lobbyists and lobbyists’ principals, and (2) enforcement of Chapter 17, Title 2, the commission shall retain fees generated by the registration of lobbyists and lobbyists’ principals and the initial fine of one hundred dollars, as provided in Section 2‑17‑50(A)(2)(a), and the initial fine of one hundred dollars, as provided in Section 8‑13‑1510(1), for reports received by the commission.

Section 8‑13‑470. (A) The commission may employ and remove, at its pleasure, an executive director. The executive director has the responsibility for employing and terminating other personnel as may be necessary. The executive director administers the daily business of the commission and performs duties assigned by the commission.

(B) No member or employee of the commission may be a candidate, an official in a political party, or a lobbyist. Other than by virtue of membership on or employment with the commission, no member or employee of the commission may be a public official, public member, or public employee.

(C) No member of the commission or its staff may participate in political management or in a political campaign during the member’s or employee’s term of office or employment. No member of the commission or its staff may make a contribution to a candidate or member of the General Assembly or knowingly attend a fundraiser held for the benefit of a candidate or member of the General Assembly. Violation of this provision subjects the employee to immediate dismissal and the commissioner to removal.

Section 8‑13‑475. The commission at the close of each fiscal year shall report to the General Assembly and the Governor concerning the action it has taken, the names, salaries, and duties of all persons in its employ, and the money it has disbursed and shall make other reports on matters within its jurisdiction and recommendations for further legislation as may appear desirable.

Section 8‑13‑480. When hired, filing for office, or appointed and upon assuming the duties of employment, office, or position in state government, a public official, public member, and public employee shall receive a brochure prepared by the commission describing the general application of this chapter.

Section 8‑13‑485. Upon request, the commission shall make statements and reports filed with the commission available for public inspection and copying during regular office hours. The commission shall provide copying facilities at a cost not to exceed the actual cost. A statement may be requested by mail, and the commission shall mail a copy of the requested information to the individual making the request upon payment of appropriate postage, copying costs, and employee labor costs. The commission shall publish and make available to the public and to persons subject to this chapter explanatory information concerning this chapter, the duties imposed by this chapter, and the means for enforcing this chapter.

Section 8‑13‑490. The 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. 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.”

SECTION 2. Articles 3 and 5, Chapter 13, Title 8 of the 1976 Code are repealed; provided that Section 8‑13‑560 as contained in Article 5, Chapter 13, Title 8 is not repealed but is redesignated as Section 8‑13‑702 of Article 7, Chapter 13, Title 8.

SECTION 3. (A) The appropriations, assets, and liabilities of the State Ethics Commission, as abolished by the provisions of SECTION 2 of this act, are transferred to the newly created South Carolina Commission on Ethics Enforcement and Disclosure on the effective date of this act. References to the State Ethics Commission in any provision of law must be construed to mean appropriate references and the Code Commissioner is directed to conform these references accordingly.

(B) The employees of the State Ethics Commission abolished by the provisions of this act shall not automatically become employees of the newly created South Carolina Commission on Ethics Enforcement and Disclosure, but may be considered for employment by the executive director when the members of the newly created commission take office and select an executive director.

(C) Regulations promulgated by the former State Ethics Committee are continued and are considered to be promulgated by the newly created South Carolina Commission on Ethics Enforcement and Disclosure, mutatis mutandis.

SECTION 4. Section 2‑17‑10(12) and (13) of the 1976 Code is amended to read:

“(12) ‘Lobbying’ means promoting or opposing through direct communication with public officials or public employees:

(a) the introduction or enactment of legislation before the General Assembly or the committees or members of the General Assembly;

(b) covered gubernatorial actions;

(c) covered agency actions; ~~or~~

(d) consideration of the election or appointment of an individual to a public office elected or appointed by the General Assembly; or

(e) the introduction or enactment of ordinances or other local initiatives by county or municipal governing bodies, including those actions taken by mayors or municipal or county administrators and school districts.

‘Lobbying’ does not include the activities of a member of the General Assembly, a member of the staff of a member of the Senate or House of Representatives, the Governor, the Lieutenant Governor, or a member of the executive staff of the Governor or Lieutenant Governor acting in his capacity as a public official or public employee with regard to his public duties.

(13) ‘Lobbyist’ means any person who is employed, appointed, or retained, with or without compensation, by another person to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official on any state agency, board, or commission concerning any covered agency actions; ~~or~~ (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions; or (iv) the introduction or enactment of ordinances or other local initiatives by county or municipal governing bodies, including those actions taken by mayors or municipal or county administrators and school districts. ‘Lobbyist’ also means any person who is employed, appointed, or retained, with or without compensation, by a state agency, college, university, or other institution of higher learning to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official of any state agency, board, or commission concerning any covered agency actions; or (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions. ‘Lobbyist’ does not include:

(a) an individual who receives no compensation to engage in lobbying and who expresses a personal opinion on legislation, covered gubernatorial actions, ordinances or local initiatives, or covered agency actions to any public official or public employee;

~~(b) a person who appears only before public sessions of committees or subcommittees of the General Assembly, public hearings of state agencies, public hearings before any public body of a quasi‑judicial nature, or proceedings of any court of this State~~;

(~~c~~b) any duly elected or appointed official or employee of the State, the United States, a county, municipality, school district, or a political subdivision thereof, or a member of the judiciary when appearing solely on matters pertaining to his office and public duties unless lobbying constitutes a regular and substantial portion of such official’s or employee’s duties;

(~~d~~c) a person performing professional services in drafting legislation, ordinances or local initiatives, or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation or ordinances or local initiatives;

(~~e~~d) a person who owns, publishes, or is employed by a radio station, television station, wire service, or other bona fide news medium which in the ordinary course of business disseminates news, editorials, columns, other comments, or other regularly published periodicals if such person represents no other person in lobbying for legislation, covered agency actions, ordinances or local initiatives, or covered gubernatorial actions. This exception applies to the publication of any periodical which is published and distributed by a membership organization to its subscribers at least twelve times annually and for which an annual subscription charge of at least one dollar fifty cents a subscriber is made;

(~~f~~e) a person who represents any established church solely for the purpose of protecting the rights of the membership of the church or for the purpose of protecting the doctrines of the church or on matters considered to have an adverse effect upon the moral welfare of the membership of the church; or

(~~g~~f) a person who is running for office elected by the General Assembly or a person soliciting votes on the behalf of a person who is running for office elected by the General Assembly unless such person is otherwise defined as a lobbyist by this section~~; or~~

~~(h) an individual who receives no compensation to engage in lobbying and who does not make expenditures or incur obligations for lobbying in an aggregate amount in excess of five hundred dollars in a calendar year~~.

SECTION 5. Section 8‑13‑100(4), (11), (17), and (21) of the 1976 Code is amended to read:

“(4) ‘Business with which he is associated’ means a business:

(a) of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, independent contractor, or consultant;

(b) ~~or~~ of which the person is a holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class;

(c) that provides compensation of any type to the person in any manner.

(11)(a) ‘Economic interest’ means an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, or public employee, member of their immediate family or a business with which they are associated may gain or lose an economic benefit of fifty dollars or more.

(b) This definition does not prohibit a public official, public member, or public employee from participating in, voting on, or influencing or attempting to influence an official decision if the only economic interest or reasonably foreseeable benefit that may accrue to the public official, public member, or public employee is incidental to the public official’s, public member’s, or public employee’s position or which accrues to the public official, public member, or public employee as a member of a profession, occupation, or large class to no greater extent than the economic interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

(17) ‘Governmental entity’ means the United States, this State, or a county, municipality, or political subdivision thereof ~~with which a public official, public member, or public employee is associated or employed~~. ‘Governmental entity’ also means any charitable organization or foundation, but not an athletic organization or athletic foundation which is associated with a state educational institution and which is organized to raise funds for the academic, educational, research, or building programs of a college or university.

(21) ‘Individual with whom he is associated’ means an individual with whom the person or a member of his immediate family mutually has an interest in any business:

(a) of which the person or a member of his immediate family is a director, officer, owner, employee, compensated agent, independent contractor, or consultant;

(b) ~~or~~ of which the person is a holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class;

(c) that provides compensation to the person in any manner.”

SECTION 6. Section 8‑13‑700(B) of the 1976 Code, as last amended by Act 40 of 2011, is further amended to read:

“(B) ~~No~~ public official, public member, or public employee may not make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. If a member of the General Assembly determines that he has a conflict pursuant to this section, he shall comply with items (1) and (2) before abstaining from all votes on the matter. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the specific nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;

(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the ~~State Ethics~~ commission;

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

(5) if he is a public member, he shall furnish a copy to the presiding officer of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.”

SECTION 7. Section 8‑13‑700 of the 1976 Code, as last amended by Act 40 of 2011, is further amended by adding a new subsection at the end to read:

“(F) Any public official who must recuse himself pursuant to this section shall do so at all times the matter is before the body or agency of which the public official is a member. The requirement of recusal under this section applies to, but is not limited to, matters considered by committees, subcommittees, study committees, or other components of the body or agency of which the public official is a member.”

SECTION 8. Section 8‑13‑740(A)(2)(c) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(c) in a contested case or a matter that may become a contested case, as defined in Section 1‑23‑310, excluding a contested case for a rate or price fixing matter before the South Carolina Public Service Commission or South Carolina Department of Insurance, or in an agency’s consideration of the drafting and promulgation of regulations under Chapter 23, ~~of~~ Title 1 in a public hearing.”

SECTION 9. Section 8‑13‑745 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑745. (A) No member of the General Assembly or an individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case, as defined in Section 1‑23‑310, before an agency, a commission, board, department, or other entity if the member of the General Assembly has voted in the election, appointment, recommendation, or confirmation of a member of the governing body of the agency, board, department, or other entity within the twelve preceding months.

(B) Notwithstanding any other provision of law, after the effective date of this section, no member of the General Assembly or any individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case, as defined in Section 1‑23‑310, before an agency, a commission, board, department, or other entity elected, appointed, recommended, or confirmed by the House, the Senate, or the General Assembly if that member has voted on the section of that year’s general appropriation bill or supplemental appropriation bill relating to that agency, commission, board, department, or other entity within one year from the date of the vote. This subsection does not prohibit a member from voting on other sections of the general appropriation bill or from voting on the general appropriation bill as a whole.

(C) ~~Notwithstanding any other provision of law, after the effective date of this section, no member of the General Assembly or an individual with whom he is associated in partnership or a business, company, corporation, or partnership where his interest is greater than five percent may enter into any contract for goods or services with an agency, a commission, board, department, or other entity funded with general funds or other funds if the member has voted on the section of that year’s appropriation bill relating to that agency, commission, board, department, or other entity within one year from the date of the vote...This subsection does not prohibit a member from voting on other sections of the appropriation bill or from voting on the general appropriation bill as a whole.~~

~~(D)~~ The provisions of this section do not apply to any court in the unified judicial system.

~~(E)~~(D) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

~~(F)~~(E) The provisions of subsections (A)~~,~~ and (B)~~, and (C)~~ do not apply in the case of any vote or action taken by a member of the General Assembly ~~prior to~~ before January 1, 1992.”

SECTION 10. Section 8‑13‑1120(A) of the 1976 Code, as last amended by Act 6 of 1995, is further amended to read:

“(A) ~~A statement of economic interests filed pursuant to Section 8‑13‑1110 must be on forms prescribed by the State Ethics Commission and must contain full and complete information concerning:~~

~~(1) the name, business or government address, and workplace telephone number of the filer;~~

~~(2) the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer’s immediate family during the reporting period;~~

~~(3)(a) the description, value, and location of all real property owned and options to purchase real property during the reporting period by a filer or a member of the filer’s immediate family if:~~

~~(i) there have been any public improvements of more than two hundred dollars on or adjacent to the real property within the reporting period and the public improvements are known to the filer; or~~

~~(ii) the interest can reasonably be expected to be the subject of a conflict of interest; or~~

~~(b) if a sale, lease, or rental of personal or real property is to a state, county, or municipal instrumentality of government, a copy of the contract, lease, or rental agreement must be attached to the statement of economic interests;~~

~~(4) the name of each organization which paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement;~~

~~(5) the identity of every business or entity in which the filer or a member of the filer’s immediate family held or controlled, in the aggregate, securities or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of one hundred thousand dollars or more;~~

~~(6)(a) a listing by name and address of each creditor to whom the filer or member of the filer’s immediate family owed a debt in excess of five hundred dollars at any time during the reporting period, if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer’s agency or department other than for a credit card or retail installment contract, and the original amount of the debt and amount outstanding unless:~~

~~(i) the debt is promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or~~

~~(ii) the debt is promised or loaned by an individual’s family member if the person who promises or makes the loan is not acting as the agent or intermediary for someone other than a person named in this subitem; and~~

~~(b) the rate of interest charged the filer or a member of the filer’s immediate family for a debt required to be reported in (a);~~

~~If a discharge of a debt required to be reported in (a) has been made, the date of the transaction must be shown.~~

~~(7) the name of any lobbyist, as defined in Section 2‑17‑10(13) who is:~~

~~(a) an immediate family member of the filer;~~

~~(b) an individual with whom or business with which the filer or a member of the filer’s immediate family is associated;~~

~~(8) if a public official, public member, or public employee receives compensation from an individual or business which contracts with the governmental entity with which the public official, public member, or public employee serves or is employed, the public official, public member, or public employee must report the name and address of that individual or business and the amount of compensation paid to the public official, public member, or public employee by that individual or business;~~

~~(9) the source and a brief description of any gifts, including transportation, lodging, food, or entertainment received during the preceding calendar year from:~~

~~(a) a person, if there is reason to believe the donor would not give the gift, gratuity, or favor but for the official’s or employee’s office or position; or~~

~~(b) a person, or from an officer or director of a person, if the public official or public employee has reason to believe the person:~~

~~(i) has or is seeking to obtain contractual or other business or financial relationship with the official’s or employee’s agency; or~~

~~(ii) conducts operations or activities which are regulated by the official’s or employee’s agency if the value of the gift is twenty‑five dollars or more in a day or if the value totals, in the aggregate, two hundred dollars or more in a calendar year.~~

~~(B) This article does not require the disclosure of economic interests information concerning:~~

~~(1) a spouse separated pursuant to a court order from the public official, public member, or public employee;~~

~~(2) a former spouse;~~

~~(3) a campaign contribution that is permitted and reported under Article 13 of this chapter; or~~

~~(4) matters determined to require confidentiality pursuant to Section 2‑17‑90(E).~~ A statement of economic interests filed pursuant to Section 8‑13‑1110 must be on forms prescribed by the commission and must contain full and complete information concerning:

(1) the name, position, or office and government or workplace address and phone number of the filer;

(2) the description, value, and location of all real property owned and options to purchase real property during the reporting period by a filer or a member of the filer’s immediate family if:

(a) there have been any public improvements of more than two hundred dollars on or adjacent to the real property within the reporting period and the public improvements are known to the filer; or

(b) the interest reasonably can be expected to be the subject of a conflict of interest; or

(c) if a sale, lease, or rental of personal or real property is to a state, county, or municipal instrumentality of government, a copy of the contract, lease, or rental agreement must be attached to the statement of economic interests;

(3) the name of any lobbyist, as defined in Section 2‑17‑10(13), who is:

(a) an immediate family member of the filer;

(b) an individual with whom or business with which the filer or a member of the filer’s immediate family is associated;

(4) the source and type of all income received from a nonpublic source by a public official that is contained on a W‑2, K‑1, 1099, or any other reporting form used by the Internal Revenue Service for the disclosure of income;

(5) the source, type, and amount or value of all income received by a public official, a business with which he is associated, or an immediate family member that is received:

(a) from a governmental source, exclusive of federal and state tax returns, state or federal retirement benefits, social security, or other federal or state entitlement payment;

(b) from a lobbyist or lobbyist principal;

(c) by a public official who represents another before a governmental entity as permitted by Section 8‑13‑740(A)(2)(c);

(d) by the terms of a contract for goods or services with any governmental entity of this State; and

(e) from any committee, candidate, noncandidate committee, or other entity that is required to disclose either contributions or expenditures pursuant to Chapter 13, Title 8;

(6) the source and amount of all payments, reimbursements, gifts, travel, entertainment, food, lodging, or anything of value which exceeds twenty‑five dollars that a public official or public employee receives:

(a) from a lobbyist principal, except as provided by Section 2‑17‑90;

(b) from a lobbyist;

(c) from a person, business, or other entity, who the recipient has reason to know conducts operations or activities which are regulated by the official’s or employee’s agency;

(d) from a person, business, or entity, who the recipient has reason to know has or is seeking to obtain contractual or other business or financial relationship with the official’s or employee’s agency; and

(e) for speaking before any public or private group.

(7) the identity of each business or entity in which the filer or a member of the filer’s immediate family held or controlled, in the aggregate, securities, or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of one hundred thousand dollars or more;

(8)(a) a listing by name and address of each creditor to whom the filer or member of the filer’s immediate family owed a debt in excess of five hundred dollars at any time during the reporting period, if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer’s agency or department other than for a credit card or retail installment contract, and the original amount of the debt and amount outstanding unless:

(i) the debt is promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or

(ii) the debt is promised or loaned by an individual’s family member if the person who promises or makes the loan is not acting as the agent or intermediary for someone other than a person named in this subitem; and

(b) the rate of interest charged the filer or a member of the filer’s immediate family for a debt required to be reported in subitem (a);

If a discharge of a debt required to be reported in subitem (a) has been made, the date of the transaction must be shown.”

