~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 61:1: “Hear my cry, O God; listen to my prayer.”

Let us pray. Almighty God, hear the prayers of Your people, as we call upon You for guidance, comfort, peace, and wisdom. Bestow upon each Representative and staff Your blessings, as we meet together to discuss and make decisions which make a difference for this State. It is by Your hand that we are lead to make a difference. Hear our cry for answering prayer. Continue Your blessings upon our Nation, President, State, Governor, Speaker, staff, and all who contribute to the welfare of others. 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 who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

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

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

**MOTION ADOPTED**

Rep. DANING moved that when the House adjourns, it adjourn in memory of Major Charles W. "Coach" Jordan, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 24, 2015

Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor’s appointment of:

Master-in-Equity Reappointment

York County

Term Commencing: June 30, 2015

Term Expiring: June 30, 2021

The Honorable Stonewall J. Kimball

2153 Mingus Lane

York, South Carolina 29745

Very respectfully,

President of the Senate

Received as information.

**REPORTS OF STANDING COMMITTEES**

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

H. 3522 -- Rep. Norrell: 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 SAFE HAVENS.

Ordered for consideration tomorrow.

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

H. 3576 -- Reps. Bannister, Merrill, Murphy, Atwater, Collins, Gagnon, Hamilton, Hicks, Pitts, Sandifer, G. R. Smith, Tallon, Whitmire and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-1-120 SO AS TO PROVIDE THAT CERTAIN WRITTEN AGREEMENTS BETWEEN NONPROFIT YOUTH SPORTS ORGANIZATIONS AND COACHES PROVIDE CONCLUSIVE EVIDENCE THAT THE COACH IS AN INDEPENDENT CONTRACTOR RATHER THAN AN EMPLOYEE OF THE ORGANIZATION AND THAT THE ORGANIZATION IS EXEMPT FROM CERTAIN OBLIGATIONS CONCERNING WORKERS' COMPENSATION COVERAGE, UNEMPLOYMENT INSURANCE COVERAGE, AND INCOME TAX WITHHOLDINGS, TO PROVIDE SPECIFIC REQUIREMENTS FOR THESE WRITTEN AGREEMENTS, TO PROVIDE THESE WRITTEN AGREEMENTS ARE NOT CONCLUSIVE PROOF OF THE EXISTENCE OF AN INDEPENDENT CONTRACTOR RELATIONSHIP FOR PURPOSES OF ANY CIVIL ACTIONS INSTITUTED BY THIRD PARTIES, AND TO DEFINE THE TERM "NONPROFIT YOUTH SPORTS ORGANIZATION".

Ordered for consideration tomorrow.

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

S. 177 -- Senators L. Martin, Hembree and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 19-5-520 SO AS TO PROVIDE A PROCEDURE FOR THE CERTIFICATION OF DOMESTIC AND FOREIGN RECORDS OF REGULARLY CONDUCTED ACTIVITY, OR BUSINESS RECORDS, IN ACCORDANCE WITH FEDERAL RULE 902(11) AND (12).

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3204 -- Reps. Bernstein, J. E. Smith, Cobb-Hunter and M. S. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-29-185 SO AS TO ENACT THE "CERVICAL CANCER PREVENTION ACT", TO PROVIDE THAT BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY OFFER THE CERVICAL CANCER VACCINATION SERIES TO ADOLESCENT STUDENTS ENROLLING IN THE SEVENTH GRADE OF ANY PUBLIC OR PRIVATE SCHOOL IN THIS STATE, TO PROVIDE THAT NO STUDENT IS REQUIRED TO HAVE THE VACCINE BEFORE ENROLLING IN OR ATTENDING SCHOOL, TO PROVIDE THAT THE DEPARTMENT MAY DEVELOP AN INFORMATIONAL BROCHURE RELATED TO OFFERING THIS VACCINATION WITH SPECIFIC CONTENT REQUIREMENTS, TO DEFINE "CERVICAL CANCER VACCINATION SERIES", AND TO PROVIDE THAT IMPLEMENTATION OF THIS ACT IS CONTINGENT UPON RECEIPT OF FULL FUNDING BY STATE AND FEDERAL FUNDS.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3343 -- Reps. Huggins, Toole, Long, McCoy, Knight, R. L. Brown, Pope and Collins: A BILL TO AMEND SECTION 47-3-420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF EUTHANASIA THAT MAY BE USED TO KILL ANIMALS IMPOUNDED OR QUARANTINED IN ANIMAL SHELTERS, SO AS TO PROVIDE THAT THE USE OF BARBITURIC ACID DERIVATIVES, AND CARBON MONOXIDE GAS ARE NOT ALLOWABLE METHODS OF EUTHANASIA AND TO PROVIDE THAT THE USE OF SODIUM PENTOBARBITAL AND OTHER SUBSTANCES OR PROCEDURES THAT ARE HUMANE MAY BE USED TO PERFORM EUTHANASIA.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3324 -- Reps. J. E. Smith, G. M. Smith, Yow, Hardee, Clemmons, Goldfinch, Hardwick, Johnson and Duckworth: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY STATE AND LOCAL LEVEL VETERANS ISSUES; TO MAKE APPROPRIATE LEGISLATIVE RECOMMENDATIONS FOR IMPROVING THE STRUCTURE, DELIVERY, AND COORDINATION OF VETERANS SERVICES IN SOUTH CAROLINA; AND TO PROVIDE FOR THE COMMITTEE'S MEMBERSHIP, DURATION, AND STAFFING.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 3464 -- Reps. R. L. Brown, Whipper and G. A. Brown: A BILL TO AMEND SECTION 40-7-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BARBERS AND BARBERING, SO AS TO DELETE AND REPLACE THE CURRENT LANGUAGE WITH LICENSING REQUIREMENTS FOR BARBER SCHOOLS AND BARBER SCHOOL INSTRUCTORS.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3251 -- Reps. G. M. Smith and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-310 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH THE MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE TO REVIEW AND STUDY MATERNAL DEATHS AND TO REPORT THE FINDINGS TO THE GENERAL ASSEMBLY.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3715 -- Reps. Allison, Alexander, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO HONOR SOUTH CAROLINA'S CINDERELLA QUEENS, TO COMMEND THE CINDERELLA SCHOLARSHIP PAGEANT FOR ITS FINE WORK IN YOUTH DEVELOPMENT, AND TO DECLARE APRIL 23, 2015, CINDERELLA DAY IN THE PALMETTO STATE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3723 -- Reps. Norman, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO SALUTE THE SOUTH POINTE HIGH SCHOOL GIRLS GOLF TEAM, COACH, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE 2014 CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3724 -- Rep. Norman: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE SOUTH POINTE HIGH SCHOOL GIRLS GOLF TEAM, ITS COACH, 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 2014 CLASS AAA STATE CHAMPIONSHIP TITLE.

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 South Pointe High School girls golf team, its coach, 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 2014 Class AAA State Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 470 -- Senator Shealy: A CONCURRENT RESOLUTION TO APPLAUD THE COMMITMENT GIRL SCOUTING HAS MADE TO SUPPORT THE CONTINUED ADVANCEMENT OF GIRLS IN THEIR ROLES AS LEADERS IN SOUTH CAROLINA AND DECLARE MARCH 12, 2015, GIRL SCOUT DAY IN THE PALMETTO STATE.

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. 3714 -- Reps. Duckworth, Clemmons, Hardwick, Hardee, H. A. Crawford, Kennedy, Johnson, Goldfinch, Erickson, Allison, Lucas, Bowers, Collins, Gagnon, Herbkersman, Hixon, Long, Lowe, Pope and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 5 SO AS TO PROVIDE THAT A MUNICIPALITY WHOSE POPULATION DROPS BELOW THREE HUNDRED MUST SHOW THAT IT IS MAINTAINING MUNICIPAL SERVICES AT AN ADEQUATE LEVEL TO MAINTAIN ITS CERTIFICATE OF INCORPORATION, TO PROVIDE THAT A REVIEW OF A MUNICIPALITY'S CERTIFICATE OF INCORPORATION MAY BE INITIATED BY THE COUNTY LEGISLATIVE DELEGATION, AND TO PROVIDE FOR THE REVIEW AND DETERMINATION PROCESS; AND TO AMEND SECTION 5-1-26, RELATING TO THE DUTIES OF THE JOINT LEGISLATIVE COMMITTEE ON MUNICIPAL INCORPORATION, SO AS TO PROVIDE THE COMMITTEE WITH ADDITIONAL DUTIES RELATED TO THE REVIEW OF MUNICIPAL CERTIFICATES OF INCORPORATION; AND TO DESIGNATE SECTIONS 5-1-10 THROUGH 5-1-110 AS ARTICLE 1, CHAPTER 1, TITLE 5, ENTITLED "THE MUNICIPAL INCORPORATION PROCESS".

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

H. 3716 -- Reps. Hill and Putnam: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2015"; TO AMEND SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING OF A FIREARM, SO AS TO DELETE THE TERM "CONCEALABLE WEAPONS' PERMIT" AND REPLACE IT WITH THE TERM "FIREARM"; TO AMEND SECTION 16-23-20, AS AMENDED, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO DELETE REFERENCES TO A CONCEALED WEAPONS PERMIT ISSUED TO A PERSON, TO REVISE THE PROVISION THAT ALLOWS A HANDGUN TO BE CARRIED BY A PERSON IN A VEHICLE, AND TO PROVIDE THAT CERTAIN PERSONS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE MAY CARRY A HANDGUN UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTIONS 16-23-420 AND 16-23-430, AS AMENDED, BOTH RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO DELETE REFERENCES TO CONCEALED WEAPON PERMITS, AND TO PROVIDE THAT BOTH SECTIONS DO NOT APPLY TO A PERSON WHO LAWFULLY IS CARRYING A WEAPON; TO AMEND SECTION 16-23-460, AS AMENDED, RELATING TO CARRYING CONCEALED WEAPONS, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO HANDGUNS; TO AMEND SECTION 51-3-145, AS AMENDED, RELATING TO CERTAIN ACTS THAT ARE UNLAWFUL IN A STATE PARK, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 23-31-215, AS AMENDED, RELATING TO THE ISSUANCE OF A CONCEALED WEAPON PERMIT, SO AS TO PROVIDE AN EXCEPTION TO THE PROVISION THAT PROHIBITS THE CARRYING OF A CONCEALABLE WEAPON ONTO CERTAIN PREMISES, TO DELETE THE PROVISION THAT PROVIDES FOR THE REVOCATION OF A PERSON'S PERMIT WHEN HE VIOLATES CERTAIN PROVISIONS CONTAINED IN THIS SECTION, AND TO REVISE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO CARRY A CONCEALED WEAPON WITHOUT A PERMIT; TO AMEND SECTIONS 23-31-220 AND 23-31-225, BOTH RELATING TO A PROPERTY OWNER'S RIGHT TO ALLOW A HOLDER OF A CONCEALED WEAPON PERMIT TO CARRY A WEAPON ONTO HIS PROPERTY, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THIS PROVISION REGULATES BOTH PERSONS WHO POSSESS AND DO NOT POSSESS A WEAPONS PERMIT, AND TO DELETE THE PROVISION THAT REQUIRES THE REVOCATION OF A PERMIT FOR A VIOLATION OF CERTAIN PROVISIONS OF LAW, AND TO DELETE A REFERENCE TO THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF CONCEALED WEAPON PERMITS; AND TO AMEND SECTION 23-31-240, RELATING TO PERSONS WHO ARE ALLOWED TO CARRY A CONCEALED WEAPON WHILE ON DUTY, SO AS TO DELETE THE PROVISION THAT REQUIRES THESE PERSONS TO POSSESS A CONCEALED WEAPON PERMIT.

Referred to Committee on Judiciary

H. 3717 -- Reps. Clyburn, Hosey, Neal, Hayes, Douglas, McEachern, Bales, Hodges and Ridgeway: A BILL TO AMEND SECTION 7-13-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT POLL MANAGERS MUST BE RESIDENTS AND REGISTERED ELECTORS OF COUNTIES, SO AS TO PROVIDE THAT AN INDIVIDUAL WHO SERVES AS A POLL MANAGER, ASSISTANT POLL MANAGER, OR POLL WORKER IS ENTITLED TO BE COMPENSATED IN AN AMOUNT NOT LESS THAN SEVENTY DOLLARS FOR ATTENDING COMPULSORY ELECTIONS TRAINING REQUIRED BY STATE LAW AND FOR WORKING THE DAY PRESCRIBED BY LAW TO CONDUCT GENERAL ELECTIONS.

Referred to Committee on Judiciary

H. 3718 -- Reps. Clyburn, Hosey, Neal, Hodges and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-17-165 SO AS TO PROVIDE THE GOVERNING BODY OF EACH SCHOOL DISTRICT OF THIS STATE SHALL CREATE A STUDENT BULLYING ADVISORY COUNCIL TO BE COMPRISED OF STUDENTS, PARENTS, AND TEACHERS SELECTED BY THE GOVERNING BODY TO ADVISE THE GOVERNING BODY ON MATTERS RELATING TO STUDENT-ON-STUDENT BULLYING PROBLEMS, AND ON OTHER MATTERS THAT THE GOVERNING BODY CONSIDERS APPROPRIATE.

Referred to Committee on Education and Public Works

H. 3719 -- Reps. Clyburn, Hosey, Neal, Bales, Hodges and Ridgeway: A BILL TO AMEND SECTION 56-5-2950, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON'S IMPLIED CONSENT TO SUBMIT TO CHEMICAL TESTS TO DETERMINE WHETHER THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, AND THE SUSPENSION OF A PERSON'S PRIVILEGE TO OPERATE A VEHICLE WHEN HIS ALCOHOL CONCENTRATION REGISTERS A CERTAIN LEVEL, SO AS TO PROVIDE THAT A PERSON WHO IS OPERATING A VEHICLE WHICH IS INVOLVED IN AN ACCIDENT IN WHICH A PERSON SUFFERED GREAT BODILY INJURY OR DEATH MUST SUBMIT TO TESTS TO DETERMINE WHETHER HE IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

Referred to Committee on Judiciary

H. 3720 -- Reps. Clyburn, Hosey, Neal, Hodges, McEachern and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES, AND TO PROVIDE FOR AN EARLY VOTING PERIOD TO BEGIN THIRTY DAYS BEFORE AN ELECTION; TO AMEND SECTION 7-3-20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; AND TO AMEND SECTION 7-15-320, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD.

Referred to Committee on Judiciary

H. 3721 -- Reps. Tallon, Crosby, Daning, Bales, Allison, Bannister, Bradley, Chumley, Clary, Cole, Collins, Erickson, Felder, Forrester, Hicks, Hiott, Hixon, Kirby, Pope, Putnam and Taylor: A BILL TO AMEND SECTION 43-35-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES ASSOCIATED WITH THE ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS, SO AS TO ADD PENALTIES FOR CERTAIN CAREGIVER CONDUCT.