SECTION 11. Section 8‑13‑1300(6), (7), (23), and (32) of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“(6) ‘Committee’ means an association, a club, an organization, or a group of persons, including a party committee, a legislative caucus committee, or a noncandidate committee, which~~, to influence the outcome of an elective office,~~ has as its major purpose the nomination, election, or defeat of one or more candidates and receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. It also means a person who~~, to influence the outcome of an elective office,~~ has the major purpose to support or oppose the nomination, election, or defeat of one or more candidates and makes:

(a) contributions aggregating at least twenty‑five thousand dollars during an election cycle to or at the request of a candidate or a committee, or a combination of them; or

(b) independent expenditures aggregating five hundred dollars or more during an election cycle for the election or defeat of a candidate.

~~‘Committee’ includes a party committee, a legislative caucus committee, a noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for the purpose of influencing an election.~~

(7) ‘Contribution’ means:

(a) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election; or payment or compensation for the personal service of another person which is rendered for any purpose to a candidate or committee without charge, whether any of the above are made or offered directly or indirectly; or

(b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made within the forty‑five calendar days immediately before the election. Funds, used pursuant to this subsection, must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312.

‘Contribution’ does not include ~~(a)~~ volunteer personal services on behalf of a candidate or committee for which the volunteer or any person acting on behalf of or instead of the volunteer receives no compensation either in cash or in‑kind, directly or indirectly, from any source~~; or (b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made not more than forty‑five days before the election to influence the outcome of an elective office as defined in Section 8‑13‑1300(31)(c). These funds must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312~~.

(23) ‘Noncandidate committee’ means a committee that is not a campaign committee for a candidate but ~~is organized to influence an election or to support or oppose a candidate or public official~~ has as its major purpose the nomination, election, or defeat of one or more candidates, which receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. ‘Noncandidate committee’ does not include political action committees that contribute solely to federal campaigns.

(32) ‘Ballot measure committee’ means:

(a) an association, club, an organization, or a group of persons ~~which, to influence the outcome of a ballot measure,~~ whose major purpose is to promote or defeat a ballot measure and receives contributions or makes expenditures in excess of two thousand five hundred dollars in the aggregate during an election cycle;

(b) a person, other than an individual, who, to influence the outcome of a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to or at the request of a ballot measure committee; or

(c) a person, other than an individual, who, to influence the outcome of a ballot measure, makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle.”

SECTION 12. Section 8‑13‑1302 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑1302. (A) A candidate, committee, or ballot measure committee must maintain and preserve an account of:

(1) the total amount of contributions accepted by the candidate, committee, or ballot measure committee;

(2) the name and address of each person making a contribution and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the candidate, committee, or ballot measure committee;

(4) the name and address of each person to whom an expenditure is made including the date, amount, purpose, and beneficiary of the expenditure;

(5) all receipted bills, canceled checks, or other proof of payment for each expenditure; and

(6) the occupation of each person making a contribution; provided however, that a written request for this information shall satisfy this subsection.

(B) The candidate, committee, or ballot measure committee must maintain and preserve all receipted bills and accounts required by this article for four years.”

SECTION 13. Section 8‑13‑1308 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) During the twenty day period prior to an election, a candidate or committee must electronically report the name and address and amount accepted from each person who makes:

(1) a contribution of more than two hundred fifty dollars; or

(2) a contribution of less than two hundred fifty dollars that when combined with all other contributions accepted from the person during the period that have not been reported, exceed two hundred fifty dollars.

The electronic report required by this section must be made within forty‑eight hours after the applicable contribution is accepted, must include in the total the amount of any contribution from the person accepted during the period not previously reported, and must be filed and publicly accessible in the manner provided by Section 8‑13‑365.”

SECTION 14. Section 8‑13‑1309 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) During the twenty day period prior to an election, a ballot measure committee must electronically report the name and address and amount accepted from each person who makes:

(1) a contribution of more than two hundred fifty dollars; or

(2) a contribution of less than two hundred fifty dollars that when combined with all other contributions accepted from the person during the period that have not been reported, exceed two hundred fifty dollars.

The electronic report required by this section must be made within forty‑eight hours after the applicable contribution is accepted, must include in the total the amount of any contribution accepted from the person during the period not previously reported, and must be filed and publicly accessible in the manner provided by Section 8‑13‑365.”

SECTION 15. Section 8‑13‑1314 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1314. (A) Within an election cycle, no candidate or anyone acting on his behalf shall solicit or accept, and no person shall give or offer to give to a candidate or person acting on the candidate’s behalf:

(1) a contribution which exceeds:

(a) three thousand five hundred dollars in the case of a candidate for statewide office; or

(b) one thousand dollars in the case of a candidate for any other office;

(2) a cash contribution from an individual unless the cash contribution does not exceed twenty‑five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor;

(3) a contribution from, whether directly or indirectly, a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election;

(4) contributions for two elective offices simultaneously, except as provided in Section 8‑13‑1318;

(5) contributions from a noncandidate committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official or any other entity maintained by or affiliated with a candidate or public official. This item does not apply to legislative caucus committees or political parties. This item also does not prohibit a candidate or public official from making a contribution of their personal funds to a candidate for another office.

(B) The restrictions on contributions in subsections (A)(1) and (A)(2) do not apply to a candidate making a contribution to his own campaign.”

SECTION 16. Section 8‑13‑1318 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑1318. (A) If a candidate has a debt from a campaign for an elective office, the candidate may accept contributions to retire the debt, even if the candidate accepts contributions for another elective office or the same elective office during a subsequent election cycle, as long as those contributions accepted to retire the debt are:

(1) within the contribution limits applicable to the last election in which the candidate sought the elective office for which the debt was incurred; and

(2) reported as provided in this article.

(B) Any contributions received pursuant to this section must be used for the purpose of retiring campaign debt only.”

SECTION 17. Section 8‑13‑1338(A) of the 1976 Code, as added by Section 248 of 1991, is amended to read by adding a new item at the end to read:

“(5) the head of any state agency or department who is selected by the Governor, General Assembly, or an appointed or elected board.”

SECTION 18. Section 8‑13‑1340 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1340. (A) Except as provided in ~~subsections~~ subsection (B) ~~and (E)~~, a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees, directly or indirectly established, financed, maintained, or controlled by the candidate or public official.

(B) This section does not prohibit a candidate from:

(1) making a contribution from the candidate’s own personal funds on behalf of the candidate’s candidacy or to another candidate for a different office; or

(2) providing the candidate’s surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate under Section 8‑13‑1370 of this article.

(C) Assets or funds which are the proceeds of a campaign contribution and which are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).

(D) A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:

(1) the candidate or public official, or an agent of either, has signature authority on the committee’s checks;

(2) funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;

(3) the candidate or public official is clearly identified on either the stationery or letterhead of the committee;

(4) the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;

(5) the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee’s solicitations, contributions, donations, disbursements, or contracts to make disbursements; or

(6) the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.

~~(E)~~ ~~The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.~~

~~(F)~~ ~~No committee operating under the provisions of Section 8‑13‑1340(E) may :~~

~~(1)~~ ~~solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or~~

~~(2)~~ ~~transfer anything of value to any other committee except as a contribution under the limitations of Section 8‑13‑1314(A) or the dissolution provisions of Section 8‑13‑1370.~~”

SECTION 19. Section 8‑13‑1348(A) of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“(A)(1) No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual’s duties as a holder of elective office.

(2) Campaign funds may not be used to pay penalties and fines issued by the State Election Commission pursuant to a finding of misconduct, or levied by a court of competent jurisdiction as a result of any criminal convictions.”

SECTION 20. Section 8‑13‑1510(A) of the 1976 Code, as last amended by Act 40 of 2011, is further amended to read:

“(A) ~~Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:~~

~~(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and~~

~~(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.~~ Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.”

SECTION 21. Section 8‑13‑1520 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1520. (A) ~~Except as otherwise specifically provided in this chapter, a person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.~~

~~(B) A person who violates any provision of this Article 13 is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred percent of the amount of contributions or anything of value that should have been reported pursuant to the provisions of this Article 13 but not less than five thousand dollars or imprisoned for not more than one year, or both.~~

~~(C) A violation of the provisions of this chapter does not necessarily subject a public official to the provisions of Section 8‑13‑560.~~ Except as otherwise specifically provided in this chapter, for all violations not punishable pursuant to Section 8‑13‑1510, the commission, in its discretion, through a written public reprimand detailing the nature of the violations, may

(1) impose a civil fine of between two hundred dollars and twenty‑five hundred dollars for each violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(2) order sufficient remedial action of the violator to rectify the violation including, but not limited to, the repayment of funds;

(3) recommend to either the Senate or House of Representatives for members of the General Assembly or the Governor for all other public officials that the official be removed from office by the appropriate process; or

(4) a combination of any of the above.”

SECTION 22. Sections 8‑13‑710 and 8‑13‑715 of the 1976 Code are repealed.

SECTION 23. Title 15 of the 1976 Code is amended by adding:

“CHAPTER 83

QUI TAM AND Related Actions

Section 15‑83‑10. For purposes of this chapter:

(A) ‘Claim’ includes any request or demand, whether under a contract or otherwise, for money or property, whether or not the State has title to the money or property that:

(1) is presented to an officer, employee, or agent of the State; or

(2) is made to a contractor, grantee, or other recipient of the money or property, if the money or property is to be spent or used on the State’s behalf or to advance a State program or interest, and if the State:

(a) provides or has provided any portion of the money or property requested or demanded; or

(b) will reimburse the contractor, grantee, or other recipient for any portion of the money or property that is requested or demanded.

(3) ‘Claim’ does not include a request or demand for money or property that the State has paid to an individual as compensation for State employment or as an income subsidy with no restrictions on that individual’s use of the money or property.

(B) ‘Employer’ includes any natural person, corporation, firm, association, organization, partnership, business, trust, or State‑affiliated entity involved in proprietary function, including State universities and State hospitals.

(C) ‘Knowingly’ or ‘knowing’ means that a person, with respect to information:

(1) has actual knowledge of the information;

(2) acts in deliberate ignorance of the truth or falsity of the information; or

(3) acts in reckless disregard of the truth or falsity of the information;

(4) requires no specific intent to defraud.

(D) ‘Material’ or ‘materially’ means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(E) ‘Obligation’ means an established duty, whether or not fixed, arising from an express or implied contractual, grantor‑grantee, or licensor‑licensee relationship, from a fee‑based or similar relationship, from statute or rule, or from the retention of any overpayment.

(F) ‘Person’ means any natural person, partnership, corporation, organization, association, business, trust or other legal entity, other than the State.

Section 15‑83‑20. (A) Any person who commits any of the following acts shall be liable to the State for three times the amount of damages which the State sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the State for the costs, including attorneys’ fees, of a civil action brought to recover any of those penalties or damages, and may be liable to the State for a civil penalty of not less than five thousand five hundred dollars and not more than eleven thousand dollars, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, for each violation:

(1) knowingly presents or causes to be presented a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

(3) has possession, custody, or control of money or property used or to be used by the State and knowingly delivers or causes to be delivered less than all of that money or property;

(4) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the State and, intending to defraud the State, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(5) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer, employee, or agent of the State who is not lawfully authorized to sell or pledge the property;

(6) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the State;

(7) knowingly conceals, or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the State;

(8) conspires to violate any of the items of this subsection.

(B) This section does not apply to claims, records, or statements made under state tax laws, including the provisions of Title 12.

(C) Notwithstanding subsection (A), a person who violates any of the provisions of subsection (A)(1) through (8) is liable to the State for not less than two times the amount of damages that the State sustains because of the violation and the costs of a civil action brought to recover the damages, but no civil penalties, if the court finds all of the following:

(a) the person committing the violation provided officials of the State who are responsible for investigating false claims violations with all information known to that person about the violation within thirty days after the date on which the person first obtained the information;

(b) the person fully cooperated with any state investigation of the violation; and

(c) at the time the person provided the State with information about the violation, no criminal prosecution, civil action, or administrative proceeding had commenced with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

Section 15‑83‑30. (A) The Attorney General diligently shall investigate a violation under Section 15‑83‑20(A). If the Attorney General finds that a person has violated or is violating Section 15‑83‑20(A), the Attorney General may bring a civil action under this section against that person.

(B)(1) A person may bring a civil action for a violation of this chapter for the person and for the State in the name of the State. No action may be filed pursuant to this subsection against the federal government, the State, or any officer or employee thereof acting in his or her official capacity. The person bringing the action shall be referred to as the qui tam plaintiff. Once filed, the action may be dismissed only with the written consent of the court and the Attorney General, taking into account the best interest of the parties involved and the public purposes behind this chapter.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the State Attorney General. The complaint shall also be filed in camera, shall remain under seal for at least sixty days, and shall not be served on the defendant until the court so orders. The State may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and the information. Any information or documents furnished by the relator to the attorney general in connection with the initiation of a qui tam action or investigation under this item (2) is not a public record and is exempt from disclosure under the Freedom of Information Act.

(3) The State may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under subsection (B)(2). Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until after the complaint is unsealed and served upon the defendant pursuant to applicable South Carolina Court rules.

(4) Before the expiration of the sixty‑day period or any extensions obtained under item (3), the State shall:

(a) proceed with the action, in which case the Attorney General shall intervene and conduct the action on behalf of the State; or

(b) notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(5) When a person brings a valid action under this subsection, no person other than the State may intervene or bring a related action based on the facts underlying the pending action.

(C)(1) If the State proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in item (2).

(2)(a) The State may seek to dismiss the action for good cause notwithstanding the objections of the qui tam plaintiff if the qui tam plaintiff has been notified by the State of the filing of the motion and the court has provided the qui tam plaintiff with an opportunity to oppose the motion and present evidence at a hearing.

(b) The State may settle the action with the defendant notwithstanding the objections of the qui tam plaintiff if the court determines, after a hearing providing the qui tam plaintiff an opportunity to present evidence, that the proposed settlement is fair, adequate, and reasonable under all of the circumstances.

(c) Upon a showing by the State that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the State’s prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person’s participation, including:

(i) limiting the number of witnesses the person may call;

(ii) limiting the length of the testimony of such witnesses;

(iii) limiting the person’s cross‑examination of witnesses; or

(iv) otherwise limiting the participation by the person in the litigation.

(d) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(3) If the State elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the State so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the State’s expense. When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the State to intervene at a later date upon a showing of good cause.

(4) Whether or not the State proceeds with the action, upon a showing by the State that certain actions of discovery by the person initiating the action would interfere with the State’s investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. Such a showing shall be conducted in camera. The court may extend the sixty‑day period upon a further showing in camera that the State has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5) Notwithstanding subsection (B), the State may elect to pursue its claim through any alternate remedy available to the State, including any administrative proceeding to determine a civil money penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action under this section. For purposes of the preceding sentence, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the State, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(D)(1) If the State proceeds with an action brought by a person under subsection (B), such person shall, subject to the second sentence of this paragraph, receive at least fifteen percent but not more than twenty‑five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Where the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions specifically in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award such sums as it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person under the first or second sentence of this item shall be made from the proceeds. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys’ fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(2) If the State does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty‑five percent and not more than thirty percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys’ fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(3) Whether or not the State proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of Section 15‑83‑20 upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under items (1) or (2) of this subsection, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of Section 15‑83‑20, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the State to continue the action.

(4) If the State does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys’ fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(E)(1) No court shall have jurisdiction over an action brought under subsection (B) against a member of the State legislative branch, a member of the judiciary, or a cabinet level executive branch official if the action is based on evidence or information known to the State when the action was brought.

(2) In no event may a person bring an action under subsection (B) which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the State is already a party.

(3)(a) The court shall dismiss an action or claim under this section, unless opposed by the State, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed:

(i) in a State criminal, civil, or administrative hearing in which the State or its agent is a party;

(ii) in a federal or State congressional or other report, hearing, audit, or investigation; or

(iii) from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

(b) For purposes of this subsection, ‘original source’ means an individual who either:

(i) before a public disclosure under subsection (E)(3)(A), has voluntarily disclosed to the State the information on which allegations or transactions in a claim are based, or

(ii) who has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the State before filing an action under this section.

(F) The State is not liable for expenses which a person incurs in bringing an action under this section.

(G) Any employee, contractor, or agent who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by the employer of the employee, contractor, or agent because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action brought or to be brought under Section 15‑83‑30, or other efforts to stop one or more violations of this chapter, including investigation for, initiation of, testimony for, or assistance in the action, shall be entitled to all relief necessary to make the employee, contractor, or agent whole. The relief shall include reinstatement with the same seniority status the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney’s fees. An employee, contractor, or agent may bring an action in the appropriate court for the relief provided under this section. The action may not be brought under this section more than three years after the last act of the employer that is alleged to violate this section.

Section 15‑83‑40. (A) A civil action under Section 15‑83‑20 may not be brought:

(1) more than six years after the date on which the violation of Section 15‑83‑20 is committed, or

(2) more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the State charged with responsibility to act in the circumstances, but in no event more than ten years after the date on which the violation is committed, whichever occurs last.

(B) A civil action under Section 15‑83‑30 may be brought for activity before the effective date of this chapter if the limitations period set in subsection (A) of this section has not lapsed.

(C) If the State elects to intervene and proceed with an action brought under Section 15‑83‑30(B), the State may file its own complaint or amend the complaint of a person who has brought an action under Section 15‑83‑30(B) to clarify or add detail to the claims in which the State is intervening and to add any additional claims with respect to which the State contends it is entitled to relief. For statute of limitations purposes, any such State pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the State arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.