Referred to Committee on Judiciary

H. 3722 -- Reps. Lucas, Bingham, Pope, McEachern, Ballentine, Simrill, Funderburk, G. M. Smith, W. J. McLeod, Yow, Knight, Johnson, Clyburn, Duckworth, Clemmons, Stavrinakis, Norrell, M. S. McLeod, Quinn, Southard, Corley, Alexander, Allison, Anderson, Anthony, Bales, Bamberg, Bannister, Bedingfield, Bernstein, Bowers, Bradley, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Cole, Collins, Crosby, Daning, Delleney, Dillard, Douglas, Erickson, Felder, Finlay, Forrester, Gagnon, Gambrell, George, Gilliard, Goldfinch, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Kirby, Limehouse, Loftis, Long, Lowe, Mack, McKnight, Merrill, Mitchell, D. C. Moss, Murphy, Nanney, Neal, Newton, Norman, Ott, Parks, Pitts, Putnam, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Sandifer, G. R. Smith, J. E. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Williams, Willis and Govan: A BILL TO AMEND SECTION 8-13-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE ETHICS COMMISSION AND ITS MEMBERSHIP, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION EFFECTIVE JULY 1, 2015, TO CONSIST OF FOUR MEMBERS APPOINTED BY THE GOVERNOR, FOUR MEMBERS ELECTED BY THE SUPREME COURT, TWO MEMBERS ELECTED BY THE HOUSE OF REPRESENTATIVES, AND TWO MEMBERS ELECTED BY THE SENATE, RESPECTIVELY, TO PROVIDE FOR THE QUALIFICATIONS OF THESE MEMBERS, TO PROVIDE FOR OFFICERS OF THE COMMISSION, AND TO PROVIDE FOR THE MEMBERS' TERMS OF OFFICE AND MANNER OF THEIR REMOVAL UNDER CERTAIN CONDITIONS; TO AMEND SECTION 8-13-320, AS AMENDED, RELATING TO THE DUTIES, POWERS, AND PROCEDURES OF THE STATE ETHICS COMMISSION, SO AS TO REVISE THESE DUTIES, POWERS, AND PROCEDURES INCLUDING PROVISIONS TO VEST WITH THE COMMISSION THE ADDITIONAL RESPONSIBILITY TO INITIATE OR RECEIVE COMPLAINTS AGAINST MEMBERS OF THE GENERAL ASSEMBLY, ITS STAFF, AND CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST GENERAL ASSEMBLY MEMBERS, STAFF, AND CANDIDATES PURSUANT TO SPECIFIED PROCEDURES AND FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE APPROPRIATE HOUSE OR SENATE ETHICS COMMITTEES FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION'S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED; TO AMEND SECTION 8-13-350, RELATING TO THE ETHICS BROCHURE PROVIDED TO PUBLIC OFFICIALS, PUBLIC MEMBERS, AND PUBLIC EMPLOYEES, SO AS TO DIRECT THE STATE ETHICS COMMISSION TO UPDATE THE BROCHURE'S CONTENTS AND REQUIRE DOCUMENTATION OF ITS RECEIPT BY DESIGNATED INDIVIDUALS; TO AMEND SECTIONS 8-13-530 AND 8-13-540, BOTH AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND PROCEDURES OF THE HOUSE AND SENATE ETHICS COMMITTEES, SO AS TO REVISE THESE DUTIES, FUNCTIONS, AND PROCEDURES IN ORDER TO BE CONSISTENT WITH THE ABOVE PROVISIONS AND TO MAKE OTHER CHANGES; BY ADDING SECTION 8-13-545 SO AS TO AUTHORIZE THE HOUSE OR SENATE ETHICS COMMITTEES TO ISSUE FORMAL ADVISORY OPINIONS AND PROVIDE FOR THEIR EFFECT AND APPLICABILITY; AND BY ADDING ARTICLE 6 TO CHAPTER 13, TITLE 8 SO AS TO CREATE A COMMISSION ON JUDICIAL CONDUCT, AND TO PROVIDE FOR ITS JURISDICTION, COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES; BY ADDING CHAPTER 28 TO TITLE 16 ENTITLED "ETHICS, CRIMINAL PENALTIES" SO AS TO INCORPORATE BY REFERENCE THE DEFINITIONS CONTAINED IN SECTIONS 8-13-100 AND 8-13-1300, TO MOVE CERTAIN LANGUAGE RELATING TO ETHICS VIOLATIONS AND CRIMINAL PENALTIES FOR A VIOLATION, AND TO CREATE SIMILAR OFFENSES CONTAINED IN CHAPTER 28, TITLE 16 WITH REVISIONS; TO AMEND SECTION 8-13-780, AS AMENDED, RELATING TO REMEDIES FOR BREACHES OF ETHICAL STANDARDS BY PUBLIC OFFICIALS, MEMBERS, OR EMPLOYEES, SO AS TO REVISE AND EXPAND THE REMEDIES FOR A BREACH OF CERTAIN ETHICAL STANDARDS; TO AMEND SECTION 8-13-790, AS AMENDED, RELATING TO RECOVERY OF AMOUNTS RECEIVED BY OFFICIALS OR EMPLOYEES IN BREACH OF ETHIC STANDARDS, SO AS TO DELETE THE REFERENCE TO REGULATIONS; TO AMEND SECTION 8-13-1510, AS AMENDED, RELATING TO CIVIL AND CRIMINAL PENALTIES FOR THE LATE FILING OF OR FAILURE TO FILE A REQUIRED ETHICS REPORT OR STATEMENT, SO AS TO DELETE THE CRIMINAL PENALTIES AFTER THE MAXIMUM CIVIL PENALTY HAS BEEN LEVIED; BY ADDING SECTION 8-13-1515 SO AS TO CREATE THE NEW OFFENSE OF WILFUL FAILURE TO FILE A REQUIRED STATEMENT OR REPORT IN AN EFFORT TO CONCEAL A VIOLATION OF THE ETHICS CHAPTER AND TO PROVIDE A PENALTY; TO AMEND SECTION 8-13-1520, AS AMENDED, RELATING TO VIOLATIONS OF CHAPTER 13, TITLE 8, SO AS TO MAKE PROVISIONS FOR WILFUL VIOLATIONS; BY ADDING SECTION 8-13-1525 SO AS TO REVISE AND EXPAND THE REMEDIES FOR A VIOLATION OF CERTAIN ETHICAL STANDARDS; TO AMEND SECTION 8-13-320, AS AMENDED, RELATING TO THE DUTIES, POWERS, AND PROCEDURES OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE FOR THE ASSESSMENT OF CIVIL PENALTIES; TO AMEND SECTION 2-17-140, RELATING TO THE PENALTIES FOR WILFULLY FILING A GROUNDLESS COMPLAINT, SO AS TO PROVIDE THAT A CIVIL PENALTY MAY BE ASSESSED IN ADDITION TO A CRIMINAL PENALTY; TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS PERTAINING TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-1314, AS AMENDED, RELATING TO CAMPAIGN CONTRIBUTION LIMITS AND RESTRICTIONS, SO AS TO PROHIBIT CONTRIBUTIONS FROM CERTAIN NONCANDIDATE COMMITTEES; TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER AND COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A CANDIDATE, SO AS TO DELETE THE CONTRIBUTION RESTRICTION EXCEPTION FOR CERTAIN TYPES OF COMMITTEES; BY ADDING SECTION 8-13-1313 SO AS TO REQUIRE A PERSON WHO IS NOT A COMMITTEE AND WHO MAKES AN INDEPENDENT EXPENDITURE IN AN AGGREGATE AMOUNT OR VALUE IN EXCESS OF FIVE HUNDRED DOLLARS DURING A CALENDAR YEAR OR MAKES AN ELECTIONEERING COMMUNICATION TO FILE A REPORT OF SUCH EXPENDITURE OR COMMUNICATION WITH THE STATE ETHICS COMMISSION; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS PERTAINING TO CAMPAIGN PRACTICES, SO AS TO DEFINE "ELECTIONEERING COMMUNICATION"; TO AMEND SECTION 8-13-1320, RELATING TO THE ATTRIBUTION OF CAMPAIGN CONTRIBUTIONS TO SPECIFIC TYPES OF ELECTIONS, SO AS TO REVISE THE MANNER IN WHICH CAMPAIGN CONTRIBUTIONS ARE ATTRIBUTED TO A PRIMARY ELECTION AND TO A PRIMARY ELECTION RUNOFF; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO THE DEFINITIONS OF "CANDIDATE" FOR PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO SPECIFY THAT A "CANDIDATE" IS ALSO A PERSON THAT MAINTAINS AN OPEN BANK ACCOUNT CONTAINING CONTRIBUTIONS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO THE DEFINITIONS OF "CANDIDATE" FOR PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO SPECIFY THAT A "CANDIDATE" IS ALSO A PERSON THAT MAINTAINS AN OPEN BANK ACCOUNT CONTAINING CONTRIBUTIONS; TO AMEND SECTION 8-13-1302, AS AMENDED, RELATING TO THE MAINTENANCE OF RECORDS OF CONTRIBUTIONS, SO AS TO AUTHORIZE THE APPROPRIATE SUPERVISORY OFFICE TO REQUEST IN WRITING THE DISCLOSURE OF CERTAIN MANDATORY RECORDS FOR THE PURPOSE OF VERIFYING CAMPAIGN DISCLOSURE FORMS; TO AMEND SECTION 2-17-90, RELATING TO ACTS PROHIBITED OF LOBBYISTS' PRINCIPALS, SO AS TO DELETE THE SPECIFIC AUTHORIZATION FOR AMERICAN LEGISLATIVE EXCHANGE COUNCIL CONVENTIONS AND CONFERENCES; TO AMEND SECTION 8-13-1348, AS AMENDED, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO CLARIFY THE TYPE OF PROHIBITED EXPENSES; TO AMEND SECTION 8-13-1308, AS AMENDED, RELATING TO THE CONTENTS OF CERTIFIED CAMPAIGN REPORTS OF CANDIDATES AND COMMITTEES, SO AS TO REQUIRE A CAMPAIGN REPORT TO BE FILED SEVENTY-TWO HOURS BEFORE AN ELECTION SHOWING CONTRIBUTIONS OF MORE THAN ONE HUNDRED DOLLARS AND EXPENDITURES TO OR BY THE CANDIDATE OR COMMITTEE FOR THE PERIOD COMMENCING AT LEAST TWENTY DAYS BEFORE THE ELECTION AND ENDING SEVENTY-TWO HOURS BEFORE THE ELECTION; TO AMEND SECTION 8-13-1318, RELATING TO THE ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBT, SO AS TO REQUIRE THAT CONTRIBUTIONS RECEIVED PURSUANT TO THIS SECTION MUST BE USED FOR THE SOLE PURPOSE OF RETIRING CAMPAIGN DEBT; BY ADDING SECTION 8-13-756 SO AS TO PROVIDE THAT CERTAIN PROVISIONS PERTAINING TO USE OF OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, REPORTING OF PARTICULAR GIFTS, RESTRICTIONS ON FUTURE EMPLOYMENT AND RELATED PROVISIONS, DO NOT APPLY TO A PUBLIC EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO PARTICIPATES IN THE DEVELOPMENT OF INTELLECTUAL PROPERTY THAT BENEFITS THE INSTITUTION AND THE STATE OF SOUTH CAROLINA, IF THE INSTITUTION OF HIGHER EDUCATION RETAINS SOME ROYALTY RIGHTS TO THE INTELLECTUAL PROPERTY; BY ADDING SECTION 8-27-05 SO AS TO ENTITLE CHAPTER 27 THE "SOUTH CAROLINA WHISTLEBLOWER AND PUBLIC EMPLOYEE PROTECTION ACT"; TO AMEND SECTION 8-27-20, AS AMENDED, RELATING TO REWARDS FOR REPORTS RESULTING IN SAVINGS, SO AS TO ELIMINATE THE TWO THOUSAND DOLLAR CAP ON REWARDS; TO AMEND SECTION 8-27-30, AS AMENDED, RELATING TO CIVIL ACTIONS AGAINST AN EMPLOYING PUBLIC BODY FOR RETALIATION AGAINST AN EMPLOYEE WHO REPORTS A VIOLATION OF STATE OR FEDERAL LAW OR REGULATION, SO AS TO REMOVE THE ONE-YEAR LIMITATION ON THE PERIOD DURING WHICH THE EMPLOYEE IS PROTECTED FROM ADVERSE EMPLOYMENT ACTIONS, AND TO PROVIDE FOR ADDITIONAL REMEDIES; AND TO REPEAL SECTIONS 8-13-705, 8-13-720, 8-13-725, 8-13-750, 8-13-755, AND 8-13-760 ALL RELATING TO ETHICS RULES OF CONDUCT.

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

H. 3725 -- Reps. J. E. Smith and Quinn: A BILL TO AMEND SECTION 12-67-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, SO AS TO ADD THE DEFINITION OF "STATE-OWNED ABANDONED BUILDINGS"; TO AMEND SECTION 12-67-140, RELATING TO THE ELIGIBILITY OF A TAXPAYER TO RECEIVE A TAX CREDIT FOR REHABILITATING AN ABANDONED BUILDING, SO AS TO PROVIDE IF A TAX CREDIT IS EARNED BY A TAXPAYER WHO REHABILITATES A STATE-OWNED ABANDONED BUILDING THE CREDIT MUST BE CLAIMED OVER A TWO-YEAR PERIOD AND TO PROVIDE REQUIREMENTS FOR A TAXPAYER WHO SELLS A BUILDING SITE; TO AMEND SECTION 12-6-3535, RELATING TO INCOME TAX CREDITS FOR MAKING QUALIFIED REHABILITATION EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO PROVIDE AN ADDITIONAL INCOME TAX CREDIT OPTION FOR TAXPAYERS, TO PROVIDE ADDITIONAL REQUIREMENTS FOR WHEN A TAX CREDIT MAY BE TAKEN WHEN A TAXPAYER REHABILITATES A STATE-OWNED ABANDONED BUILDING, AND TO PROVIDE REQUIREMENTS FOR TAX CREDITS EARNED BY A PASS-THROUGH ENTITY; BY ADDING SECTION 12-67-160 SO AS TO PROVIDE REQUIREMENTS FOR A CERTIFICATION OF THE ABANDONED BUILDING SITE; BY ADDING SECTION 12-6-3586 SO AS TO ALLOW A TAX CREDIT TO A TAXPAYER WHO CONSTRUCTS, PURCHASES, OR LEASES A NONRESIDENTIAL SOLAR ENERGY SYSTEM; AND TO AMEND SECTION 12-6-3587, RELATING TO THE PURCHASE AND INSTALLATION OF SOLAR ENERGY SYSTEMS FOR HEATING WATER, SPACE HEATING, AIR COOLING, OR GENERATING ELECTRICITY, SO AS TO PROVIDE THAT THE CREDIT IS ALLOWED WITHOUT REGARD TO WHETHER THE TAXPAYER OCCUPIES THE INSTALLATION SITE.

Referred to Committee on Ways and Means

H. 3726 -- Reps. Mack, Neal, Gilliard, Robinson-Simpson, Howard, Mitchell, Parks, G. A. Brown, R. L. Brown, Dillard, Rutherford, Weeks and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PALMETTO COMPREHENSIVE HEALTH CARE ACT" BY ADDING CHAPTER 18 TO TITLE 44 SO AS TO CREATE A PUBLICLY FINANCED SINGLE-PAYER HEALTH CARE PROGRAM AVAILABLE TO ALL RESIDENTS OF THE STATE EQUALLY; TO PROVIDE DEFINITIONS FOR TERMS USED IN THE CHAPTER; TO ALLOW NONRESIDENTS TO RECEIVE PROGRAM BENEFITS FOR A CERTAIN TIME PERIOD; TO MAKE RESIDENTS WHO MOVE OUT OF STATE INELIGIBLE TO RECEIVE PROGRAM BENEFITS AFTER A CERTAIN TIME PERIOD; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROMULGATE REGULATIONS TO RAISE AWARENESS OF THE PROGRAM AMONG RESIDENTS AND HEALTH CARE PROFESSIONALS AND TO FACILITATE ENROLLMENT IN THE PROGRAM; TO APPLY FOR WAIVERS TO ALLOW THE STATE TO OPERATE MEDICARE, MEDICAID, AND OTHER FEDERAL PROGRAMS AS PART OF THE PROGRAM; TO ESTABLISH BENEFITS PROVIDED FOR BY THE PROGRAM INCLUDING, BUT NOT LIMITED TO, PRIMARY CARE, PREVENTIVE CARE, DENTAL AND VISION CARE, PRESCRIPTION DRUG COVERAGE, MATERNITY AND NEWBORN CARE, AND MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; TO PROHIBIT PRIVATE INSURANCE COMPANIES FROM SELLING HEALTH INSURANCE THAT PROVIDES BENEFITS COVERED BY THE PROGRAM AND TO ALLOW THESE COMPANIES TO SELL POLICIES THAT PROVIDE COVERAGE FOR BENEFITS NOT COVERED BY THE PROGRAM; TO PROHIBIT THE PROGRAM AND HEALTH CARE PROFESSIONALS FROM CHARGING INDIVIDUALS ANY AMOUNTS FOR RECEIVING HEALTH CARE SERVICES INCLUDING, BUT NOT LIMITED TO, PREMIUMS, COPAYS, DEDUCTIBLES, AND COINSURANCE; TO PROVIDE FOR THE PROGRAM TO ISSUE INDIVIDUALS A PROGRAM IDENTIFICATION CARD TO PRESENT TO HEALTH CARE PROVIDERS TO RECEIVE SERVICES WITHOUT CHARGE; TO REQUIRE THE BENEFITS PACKAGE TO PROVIDE ADDITIONAL BENEFITS FOR THOSE INDIVIDUALS WHO ARE ELIGIBLE FOR MEDICAID, THE CHILDREN'S HEALTH INSURANCE PROGRAM, AND MEDICARE; TO ESTABLISH A DRUG FORMULARY SYSTEM, AS PART OF WHICH THE DEPARTMENT PURCHASES DRUGS WHOLESALE AND PROMOTES THE USE OF GENERIC MEDICATION; TO PROVIDE A PROCESS FOR INDIVIDUALS TO APPEAL ADVERSE COVERAGE DECISIONS; TO PROVIDE A PROCESS FOR THE PUBLIC TO MAKE RECOMMENDATIONS RELATED TO THE BENEFITS COVERED BY THE PROGRAM; TO COMPENSATE HEALTH CARE PROFESSIONALS USING A STANDARD FEE; TO COMPENSATE HOSPITALS, NURSING HOMES, AND COMMUNITY HEALTH CENTERS AS PART OF A GLOBAL PAYMENT SYSTEM; TO PAY PHARMACISTS A REASONABLE DISPENSING FEE AND THE WHOLESALE COST OF PRESCRIPTION DRUGS; TO REQUIRE THE PROGRAM TO BE FUNDED BY PAYROLL ASSESSMENTS AND NONPAYROLL INCOME ASSESSMENTS; TO CREATE A PALMETTO COMPREHENSIVE HEALTH CARE PROGRAM FUND IN WHICH TO DEPOSIT ALL FUNDS COLLECTED THROUGH PAYROLL AND NONPAYROLL INCOME ASSESSMENTS AND OTHER MONIES COLLECTED BY THE DEPARTMENT FOR OPERATION OF THE PROGRAM; TO REQUIRE THE ESTABLISHMENT OF A PROGRAM ADVISORY COMMITTEE TO PERFORM CERTAIN FUNCTIONS; AND TO PROVIDE FOR CERTAIN REPORTING OF THE PROGRAM AND THE DEPARTMENT; TO AMEND SECTION 11-35-310, AS AMENDED, RELATING TO DEFINITIONS OF TERMS USED IN THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO EXEMPT THE PROGRAM FROM THE REQUIREMENTS OF THE CONSOLIDATED PROCUREMENT CODE; BY ADDING SECTION 12-6-650 SO AS TO PROVIDE FOR THE COLLECTION OF PAYROLL AND NONPAYROLL INCOME ASSESSMENTS, TO LIMIT THE PAYROLL ASSESSMENTS TO INCOME SUBJECT TO THE MEDICARE TAX, TO REQUIRE THE ASSESSMENTS TO BE GRADUATED TO CHARGE HIGHER RATES TO INDIVIDUALS EARNING HIGHER INCOMES, AND TO TREAT RESIDENTS WORKING OUTSIDE OF THE STATE AS SELF-EMPLOYED INDIVIDUALS; TO AMEND SECTION 44-6-30, AS AMENDED, RELATING TO THE POWERS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADMINISTER THE PALMETTO COMPREHENSIVE HEALTH CARE PROGRAM; AND FOR OTHER PURPOSES.

Referred to Committee on Labor, Commerce and Industry

S. 160 -- Senator Shealy: A BILL TO AMEND SECTION 40-19-20(1) OF THE 1976 CODE, RELATING TO THE DEFINITION OF "ADVERTISEMENT" AS USED IN REGARD TO EMBALMERS AND FUNERAL DIRECTORS, BY ADDING THE TERM "INTERNET" TO THE DEFINITION OF ADVERTISEMENT; TO AMEND SECTION 40-14-20 OF THE 1976 CODE BY ADDING A DEFINITION FOR THE TERM "THIRD PARTY FUNERAL SERVICE PROVIDER"; TO AMEND CHAPTER 19, TITLE 40 OF THE 1976 CODE; BY ADDING SECTION 40-19-40, TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST BE LICENSED BY THE STATE BOARD OF FUNERAL SERVICE, TO PROVIDE NOTICE AND DISCLOSURE REQUIREMENTS FOR THIRD PARTY FUNERAL SERVICE PROVIDER ADVERTISEMENTS, TO PROVIDE FOR LICENSE REVOCATION FOR VIOLATIONS OF THE ADVERTISING REQUIREMENTS, TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE SHALL PROSCRIBE THE FORMAT OF ADVERTISEMENT DISCLOSURE BY REGULATION, AND TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST DISCLOSE TO CUSTOMERS THE NAME AND CONTACT INFORMATION OF THE FUNERAL ESTABLISHMENT THAT WILL BE IN CHARGE OF HANDLING ALL FUNERAL ARRANGEMENTS.