(D) Notwithstanding any other provision of law, a guilty verdict rendered in a criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendre, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under subsection (A) or (B) of Section 15‑83‑30.

(E) An action under subsection (A) or (B) of Section 15‑83‑30 may be brought in the circuit court in any county in which the defendant or any one of multiple defendants can be found, resides, or transacts business, or in any county in which any act prohibited by Section 15‑83‑20(A) occurred. The Attorney General or the person who brought the action shall prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

Section 15‑83‑50. (A) The provisions of this chapter are not exclusive, and the remedies provided for in this chapter shall be in addition to any other remedies provided for in any other law or available under common law.

(B) If any provision of this chapter or the application thereof to any person or circumstance is held to be unconstitutional, the remainder of the chapter and the application of the provision to other persons or circumstances shall not be affected thereby.

(C) This chapter shall be liberally construed and applied to promote the public interest. This chapter also adopts the congressional intent behind the Federal False Claims Act, 31 U.S.C. Section 3729‑3733, including the legislative history underlying the 1986, 2009, and 2010 Amendments to the Federal False Claims Act.”

SECTION 24.A. Title 23 of the 1976 Code is amended by adding:

“CHAPTER 2

Public Integrity Unit

Section 23‑2‑10. (A) In order to insure ethical conduct in public service of this State and to promote integrity in government institutions, a partnership of agencies and other persons employed in investigating, auditing, and inspecting serious misconduct by government officials in this State is hereby established to be known as the ‘South Carolina Public Integrity Unit’ and this chapter must be interpreted to achieve the purposes of the Public Integrity Unit.

(B) Nothing in this chapter may be construed to preclude agencies or other entities within this State from performing existing functions, investigation authority, or adjudication as otherwise prescribed by law.

(C) It is the intent of the General Assembly in creating this partnership to maximize existing resources, expertise, and available information to coordinate investigations of alleged government corruption, unethical conduct, and violations of the public trust, all of which are imperative to preserving the faith of the public in its institutions. Each partner agency or entity may release information for investigative purposes to the other named partners as provided in this chapter, but the agency that originates that document remains responsible for release authority.

(D) As contained in this chapter:

(1) ‘Appropriate supervisory office’ means the South Carolina Commission on Ethics Enforcement and Disclosure for all persons required to file reports under Chapter 13, Title 8.

(2) ‘Partner’ means each of the five named members of the Public Integrity Unit, and their respective agencies, namely the Attorney General, Chief of the State Law Enforcement Division, Director of the Department of Revenue, the Executive Director of the South Carolina Commission on Ethics Enforcement and Disclosure and the Inspector General.

(3) ‘Unit’ means the Public Integrity Unit as described in this chapter.

Section 23‑2‑20. (A) There is hereby created a ‘South Carolina Public Integrity Unit’ consisting of the following five partner members:

(1) the Attorney General;

(2) the Chief of the State Law Enforcement Division;

(3) the Director of the Department of Revenue;

(4) the Executive Director of the South Carolina Commission on Ethics Enforcement and Disclosure; and

(5) the Inspector General.

(B) The members provided for in subsection (A) are ex officio members. The members may provide employees or staff from their respective agencies for the unit as necessary. Employees of other government agencies may be included in particular investigations.

(C) Members of the unit shall serve without compensation. A unit member who terminates his office or employment which qualified him as a member of the unit immediately shall cease to be a member of the unit.

Section 23‑2‑30. The Attorney General shall provide administrative support for the unit. The unit shall not have employees, but the partnering entities shall assign members, investigators, auditors, or support staff from within their respective agencies or staff.

Section 23‑2‑40. Nothing in this chapter establishes the unit as a separate entity to receive complaints from the general public. The unit shall receive allegations of criminal conduct from partner entities, an appropriate supervisory office, or any other state agency authorized to receive complaints against public employees, officers, or officials.

Section 23‑2‑50. Upon receipt of an allegation from a partner, the members shall determine whether it is appropriate for investigation by the unit or if the matter should be returned to the forwarding authority for action. The unit is an investigative partnership and not an adjudicating entity. Completed investigations that substantiate serious criminal conduct may be provided directly to the Attorney General or a solicitor. Substantiated investigations of a civil nature or deemed to be procedural error must be sent to the appropriate supervisory office. Unsubstantiated investigations must be returned to the entity that forwarded the investigation to the unit.

Section 23‑2‑60. The unit may accept investigations of criminal conduct by referral only. The referring entity shall identify the scope of the investigation. Completed investigations that substantiate serious criminal conduct may be provided directly to the Attorney General or a solicitor. Substantiated investigations not undertaken by the Attorney General or a solicitor, substantiated investigations deemed procedural errors, or unsubstantiated investigations must be returned to the appropriate referring entity. Referral to the unit may be made by:

(1) the South Carolina Commission on Ethics Enforcement and Disclosure;

(2) the Supreme Court as allowed within its rules or by law; or

(3) any of the five partners identified in Section 23‑2‑20.

Section 23‑2‑70. The unit is a collaborative investigating entity that may include privileged communications, protected information, and protected identities under law. Freedom of Information Act requests must be made directly to the partner agency that generates such documents. Partnering entities that use information from another partner within the unit shall follow the release protocol of the originating partner. The unit shall not release any information related to its investigation or its results until such time as the matter is substantiated by the originating partner or undertaken as a criminal prosecution by the Attorney General or a solicitor.

Section 23‑2‑80. The unit may make recommendations to the General Assembly or to the Governor regarding the carrying out of the purposes, objectives, and intentions of this chapter or other acts relating to enforcement of ethics or public integrity issues. The partners shall report to the General Assembly each year of trends of cases, recommendations of reforms, and fiscal issues of the unit each year through the administrative support of the Attorney General.

Section 23‑2‑90. Partner members of the Public Integrity Unit, to the extent that they are authorized in their respective agencies, are authorized to:

(1) accept contributions, funds, or grants from foundations, state agencies, or the federal government, for the purpose of carrying out the programs and objectives of this chapter, provided such funds are not related to any particular case and are part of an established program for the improvement of investigation capability, and not from a public official or an entity within the control or influence of that public official;

(2) consult and cooperate with counties, municipalities, agencies, or official bodies of this State or of other states, other governmental agencies, and with colleges and universities, including technical colleges, and other institutions, concerning investigations of violations of the laws of this State;

(3) publish or cause to be published manuals, information bulletins, newsletters, and other materials to achieve the objectives of this chapter; and

(4) promulgate regulations as necessary for the administration of this chapter, including the issuance of administrative procedures for coordination among the partner entities.

Section 23‑2‑100. An oral or written report, document, statement, or other communication that is written, made, or delivered concerning the requirements or administration of this chapter or regulations promulgated under it must not be the subject of or basis for an action at law or in equity for slander or libel in any court of the State if the communication is between:

(1) a law enforcement agency, its agents, employees, or representatives; and

(2) the unit, its agents, employees, or representatives.

Section 23‑2‑110. To conduct its investigations, inquiries, and hearings in a matter:

(1) The unit may order testimony to be taken in any investigation or hearing by deposition before a person who is designated by the unit and has the power to administer oaths and, in these instances, to compel testimony. The unit may administer oaths and affirmations for the testimony of witnesses and issue subpoenas by approval of at least three unit partners, subject to judicial enforcement, and issue subpoenas for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to the agency’s investigation by approval of the chairman, subject to judicial enforcement. A person to whom a subpoena has been issued may move before the circuit court for an order quashing a subpoena issued under this section.

(2) If the unit determines that assistance is needed in conducting an investigation, the unit shall request the assistance of appropriate agencies.”

B. Section 12‑54‑240 of the 1976 Code, as last amended by Act 116 of 2007, is further amended by adding a new subsection at the end to be appropriately lettered to read:

“( ) The Department of Revenue also is authorized to disclose information for purposes of a Public Integrity Unit investigation pursuant to Chapter 2, Title 23.”

SECTION 25. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 26. This act takes effect July 1, 2013; provided, that the programs, functions, and requirements of the provisions in Chapter 2, Title 23 of the 1976 Code as contained in SECTION 24 must be terminated ten years after the effective date of the act unless otherwise authorized by the General Assembly. Upon termination, the Public Integrity Unit shall be dissolved and must wind up any investigations accepted pursuant to the provisions of Chapter 2, Title 23 of the 1976 Code as contained in SECTION 24 within six months of termination. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

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

**SPEAKER IN CHAIR**

Rep. BEDINGFIELD proposed the following Amendment No. 2 to H. 3945 (COUNCIL\MS\3945C020.MS.AHB13), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 23 in its entirety.

Renumber sections to conform.

Amend title to conform.

Rep. BEDINGFIELD explained the amendment.

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

Rep. PITTS proposed the following Amendment No. 4 to H. 3945 (COUNCIL\NBD\3945C002.NBD.AHB13), which was adopted:

Amend the bill, as and if amended, by adding a new SECTION after SECTION 6 to read:

/ SECTION \_\_. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑771. No statewide elected public official may appoint to a state board, commission, or committee any person, or immediate family member of that person, who has made a political contribution to the most recent election campaign of that statewide elected public official.” /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

Rep. BANNISTER moved to table the amendment.

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

Yeas 47; Nays 66

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atwater | Bales |
| Bannister | Bernstein | Bingham |
| Bowers | Brannon | G. A. Brown |
| R. L. Brown | Burns | Cole |
| Delleney | Dillard | Felder |
| Hamilton | Hardwick | Harrell |
| Hart | Hayes | Herbkersman |
| Hodges | Jefferson | Kennedy |
| King | Lucas | M. S. McLeod |
| Mitchell | V. S. Moss | Munnerlyn |
| Neal | Ott | Parks |
| Pope | Quinn | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Skelton | G. M. Smith | J. E. Smith |
| Sottile | Spires | Vick |
| Whipper | Williams |  |

**Total--47**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Barfield | Bedingfield | Bowen |
| Branham | Chumley | Clemmons |
| Clyburn | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Douglas |
| Edge | Erickson | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | Goldfinch | Hardee |
| Henderson | Hiott | Hixon |
| Horne | Hosey | Huggins |
| Limehouse | Loftis | Long |
| Lowe | McCoy | W. J. McLeod |
| Merrill | D. C. Moss | Murphy |
| Nanney | Newton | Norman |
| Owens | Patrick | Pitts |
| Powers Norrell | Ridgeway | Riley |
| Rivers | Sandifer | Sellers |
| Simrill | G. R. Smith | J. R. Smith |
| Southard | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Wells | White |
| Whitmire | Willis | Wood |

**Total--66**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Reps. BANNISTER, RUTHERFORD, QUINN, J.E. SMITH, BINGHAM, STAVRINAKIS, MERRILL and BERNSTEIN proposed the following Amendment No. 6 to H. 3945 (COUNCIL\DKA\ 3945C009.DKA.SD13), which was adopted:

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

/ SECTION 1. Article 5, Chapter 13, Title 8 of the 1976 Code is amended to read:

“Article 5

~~Senate and House of Representatives Ethics Committees~~

Joint Committee on Ethics

Section 8‑13‑510. ~~There is created a House of Representatives Legislative Ethics Committee and a Senate Legislative Ethics Committee. Each ethics committee is composed of six members. Terms are coterminous with the term for which members are elected to the House or Senate. Vacancies must be filled for the unexpired term in the manner of the original selection. The members of each ethics committee must be elected by the House or the Senate, as appropriate. One member of each ethics committee must be elected as chairman by a majority of the members of the ethics committee.~~

(A) There is created the Joint Committee on Ethics composed of sixteen members elected as follows:

(1) four members of the Senate elected by the Senate;

(2) four members of the House of Representatives elected by the House of Representatives; and

(3) eight members who may not be members of the General Assembly or other public officials, four of whom must be elected by the Senate and four of whom must be elected by the House of Representatives.

(B)(1) Of the four members of the Senate elected pursuant subsection (A)(1), two members must be from the majority party represented in the Senate and two members must be from the largest minority party represented in the Senate. Members of the Senate shall serve a term coterminous with their term of office.

(2) Of the four members of the House of Representatives elected pursuant subsection (A)(2), two members must be from the majority party represented in the House of Representatives and two members must be from the largest minority party represented in the House of Representatives. Members of the House of Representatives shall serve a term coterminous with their term of office.

(3) Of the four members elected by the Senate pursuant subsection (A)(3), two members must be persons recommended by the majority caucus and two members must be persons recommended by the minority caucus. Members shall serve four‑year terms; however, of the initial four members elected, one from each party shall serve a term of four years and one from each party shall serve a term of two years.

(4) Of the four members elected by the House of Representatives pursuant subsection (A)(3), two members must be persons recommended by the majority caucus and two members must be persons recommended by the minority caucus. Members shall serve four‑year terms; however, of the initial four members elected, one from each party shall serve a term of four years and one from each party shall serve a term of two years.

(C) Members of the committee are eligible for reelection but may not serve more than a total of eight years. Vacancies shall be filled in the manner of original election.

(D) Members of the Joint Committee shall elect a chairman and vice chairman. Each office shall be filled initially by a Senate member in one office and a House member in the other office and, thereafter, shall rotate between a House member and a Senate member every two years with a member from one house holding one office and a member from the other house holding the other office.

Section 8‑13‑520. ~~Each ethics committee~~ The Joint Committee on Ethics shall meet and recommend any changes in the law or rules relating to ethics considered proper ~~to their respective houses~~. Changes recommended must be consistent with the Constitution of the State of South Carolina, the provisions of this chapter, and any other applicable law.

Section 8‑13‑530. ~~Each ethics committee~~ The Joint Committee on Ethics shall:

(1) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of this chapter and promptly notify the person to file the necessary notices and reports to satisfy the requirements of this chapter;

(2) receive complaints filed by individuals and, upon a majority vote of the total membership of the committee, file complaints when alleged violations are identified;

(3) upon the filing of a complaint, investigate possible violations of breach of a privilege governing a member or staff of the ~~appropriate house~~ General Assembly, the alleged breach of a rule governing a member of, legislative caucus committees for, or a candidate, or staff for the ~~appropriate house~~ General Assembly, misconduct of a member or staff of, legislative caucus committees for, or a candidate for the ~~appropriate house~~ General Assembly, or a violation of this chapter or Chapter 17 ~~of~~, Title 2;

(4) receive and hear a complaint which alleges a breach of a privilege governing a member or staff of the ~~appropriate house~~ General Assembly, the alleged breach of a rule governing a member or staff of or candidate for the ~~appropriate house~~ General Assembly, misconduct of a member or staff of or candidate for the ~~appropriate house~~ General Assembly, or a violation of this chapter or Chapter 17 ~~of~~, Title 2. No complaint may be accepted by the ethics committee concerning a member of or candidate for the ~~appropriate house~~ General Assembly during the fifty‑day period before an election in which the member or candidate is a candidate. During this fifty‑day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty‑day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorney’s fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

(i) petition is being presented for an improper purpose such as harassment or to cause delay;

(ii) claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(iii) allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after reasonable opportunity for further investigation or discovery.

Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ~~ethics~~ committee at least thirty days before the election must be postponed until after the election;

(5) obtain information and investigate complaints as provided in Section 8‑13‑540 with respect to any complaint filed pursuant to this chapter or Chapter 17 ~~of~~, Title 2 and to that end may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers. Additionally, the committee may refer the complaint to the Public Integrity Unit pursuant to Section 23‑2‑60 for investigation;

(6) administer or recommend sanctions appropriate to a particular member or staff of or candidate for the ~~appropriate house~~ General Assembly pursuant to Section 8‑13‑540 or dismiss the charges; and

(7) act as an advisory body to the General Assembly and to individual members of or candidates for the ~~appropriate house~~ General Assembly on questions pertaining to the disclosure and filing requirements of members of or candidates for the ~~appropriate house~~ General Assembly.

Section 8‑13‑540. ~~Unless otherwise provided for by House or Senate rule, as appropriate, each ethics committee~~ The Joint Committee on Ethics must conduct its investigation of a complaint filed pursuant to this chapter or Chapter 17 ~~of~~, Title 2 in accordance with this section.

(1) When a complaint is filed with or by the ~~ethics~~ committee, a copy must promptly be sent to the person alleged to have committed the violation. If the ~~ethics~~ committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the ~~ethics~~ committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to appropriate law enforcement authorities. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this subsection, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice. If the ~~ethics~~ committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers.

If after such preliminary investigation, the ~~ethics~~ committee finds that probable cause exists to support an alleged violation, it shall, as appropriate:

(a) render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or

(b) convene a formal hearing on the matter within thirty days of the ~~respondent’s failure to comply with the advisory opinion. All ethics committee investigations and records relating to the preliminary investigation are confidential~~ finding of probable cause in the matter. No complaint shall be accepted which is filed later than four years after the alleged violation occurred.

(2)(a) All papers, documents, complaints, charges, requests for advisory opinions, and any other material required to be filed with or received by the committee are strictly confidential prior to a finding of probable cause, or a waiver of confidentiality by the respondent. No persons involved with a complaint before the committee, including complainant, respondent, counsel, counsel’s secretaries, committee members and staff, and investigators shall mention the existence of any proceeding nor disclose any information pertaining to it, unless otherwise permitted by this article. Disclosure of confidential information must be punished in a manner provided by the Ethics, Government Accountability, and Campaign Reform Act. If the committee finds that a person has violated the provisions of this subsection, it must report its findings to the Attorney General.

(b) Information that must be made public following a finding of probable cause or waiver of confidentiality by the respondent is:

(i) the complaint;

(ii) the response by the respondent;

(iii) any exhibits introduced at a public hearing, subject to redaction of information of a personal nature when public disclosure would constitute unreasonable invasion of personal privacy; and

(iv) the final order issued by the committee.