Referred to Committee on Labor, Commerce and Industry

S. 397 -- Senators Leatherman, Setzler and O'Dell: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2014.

Referred to Committee on Ways and Means

S. 411 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-200 SO AS TO DESIGNATE THE MONTH OF OCTOBER OF EVERY YEAR AS "ITALIAN AMERICAN HERITAGE MONTH" IN SOUTH CAROLINA.

Referred to Committee on Invitations and Memorial Resolutions

S. 469 -- Senator Pinckney: A BILL TO AMEND ACT 278 OF 1985, AS AMENDED, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION MUST BE ELECTED, TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR TRANSITIONAL ELECTIONS.

Referred to Jasper Delegation

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bamberg | Bannister | Bernstein |
| Bingham | Bowers | Bradley |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clary | Clemmons |
| Clyburn | Cole | Collins |
| Corley | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Duckworth | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Hardee |
| Hardwick | Hayes | Henderson |
| Henegan | Herbkersman | Hicks |
| Hill | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Kirby |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | W. J. McLeod |
| Mitchell | D. C. Moss | Murphy |
| Nanney | Neal | Newton |
| Norman | Norrell | Ott |
| Parks | Pitts | Pope |
| Putnam | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Sandifer |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Tallon | Taylor | Tinkler |
| Toole | Weeks | Wells |
| Whipper | Williams | Yow |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, February 25.

|  |  |
| --- | --- |
| Chris Hart | Ralph Kennedy |
| Mia S. McLeod | Todd Rutherford |
| Gary Simrill | Mark Willis |
| Brian White | Cezar McKnight |
| Richard "Rick" Quinn | Jerry Govan |

**Total Present--109**

**STATEMENT OF ATTENDANCE**

Rep. ERICKSON signed a statement with the Clerk that she came in after the roll call of the House and was present for the Session on Tuesday, February 24.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BRANNON a leave of absence for the day due to family reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WHITMIRE a leave of absence for the day due to inclement weather.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. COBB-HUNTER a leave of absence for the day due to official state business.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. STAVRINAKIS a leave of absence for the day due to legislative business.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MERRILL a leave of absence for the day due to legislative business.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. H. A. CRAWFORD a leave of absence for the day.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. THAYER a leave of absence for the day due to a family emergency.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. STRINGER a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. V. S. MOSS a leave of absence for the day.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Otis Engelman of Summerville was the Doctor of the Day for the General Assembly.

**ACTING SPEAKER PUTNAM IN CHAIR**

**SPEAKER IN CHAIR**

**SPEAKER *PRO TEMPORE* IN CHAIR**

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3014 |
| Date: | ADD: |
| 02/25/15 | J. E. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3093 |
| Date: | ADD: |
| 02/25/15 | J. E. SMITH |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3324 |
| Date: | ADD: |
| 02/25/15 | HARDEE, CLEMMONS, GOLDFINCH, HARDWICK, JOHNSON and DUCKWORTH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3343 |
| Date: | ADD: |
| 02/25/15 | COLLINS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3539 |
| Date: | ADD: |
| 02/25/15 | COLLINS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3722 |
| Date: | ADD: |
| 02/25/15 | GOVAN |

**SPEAKER IN CHAIR**

**SENT TO THE SENATE**

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

H. 3575 -- Reps. Jefferson, Southard, Johnson, Ott, Crosby, Dillard, Hosey, Knight, Williams, Gagnon and Gambrell: A BILL TO AMEND SECTION 44-96-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, SO AS TO REVISE THE DEFINITION OF "SOLID WASTE" TO EXCLUDE STEEL SLAG.

H. 3646 -- Reps. Burns, Southard, Loftis, Ott and Dillard: A BILL TO AMEND SECTION 44-55-1310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEMS, SO AS TO ALLOW FOR NONGRAVITY-BASED SOIL-BASED ON-SITE DISPOSAL SYSTEMS; TO AMEND SECTION 44-55-1320, RELATING TO WASTEWATER COLLECTION, TREATMENT, AND DISCHARGE, SO AS TO AUTHORIZE SINGLE OR MULTIPLE DWELLING UNITS TO USE A COMMUNITY OR COMMERCIAL PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEM; TO AMEND SECTION 44-55-1330, RELATING TO SYSTEM INSTALLATION REQUIREMENTS, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR A PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEM AND TO SET DESIGNATIONS FOR THE TRENCH BOTTOM OF A DISPOSAL SYSTEM; TO AMEND SECTION 44-55-1350, RELATING TO TILE FIELD PRODUCT REGULATIONS, SO AS TO ADD THE REQUIREMENTS OF SECTION 44-55-1310 TO REGULATIONS PROMULGATED OVER PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEMS; AND TO REPEAL SECTION 44-55-1340 RELATING TO FINANCIAL ASSURANCE.

H. 3264 -- Rep. Taylor: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 137 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "AMERICAN RED CROSS SPECIAL LICENSE PLATES".

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time, passed and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification:

S. 342 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-21-225 SO AS TO REQUIRE FILING OF AN ANNUAL ENTERPRISE RISK REPORT BY THE ULTIMATE CONTROLLING PERSON OF AN INSURANCE HOLDING COMPANY, AND TO PROVIDE SPECIFIC REQUIREMENTS FOR THE CONTENT OF THE REPORT; BY ADDING SECTION 38-21-285 SO AS TO ENABLE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEE TO PARTICIPATE IN CERTAIN SUPERVISORY COLLEGES, TO PROVIDE RELATED POWERS AND DUTIES, AND TO PROVIDE FOR THE PAYMENT OF RELATED EXPENSES; TO AMEND SECTION 38-21-10, AS AMENDED, RELATING TO DEFINITIONS IN THE INSURANCE HOLDING COMPANY REGULATORY ACT, SO AS TO DEFINE THE TERM "ENTERPRISE RISK"; TO AMEND SECTION 38-21-60, RELATING TO THE STATEMENT REQUIRED BY A PERSON SEEKING TO ACQUIRE CONTROL OF AN INSURER, SO AS TO IMPOSE CERTAIN NOTICE REQUIREMENTS; TO AMEND SECTION 38-21-70, RELATING TO THE CONTENTS OF A STATEMENT THAT MUST BE FILED BY A PERSON SEEKING TO ACQUIRE CONTROL OF AN INSURER, SO AS TO REVISE THE CONTENT REQUIREMENTS; TO AMEND SECTION 38-21-90, RELATING TO APPROVAL BY THE DIRECTOR OF THE ACQUISITION OF CONTROL OF AN INSURER, SO AS TO PROVIDE SPECIFIC REQUIREMENTS FOR PUBLIC HEARINGS WHERE APPROVAL OF MORE THAN ONE COMMISSIONER IS REQUIRED, AND TO DEFINE THE TERM "COMMISSIONER"; TO AMEND SECTION 38-21-110, RELATING TO VIOLATIONS OF CERTAIN PROVISIONS OF THE ACT, SO AS TO INCLUDE EFFECTUATION OF THE DIVESTITURE OF A DOMESTIC INSURER WITHOUT APPROVAL BY THE DIRECTOR OR HIS DESIGNEE; TO AMEND SECTION 38-21-125, RELATING TO ACQUISITIONS OF INSURERS EXEMPT FROM THE ACT, SO AS TO REMOVE CERTAIN ACQUISITIONS SUBJECT TO APPROVAL OR DISAPPROVAL BY THE DIRECTOR OR HIS DESIGNEE FROM THESE EXEMPTIONS; TO AMEND SECTION 38-21-130, RELATING TO THE REGISTRATION OF MEMBERS OF INSURANCE HOLDING COMPANY SYSTEMS, SO AS TO MAKE A TECHNICAL CORRECTION TO AN INCORRECT REFERENCE; TO AMEND SECTION 38-21-140, RELATING TO REQUIRED STATEMENTS OF REGISTERING MEMBERS OF INSURANCE HOLDING COMPANY SYSTEMS, SO AS TO ADD CERTAIN FINANCIAL STATEMENTS AND A STATEMENT CONCERNING THE GOVERNANCE AND INTERNAL CONTROLS OF THE INSURER BY ITS BOARD, AMONG OTHER THINGS; TO AMEND SECTION 38-21-220, RELATING TO DISCLAIMERS OF AFFILIATION, SO AS TO DELETE LANGUAGE REGARDING CERTAIN REGISTRATION AND REPORTING REQUIREMENTS, AND TO PROVIDE THAT A DISCLAIMER MUST BE CONSIDERED GRANTED ABSENT CERTAIN NOTIFICATION BY THE DIRECTOR, AND TO PROVIDE RELIEF FOR A DENIAL; TO AMEND SECTION 38-21-230, RELATING TO FAILURE TO TIMELY FILE A REGISTRATION STATEMENT OR AMENDMENT TO A REGISTRATION STATEMENT, SO AS TO INCLUDE ENTERPRISE RISK FILING; TO AMEND SECTION 38-21-250, RELATING TO STANDARDS FOR TRANSACTIONS BETWEEN REGISTERED INSUREDS AND THEIR AFFILIATES, SO AS TO PROVIDE THAT AGREEMENTS FOR COST-SHARING SERVICES AND MANAGEMENT MUST INCLUDE PROVISIONS REQUIRED BY REGULATION, TO INCLUDE AMENDMENTS OR MODIFICATIONS OF CERTAIN AFFILIATE AGREEMENTS AMONG TRANSACTIONS INVOLVING DOMESTIC INSURERS AND ANY PERSON IN AN INSURANCE HOLDING COMPANY SYSTEM THAT REQUIRES CERTAIN NOTICE TO THE DEPARTMENT, AND TO PROVIDE REQUIREMENTS FOR THIS NOTICE, AMONG OTHER THINGS; TO AMEND SECTION 38-21-280, RELATING TO THE POWER OF THE DIRECTOR TO COMPEL PRODUCTION OF CERTAIN INFORMATION FROM INSURERS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 38-21-290, RELATING TO CONFIDENTIAL INFORMATION, SO AS TO REVISE THE REQUIREMENTS TO MAKE THE INFORMATION PRIVILEGED AND NOT SUBJECT TO DISCOVERY OR THE FREEDOM OF INFORMATION ACT, AND TO PROVIDE FOR USE OF THIS INFORMATION BY THE DIRECTOR OR HIS DESIGNEE, AMONG OTHER THINGS, AND TO PROVIDE NEITHER THE DIRECTOR OR HIS DESIGNEE MAY BE REQUIRED TO TESTIFY ABOUT THIS INFORMATION IN A PRIVATE CIVIL ACTION; TO AMEND SECTION 38-21-340, RELATING TO CRIMINAL PROSECUTIONS AND VIOLATIONS, SO AS TO PROVIDE THAT CERTAIN VIOLATIONS MAY SERVE AS AN INDEPENDENT BASIS FOR THE DIRECTOR TO DISAPPROVE DIVIDENDS OR DISTRIBUTIONS AND FOR PLACING THE INSURER UNDER AN ORDER OF SUPERVISION; AND TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 38 TO RISK RETENTION GROUPS LICENSED AS A CAPTIVE INSURANCE COMPANY, SO AS TO MAKE CONFORMING CHANGES.