(c) All investigations, inquiries, hearings and accompanying documents must remain strictly confidential until a finding of probable cause, unless the respondent waives the right to confidentiality.

(3) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the ~~ethics~~ committee’s possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All hearings must be conducted in executive session.

~~(3)~~(4) After the hearing, the ~~ethics~~ committee shall determine its findings of fact. If the ~~ethics~~ committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17 ~~of~~, Title 2, it shall:

(a) ~~administer a public or private reprimand~~ levy a penalty pursuant to Section 8‑13‑1510 or 8‑13‑1520;

(b) determine that a technical violation as provided for in Section 8‑13‑1170 has occurred; and/or

(c) ~~recommend expulsion of the member; and/or,~~

~~(d)~~ in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation. The ~~ethics~~ committee shall report its findings in writing to the Speaker of the House or President *Pro Tempore* of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the ~~ethics~~ committee members. If the ~~ethics~~ committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.

~~(4)~~(5) An individual has ten days from the date of the notification of the ~~ethics~~ committee’s action to appeal the action to the full legislative body.

~~(5)~~(6) No ~~ethics~~ committee member may participate in any matter in which he is involved.

~~(6)~~(7) The ~~ethics~~ committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses.

Section 8‑13‑550. (A) Upon receipt of a recommendation of expulsion or an appeal from an order of the ~~ethics~~ committee made pursuant to the provisions of Section 8‑13‑540, the presiding officer of the House or Senate shall call the House or Senate into open session at a time to be determined at his discretion or in executive session if the House or Senate chooses, as a committee of the whole, to consider the action of the ~~ethics~~ committee. The House or Senate shall sustain or overrule the ~~ethics~~ committee’s action or order other action consistent with this chapter or Chapter 17 ~~of~~, Title 2.

(B) Upon consideration of ~~an ethics~~ a committee report by the House or the Senate, whether in executive or open session, the results of the consideration, except in the case of the issuance of a private reprimand, are a matter of public record.

Section 8‑13‑560. ~~Unless otherwise currently or hereafter provided for by House or Senate rule, as is appropriate:~~

(1) A member of the General Assembly who is indicted in a state court or a federal court for a crime that is a felony, a crime that involves moral turpitude, a crime that has a sentence of two or more years, or a crime that violates election laws must be suspended immediately without pay by the presiding officer of the House or Senate, as appropriate. The suspension remains in effect until the public official is acquitted, convicted, pleads guilty, or pleads nolo contendere. In the case of a conviction, the office must be declared vacant. In the event of an acquittal or dismissal of charges against the public official, he is entitled to reinstatement and back pay.

(2) If the public official is involved in an election between the time of the suspension and final conclusion of the indictment, the presiding officer of the House or Senate, or the Governor, as appropriate, shall again suspend him at the beginning of his next term. The suspended public official may not participate in the business of his public office.”

SECTION 2. Section 2‑17‑10(12) and (13) of the 1976 Code is amended to read:

“(12) ‘Lobbying’ means promoting or opposing through direct communication with public officials or public employees:

(a) the introduction or enactment of legislation before the General Assembly or the committees or members of the General Assembly;

(b) covered gubernatorial actions;

(c) covered agency actions; ~~or~~

(d) consideration of the election or appointment of an individual to a public office elected or appointed by the General Assembly; or

(e) the introduction or enactment of ordinances or other local initiatives by county or municipal governing bodies, including those actions taken by mayors or municipal or county administrators and school districts.

‘Lobbying’ does not include the activities of a member of the General Assembly, a member of the staff of a member of the Senate or House of Representatives, the Governor, the Lieutenant Governor, or a member of the executive staff of the Governor or Lieutenant Governor acting in his capacity as a public official or public employee with regard to his public duties.

(13) ‘Lobbyist’ means any person who is employed, appointed, or retained, with or without compensation, by another person to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official on any state agency, board, or commission concerning any covered agency actions; ~~or~~ (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions; or (iv) the introduction or enactment of ordinances or other local initiatives by county or municipal governing bodies, including those actions taken by mayors or municipal or county administrators and school districts. ‘Lobbyist’ also means any person who is employed, appointed, or retained, with or without compensation, by a state agency, college, university, or other institution of higher learning to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official of any state agency, board, or commission concerning any covered agency actions; or (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions. ‘Lobbyist’ does not include:

(a) an individual who receives no compensation to engage in lobbying and who expresses a personal opinion on legislation, covered gubernatorial actions, ordinances or local initiatives, or covered agency actions to any public official or public employee;

(b) a person who appears only before public sessions of committees or subcommittees of the General Assembly, public hearings of state agencies, public hearings before any public body of a quasi‑judicial nature, or proceedings of any court of this State;

(c) any duly elected or appointed official or employee of the State, the United States, a county, municipality, school district, or a political subdivision thereof, or a member of the judiciary when appearing solely on matters pertaining to his office and public duties unless lobbying constitutes a regular and substantial portion of such official’s or employee’s duties;

(d) a person performing professional services in drafting legislation, ordinances or local initiatives, or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation or ordinances or local initiatives;

(e) a person who owns, publishes, or is employed by a radio station, television station, wire service, or other bona fide news medium which in the ordinary course of business disseminates news, editorials, columns, other comments, or other regularly published periodicals if such person represents no other person in lobbying for legislation, covered agency actions, ordinances or local initiatives, or covered gubernatorial actions. This exception applies to the publication of any periodical which is published and distributed by a membership organization to its subscribers at least twelve times annually and for which an annual subscription charge of at least one dollar fifty cents a subscriber is made;

(f) a person who represents any established church solely for the purpose of protecting the rights of the membership of the church or for the purpose of protecting the doctrines of the church or on matters considered to have an adverse effect upon the moral welfare of the membership of the church;

(g) a person who is running for office elected by the General Assembly or a person soliciting votes on the behalf of a person who is running for office elected by the General Assembly unless such person is otherwise defined as a lobbyist by this section; or

(h) an individual who receives no compensation to engage in lobbying and who does not make expenditures or incur obligations for lobbying in an aggregate amount in excess of five hundred dollars in a calendar year.”

SECTION 3. Section 8‑13‑700(B) of the 1976 Code, as last amended by Act 40 of 2011, is further amended to read:

“(B) ~~No~~ A public official, public member, or public employee may not make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, ~~an individual with whom he is associated,~~ or a business with which he is associated has an economic interest. If a member of the General Assembly determines that he has a conflict pursuant to this section, he shall comply with items (1) and (2) before abstaining from all votes on the matter. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, ~~an individual with whom he is associated,~~ or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the specific nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;

(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the ~~State Ethics~~ commission;

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

(5) if he is a public member, he shall furnish a copy to the presiding officer of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.”

SECTION 4. Section 8‑13‑700 of the 1976 Code, as last amended by Act 40 of 2011, is further amended by adding a new subsection at the end to read:

“(F) Any public official who must recuse himself pursuant to this section shall do so at all times the matter is before the body or agency of which the public official is a member. The requirement of recusal under this section applies to, but is not limited to, matters considered by committees, subcommittees, study committees, or other components of the body or agency of which the public official is a member.”

SECTION 5. Section 8‑13‑720 of the 1976 Code is amended by adding a new paragraph at the end to read:

“A person who wilfully violates this section is guilty of a:

(1) misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both; or

(2) felony if the amount received is more than ten thousand dollars and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both, and is permanently disqualified from being a public official, a public member, or a public employee.”

SECTION 6. Section 8‑13‑740(A)(2)(c) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(c) in a contested case or a matter that may become a contested case, as defined in Section 1‑23‑310, excluding a contested case for a rate or price fixing matter before the South Carolina Public Service Commission or South Carolina Department of Insurance, or in an agency’s consideration of the drafting and promulgation of regulations under Chapter 23, ~~of~~ Title 1 in a public hearing.”

SECTION 7. Section 8‑13‑745 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑745. (A) No member of the General Assembly ~~or an individual with whom he is associated~~ or business with which he is associated may represent a client for a fee in a contested case, as defined in Section 1‑23‑310, before an agency, a commission, board, department, or other entity if the member of the General Assembly has voted in the election, appointment, recommendation, or confirmation of a member of the governing body of the agency, board, department, or other entity within the twelve preceding months.

(B) Notwithstanding any other provision of law, after the effective date of this section, no member of the General Assembly ~~or any individual with whom he is associated~~ or business with which he is associated may represent a client for a fee in a contested case, as defined in Section 1‑23‑310, before an agency, a commission, board, department, or other entity elected, appointed, recommended, or confirmed by the House, the Senate, or the General Assembly if that member has voted on the section of that year’s general appropriation bill or supplemental appropriation bill relating to that agency, commission, board, department, or other entity within one year from the date of the vote. This subsection does not prohibit a member from voting on other sections of the general appropriation bill or from voting on the general appropriation bill as a whole.

(C) ~~Notwithstanding any other provision of law, after the effective date of this section, no member of the General Assembly or an individual with whom he is associated in partnership or a business, company, corporation, or partnership where his interest is greater than five percent may enter into any contract for goods or services with an agency, a commission, board, department, or other entity funded with general funds or other funds if the member has voted on the section of that year’s appropriation bill relating to that agency, commission, board, department, or other entity within one year from the date of the vote...This subsection does not prohibit a member from voting on other sections of the appropriation bill or from voting on the general appropriation bill as a whole.~~ Notwithstanding any other provision of law, a public official, including members of the General Assembly, or a public employee, may not take a vote on or take an action on a matter in which he, an immediate family member, or a business with which he is associated has a known financial interest.

(D) The provisions of this section do not apply to any court in the unified judicial system.

(E) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

(F) The provisions of subsections (A), (B), and (C) do not apply in the case of any vote or action taken by a member of the General Assembly ~~prior to~~ before January 1, 1992.”

SECTION 8. Section 8‑13‑1120 of the 1976 Code, as last amended by Act 6 of 1995, is further amended to read:

“Section 8‑13‑1120. (A) A statement of economic interests filed pursuant to Section 8‑13‑1110 ~~must be on forms prescribed by the State Ethics Commission and~~ must contain full and complete information concerning:

(1) the name, business or government address, and workplace telephone number of the filer;

(2) the source~~, type,~~ and amount or value of income, not to include tax refunds, ~~of substantial monetary value~~ received from a governmental entity by the filer or a member of the filer’s immediate family during the reporting period;

(3)(a) the description, value, and location of all real property owned and options to purchase real property during the reporting period by a filer or a member of the filer’s immediate family if:

(i) there have been any public improvements of more than two hundred dollars on or adjacent to the real property within the reporting period and the public improvements are known to the filer; or

(ii) the interest can reasonably be expected to be the subject of a conflict of interest; or

(b) if a sale, lease, or rental of personal or real property is to a state, county, or municipal instrumentality of government, a copy of the contract, lease, or rental agreement must be attached to the statement of economic interests;

(4) the name of each organization which paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement;

(5) the identity of every business or entity in which the filer or a member of the filer’s immediate family held or controlled, in the aggregate, securities or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of one hundred thousand dollars or more;

(6)(a) a listing by name and address of each creditor to whom the filer or member of the filer’s immediate family owed a debt in excess of five hundred dollars at any time during the reporting period, if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer’s agency or department other than for a credit card or retail installment contract, and the original amount of the debt and amount outstanding unless:

(i) the debt is promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or

(ii) the debt is promised or loaned by an individual’s family member if the person who promises or makes the loan is not acting as the agent or intermediary for someone other than a person named in this subitem; and

(b) the rate of interest charged the filer or a member of the filer’s immediate family for a debt required to be reported in (a);

If a discharge of a debt required to be reported in (a) has been made, the date of the transaction must be shown.

(7) the name of any lobbyist, as defined in Section 2‑17‑10(13) who is:

(a) an immediate family member of the filer;

(b) an individual with whom or business with which the filer or a member of the filer’s immediate family is associated;

(8) if a ~~public official,~~ public member~~,~~ or public employee receives compensation from an individual or business which contracts with the governmental entity with which the ~~public official,~~ public member~~,~~ or public employee serves or is employed, the ~~public official,~~ public member~~,~~ or public employee must report the name and address of that individual or business and the amount of compensation paid ~~to~~ ~~the public official, public member, or public employee~~ by that individual or business;

(9) the source and a brief description of any gifts, including transportation, lodging, food, or entertainment received during the preceding calendar year from:

(a) a person, if there is reason to believe the donor would not give the gift, gratuity, or favor but for the official’s or employee’s office or position; or

(b) a person, or from an officer or director of a person, if the public official or public employee has reason to believe the person:

(i) has or is seeking to obtain contractual or other business or financial relationship with the official’s or employee’s agency; or

(ii) conducts operations or activities which are regulated by the official’s or employee’s agency if the value of the gift is twenty‑five dollars or more in a day or if the value totals, in the aggregate, two hundred dollars or more in a calendar year~~.~~;

(10) except as provided in items (11) and (12), the source of any other income in excess of two thousand five hundred dollars received from a single nonpublic source by the filer that is contained on a W‑2, K‑1, 1099, or any other reporting form used by the Internal Revenue Service for the disclosure of income, not to include income received pursuant to:

(a) a court order;

(b) interest from a savings or checking account with a bank, savings and loan, or other licensed financial institution which offers savings or checking accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee;

(c) a mutual fund or similar fund in which an investment company invests its shareholders’ money in a diversified selection of securities;

(11) the specific source and amount of income received by a public official, a member of the public official’s immediate family, or a business with which the public official is associated if the public official directly derives income from a contractual or financial relationship, including a consultant or independent contractor relationship, with a lobbyist’s principal;

(12) the name of any governmental entity at the state level if the filer is a state public official or at the local level if the filer is a local public official from which the filer directly derives income from a contractual or financial relationship, including a consultant or independent contractor relationship, between that governmental entity and that public official, a member of the public official’s immediate family, or a business with which the public official is associated.

(B) This article does not require the disclosure of economic interests information concerning:

(1) a spouse separated pursuant to a court order from the public official, public member, or public employee;

(2) a former spouse;

(3) a campaign contribution that is permitted and reported under Article 13 of this chapter; or

(4) matters determined to require confidentiality pursuant to Section 2‑17‑90(E).”

SECTION 9. Section 8‑13‑1300(6), (7), (23), and (32) of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“(6) ‘Committee’ means an association, a club, an organization, or a group of persons, including a party committee, a legislative caucus committee, or a noncandidate committee, which~~, to influence the outcome of an elective office,~~ has as its major purpose the nomination, election, or defeat of one or more candidates and receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. It also means a person who~~, to influence the outcome of an elective office,~~ has the major purpose to support or oppose the nomination, election, or defeat of one or more candidates and makes:

(a) contributions aggregating at least twenty‑five thousand dollars during an election cycle to or at the request of a candidate or a committee, or a combination of them; or

(b) independent expenditures aggregating five hundred dollars or more during an election cycle for the election or defeat of a candidate.

~~‘Committee’ includes a party committee, a legislative caucus committee, a noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for the purpose of influencing an election.~~

(7) ‘Contribution’ means:

(a) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election; or payment or compensation for the personal service of another person which is rendered for any purpose to a candidate or committee without charge, whether any of the above are made or offered directly or indirectly; or

(b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made within the forty‑five calendar days immediately before the election. Funds, used pursuant to this subsection, must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312.

‘Contribution’ does not include ~~(a)~~ volunteer personal services on behalf of a candidate or committee for which the volunteer or any person acting on behalf of or instead of the volunteer receives no compensation either in cash or in‑kind, directly or indirectly, from any source~~; or (b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made not more than forty‑five days before the election to influence the outcome of an elective office as defined in Section 8‑13‑1300(31)(c). These funds must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312~~.

(23) ‘Noncandidate committee’ means a committee that is not a campaign committee for a candidate but ~~is organized to influence an election or to support or oppose a candidate or public official~~ has as its major purpose the nomination, election, or defeat of one or more candidates, which receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. ‘Noncandidate committee’ does not include political action committees that contribute solely to federal campaigns.

(32) ‘Ballot measure committee’ means:

(a) an association, club, an organization, or a group of persons ~~which, to influence the outcome of a ballot measure,~~ whose major purpose is to promote or defeat a ballot measure and receives contributions or makes expenditures in excess of two thousand five hundred dollars in the aggregate during an election cycle;

(b) a person, other than an individual, who, to influence the outcome of a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to or at the request of a ballot measure committee; or

(c) a person, other than an individual, who, to influence the outcome of a ballot measure, makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle.”

SECTION 10. Section 8‑13‑1302 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑1302. (A) A candidate, committee, or ballot measure committee must maintain and preserve an account of:

(1) the total amount of contributions accepted by the candidate, committee, or ballot measure committee;

(2) the name and address of each person making a contribution and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the candidate, committee, or ballot measure committee;

(4) the name and address of each person to whom an expenditure is made including the date, amount, purpose, and beneficiary of the expenditure;

(5) all receipted bills, canceled checks, or other proof of payment for each expenditure; and

(6) the occupation of each person making a contribution; provided however, that a written request for this information shall satisfy this subsection.

(B) The candidate, committee, or ballot measure committee must maintain and preserve all receipted bills and accounts required by this article for four years.”

SECTION 11. Section 8‑13‑1308 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) During the twenty day period prior to an election, a candidate or committee must electronically report the name and address and amount accepted from each person who makes:

(1) a contribution of more than two hundred fifty dollars; or

(2) a contribution of less than two hundred fifty dollars that when combined with all other contributions accepted from the person during the period that have not been reported, exceed two hundred fifty dollars.

The electronic report required by this section must be made within forty‑eight hours after the applicable contribution is accepted, must include in the total the amount of any contribution from the person accepted during the period not previously reported, and must be filed and publicly accessible in the manner provided by Section 8‑13‑365.”

SECTION 12. Section 8‑13‑1309 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) During the twenty day period prior to an election, a ballot measure committee must electronically report the name and address and amount accepted from each person who makes:

(1) a contribution of more than two hundred fifty dollars; or

(2) a contribution of less than two hundred fifty dollars that when combined with all other contributions accepted from the person during the period that have not been reported, exceed two hundred fifty dollars.

The electronic report required by this section must be made within forty‑eight hours after the applicable contribution is accepted, must include in the total the amount of any contribution accepted from the person during the period not previously reported, and must be filed and publicly accessible in the manner provided by Section 8‑13‑365.”

SECTION 13. Section 8‑13‑1314 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1314. (A) Within an election cycle, no candidate or anyone acting on his behalf shall solicit or accept, and no person shall give or offer to give to a candidate or person acting on the candidate’s behalf:

(1) a contribution which exceeds:

(a) three thousand five hundred dollars in the case of a candidate for statewide office; or

(b) one thousand dollars in the case of a candidate for any other office;

(2) a cash contribution from an individual unless the cash contribution does not exceed twenty‑five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor;

(3) a contribution from, whether directly or indirectly, a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election;

(4) contributions for two elective offices simultaneously, except as provided in Section 8‑13‑1318;

(5) contributions from a noncandidate committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official or any other entity maintained by or affiliated with a candidate or public official. This item does not apply to legislative caucus committees or political parties. This item also does not prohibit a candidate or public official from making a contribution of their personal funds to a candidate for another office.

(B) The restrictions on contributions in subsections (A)(1) and (A)(2) do not apply to a candidate making a contribution to his own campaign.”

SECTION 14. Section 8‑13‑1318 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑1318. (A) If a candidate has a debt from a campaign for an elective office, the candidate may accept contributions to retire the debt, even if the candidate accepts contributions for another elective office or the same elective office during a subsequent election cycle, as long as those contributions accepted to retire the debt are:

(1) within the contribution limits applicable to the last election in which the candidate sought the elective office for which the debt was incurred; and

(2) reported as provided in this article.

(B) Any contributions received pursuant to this section must be used for the purpose of retiring campaign debt only.”

SECTION 15. Section 8‑13‑1338(A) of the 1976 Code, as added by Section 248 of 1991, is amended to read by adding a new item at the end to read:

“(5) the head of any state agency or department who is selected by the Governor, General Assembly, or an appointed or elected board.”

SECTION 16. Section 8‑13‑1340 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1340. (A) Except as provided in ~~subsections~~ subsection (B) ~~and (E)~~, a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees, directly or indirectly established, financed, maintained, or controlled by the candidate or public official.

(B) This section does not prohibit a candidate from:

(1) making a contribution from the candidate’s own personal funds on behalf of the candidate’s candidacy or to another candidate for a different office; or

(2) providing the candidate’s surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate under Section 8‑13‑1370 of this article.

(C) Assets or funds which are the proceeds of a campaign contribution and which are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).

(D) A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:

(1) the candidate or public official, or an agent of either, has signature authority on the committee’s checks;

(2) funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;

(3) the candidate or public official is clearly identified on either the stationery or letterhead of the committee;

(4) the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;

(5) the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee’s solicitations, contributions, donations, disbursements, or contracts to make disbursements; or

(6) the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.

~~(E)~~ ~~The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.~~

~~(F)~~ ~~No committee operating under the provisions of Section 8‑13‑1340(E) may :~~

~~(1)~~ ~~solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or~~

~~(2)~~ ~~transfer anything of value to any other committee except as a contribution under the limitations of Section 8‑13‑1314(A) or the dissolution provisions of Section 8‑13‑1370.~~”

SECTION 17. Section 8‑13‑1348(A) of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“(A)(1) No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual’s duties as a holder of elective office.

(2) Campaign funds may not be used to pay penalties and fines issued by the State Ethics Commission or the Joint Committee on Ethics pursuant to a finding of misconduct, or levied by a court of competent jurisdiction as a result of any criminal convictions.”

SECTION 18. Section 8‑13‑1510(A) of the 1976 Code, as last amended by Act 40 of 2011, is further amended to read:

“(A) ~~Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:~~

~~(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and~~

~~(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.~~ Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.”

SECTION 19. Section 8‑13‑1520 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1520. (A) Except as otherwise specifically provided in this chapter or Section 8‑13‑1510, a person who wilfully violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

(B) Except as otherwise specifically provided in Article 13, a person who wilfully violates any provision of ~~this~~ Article 13 is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred percent of the amount of contributions or anything of value that should have been reported pursuant to the provisions of ~~this~~ Article 13 but not less than five thousand dollars or imprisoned for not more than one year, or both.

(C) ~~A violation of the provisions of this chapter does not necessarily subject a public official to the provisions of Section 8‑13‑560~~ For all violations not punishable pursuant to Section 8‑13‑1510, the commission, in its discretion, through a written public reprimand detailing the nature of the violations, may:

(1) impose a civil fine of between two hundred dollars and twenty‑five hundred dollars for each violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(2) order sufficient remedial action of the violator to rectify the violation including, but not limited to, the repayment of funds;

(3) recommend to either the Senate or House of Representatives for members of the General Assembly or the Governor for all other public officials that the official be removed from office by the appropriate process; or

(4) a combination of any of the above.”

SECTION 20. A. Title 23 of the 1976 Code is amended by adding:

“CHAPTER 2

Public Integrity Unit

Section 23‑2‑10. (A) In order to insure ethical conduct in public service of this State and to promote integrity in government institutions, a partnership of agencies and other persons employed in investigating, auditing, and inspecting serious misconduct by government officials in this State is hereby established to be known as the ‘South Carolina Public Integrity Unit’ and this chapter must be interpreted to achieve the purposes of the Public Integrity Unit.

(B) Nothing in this chapter may be construed to preclude agencies or other entities within this State from performing existing functions, investigation authority, or adjudication as otherwise prescribed by law.

(C) It is the intent of the General Assembly in creating this partnership to maximize existing resources, expertise, and available information to coordinate investigations of alleged government corruption, unethical conduct, and violations of the public trust, all of which are imperative to preserving the faith of the public in its institutions. Each partner agency or entity may release information for investigative purposes to the other named partners as provided in this chapter, but the agency that originates that document remains responsible for release authority.

(D) As contained in this chapter:

(1) ‘Appropriate supervisory office’ means the South Carolina Ethics Commission for all persons required to file reports under Chapter 13, Title 8, or the Joint Committee on Ethics as appropriate.

(2) ‘Partner’ means each of the six named members of the Public Integrity Unit, and their respective agencies, namely the Attorney General, Chief of the State Law Enforcement Division, Director of the Department of Revenue, the Executive Director of the South Carolina Ethics Commission, the Chairman of the Joint Committee on Ethics, and the Inspector General.

(3) ‘Unit’ means the Public Integrity Unit as described in this chapter.

Section 23‑2‑20. (A) There is hereby created a ‘South Carolina Public Integrity Unit’ consisting of the following six partner members:

(1) the Attorney General;

(2) the Chief of the State Law Enforcement Division;

(3) the Director of the Department of Revenue;

(4) the Executive Director of the South Carolina Ethics Commission

(5) the Chairman of the Joint Committee on Ethics; and

(6) the Inspector General.

(B) The members provided for in subsection (A) are ex officio members. The members may provide employees or staff from their respective agencies for the unit as necessary. Employees of other government agencies may be included in particular investigations.

(C) Members of the unit shall serve without compensation. A unit member who terminates his office or employment which qualified him as a member of the unit immediately shall cease to be a member of the unit.

Section 23‑2‑30. The Attorney General shall provide administrative support for the unit. The unit shall not have employees, but the partnering entities shall assign members, investigators, auditors, or support staff from within their respective agencies or staff.

Section 23‑2‑40. Nothing in this chapter establishes the unit as a separate entity to receive complaints from the general public. The unit shall receive allegations of criminal conduct from partner entities, an appropriate supervisory office, or any other state agency authorized to receive complaints against public employees, officers, or officials.

Section 23‑2‑50. Upon receipt of an allegation from a partner, the members shall determine whether it is appropriate for investigation by the unit or if the matter should be returned to the forwarding authority for action. The unit is an investigative partnership and not an adjudicating entity. Completed investigations that substantiate serious criminal conduct may be provided directly to the Attorney General or a solicitor. Substantiated investigations of a civil nature or deemed to be procedural error must be sent to the appropriate supervisory office. Unsubstantiated investigations must be returned to the entity that forwarded the investigation to the unit.

Section 23‑2‑60. The unit may accept investigations of criminal conduct by referral only. The referring entity shall identify the scope of the investigation. Completed investigations that substantiate serious criminal conduct may be provided directly to the Attorney General or a solicitor. Substantiated investigations not undertaken by the Attorney General or a solicitor, substantiated investigations deemed procedural errors, or unsubstantiated investigations must be returned to the appropriate referring entity. Referral to the unit may be made by:

(1) the South Carolina Ethics Commission;

(2) the Joint Committee on Ethics;

(3) the Supreme Court as allowed within its rules or by law; or

(4) any of the other partners identified in Section 23‑2‑20.

Section 23‑2‑70. The unit is a collaborative investigating entity that may include privileged communications, protected information, and protected identities under law. Freedom of Information Act requests must be made directly to the partner agency that generates such documents. Partnering entities that use information from another partner within the unit shall follow the release protocol of the originating partner. The unit shall not release any information related to its investigation or its results until such time as the matter is substantiated by the originating partner or undertaken as a criminal prosecution by the Attorney General or a solicitor.

Section 23‑2‑80. The unit may make recommendations to the General Assembly or to the Governor regarding the carrying out of the purposes, objectives, and intentions of this chapter or other acts relating to enforcement of ethics or public integrity issues. The partners shall report to the General Assembly each year of trends of cases, recommendations of reforms, and fiscal issues of the unit each year through the administrative support of the Attorney General.

Section 23‑2‑90. Partner members of the Public Integrity Unit, to the extent that they are authorized in their respective agencies, are authorized to:

(1) accept contributions, funds, or grants from foundations, state agencies, or the federal government, for the purpose of carrying out the programs and objectives of this chapter, provided such funds are not related to any particular case and are part of an established program for the improvement of investigation capability, and not from a public official or an entity within the control or influence of that public official;

(2) consult and cooperate with counties, municipalities, agencies, or official bodies of this State or of other states, other governmental agencies, and with colleges and universities, including technical colleges, and other institutions, concerning investigations of violations of the laws of this State;

(3) publish or cause to be published manuals, information bulletins, newsletters, and other materials to achieve the objectives of this chapter; and

(4) promulgate regulations as necessary for the administration of this chapter, including the issuance of administrative procedures for coordination among the partner entities.

Section 23‑2‑100. An oral or written report, document, statement, or other communication that is written, made, or delivered concerning the requirements or administration of this chapter or regulations promulgated under it must not be the subject of or basis for an action at law or in equity for slander or libel in any court of the State if the communication is between:

(1) a law enforcement agency, its agents, employees, or representatives; and

(2) the unit, its agents, employees, or representatives.

Section 23‑2‑110. If the unit determines that assistance is needed in conducting an investigation, the unit shall request the assistance of appropriate agencies.

B. Section 12‑54‑240 of the 1976 Code, as last amended by Act 116 of 2007, is further amended by adding a new subsection at the end to be appropriately lettered to read:

( ) The Department of Revenue also is authorized to disclose information for purposes of a Public Integrity Unit investigation pursuant to Chapter 2, Title 23.”

SECTION 21. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 22. This act takes effect July 1, 2014; provided, that the programs, functions, and requirements of the provisions in Chapter 2, Title 23 of the 1976 Code as contained in SECTION 20 must be terminated ten years after the effective date of the act unless otherwise authorized by the General Assembly. Upon termination, the Public Integrity Unit shall be dissolved and must wind up any investigations accepted pursuant to the provisions of Chapter 2, Title 23 of the 1976 Code as contained in SECTION 20 within six months of termination. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Rep. BANNISTER spoke in favor of the amendment.

The amendment was then adopted.

Rep. PITTS proposed the following Amendment No. 7 to H. 3945 (COUNCIL\NBD\3945C004.NBD.AHB13), which was tabled:

Amend the bill, as and if amended, by adding a new SECTION after SECTION 6 to read:

/ SECTION \_\_. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑771. No statewide elected public official may appoint to a state board, commission, or committee any person, or immediate family member of that person, who has made a political contribution to the most recent election campaign of that statewide elected public official.” /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

Rep. QUINN spoke against the amendment.

Rep. BANNISTER moved to table the amendment.

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

Yeas 97; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| 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 | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | George | Goldfinch |
| Govan | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Loftis | Long |
| Lucas | Mack | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Ott | Parks |
| Patrick | Pope | Powers Norrell |
| Quinn | Ridgeway | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Thayer | Vick | Weeks |
| Wells | Whipper | Williams |
| Wood |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| K. R. Crawford | Funderburk | Gagnon |
| Gambrell | Hardee | Hiott |
| Hixon | Limehouse | Lowe |
| Merrill | Norman | Pitts |
| Riley | Rivers | Sandifer |
| Southard | Taylor | Toole |
| Whitmire | Willis |  |

**Total--20**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 7

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Dillard |
| Douglas | Edge | Erickson |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Ott | Owens |
| Parks | Patrick | Pope |
| Powers Norrell | 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 | Wood |  |

**Total--113**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Chumley | Delleney |
| Felder | D. C. Moss | Norman |
| Pitts |  |  |

**Total--7**

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

STATEMENT FOR THE JOURNAL

This is a statement with the intent of explaining why I voted against H. 3945. While I agree that this Bill improves some areas of Ethics Law, it still treats some elected officials differently than others.

Rep. Eric Bedingfield

STATEMENT FOR THE JOURNAL

I voted against H. 3945, due to the fact that Amendment No. 6 was adopted on the floor and basically replaced the Bill and there was not sufficient time to review the new language.

Rep. Bill Chumley

RECORD FOR VOTING

I was temporarily out of the Chamber, speaking with constituents from District 115, during the vote on H. 3945. If I had been present, I would have voted in favor of the Bill.

Rep. Peter McCoy

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

Reps. SIMRILL, J. R. SMITH, G. A. BROWN, SELLERS, D. C. MOSS, WELLS, TAYLOR, BRANNON, HIOTT, ATWATER, DELLENEY, TOOLE, OWENS, HOSEY, ANDERSON and POWERS NORRELL withdrew their requests for debate on H. 3563; however, other requests for debate remained on the Bill.

**H. 3983--REQUESTS FOR DEBATE WITHDRAWN AND REQUEST FOR DEBATE**

Reps. W. J. MCLEOD, PARKS, GEORGE and ROBINSON-SIMPSON withdrew their requests for debate on the following Bill:

H. 3983 -- Reps. Sellers, G. M. Smith and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 29 TO CHAPTER 7, TITLE 44 SO AS TO PROVIDE RURAL COUNTIES WITH ACCESS TO FREE EMERGENCY HOSPITAL CARE AND ALLOW RELICENSURE OF CLOSED RURAL HOSPITALS AS FREESTANDING EMERGENCY HEALTH CARE FACILITIES UNDER CERTAIN CIRCUMSTANCES.

Rep. BALES requested debate on the Bill.

**H. 3644--REQUEST FOR DEBATE WITHDRAWN**

Reps. LOFTIS withdrew his request for debate on H. 3644; however, other requests for debate remained on the Bill.

**S. 12--RECALLED AND REFERRED TO COMMITTEE ON WAYS AND MEANS**

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

S. 12 -- Senators O'Dell and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-10-108 SO AS TO PROVIDE A CLIENT COMPANY THAT CONTRACTS WITH A PROFESSIONAL SERVICE EMPLOYER AND IS ASSIGNED EMPLOYEES UNDER THAT CONTRACT, IS ELIGIBLE FOR THE JOB DEVELOPMENT CREDIT, TO SPECIFY THE CONDITIONS UNDER WHICH THE JOB DEVELOPMENT CREDIT MAY BE CLAIMED, AND TO PROVIDE THE PROCESS BY WHICH THE CLIENT COMPANY MAY CLAIM THE CREDIT AND THE PROCESS BY WHICH THE DEPARTMENT OF REVENUE SHALL ADMINISTER THE CREDIT WITH RESPECT TO A CLIENT COMPANY; AND BY ADDING SECTION 40-68-145 SO AS TO PROVIDE THAT FOR PURPOSES OF DETERMINING AN INCENTIVE OR BUSINESS PREFERENCE PROGRAM BASED ON EMPLOYMENT, AN ASSIGNED EMPLOYEE IS CONSIDERED AN EMPLOYEE OF THE CLIENT COMPANY.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4070 -- Rep. Dillard: A HOUSE RESOLUTION TO DECLARE THE WEEK OF APRIL 21 THROUGH 27, 2013, AS "CRIME VICTIMS' RIGHTS WEEK" IN SOUTH CAROLINA AND TO REAFFIRM THIS STATE'S COMMITMENT TO RESPECT AND ENFORCE VICTIMS' RIGHTS AND ADDRESS THEIR NEEDS THROUGHOUT THE YEAR.