**H. 3374--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3374 -- Reps. Merrill, White and G. R. Smith: A BILL TO AMEND CHAPTER 27, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE AID TO SUBDIVISIONS ACT, SO AS TO CHANGE THE NAME OF THE LOCAL GOVERNMENT FUND, TO DELETE THE REQUIREMENT THAT THE FUND RECEIVE NOT LESS THAN FOUR AND ONE-HALF PERCENT OF THE GENERAL FUND REVENUES OF THE LATEST COMPLETED FISCAL YEAR, TO DELETE A PROVISION REGARDING MIDYEAR CUTS, TO PROVIDE THAT THE FUND MUST BE INCREASED BY TWO PERCENT IF REVENUES ARE PROJECTED TO INCREASE BY AT LEAST FOUR PERCENT, TO PROVIDE THAT THE TWO PERCENT INCREASE, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET PROCESS, TO AMEND THE DISTRIBUTION PERCENTAGE OF THE FUND, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

Reps. JEFFERSON, WILLIS, PITTS, HILL, TAYLOR, DELLENEY, HART, J. E. SMITH, SANDIFER, SOUTHARD, KNIGHT, OTT, DOUGLAS, MCKNIGHT, RIDGEWAY, BAMBERG, WILLIAMS, GEORGE, DANING, CROSBY, TALLON, KIRBY, WHIPPER, R. L. BROWN, HOSEY, CORLEY, WELLS, CLARY, SOTTILE, GILLIARD, HENEGAN, CHUMLEY, BURNS, BANNISTER, HICKS, LOFTIS, TOOLE, FORRESTER, G. R. SMITH, BALLENTINE, ROBINSON-SIMPSON, DILLARD, SPIRES, NORRELL, POPE, FUNDERBURK, WEEKS, D. C. MOSS, LIMEHOUSE, G. M. SMITH, NORMAN and GAMBRELL requested debate on the Bill.

**S. 196--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. WEEKS, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 196 -- Senators Hutto, L. Martin, Bryant, Campsen, S. Martin and Lourie: A BILL TO AMEND SECTION 14-7-1610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE GRAND JURY SYSTEM AND LEGISLATIVE FINDINGS AND APPLICABILITY, SO AS TO INCLUDE CRIMES INVOLVING TRAFFICKING PERSONS IN THE PURVIEW OF THE STATUTE; TO AMEND SECTION 14-7-1630, AS AMENDED, RELATING TO JURISDICTION OF THE STATE GRAND JURY, SO AS TO INCLUDE CRIMES INVOLVING TRAFFICKING IN PERSONS IN THE PURVIEW OF THE STATUTE; TO AMEND SECTION 16-3-2010, RELATING TO DEFINITIONS FOR PURPOSES OF TRAFFICKING IN PERSONS, SO AS TO REVISE THE DEFINITION OF "SEX TRAFFICKING"; BY ADDING SECTION 16-3-2100 SO AS TO REQUIRE THE POSTING OF INFORMATION REGARDING THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE IN CERTAIN BUSINESS ESTABLISHMENTS, PROVIDE LANGUAGE FOR THE POSTING, AND PROVIDE A PENALTY FOR THE FAILURE TO POST THE INFORMATION; AND TO AMEND SECTION 16-3-2050, RELATING TO THE INTERAGENCY TASK FORCE FOR THE PREVENTION OF TRAFFICKING IN PERSONS, SO AS TO REVISE THE MEMBERSHIP OF THE TASK FORCE.

**OBJECTION TO RECALL**

Rep. SANDIFER asked unanimous consent to recall H. 3707 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. PUTNAM objected.

**OBJECTION TO RECALL**

Rep. BALES asked unanimous consent to recall H. 3008 from the Committee on Judiciary.

Rep. WEEKS objected.

**MOTION PERIOD**

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

**H. 3041--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 3041 -- Reps. Delleney, Allison, Atwater, Ballentine, Bannister, Bedingfield, Bingham, Bradley, Brannon, Burns, Clary, Clemmons, Collins, H. A. Crawford, Daning, Duckworth, Erickson, Forrester, Goldfinch, Hamilton, Hardee, Hardwick, Henderson, Herbkersman, Hicks, Hill, Hiott, Hixon, Horne, Huggins, Kennedy, Limehouse, Loftis, Long, Lowe, Lucas, McCoy, Merrill, D. C. Moss, V. S. Moss, Murphy, Nanney, Newton, Pitts, Pope, Putnam, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Wells, White, Whitmire, Willis, Yow and Funderburk: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

Rep. DELLENEY moved to adjourn debate on the Joint Resolution until Tuesday, March 3, which was agreed to.

**H. 3142--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3142 -- Reps. Ryhal, Clemmons, Hixon, Felder, Dillard, Knight and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3715 SO AS TO REGULATE THE OPERATION OF A MOPED ALONG CERTAIN PUBLIC ROADS; AND TO AMEND SECTIONS 56-5-3710, 56-5-3720, AND 56-5-3730, RELATING TO THE OPERATION OF A MOPED ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE THAT BOTH A PERSON OPERATING A MOPED AND HIS PASSENGER MUST WEAR REFLECTIVE VESTS, TO REQUIRE THAT A MOPED SOLD IN THIS STATE MUST BE EQUIPPED WITH A REAR RED TAIL LIGHT THAT FLASHES CONTINUALLY WHILE THE MOPED IS IN MOTION, AND TO REQUIRE A MOPED'S REAR RED TAIL LIGHT THAT FLASHES CONTINUALLY TO BE TURNED ON AT ALL TIMES WHILE THE MOPED IS IN OPERATION.

Rep. W. J. MCLEOD proposed the following Amendment No. 1 to H. 3142 (COUNCIL\SWB\3142C001.SWB.CM15):

Amend the bill, as and if amended, Section 56‑5‑3715, as contained in SECTION 1, by striking Section 56‑5‑3715 and inserting:

/ “Section 56‑5‑3715. It is unlawful for a person to operate a moped on the public roads in this State that have a speed limit of greater than fifty‑five miles per hour. A moped is not prohibited from crossing an intersection at a public road with a speed limit in excess of fifty‑five miles per hour.”/

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS spoke against the amendment.

Rep. HODGES spoke in favor of the amendment.

Rep. TOOLE spoke in favor of the amendment.

Rep. DANING moved to adjourn debate on the Bill until Tuesday, March 3, which was agreed to.

Further proceedings were interrupted by the Joint Assembly.

**JOINT ASSEMBLY**

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

H. 3472 -- Reps. Lucas, Pope, Delleney, White, Sandifer, Howard, Allison, Hiott and Clemmons: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 25, 2015.

The Honorable Chief Justice Jean Hoefer was escorted to the rostrum by Senators Matthews, Coleman, L. Martin, Hembree, and Thurmond and Reps. BAMBERG, BANNISTER, FUNDERBURK, GOLDFINCH and KENNEDY.

Address by the Honorable Jean Hoefer Toal

Chief Justice of South Carolina

State of the Judiciary Address, February 25, 2015

Before I even begin, let me start by introducing the members of my Court and the Court of Appeals who are here in attendance today: Justice Costa Pleicones, Justice Don Beatty, Justice Kaye Hearn, Chief Judge John Few, Judge Paul Short, Judge Bruce Williams, Judge Paula Thomas, Judge Aphrodite Konduros, Judge John Geathers, Judge James Lockemy, and Judge Stephanie McDonald. Judge John Kittredge sends his profound regrets for not being here, he has a terrible flu bug this morning. I told him I thought you would excuse him and I certainly would excuse him.