Whereas, 18.7 million Americans are directly harmed by crime each year, and each crime affects many more family members, friends, neighbors, and co‑workers; and

Whereas, crime can leave a lasting physical, emotional, or financial impact on people of all ages and abilities and all economic, racial, and social backgrounds; and

Whereas, in addition to these challenges, crime victims face a criminal justice system that at times ignores their rights and treats them with disrespect; and

Whereas, in 1982, the President’s Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims. The nation heeded this call to action and promoted victims’ rights initiatives, effective and compassionate victim services, and just compensation and financial support; and

Whereas, today, thousands of victim assistance programs provide help and support to child victims of violence and sexual abuse; stalking victims; survivors of homicide victims; victims of drunk‑driving crashes; and victims of domestic, dating, and sexual violence and other crimes; and

Whereas, in the Palmetto State, the South Carolina Department of Probation, Parole, and Pardon Services created the Office of Victim Services (OVS) in 1986, and it is a pioneer among the nation’s probation/parole agencies in providing direct services to victims. Its primary responsibility is to assist victims of crimes committed by offenders under the supervision of the department; and

Whereas, employees within the OVS are certified through the State Office of Victim Services Education and Certification. OVS endeavors to keep victims informed of the status of their cases. By providing comprehensive, responsive service, OVS helps ease the frustration and anxiety that often accompany the parole and probation process, enables victims to regain a sense of control over their lives, and assists in restoring their quality of life more quickly and effectively; and

Whereas, the people of South Carolina wish to express their appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force to improve our response to victims of crime and build a more just community; and

Whereas, “National Crime Victims’ Rights Week”, April 21 through 27, 2013, provides an opportunity to celebrate the energy, creativity, and commitment that launched the victims’ rights movement and inspired its progress, advantages that continue to advance the cause of justice for crime victims; and

Whereas, the House of Representatives is pleased to join forces with victim service providers, criminal justice agencies, and concerned citizens throughout South Carolina and America to raise awareness of victims’ rights and observe “Crime Victims’ Rights Week.” Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, declare the week of April 21 through 27, 2013, as “Crime Victims’ Rights Week” in South Carolina and reaffirm this state’s commitment to respect and enforce victims’ rights and address their needs throughout the year.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4071 -- Reps. Murphy, Horne, Harrell, Jefferson, Knight, Mack and Whipper: A HOUSE RESOLUTION TO HONOR RHETT FRAMPTON OF SUMMERVILLE, SCIENCE AND MATH TEACHER AT PINEWOOD PREPARATORY SCHOOL, ON BEING NAMED 2013 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) LOWER SCHOOL TEACHER OF THE YEAR AND TO EXTEND SINCERE APPRECIATION FOR HER OUTSTANDING CONTRIBUTIONS TO EDUCATION IN SOUTH CAROLINA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 663 -- Senators McElveen, Campsen, Thurmond, McGill and Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE BEN MOÏSE OF CHARLESTON ON THE OCCASION OF HIS SEVENTIETH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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. 664 -- Senator Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOE PINNER FOR HIS OUTSTANDING CONTRIBUTIONS TO THE PALMETTO STATE AND TO CONGRATULATE HIM UPON HIS GOLDEN ANNIVERSARY WITH WIS TV.

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. 667 -- Senator Sheheen: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA'S YOUNG PEOPLE, TO THE PREVENTION OF TEEN PREGNANCY, AND TO DECLARE THE MONTH OF MAY AS "TEEN PREGNANCY PREVENTION MONTH" IN THE STATE OF SOUTH CAROLINA.

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

**INTRODUCTION OF BILLS**

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

H. 4072 -- Rep. Patrick: A BILL TO AMEND SECTION 59-67-460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRACTS FOR TRANSPORTATION SERVICES BETWEEN A COUNTY SCHOOL BOARD AND A PRIVATE INDIVIDUAL OR CONTRACTOR, SO AS TO PROVIDE THE COUNTY SCHOOL BOARD IS RESPONSIBLE FOR PAYMENT OF MAINTENANCE COSTS INCURRED UNDER THE CONTRACT AND SHALL RECEIVE CERTAIN ASSOCIATED FINANCIAL AID FROM THE STATE; AND TO PROVIDE THE COUNTY SCHOOL BOARD MAY REQUEST TITLE AND CONTROL OF SCHOOL BUSES OPERATED WITHIN THE JURISDICTION OF THE BOARD BY THE STATE, AND THAT THE STATE SHALL GRANT THIS REQUEST AT NO COST, SUBJECT TO CERTAIN REQUIREMENTS WHERE A DISTRICT SHARES A MAINTENANCE FACILITY WITH ANOTHER DISTRICT.

Referred to Committee on Education and Public Works

H. 4073 -- Reps. G. R. Smith, Bedingfield and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-7-125 SO AS TO PROVIDE THAT THE GOVERNING BODY OF A MUNICIPALITY, BY ORDINANCE, MAY PROVIDE THAT ALL MEMBERS OF A MUNICIPAL FIRE TRUCK COMPANY OR OTHER EMPLOYEES OF THE FIRE DEPARTMENT MAY DIRECT AND CONTROL TRAFFIC AT THE SCENE OF ANY FIRE IN THE MUNICIPALITY AND ENFORCE THE LAWS OF THIS STATE OR ORDINANCES OF THE MUNICIPALITY RELATING TO THE FOLLOWING OF A FIRE APPARATUS, THE CROSSING OF A FIRE HOSE, AND INTERFERING WITH FIREMEN IN THE DISCHARGE OF THEIR DUTIES IN CONNECTION WITH A FIRE IN THE SAME MANNER AS PROVIDED FOR THE ENFORCEMENT OF SUCH LAWS OR ORDINANCES BY LAW ENFORCEMENT OR CODE ENFORCEMENT OFFICERS.

Referred to Committee on Education and Public Works

H. 4074 -- Reps. White, Cobb-Hunter, K. R. Crawford, Clemmons, Simrill, Owens, Harrell, Howard, Sellers, Rutherford, Bannister, Mitchell, Delleney, Hardwick, G. M. Smith, Lucas, Bingham, Allison, Barfield, Finlay, Forrester, Gagnon, Hamilton, Henderson, Herbkersman, Ott, Pitts, J. R. Smith and Stringer: A BILL TO AMEND ARTICLE 5, CHAPTER 21, TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TOBACCO, AMMUNITION, AND PLAYING CARDS, SO AS TO LEVY, ASSESS, AND COLLECT FIVE CENTS ON CERTAIN PRODUCTS CONTAINING NICOTINE THAT ARE COMMONLY USED IN ELECTRONIC CIGARETTES, TO LIMIT THE RATE TO NO MORE THAN TEN PERCENT OF THE EXCISE TAX AND SURCHARGE ON A PACK OF CIGARETTES, TO REQUIRE THAT AN INVOICE FOR SUCH PRODUCTS CLEARLY STATES THE AMOUNT OF PRODUCT INCLUDED, AND TO MAKE CONFORMING CHANGES.

Referred to Committee on Ways and Means

H. 4075 -- Reps. Vick and Southard: A BILL TO AMEND SECTION 12-37-250, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HOMESTEAD PROPERTY TAX EXEMPTION ALLOWED PERSONS OVER THE AGE OF SIXTY-FIVE YEARS, OR DISABLED, OR LEGALLY BLIND, SO AS TO INCREASE THE EXEMPTION AMOUNT FROM THE FIRST FIFTY THOUSAND DOLLARS TO THE FIRST SEVENTY-FIVE THOUSAND DOLLARS OF THE FAIR MARKET VALUE OF THE HOMESTEAD.

Referred to Committee on Ways and Means

H. 4076 -- Reps. R. L. Brown, Harrell, Cobb-Hunter, Bingham, Wells, Ott, K. R. Crawford, Neal, Mitchell, Bedingfield, Jefferson, King, Williams, Clyburn, Hosey, Owens, Whipper and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO REQUIRE EACH COUNTY AND MUNICIPALITY THAT MAINTAINS FEDERAL TAX INFORMATION TO IMPLEMENT A POLICY THAT SAFEGUARDS THE INFORMATION, AND TO PROVIDE THAT THE POLICY MUST BE NO LESS STRINGENT THAN THE

MANNER IN WHICH THE INTERNAL REVENUE SERVICE PROTECTS THE INFORMATION.

Rep. R. L. BROWN asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. WEEKS objected.

Referred to Committee on Ways and Means

H. 4077 -- Reps. Clemmons, Hardwick, H. A. Crawford, Hardee, Barfield and Ryhal: A BILL TO AMEND SECTION 11-41-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO CLARIFY THAT THE DEFINITION OF "ECONOMIC DEVELOPMENT PROJECT", INCLUDING A NATIONAL AND INTERNATIONAL CONVENTION AND TRADE SHOW CENTER OWNED BY A PUBLIC ENTITY INCLUDES AN ADJACENT FACILITY ALLOWING SPECIFIC EVENTS THEREBY MAKING ADDITIONAL TIME AND SPACE AVAILABLE FOR THE MAJOR CONVENTIONS, TRADE SHOWS, AND SPECIAL EVENTS CONTEMPLATED BY THE ACT AND REQUIRE JOINT BOND REVIEW COMMITTEE REVIEW AND COMMENT ON SUCH AN ADJACENT FACILITY; AND TO AMEND SECTION 11-41-70, RELATING TO PURPOSES OF THE ISSUE OF BONDS PURSUANT TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT AND SPECIFIC REQUIREMENTS APPLICABLE TO A PUBLIC ENTITY RECEIVING BOND PROCEEDS, SO AS TO EXTEND FROM TEN TO FIFTEEN YEARS THE PERIOD IN WHICH A NATIONAL AND INTERNATIONAL CONVENTION AND TRADE SHOW CENTER MUST BE COMPLETED.

Referred to Committee on Ways and Means

S. 148 -- Senators Shealy, Bryant, Gregory and Alexander: A BILL TO AMEND CHAPTER 20, TITLE 37 OF THE 1976 CODE, RELATING TO CONSUMER IDENTITY THEFT PROTECTION, BY ADDING SECTION 37-20-161, TO PROVIDE FOR CERTAIN MEASURES TO SAFEGUARD A CLASS OF "PROTECTED CONSUMERS" FROM BECOMING VICTIMS OF IDENTITY THEFT, TO ALLOW REPRESENTATIVES, PROVIDING SUFFICIENT PROOF OF AUTHORITY, TO PLACE A PREEMPTIVE SECURITY FREEZE ON PROTECTED CONSUMER'S CREDIT REPORTS, TO PROVIDE THE LIMITATIONS OF THIS SECTION, 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 Labor, Commerce and Industry

S. 448 -- Senators Alexander, Peeler, Cleary and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-47-938 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PHYSICIAN MAY ENTER A SUPERVISORY RELATIONSHIP WITH A PHYSICIAN ASSISTANT; TO AMEND SECTION 40-47-910, RELATING TO DEFINITIONS IN THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO ADD AND REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40-47-940, RELATING TO APPLICATION FOR LICENSURE, SO AS TO DELETE CERTAIN APPLICATION REQUIREMENTS; TO AMEND SECTION 40-47-945, RELATING TO CONDITIONS FOR GRANTING PERMANENT LICENSURE, SO AS TO DELETE REQUIREMENTS THAT AN APPLICANT APPEAR BEFORE THE BOARD WITH HIS SUPERVISING PHYSICIAN AND HIS SCOPE OF PRACTICE GUIDELINES, AND TO DELETE THE PROHIBITION AGAINST THE APPROVAL OF A SUPERVISING PHYSICIAN OF ON-THE-JOB TRAINING OR TASKS NOT LISTED ON THE APPLICATION FOR LIMITED LICENSURE AS A PHYSICIAN ASSISTANT; TO AMEND SECTION 40-47-955, RELATING TO PHYSICAL PRESENCE REQUIREMENTS OF THE SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, SO AS TO DELETE EXISTING REQUIREMENTS CONCERNING ON-SITE SETTINGS AND TO PROVIDE WHERE AND HOW A PHYSICIAN ASSISTANT MAY PRACTICE, TO REVISE PROVISIONS CONCERNING OFF-SITE SETTINGS, AND TO REVISE CERTAIN REQUIREMENTS OF A SUPERVISING PHYSICIAN; TO AMEND SECTION 40-47-960, RELATING TO MINIMUM REQUIREMENTS FOR SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, SO AS TO INCLUDE THE IMMEDIATE CONSULTATION BETWEEN THE PHYSICIAN ASSISTANT AND HIS PRIMARY OR SUPERVISING PHYSICIAN; TO AMEND SECTION 40-47-965, RELATING TO THE AUTHORITY OF A PHYSICIAN ASSISTANT TO REQUEST OR RECEIVE PROFESSIONAL SAMPLES OF DRUGS AUTHORIZED UNDER HIS SCOPE OF PRACTICE GUIDELINES, SO AS TO DELETE THE PROHIBITION AGAINST REQUESTING OR RECEIVING PROFESSIONAL SAMPLES OF SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40-47-970, RELATING TO THE PRESCRIBING OF DRUGS BY A PHYSICIAN ASSISTANT, SO AS TO AS TO DELETE A PROHIBITION AGAINST PRESCRIBING SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40-47-975, RELATING TO THE AUTHORITY OF A SUPERVISING PHYSICIAN TO REQUEST PERMISSION FROM THE BOARD FOR A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION TO RECEIVE ON-THE-JOB TRAINING, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE THAT A SUPERVISING PHYSICIAN MAY DETERMINE WHETHER A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION NEEDS ADDITIONAL TRAINING OR EDUCATION, THAT THE PHYSICIAN AND PHYSICIAN ASSISTANT MAY JOINTLY DETERMINE THE MEANS OF PROVIDING THIS TRAINING OR EDUCATION, AND THAT CERTAIN RELATED INFORMATION MUST BE SUBMITTED TO THE BOARD OF MEDICAL EXAMINERS AND THE PHYSICIAN ASSISTANT COMMITTEE FOR THE APPROVAL OF EACH; TO AMEND SECTION 40-47-995, RELATING TO THE TERMINATION OF A SUPERVISORY RELATIONSHIP BETWEEN A PHYSICIAN AND PHYSICIAN ASSISTANT, SO AS TO PROVIDE THAT UPON THIS TERMINATION THE PRACTICE OF THE PHYSICIAN ASSISTANT MUST CEASE UNTIL NEW SCOPE OF PRACTICE GUIDELINES, RATHER THAN A NEW APPLICATION, ARE SUBMITTED BY A NEW SUPERVISING PHYSICIAN TO THE BOARD; AND TO REPEAL SECTION 40-47-980 RELATING TO THE TREATMENT OF PATIENTS IN CHRONIC CARE AND LONG-TERM CARE FACILITIES.

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

S. 481 -- Senators Malloy, McGill, Leatherman, Setzler, Johnson and Ford: A BILL TO AMEND SECTION 12-21-2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

Referred to Committee on Ways and Means

S. 530 -- Senators Hayes, Campbell and L. Martin: A BILL TO AMEND SECTION 38-71-1730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSED PANEL HEALTH PLANS, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EMPLOYERS THAT OFFER ONLY CLOSED PANEL HEALTH PLANS TO ITS EMPLOYEES ALSO OFFER A POINT-OF-SERVICE OPTION TO ITS EMPLOYEES, TO MAKE CONFORMING CHANGES, AND TO INCREASE THE ALLOWABLE DIFFERENCES BETWEEN COINSURANCE PERCENTAGES FOR IN-NETWORK AND OUT-OF-NETWORK COVERED SERVICES AND SUPPLIES UNDER A POINT-OF-SERVICE OPTION.

Referred to Committee on Labor, Commerce and Industry

S. 540 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PERPETUAL CARE CEMETERY BOARD, RELATING TO PERPETUAL CARE CEMETERY BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4168, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

S. 636 -- Senator Alexander: A BILL TO AMEND SECTION 7-7-430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO ADD THE "NEW HOPE" PRECINCT, 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, AND TO CORRECT ARCHAIC LANGUAGE.

Referred to Oconee Delegation

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. POWERS NORRELL a leave of absence for the remainder of the day due to a family commitment.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 30, 2013

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 163:

S. 163 -- Senators Campbell, McGill, O'Dell, Cleary, Ford and Alexander: A BILL TO AMEND SECTION 12-62-50 OF THE 1976 CODE, RELATING TO THE TAX REBATE TO A MOTION PICTURE PRODUCTION COMPANY BY THE SOUTH CAROLINA FILM COMMISSION, TO PROVIDE THAT THE REBATE MAY NOT EXCEED TWENTY PERCENT OF THE TOTAL AGGREGATE PAYROLL FOR PERSONS SUBJECT TO INCOME TAX WITHHOLDINGS OF SOUTH CAROLINA AND MAY NOT EXCEED TWENTY-FIVE PERCENT FOR RESIDENTS OF SOUTH CAROLINA AND FOR PERSONS EMPLOYED WITH THE PRODUCTION WHEN TOTAL PRODUCTION COSTS IN THIS STATE EQUAL OR EXCEED ONE MILLION DOLLARS DURING THE TAXABLE YEAR; AND TO AMEND SECTION 12-62-60, RELATING TO REBATES TO MOTION PICTURE PRODUCTION COMPANIES, TO PROVIDE THAT THE DEPARTMENT MAY REBATE UP TO THIRTY PERCENT OF THE EXPENDITURES IN SOUTH CAROLINA IF THERE IS A MINIMUM IN-STATE EXPENDITURE OF ONE MILLION DOLLARS.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 3989--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Joint Resolution until Wednesday, May 1, which was adopted:

H. 3989 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BINGHAM a leave of absence for the remainder of the day due to a prior commitment.

**H. 3822--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3822 -- Reps. Pitts, Loftis, Funderburk, Hixon, Norman, G. R. Smith, Lowe and Rivers: A BILL TO AMEND SECTION 23-31-210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF CONCEALABLE WEAPONS PERMITS, SO AS DELETE THE DEFINITIONS OF "RESIDENT", "QUALIFIED NONRESIDENT", "PROOF OF RESIDENCE", AND "PROOF OF OWNERSHIP OF REAL PROPERTY" AND REVISE THE DEFINITIONS OF "PICTURE IDENTIFICATION", "PROOF OF TRAINING", AND "CONCEALABLE WEAPON"; TO AMEND SECTION 23-31-215, AS AMENDED, RELATING TO THE ISSUANCE OF A CONCEALABLE WEAPONS PERMIT, SO AS TO REVISE THE REQUIREMENTS THAT MUST BE MET IN ORDER TO RECEIVE A CONCEALABLE WEAPONS PERMIT, INCREASE THE APPLICATION FEE FOR A PERMIT FOR RESIDENTS OF THE STATE TO ONE HUNDRED DOLLARS AND CREATE A NONRESIDENT APPLICATION FEE OF ONE HUNDRED FIFTY DOLLARS, ALLOW PERMIT APPLICATIONS TO BE SUBMITTED ONLINE WITH SLED, AND TO REVISE THE LIST OF PLACES WHERE A PERSON MAY NOT CARRY A CONCEALABLE WEAPON AND PROVIDE THAT A PERSON MAY NOT CARRY A CONCEALABLE WEAPON INTO A PLACE CLEARLY MARKED WITH A SIGN PROHIBITING THE CARRYING OF A CONCEALABLE WEAPON, PROVIDE THAT A PERMIT IS VALID FOR FIVE YEARS, AND TO REQUIRE SLED TO SEND A RENEWAL NOTICE AT LEAST THIRTY DAYS BEFORE A PERMIT EXPIRES; AND TO REPEAL SECTION 23-31-240 RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY.

Reps. COLE and PITTS proposed the following Amendment No. 3 to H. 3822 (COUNCIL\MS\3822C003.MS.AHB13), which was adopted:

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

/ SECTION 1. Section 23‑31‑210 of the 1976 Code, as last amended by Act 347 of 2006, is further amended to read:

“Section 23‑31‑210. As used in this article:

(1) ‘Resident’ means an individual who is present in South Carolina with the intention of making a permanent home in South Carolina or military personnel on permanent change of station orders.

(2) ‘Qualified nonresident’ means an individual who owns real property in South Carolina, but who resides in another state.

(3) ‘Picture identification’ means:

(a) a valid ~~South Carolina~~ driver’s license~~, or if the applicant is a qualified nonresident, a valid driver’s license~~ issued by the state in which the applicant resides; or

(b) an official photographic identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or the United States Department of State.

~~(4)~~ ~~‘Proof of residence’ means a person’s current address on the original or certified copy of:~~

~~(a)~~ ~~a valid South Carolina driver’s license;~~

~~(b)~~ ~~an official identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or the United States Department of State;~~

~~(c)~~ ~~a voter registration card; or~~

~~(d)~~ ~~another document that SLED may determine that fulfills this requirement.~~

~~(5)~~(4) ‘Proof of training’ means an original document or certified copy of the document supplied by an applicant that certifies that he is either:

(a) a person who, within three years before filing an application, has successfully completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course ~~must be a minimum of eight hours and~~ must include, but is not limited to:

(i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;

(ii) information on handgun use and safety;

(iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; and

(iv) the actual firing of the handgun in the presence of the instructor;

(b) a person who demonstrates any of the following must comply with the provisions of subitem (a)(i) only:

(i) a person who demonstrates the completition of basic military training provided by any branch of the United States military who produces proof of his military service through the submission of a DD214 form;

(ii) a retired law enforcement officer who produces proof that he is a graduate of the Criminal Justice Academy or that he was a law enforcement officer prior to the requirement for graduation from the Criminal Justice Academy; or

(iii) a retired state or federal law enforcement officer who produces proof of graduation from a federal or state academy that includes firearms training as a graduation requirement.

(c) an instructor certified by the National Rifle Association or another SLED‑approved competent national organization that promotes the safe use of handguns;

~~(c)~~(d) a person who can demonstrate to the Director of SLED or his designee that he has a proficiency in both the use of handguns and state laws pertaining to handguns;

~~(d)~~(e) an active duty police handgun instructor;

~~(e)~~(f) a person who has a SLED‑certified or approved competitive handgun shooting classification; or

~~(f)~~(g) a member of the active or reserve military, or a member of the National Guard who has had handgun training in the previous three years.

SLED shall promulgate regulations containing general guidelines for courses and qualifications for instructors which would satisfy the requirements of this item. For purposes of subitems (a) and (b), ‘proof of training’ is not satisfied unless the organization and its instructors meet or exceed the guidelines and qualifications contained in the regulations promulgated by SLED pursuant to this item.

~~(6)~~(5) ‘Concealable weapon’ means a firearm having a length of less than twelve inches measured along its greatest dimension that must be carried in a manner that is hidden from public view in normal wear of clothing except when needed for self‑defense, defense of others, and the protection of real or personal property.

~~(7)~~(6) ‘Proof of ownership of real property’ means a certified current document from the county assessor of the county in which the property is located verifying ownership of the real property. SLED must determine the appropriate document that fulfills this requirement.”

SECTION 2. Section 23‑31‑215 of the 1976 Code, as last amended by Act 349 of 2008, is further amended to read:

“Section 23‑31‑215. (A) Notwithstanding any other provision of law, except subject to subsection (B) ~~of this section~~, SLED must issue a permit, which is no larger than three and one‑half inches by three inches in size, to carry a concealable weapon to a resident or qualified nonresident who is at least twenty‑one years of age and who is not prohibited by state law from possessing the weapon upon submission of:

(1) a completed application signed by the person;

(2) ~~one current full face color photograph of the person, not smaller than one inch by one inch nor larger than three inches by five inches~~ photocopy of a driver’s license;

(3) proof of residence or if the person is a qualified nonresident, proof of ownership of real property in this State;

(4) proof of actual or corrected vision rated at 20/40 within six months of the date of application or, in the case of a person licensed to operate a motor vehicle in this State, presentation of a valid driver’s license;

(5) proof of training;

(6) payment of a ~~fifty‑dollar~~ seventy‑five dollar application fee for a resident of this State and seventy‑five dollars for a nonresident. This fee must be waived for disabled veterans and retired law enforcement officers; and

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant’s fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

(B) Upon submission of the items required by subsection (A) ~~of this section~~, SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. SLED ~~must~~ also must conduct a background check of the applicant through notification to and input from the sheriff of the county where the applicant resides or if the applicant is a qualified nonresident, where the applicant owns real property in this State. The sheriff within ten working days after notification by SLED, ~~must~~ may submit a recommendation on an application. Before making a determination whether or not to issue a permit under this article, SLED must consider the recommendation provided pursuant to this subsection. ~~The failure of the sheriff to submit a recommendation within the ten‑day period constitutes a favorable recommendation for the issuance of the permit to the applicant~~. If the fingerprint review and background check are favorable, SLED must issue the permit.

(C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within ninety days from the date the application was received; otherwise, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of Section 23‑31‑210~~(4)~~(5), SLED shall offer the applicant a handgun training course that satisfies the requirements of Section 23‑31‑210~~(4)(a)~~(5). The course shall cost fifty dollars. SLED shall use the proceeds to defray the training course’s operating costs. If a permit is granted by operation of law because an applicant was not notified of a denial within the ninety‑day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.

(D) Denial of an application may be appealed. The appeal must be in writing and state the basis for the appeal. The appeal must be submitted to the Chief of SLED within thirty days from the date the denial notice is received. The chief shall issue a written decision within ten days from the date the appeal is received. An adverse decision shall specify the reasons for upholding the denial and may be reviewed by the Administrative Law ~~Judge Division~~ Court pursuant to Article 5, Chapter 23 ~~of~~, Title 1, upon a petition filed by an applicant within thirty days from the date of delivery of the division’s decision.

(E) SLED must make permit application forms available to the public. A permit application form shall require an applicant to supply:

(1) name, including maiden name if applicable;

(2) date and place of birth;

(3) sex;

(4) race;

(5) height;

(6) weight;

(7) eye and hair color;

(8) current residence address~~, or if the applicant is a qualified nonresident, current residence address and where the applicant owns real property in this State~~; and

(9) all residence addresses for the three years preceding the application date.

(F) The permit application form shall require the applicant to certify that:

(1) he is not a person prohibited under state law from possessing a weapon;

(2) he understands the permit is revoked and must be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon; and

(3) ~~he is a resident of this State, is military personnel on permanent change of station orders, or is a qualified nonresident; and~~

~~(4)~~ all information contained in his application is true and correct to the best of his knowledge.

(G) Medical personnel, law enforcement agencies, organizations offering handgun education courses pursuant to Section 23‑31‑210~~(4)(a)~~(5), and their personnel, who in good faith provide information regarding a person’s application, must be exempt from liability that may arise from issuance of a permit; provided, however, a weapons instructor must meet the requirements established in Section 23‑31‑210~~(4)(b), (c), (d), (e), or (f)~~(5) in order to be exempt from liability under this subsection.

(H) A permit application must be submitted in person ~~or~~, by mail, or online to SLED headquarters which shall verify the legibility and accuracy of the required documents. If an applicant submits his application online, SLED may continue to make all contact with that applicant through online communications.

(I) SLED must maintain a list of all permit holders and the current status of each permit. SLED may release the list of permit holders or verify an individual’s permit status only if the request is made by a law enforcement agency to aid in an official investigation, or if the list is required to be released pursuant to a subpoena or court order. SLED may charge a fee not to exceed its costs in releasing the information under this subsection. Except as otherwise provided in this subsection, a person in possession of a list of permit holders obtained from SLED must destroy the list.

(J) A permit is valid statewide unless revoked because the person has:

(1) become a person prohibited under state law from possessing a weapon;

(2) moved his permanent residence to another state and no longer owns real property in this State;

(3) voluntarily surrendered the permit; or

(4) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.

Once a permit is revoked, it must be surrendered to a sheriff, police department, a SLED agent, or by certified mail to the Chief of SLED. A person who fails to surrender his permit in accordance with this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty‑five dollars.

(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4 ~~of~~, Chapter 31 ~~of~~, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:

(1) identifies himself as a law enforcement officer; and

(2) requests identification or a driver’s license from a permit holder.

A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty‑five dollars.

(L) SLED shall issue a replacement for lost, stolen, damaged, or destroyed permit identification cards after the permit holder has updated all information required in the original application and the payment of a five‑dollar replacement fee. Any change of permanent address must be communicated in writing to SLED within ten days of the change accompanied by the payment of a fee of five dollars to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder’s failure to notify SLED in accordance with this subsection constitutes a misdemeanor punishable by a twenty‑five dollar fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

(M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a~~:~~

(1) ~~police, sheriff, or highway patrol station or any other law enforcement office or facility~~ law enforcement, correctional, or detention facility;

(2) ~~detention facility, prison, or jail or any other correctional facility or office;~~

~~(3)~~ courthouse or courtroom;

~~(4)~~(3) polling place on election days;

~~(5)~~(4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;

~~(6)~~(5) school or college athletic event not related to firearms;

~~(7)~~(6) daycare facility or pre‑school facility;

~~(8)~~(7) place where the carrying of firearms is prohibited by federal law; or

~~(9)~~ ~~church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body; or~~

~~(10)~~ ~~hospital, medical clinic, doctor’s office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer~~

(8) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23‑31‑220 and 23‑31‑235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary.

A person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

Nothing contained ~~herein~~ in this section may be construed to alter or affect the provisions of Sections 10‑11‑320, 16‑23‑420, 16‑23‑430, 16‑23‑465, 44‑23‑1080, 44‑52‑165, 50‑9‑830, and 51‑3‑145.

(N) Valid out‑of‑state permits to carry concealable weapons held by a resident of a reciprocal state must be honored by this State, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal state carrying a concealable weapon in South Carolina is subject to and must abide by the laws of South Carolina regarding concealable weapons. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity.

(O) A permit issued pursuant to this article is not required for a person:

(1) specified in Section 16‑23‑20, items (1) through (5) and items (7) through (11);

(2) carrying a self‑defense device generally considered to be nonlethal including the substance commonly referred to as ‘pepper gas’; or

(3) carrying a concealable weapon in a manner not prohibited by law.

(P) A permit issued pursuant to this article is valid for ~~four~~ five years. Subject to subsection (Q) ~~of this section~~, SLED shall renew a currently valid permit upon:

(1) payment of a fifty‑dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;

(2) completion of the renewal application; and

(3) ~~submission of a photocopy of the applicant’s valid South Carolina driver’s license or South Carolina identification card, or if the applicant is a qualified nonresident, a photocopy of the applicant’s valid driver’s license or identification card issued by the state in which the applicant resides~~ picture identification or facsimile copy thereof.

(Q) Upon submission of the items required by subsection (P) ~~of this section~~, SLED must conduct or facilitate a ~~local,~~ state~~,~~ and federal ~~fingerprint review~~ background check of the applicant. If the background check is favorable, SLED must renew the permit.

(R) No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.

(S) ~~Once a concealed weapon permit holder is no longer a resident of this State or is no longer a qualified nonresident, his concealed weapon permit is void, and immediately must be surrendered to SLED~~ At least thirty days before a permit issued pursuant to this article expires, SLED shall notify the permit holder by mail or online if permitted by subsection (H) at the permit holder’s address of record that the permit is set to expire along with notification of the permit holder’s opportunity to renew the permit pursuant to the provisions of subsections (P) and (Q).

(T) During the first quarter of each calendar year, SLED must publish a report of the following information regarding the previous calendar year:

(1) the number of permits;

(2) the number of permits that were issued;

(3) the number of permit applications that were denied;

(4) the number of permits that were renewed;

(5) the number of permit renewals that were denied;

(6) the number of permits that were suspended or revoked; and

(7) the name, address, and county of a person whose permit was revoked, including the reason for the revocation ~~under~~ pursuant to ~~Section 23‑31‑215~~ subsection (J)(1).

The report must include a breakdown of such information by county.”

SECTION 3. Section 16‑23‑20(9)(a) of the 1976 Code, as last amended by Act 28 of 2007, is further amended to read:

“(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver’s license, registration, or proof of insurance. If the person has been issued a concealed weapons permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle’s passenger compartment; or”

SECTION 4. Section 16‑23‑10(10) of the 1976 Code, as added by Act 294 of 2004, is amended to read:

(10) ‘Luggage compartment’ means the trunk of a motor vehicle which has a trunk; however, with respect to a motor vehicle which does not have a trunk, the term ‘luggage compartment’ refers to the area of the motor vehicle in which the manufacturer designed that luggage be carried or to the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hatchback vehicle, truck, or sport utility vehicle, the term ‘luggage compartment’ refers to the area behind~~, but not under,~~ the rearmost seat. ~~In a truck, the term ‘luggage compartment’ refers to the area behind the rearmost seat, but not under the front seat.~~”

SECTION 5. Section 23‑31‑240 of the 1976 Code is repealed.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COLE explained the amendment.

The amendment was then adopted.

Rep. PITTS proposed the following Amendment No. 4 to H. 3822 (COUNCIL\MS\3822C004.MS.AHB13), which was adopted:

Amend the bill, as and if amended, by deleting Section 23-31-215(P), as contained in SECTION 2, and inserting:

/ (P) Upon renewal, a permit issued pursuant to this article is valid for ~~four~~ five years. Subject to subsection (Q) ~~of this section~~, SLED shall renew a currently valid permit upon:

(1) payment of a fifty‑dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;

(2) completion of the renewal application; and

(3) ~~submission of a photocopy of the applicant’s valid South Carolina driver’s license or South Carolina identification card, or if the applicant is a qualified nonresident, a photocopy of the applicant’s valid driver’s license or identification card issued by the state in which the applicant resides~~ picture identification or facsimile copy thereof. /

Amend the bill further, Section 23-31-215, as contained in SECTION 2, by adding an appropriately lettered subsection at the end to read:

/ ( ) A concealable weapon permit holder whose permit has been expired for no more than one year may not be charged with a violation of Section 16-23-20 but must be fined not more than one hundred dollars.” /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

The amendment was then adopted.

Rep. PITTS explained the Bill.

Rep. PITTS proposed the following Amendment No. 5 to H. 3822 (COUNCIL\MS\3822C005.MS.AHB13), which was adopted:

Amend the bill, as and if amended, by deleting Section 23-31-215(M), as contained in SECTION 2, and inserting:

/ (M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a~~:~~

(1) ~~police, sheriff, or highway patrol station or any other law enforcement office or facility~~ law enforcement, correctional, or detention facility;

(2) ~~detention facility, prison, or jail or any other correctional facility or office;~~

~~(3)~~ courthouse or courtroom;

~~(4)~~(3) polling place on election days;

~~(5)~~(4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;

~~(6)~~(5) school or college athletic event not related to firearms;

~~(7)~~(6) daycare facility or pre‑school facility;

~~(8)~~(7) place where the carrying of firearms is prohibited by federal law;

~~(9)~~(8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body; ~~or~~

~~(10)~~(9) hospital, medical clinic, doctor’s office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer; or

(10) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23‑31‑220 and 23‑31‑235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary.