Lieutenant Governor McMaster, President *Pro Tempore* Leatherman, Speaker Lucas, Speaker *Pro Tempore* Pope, Members of the Joint Assembly, my brothers and sisters of the South Carolina Judiciary, ladies and gentleman. As you know, it is my habit to speak in memoriam as I begin my address. Early last Friday, the South Carolina legal profession lost one of its giants. Two and a half weeks from now, Attorney John Gregg McMaster would have celebrated his 101st birthday. He was the most senior practicing attorney in South Carolina. At the Bar for 75 years until his retirement in 2013, he tried his last case at age 93, and successfully so. Mr. McMaster was the consummate lawyer whether giving wise counsel to his clients or presenting their cases to judge and jury. He epitomized professionalism and civility. His considerable public service included membership in this House representing Richland County and the South Carolina Code Commission. He held many memberships in state and national legal organizations and historical organizations and was greatly honored all across the country.

John Gregg's métier was in the courtroom. Like many young lawyers in Richland County, I would come to the courthouse when John Gregg tried a case. We learned the value of meticulous presentation and marveled at his premier oratorical skills. He served as a model of decent and effective advocacy for generations of South Carolina lawyers.

The legal profession expresses our deep condolences to his six sons, but most especially to his pride and joy, our treasured friend Lieutenant Governor Henry Dargan McMaster.

My address today is a look at milestones and achievements. Today is the 35th anniversary of your annual invitation to the Chief Justice of South Carolina to deliver a State of the Judiciary Address to the Joint Assembly. This milestone is an enduring symbol of the harmony between the Legislate Branch and the Judicial Branch. It was not always so. This harmony was achieved in 1985 with the resolution of a long-standing and bitter dispute between the two branches regarding the court rule making authority. The spirit of respect for each branch's constitutional authority and responsibility has remained the hallmark of our relationship.

As I deliver my 15th and final State of Judiciary Address, it fills me with a great deal of nostalgia to look back 40 years ago when I sat in this very hall of the House as a 31-year-old freshman legislator. Only Senator, and then House member, John Wesley Matthews sitting here on the podium having my back once again remains from the great class of 1975.

When John Matthews and I entered our first Session as Members of the House, the leading topics for the General Assembly consideration in 1975 included: modernizing the South Carolina Constitution to restructure State government, reform of the court system, Home Rule for the counties and cities, elimination of legislative authority over local school and county budgets, enactment of the first statewide ethics legislation, revision of the Freedom of Information Act, reform of state financing for schools, reform of property tax valuation, economic development tax incentives, and the strengthening of the tech schools.

Sound familiar? We continue to revisit these important matters because constant re-examination is the surest path to progress as a people. So don't let the naysayers get away with criticizing the health of our government because you have the courage to constantly re-examine the effectiveness of our institutions. We pass laws which regulate behavior. When those laws are broken, we don't water them down; we strengthen them.

In the 1970s and 1980s, our statewide court system went from a system of 16 Circuit Judges and five Supreme Court Judges and a hodgepodge of local courts to a standardized system which included a dedicated Family Court -- almost the first in the nation -- an intermediate Appellate Court, and, over time, the creation of additional Circuit Court and Family Court Judges. Our Constitution was amended to provide for shared responsibility between the General Assembly and the Supreme Court in developing modern court procedural rules. The Constitution was also amended to create screening for candidates for judicial office.

And upon this firm foundation, the past 15 years have been characterized by significant changes in the way our court operates. Our report card for the years 2000 to 2015 is characterized by our focus on business models, management techniques and technology to achieve efficiencies and better business organization.

So today the courts enjoy more stable funding. We've increased the number of judges; we've got more uniformity, same justice for everyone no matter where they are in South Carolina, and obviously the benefits of technology.

In 2013, you made a historic new commitment to court stability with the election of nine new trial judges. The creation and election of these judges has already resulted in a more efficient management of the court's dockets and more access to the people of South Carolina to speedy justice. Technology will continue to be a priority, making the courts more accessible, more efficient and easier to navigate by everyone.

Fifteen years ago the entire Judicial Branch budget of $46.5 million was funded by general revenue appropriations. You see the history. Today, for the current fiscal year, about a third of our recurring budget is funded by State fines and fees. These fines and fees allocated to the Judicial Branch are generated by all levels of your court system and by services, primarily court technology, provided on contract to the counties.

The court generated revenue allocated to the Judicial Branch represents a very miniscule portion of the revenues generated by the courts for state and local government. Our 15 year growth in Judicial Branch expenditures for an expanded court system is now about $67 million, and it represents one of the most conservative expenditure patterns of any entity in state government.

But effective management is about more than financial efficiencies. We've also taken a new approach to how we manage our book of business -- the people's cases -- to achieve major reductions in the backlog of pending cases. Justice Hearn as Chair and Justices Pleicones and Beatty, and Judges Konduros and Newman as subcommittee chairs have helped implement major changes in how Circuit and Family Court dockets are managed.

Our progress in accelerating case disposition is a combination of new judges plus the increased use of technology and collaboration with all the stakeholders in the system to achieve big improvements for our disposition rates.

Family Court is the biggest success story, and it was in the worst shape just a few years ago. Our goal is to process 80% of our Family Court cases in 365 days or less. And every circuit in South Carolina now meets or exceeds this benchmark. That was not so before our task force made its recommendations.

Common Pleas is the civil docket for Circuit Court and we measure the 365-day benchmark there from the time a case goes on the trial roster. And again, there is vast improvement. All circuits are disposing of 70% to 80% of their civil cases within 365 days of docketing.

General Sessions Court - the criminal case docket for Circuit Court -- has received new attention in the light of *Langford*. Three circuits are now above 80% and another seven are at 70% or better in disposition in 365 days. Six circuits still need additional management and local funding to have success.

But we can't expect the trial courts to improve their disposition rates without also looking at our Appellate Courts. We began a detailed concentration on reducing Supreme Court backlog in May of 2014. Our certiorari petitions, which is a legal term for requests to review Court of Appeals decisions, were our big area of focus. And with an all-hands-on-deck approach and some cutback in oral arguments this Fall, we have now reduced pending cases at the Supreme Court by almost a third. And similar reductions are now being felt at the Court of Appeals.

Our biggest management tool for the past 15 years has been our use of an Internet platform to build our Court Technology System. The Internet represents innovation, access to information, and a more transparent Court system for the citizens of South Carolina. It represents economic growth and more opportunity than the world has ever known. It's been a game changer for the courts as well as the citizens of South Carolina; it's a different way of doing business.

In 2000, no major courthouse in South Carolina had Internet access, and Court personnel communicated by telephone, fax machine or surface mail. There was a unified system in principle, but not in practice. Technology is not just a matter of record keeping, it's a matter of justice. An unorganized and inefficient court system that can't communicate with its various parts leads to breakdown in the administration of justice. Technology allows the Judicial Department to evaluate our caseloads on a statewide basis, to evaluate inequities, and to allocate our resources where they're needed. The recognition of technology as a key to effective and efficient administration of justice has been the hallmark of my term as your Chief Justice.

Our plan in South Carolina to use high-speed, Internet-based connectivity to improve court operations and enhance public access has become a national model.

When we began our court technology journey 15 years ago, I knew we had no state resources for this project; we were deep in the throes of the great recession much earlier than much of the nation. We were managing our entire system of courts on individual paper county records. So I cut my budget that year and then used existing fund savings to commission a study of how we could automate. I knew the big mainframe computer systems, which is what everybody used, were too expensive. So after looking at alternatives, we decided to look at an Internet-based system. That was a way-out idea in the year 2000. Neither government nor private business was using a web-based system to store or manage records or communicate in any identifiable way.

So I went to Senator Fritz Hollings and persuaded him to make South Carolina a pilot for the use of an Internet system to manage court records. And he made me promise one thing, to emphasize Internet connectivity for the most rural places in South Carolina. And that's where we started.

Fifteen years later, we are a national success story. And not a week goes by that we don't have calls from the Californias and the Massachusetts and some of the really huge court systems in this country wanting to look at our system to see how it works and how we did it.

The Judicial Department, not a private vendor, owns, redesigns and updates our state case management system. We built websites for most of the county Clerks of Court; they are the keepers of the record. And now all Magistrate, Circuit Court, Court of Appeals and Supreme Court records are accessible on the Internet through the county Clerk of Court's website and through the State Judicial Branch website.

We built the systems almost entirely with federal money, over $52 million over the course of these years. But we didn't bloat our system by using those federal dollars for recurring expenditures which would have to have been replaced by state recurring expenditures. Rather, we built the systems to be revenue-generating. And those funds go back to the Judicial Branch to operate and improve our technology system. In these past 15 years, the South Carolina Judicial Branch has created a very effective business model for the use of federal funds as capital investment in business efficiencies and revenue generation.

Our technology roadmap shows that 42 of the 46 counties repose their case records right on our servers here in Columbia in the Calhoun Building. The other four utilize our case management system and repose the records on their own servers.

We back up the entire system for disaster recovery purposes in a very successful partnership with Clemson University. And I'm proud to say other state agencies are joining us now. This is smart use of a state institution for capabilities for which we pay Clemson and not an outside vendor.

Our appellate case management system allows judges to access records and exhibits online. Public access is now available for many of our appellate records.

And beginning this last September we partnered with South Carolina Educational Television to begin live streaming of our arguments. We pay ETV to maintain a small TV studio in our basement at the Supreme Court. ETV and our IT staff live stream our arguments and archive them on our website. This is another example of a State to State partnership which generates value for each partner without outside expense.