A person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

Nothing contained ~~herein~~ in this section may be construed to alter or affect the provisions of Sections 10‑11‑320, 16‑23‑420, 16‑23‑430, 16‑23‑465, 44‑23‑1080, 44‑52‑165, 50‑9‑830, and 51‑3‑145. /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS 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 | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Branham | Brannon |
| 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 | Goldfinch | Govan |
| Hamilton | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| Limehouse | Loftis | Long |
| 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 | 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 | Vick | Weeks |
| Wells | 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.

RECORD FOR VOTING

During the vote on H. 3822, I intended to voted in favor of the Bill, however my vote was not recorded.

Rep. Phillip Lowe

**RECURRENCE TO THE MORNING HOUR**

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

**REPORTS OF STANDING COMMITTEE**

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

H. 4058 -- Rep. Sellers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE JUNCTURE OF INTERSTATE 95 AND SOUTH CAROLINA HIGHWAY 61 IN COLLETON COUNTY "SCHP PATROLMAN FIRST CLASS WILLIE E. PEEPLES MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "SCHP PATROLMAN FIRST CLASS WILLIE E. PEEPLES MEMORIAL INTERCHANGE".

Ordered for consideration tomorrow.

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

H. 4053 -- Rep. Sellers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF UNITED STATES HIGHWAYS 321 AND 78 IN THE TOWN OF DENMARK "HARRISON CROSSROADS", AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "HARRISON CROSSROADS".

Ordered for consideration tomorrow.

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

H. 4051 -- Rep. Hosey: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF EAST FLAT STREET IN THE TOWN OF ALLENDALE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 TO ITS INTERSECTION WITH THE CAMPUS PERIMETER OF ALLENDALE ELEMENTARY SCHOOL "FRANK D. SOLOMON MEMORIAL WAY", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FRANK D. SOLOMON MEMORIAL WAY".

Ordered for consideration tomorrow.

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

H. 4059 -- Reps. Pitts, Clemmons, Loftis, Huggins, Erickson, J. R. Smith, Burns, Riley, Gambrell, Putnam, Merrill, Crosby, Kennedy, H. A. Crawford, Brannon, Hardee, Bedingfield, Quinn, Bingham, Finlay, Vick, G. R. Smith, Allison, Ballentine, Chumley, Daning, Delleney, Edge, Forrester, Gagnon, Goldfinch, Hamilton, Hardwick, Henderson, Hiott, Hixon, Hosey, Lowe, D. C. Moss, Murphy, Nanney, Newton, Norman, Ott, Patrick, Pope, Ridgeway, Simrill, G. M. Smith, Tallon, Taylor, Thayer, White, Willis and Wood: A CONCURRENT RESOLUTION EXPRESSING AN INVITATION FROM THE MEMBERS OF THE GENERAL ASSEMBLY TO OUT-OF-STATE BUSINESSES INVOLVED IN THE MANUFACTURING OF FIREARMS AND AMMUNITION AND ACCESSORIES FOR FIREARMS TO CONSIDER LOCATING OR EXPANDING EXISTING OPERATIONS IN SOUTH CAROLINA AND TO GUARANTEE THAT SOUTH CAROLINA AND SOUTH CAROLINIANS WILL OFFER THEM A WARM WELCOME.

Ordered for consideration tomorrow.

Rep. MCEACHERN moved that the House do now adjourn.

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

Yeas 43; Nays 59

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Barfield | Bernstein | Branham |
| Cobb-Hunter | Cole | Dillard |
| Douglas | Finlay | George |
| Govan | Hiott | Hosey |
| Howard | Jefferson | King |
| Limehouse | Long | Mack |
| McEachern | M. S. McLeod | Mitchell |
| Munnerlyn | Nanney | Neal |
| Newton | Ott | Owens |
| Parks | Robinson-Simpson | Rutherford |
| Sandifer | Skelton | Sottile |
| Spires | Stringer | Vick |
| Weeks | Wells | Whitmire |
| Williams |  |  |

**Total--43**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Bedingfield | Brannon |
| R. L. Brown | Chumley | Clemmons |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Funderburk |
| Gagnon | Gambrell | Goldfinch |
| Hamilton | Hardwick | Harrell |
| Henderson | Hixon | Horne |
| Huggins | Kennedy | Loftis |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Norman | Patrick |
| Pope | Quinn | Ridgeway |
| Riley | Rivers | Sabb |
| Sellers | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Southard | Tallon | Taylor |
| Thayer | Whipper | White |
| Willis | Wood |  |

**Total--59**

So, the House refused to adjourn.

**H. 3833--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3833 -- Reps. Horne, Bannister and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-738 SO AS TO ALLOW THE HOLDER OF A RETAIL WINE PERMIT FOR OFF-PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY-FOUR WINE TASTINGS IN A CALENDAR QUARTER, AND TO PROVIDE RESTRICTIONS; AND BY ADDING SECTION 61-4-965 SO AS TO ALSO ALLOW THE HOLDER OF A RETAIL PERMIT AUTHORIZING THE SALE OF BEER FOR OFF-PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY-FOUR BEER TASTINGS IN A CALENDAR QUARTER, AND TO PROVIDE RESTRICTIONS.

Reps. HAMILTON, HIOTT, BRANHAM, SKELTON, BRANNON, WOOD, COLE, J. R. SMITH, WELLS, LOFTIS, G. R. SMITH, HUGGINS, HOSEY, NEAL, WILLIAMS, JEFFERSON, J. E. SMITH, GEORGE and MITCHELL requested debate on the Bill.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. FINLAY a temporary leave of absence.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. QUINN a temporary leave of absence.

STATEMENT FOR THE JOURNAL

I have to go to a wake for the death of my close friend and co-worker, Laurie Steiner.

Rep. Rick Quinn

**H. 3149--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3149 -- Rep. Tallon: A BILL TO AMEND SECTION 40-54-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING DEALERS IN PRECIOUS METALS, SO AS TO MODIFY THE TERM "PURCHASE"; TO AMEND SECTION 40-54-40, RELATING TO THE REQUIREMENT THAT A SELLER OF PRECIOUS METALS PROVIDE CERTAIN POSITIVE IDENTIFICATION BEARING HIS PHOTOGRAPH, SO AS TO PROVIDE THIS REQUIREMENT MAY BE SATISFIED BY CERTAIN IDENTIFICATION ISSUED BY THE STATE OR THE UNITED STATES; TO AMEND SECTION 40-54-50, RELATING TO A MANDATORY PERIOD FOR WHICH A DEALER IN PRECIOUS METALS MUST HOLD PRECIOUS METALS HE PURCHASES BEFORE HE MAY SELL THE PRECIOUS METALS, SO AS TO INCREASE THE MANDATORY PERIOD AND SPECIFY LOCATION FOR HOLDING THE METALS; AND TO AMEND SECTION 40-54-80, RELATING TO PENALTIES, SO AS TO INCREASE PENALTIES FOR THE PURCHASE OF PRECIOUS METALS BY A DEALER WITH A REVOKED LICENSE.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3149 (COUNCIL\AGM\3149C001.AGM.AB13), which was adopted:

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

/ SECTION 1. Section 40‑54‑10(7) of the 1976 Code is amended to read:

“(7) ‘Purchase’ means the acquisition, including by means of being pawned to a dealer, of precious metal or precious or semiprecious stones or gems or both precious metal and precious or semiprecious stones or gems for a consideration of cash, goods, or other precious metals or precious or semiprecious stones or gems or both precious metals and precious or semiprecious stones or gems. Trade‑ins are covered by the provisions of this chapter unless the item traded was purchased directly from the dealer allowing the trade.”

SECTION 2. Section 40‑54‑20 of the 1976 Code is amended to read:

“Section 40‑54‑20. (A) No dealer as defined herein shall operate in the State of South Carolina unless he first obtains a permit to engage in the business of purchasing precious metals from the local law enforcement agency and operates only from a permanent place of business. No dealer shall operate upon public property nor from a vehicle, flea market, hotel room ~~or~~, residential dwelling, similar temporary location, or sub‑leased space with a lease term of less than one year.

(B) The form of the permit to engage in the business of purchasing precious metals shall be prescribed by the State Law Enforcement Division and all applicants for a permit under this chapter, whether a person, firm or corporation, shall file a written sworn application signed by the applicant if an individual, by all the partners if a partnership, and by the president if a corporation, with the local law enforcement agency showing:

(~~a~~1) The names of the persons managing, supervising or conducting the applicant’s business in any places proposed to carry on business; the addresses of such persons; the driver’s license number of such persons; the capacity in which such persons will act, that is, whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, the state of incorporation.

(~~b~~2) The permanent places of business and other places in the State of South Carolina where it is proposed to carry on the applicant’s business and the places where the applicant has carried on the business of purchasing precious metals within one year preceding the date of such application.

(~~c~~3) Such other reasonable information as to the identity of the persons managing, supervising or conducting the applicant’s business as the local law enforcement agency may deem proper to fulfill the purposes of this chapter.

(~~d~~4) A statement of the nature, character and quality of the precious metals to be purchased in the business.

(C) Upon receipt of such application for a permit, the local law enforcement agency shall cause an investigation of such person’s business and personal background to be made. Such investigation shall be limited to information pertinent to the purpose of this chapter. If, as a result of the investigation, the background is found to be unsatisfactory, the permit shall be denied. The permit shall be denied or issued within thirty days from the date of application. Upon the issuance of the permit, the local law enforcement agency shall notify the State Law Enforcement Division of the locations where the permit holder proposes to carry on his business. The permit issued under this chapter shall be valid for a period of one year from the date issued and the annual fee shall be fifty dollars to provide for the administrative costs. If the dealer intends to operate from more than one location within the State, then separate permits shall be issued for each place of business; provided, however, only one annual fee shall be collected.

(D) The permits under this chapter shall be in addition to and not in lieu of other business licenses.

(E) A permit may be denied, suspended or revoked at any time if the local law enforcement agency discovers that the information on the application is inaccurate or the dealer or applicant does not comply with the requirements of this act. The permit holder shall notify, within ten days, the local law enforcement agency if any substantive changes occur in the permanent place of business in the persons managing, supervising or conducting the applicant’s business, or in the places the permit holder intends to do business.”

SECTION 3. Section 40‑54‑40 of the 1976 Code is amended to read:

“Section 40‑54‑40. (A)(1) Every dealer shall keep a book in which must be written at the time of any purchase of precious metal or precious or semiprecious stones or gems made from the general public, whether in bulk or manufactured form, the date of purchase, amount of money or other property exchanged for the metal, stones, or gems, the name, sex, race, age, address, and driver’s license number of the person selling the items, articles, or things bought, and the number and nature and brand name of the items, articles, or things. Descriptions must include size, weight, patterns, or engraving or any unusual identification marks.

(2) If the seller does not have a driver’s license, some other positive identification bearing his photograph and an identifying number may be substituted including:

(a) another form of identification containing a photograph and issued by the Department of Motor Vehicles;

(b) a passport;

(c) military identification containing a photograph and issued by the United States federal government; or

(d) a South Carolina voter registration card containing a photograph pursuant to Section 7‑5‑675.

(3) If the seller cannot produce a driver’s license or other positive identification, the dealer may not buy any merchandise from him. Every dealer shall, at the time of purchase, obtain the signature of the seller as part of the recording of the transaction.

(B) The record book must be kept for three years and at all reasonable times must be open to the inspection of any judicial or law enforcement officials or their designees.

(C) The local law enforcement agency may not reveal a seller’s identity supplied under this section except to other law enforcement agencies and prosecuting officials or pursuant to the valid order of a court or in the course of any criminal investigation or prosecution.”

SECTION 4. Section 40‑54‑50 of the 1976 Code is amended to read:

“Section 40‑54‑50. (A) No dealer may purchase any precious metal from a minor unless accompanied by his parent or guardian with appropriate identification.

(B) All precious metals, except coins, purchased by a dealer ~~shall~~ must be held by the dealer at his permanent place of business or ~~at another suitable location in the~~ within the county of purchase in this State ~~of South Carolina~~ without being resold, melted, or altered in any manner, for a period of ~~seven~~ fourteen days from the purchase date. This fourteen‑day period begins on the date of purchase. All goods required to be held under this section ~~shall~~ must at all reasonable times be open to inspection by any law enforcement agency.

(C) Coins purchased by a dealer must be held by the dealer at his permanent place of business or at another suitable location in this State without being resold, melted, or altered in any manner for a period of seven days from the purchase date. All goods required to be held under this section must at all reasonable times be open to inspection by any law enforcement agency.”

SECTION 5. Section 40‑54‑80 of the 1976 Code is amended to read:

“Section 40‑54‑80. (A) Any dealer wilfully violating the provisions of this chapter ~~shall be deemed~~ is guilty of a misdemeanor and upon conviction~~,~~ for a first offense~~, shall~~ must be fined not more than five hundred dollars ~~or~~, imprisoned for not more than ninety days, or both. A second offense conviction ~~shall be~~ is punishable by a fine of not more than two thousand dollars ~~or~~, imprisonment for not more than one year, or both. A third or subsequent offense conviction ~~shall be~~ is punishable by a fine of not more than five thousand dollars ~~or~~, imprisonment for not more than three years, or both. A dealer convicted of a second offense ~~shall be~~ is ineligible for a permit to conduct business in precious metals in this State for at least two years and a dealer convicted of a third or subsequent offense ~~shall not be eligible~~ is ineligible for a permit for a least five years.

(B)(1) In addition to the provisions of subsection (A), any dealer who wilfully makes a purchase with an invalid, suspended, or revoked license as a dealer of precious metals is guilty of a misdemeanor and upon conviction for a:

(a) first offense must be fined not more than five hundred dollars, imprisoned for not more than ninety days, or both;

(b) second offense must be fined not more than two thousand dollars, imprisoned for not more than one year, or both; and

(c) third offense must be fined not more than five thousand dollars, imprisoned for not more than three years, or both.

(2)(a) A dealer convicted of a second offense is ineligible for a permit to conduct business in precious metals in this State for at least two years; and

(b) a dealer convicted of a third offense is ineligible for a permit to conduct business in precious metals in this State for at least five years.

(3) A penalty under this section is cumulative to penalties in items (1) and (2).”

SECTION 6. Section 40‑54‑100(1) of the 1976 Code is amended to read:

“(1) a transaction between dealers of precious metals where the selling dealer has already complied with the ~~seven day~~ applicable holding period, nor shall they apply to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions. However, this exemption only applies to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions for the purchase of coins.”

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

Rep. VICK moved to table the amendment.

The House refused to table the amendment by a division vote of 7 to 56.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Rep. DELLENEY proposed the following Amendment No. 2 to H. 3149 (COUNCIL\AGM\3149C002.AGM.AB13):

Amend the bill, as and if amended, Section 40‑54‑50(C), as contained in SECTION 4, by deleting the subsection in its entirety.

Amend the bill further, Section 40‑54‑100, as contained in SECTION 6, by deleting the SECTION in its entirety and inserting:

/ SECTION 6. Section 40‑54‑100 of the 1976 Code is amended to read:

“Section 40‑54‑100. This chapter shall not apply to the following specific transactions:

(1) a transaction between dealers of precious metals where the selling dealer has already complied with the ~~seven day~~ applicable holding period, nor shall they apply to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions. However, this exemption only applies to transactions between coin dealers and coin collectors occurring at regularly scheduled numismatic conventions for the purchase of coins.

(2) the purchase of manufactured items bought directly from the manufacturer or his authorized representatives.

(3) the purchase of bulk precious metals brought directly from the commodity exchanges, banks, dealers or licensed brokers.

(4) the use of a coin strictly as legal tender.” /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

Rep. HIOTT moved that the House do now adjourn, which was agreed to.

Further proceedings were interrupted by the House adjourning, the pending question being consideration of Amendment No. 2 to H. 3149.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4037 -- Reps. Harrell, 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, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, 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 CONCURRENT RESOLUTION TO CONGRATULATE THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS AT THE CELEBRATION OF ITS SEVENTIETH ANNIVERSARY, TO COMMEND THE ORGANIZATION FOR ITS OUTSTANDING ACHIEVEMENT OVER THE PAST SEVENTY YEARS, AND TO EXTEND SINCERE BEST WISHES FOR CONTINUED SUCCESS.

H. 4052 -- Reps. Limehouse, R. L. Brown, Crosby, Gilliard, Goldfinch, Harrell, Horne, Mack, McCoy, Merrill, Rivers, Sottile, Stavrinakis and Whipper: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE OUTSTANDING WORK OF THE AMERICAN CANCER SOCIETY'S HOPE LODGE IN CHARLESTON COUNTY FOR FORTY YEARS OF PROVIDING VITAL AND COMPASSIONATE SUPPORT FOR CANCER PATIENTS AND THEIR CAREGIVERS IN THE PALMETTO STATE.

H. 4060 -- Reps. D. C. Moss, 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, Douglas, 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, 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 CONCURRENT RESOLUTION TO HONOR AND COMMEND SENIOR TROOPER WILLIAM A. MCINVILLE OF FLORENCE UPON BEING NAMED SOUTH CAROLINA HIGHWAY PATROL TROOPER OF THE YEAR FOR 2012 AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

H. 4067 -- Rep. Horne: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA'S YOUNG PEOPLE, TO THE PREVENTION OF TEEN PREGNANCY, AND TO DECLARE THE MONTH OF MAY AS "TEEN PREGNANCY PREVENTION MONTH" IN THE STATE OF SOUTH CAROLINA.

**ADJOURNMENT**

At 5:58 p.m. the House, in accordance with the motion of Rep. ANDERSON, adjourned in memory of Allen Simmons, Sr., of Georgetown, to meet at 10:00 a.m. tomorrow.

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