The crown jewel will be electronic filing of all trial and appellate court documents in all 46 counties. We will pilot this project in Greenville and Clarendon this year. Once again, we will own the system. And you, by statute passed two years ago, have designated future revenue from e-filing that we are building to operate the Court's Information Technology Department. Using revenue from a system we own, rather than paying it to a vendor, will operate our court technology well into the future.

But make no mistake, it's much harder to build in-house and own and maintain a system in-house rather than simply paying an outside source for a turnkey job and ongoing administration. But I am convinced that if you hire good managers and stay directly involved shoulder to shoulder with your managers and with their front-line designers, you develop a system that really works. This is been my management style and the results are nationally acclaimed.

Our toolbox also includes specialized management of complex business-to-business disputes. We started Business Court with a three-county pilot in Greenville, Richland and Charleston. Now we use a regional approach and have taken this docket statewide.

But even with all the improvements we've made, South Carolina still has more filings per trial judge than any state in the country. Why? Because we still have less judges per 100,000 of population than any state in the country. So we can't resolve all of our cases on a timely and compassionate basis by simply using the trial as the vehicle.

On the criminal justice side, alternatives to the traditional trial include sentencing alternatives for cases involving nonviolent crimes. We use specialized therapeutic courts to provide sentencing alternatives for non-violent crimes where the defendant has a mental health, substance abuse, or other behavioral issue that may require different management and treatment. In these alternative or diversionary courts, judges, attorneys, and service providers work together to treat the underlying issue and may track or monitor an individual's progress to achieve the best outcome. And successful completion can reduce or avoid jail time and the expense to the State of housing these inmates.

In the past 15 years, we have implemented by Administrative Order of the Chief alternative courts in South Carolina: Adult Drug Courts, Juvenile Drug Courts, Adult Mental Health Courts, Truancy Courts, Veterans Courts, and Homeless Courts. All seek to divert non-violent offenders into treatment.

But there's no question that on the criminal justice side, the major breakthroughs you made in sentencing reform five years ago are paying results - 25 percent reduction in penitentiary population already and the closure of several statewide facilities. You've been wonderful partners in finding alternatives in the criminal justice area.

Alternative Dispute Resolution is another means of using something other than a trial. There's a cultural change taking place with regard to resolution of disputes. And it's a realization that some kind of disputes are not best settled through the adversarial process of a trial, but rather through collaborative processes like Alternate Dispute Resolution where a trained mediator guides the parties to an agreed settlement of the case. The commission was created in 2002, its mission to assist the court, practitioners, and the public with arbitration and mediation.

Major accomplishments include a uniform set of rules, Court-Annexed Alternate Dispute Resolution pilots for Civil and Family Courts now in 33 of the 46 counties, Family Court pilot mediation programs for DSS abuse and neglect cases. This could really be a help. DSS is broken. The abuse and neglect system is broken. We've got to think smartly management-wise, the courts and the department and this Body, about how to resolve.

We also have successful Probate Court mediation, a pilot that began in August of 2012 and is now statewide. And we have pilot Court Mediation Programs for Magistrates Court in Richland, Lexington, Greenville, Kershaw and Anderson counties. Alternate Dispute Resolution has become a permanent part of the judicial landscape in the last 15 years, mostly through Administrative Orders issued through my office and the creation of an ADR Commission. A lot of management can take place without dollars and cents, but with a different way of doing business.

Fast track jury trials is yet another Alternate Dispute Resolution vehicle that's been adopted statewide. The goal is a quick resolution of cases that can accommodate a one-day trial. It's voluntary so you don't have to do it, but it's a binding jury trial before a six-person jury. They select a Judge, the Clerk pools the jury. It's been used in Charleston for many years. Trials last no more than a day and involve an abbreviated case presentation. But the parties agree to accept the jury verdict as final, so no appeal, the case is over.

We use commissions as problem solvers. And in the last 15 years, we've used commissions to tackle some very specific problems of access to the court and improving the professionalism of attorneys. Almost 10 years ago South Carolina became one of the first wave of access to justice initiatives in the country. And we tackled the challenge of justice for all, not just those who can afford it. But we wanted to design strategies for civil legal assistance to the working poor. Four out of five people in South Carolina of low income do not have basic access to civil legal assistance. The Access to Justice Commission was created in 2008. Its major accomplishments include development of judicial training so that judges can be sensitive to how to deal with self-represented litigants. They're entitled to be heard whether they have a lawyer or not.

But what else can we do? We prepared a simple divorce packet that people can use without a lawyer to go to court for a simple divorce, a child support modification packet so that people who want to bring up child support modification can do it by using the forms without a lawyer, and in Newberry County, we've had a self-help pilot program that's been wonderful. It uses Newberry College students, all kind of different people, to help persons who want to use the self-help program figure out how to use the forms. We've conducted Pro Bono Summits as well, trying to encourage the lawyers of South Carolina to devote an identifiable number of hours every year to voluntary, free legal service to those who have civil needs that can't be met because they don't have the money.

We also established in the year 2000 the Chief Justice's Commission on the Profession. It's chaired by Justice John Kittredge, and it recognizes the need to emphasize professionalism in the practice of law. We promote professionalism from the first day a law student enters law school now until their last day in practice and assists them in retiring, and all manner of issues in between. This is a highly regarded Commission throughout the country and its major accomplishments include the adoption of a lawyer and judicial professionalism oath, the creation of new professionalism curriculum to be used at the two state law schools, a mandatory program of mentoring for lawyers so that each lawyer who comes to practice in South Carolina as a newly admitted lawyer has a lawyer as a mentor for a year with a prescribed curriculum of experiences to ease that young lawyer into the practice of law. We also have mentoring programs, under the Commission's supervision, for Magistrates and Municipal Judges, and they mirror the very successful mentoring program and education program Circuit Court and Family Court Judges have run for new judges for years.

Our Office of Disciplinary Counsel--eight years ago, we requested the American Bar Association to conduct an in-depth audit of lawyer and judicial discipline in South Carolina. The result was an honest, critical report which made many recommendations for improvement. The Supreme Court embraced each of these recommendations, and we have restructured and strengthened our two commissions to regulate ethics rules for lawyers and judges, just as you are attempting to look at a new paradigm for how your ethics cases are tried in your ethics legislation this year.

In 2013, the ABA Standing Committee on Judicial Discipline recognized our Office of Disciplinary Counsel's case management software, which we developed in-house with our IT staff, as the national model for how you automate disciplinary process for lawyers and for judges. In this same year, the ABA also recognized our Disciplinary Counsel Lee Coggiola and her staff as national leaders in lawyer discipline and in the use of technology and in the enforcement of South Carolina's Civility Oath.

Well, these past 15 years have seen the Judicial Branch recognized many times. We're thought of throughout the country as in the top tier of court systems in the United States; we're awfully proud of that. And additionally, the South Carolina Courts have established a variety of civics education programs for teachers and students of our State, including the Supreme Court Summer Institute for Social Studies Teachers, the Class Action Program where students attend our oral arguments every month and interact with the court, and the Case of the Month where our streamed oral arguments are used in the classroom along with online access to our briefs and records on appeal.

We also received national recognition for the South Carolina Judicial Department's sponsorship of iCivics, Justice O'Connor's web-based interactive civics education program for middle and high schools. We're the best of the bunch in the country at embedding that in social studies curriculum.

It's been the highest honor of my life to have been given the privilege of serving on our Supreme Court for the past 25 years. And for the past 15 years, you've given me the signal opportunity to lead your court system to new heights. Your court system is well positioned to meet the challenges of the future.

So it's up to you to create new tools in reducing the scourge of child abuse and neglect and criminal domestic violence. And I'm proud to serve on Governor Haley's Task Force, and we hope we'll be giving some good suggestions to the General Assembly about this issue. Providing treatment alternatives for the addicted and those challenged by mental health issues, and by supporting our efforts to provide fair access for families, for businesses, for the working poor, for everyone in South Carolina.

Well, you know how the story always ends. And as you look at these concluding pictures from my past addresses, please know that in Senior Active Retired Service, I'll still be willing to help at the pleasure of the Chief Justice.

The motto of our court is nil ultra - no higher - but be assured that I am guided by the conviction that there is a higher authority. As we prepare this next generation to lead this State, and as we prepare our family life for our children that gives them a wholesome platform for success, I'm reminded of the words of Micah, "What doth thy Lord require of thee, Do justly, Love mercy, Walk humbly with thy God." Thank you and Godspeed.

**JOINT ASSEMBLY RECEDES**

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

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 12:36 p.m. the House resumed, the SPEAKER in the Chair.

**MOTION ADOPTED**

Rep. POPE moved that when the House adjourn today, it stand adjourned to meet in Local Session on Thursday, February 26, and to next meet in Statewide Session on Tuesday, March 3, at 12:00 noon, which was agreed to.

Rep. WILLIAMS moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3712 -- Rep. G. M. Smith: A CONCURRENT RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH'S EMERGENCY DEPARTMENT TELEPSYCHIATRY CONSULTATION PROGRAM ON BEING NAMED AS PART OF THE 2015 BRIGHT IDEAS PROGRAM BY THE HARVARD UNIVERSITY ASH CENTER FOR DEMOCRATIC GOVERNANCE AND INNOVATION AT THE JOHN F. KENNEDY SCHOOL OF GOVERNMENT.

**ADJOURNMENT**

At 12:38 p.m. the House, in accordance with the motion of Rep. DANING, adjourned in memory of Major Charles W. "Coach" Jordan, to meet at 10:00 a.m. tomorrow.

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