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~~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 I Chronicles 16:11: “Seek the Lord and His strength, seek His presence continually.”

Let us pray. Almighty God, come to the aid of these Representatives and staff as they continue the work for the people of this State. As these people work together to further a better South Carolina, give them strength, courage, and integrity in their work. Provide for them the needed knowledge to get the agenda done. 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 those who suffer and sacrifice for our freedom. Lord, 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 Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. W. J. MCLEOD moved that when the House adjourns, it adjourn in memory of Bennie D. Bennett, Superintendent of Newberry County Schools, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of Bennie D. Bennett, Superintendent of Newberry County Schools.

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**REPORT RECEIVED**

The following was received:

Committee to Investigate Candidates for the South Carolina Department of Employment and Workforce

To: Clerk of the House

Date: April 19, 2016

Screening Report of Qualifications

The Committee to Investigate Candidates for the

South Carolina Department of

Employment and Workforce Appellate Panel

Workforce Review Committee

Act. No. 146 of 2010 created the SC Department of Employment and Workforce Review Committee and charged the review committee with, among other duties, the duty to screen candidates for membership on the South Carolina Department of Employment and Workforce Appellate Panel and report the qualified candidates to the General Assembly for election. The transcript of the screening of each candidate is available on the Workforce Review Committee website which is located on the Citizens Interest tab of the SC State House website.

The members of the Workforce Review Committee are as follows:

Senator Thomas C. Alexander, Chairman

Representative Kenny Bingham, Vice Chairman

Senator Luke A. Rankin

Senator John L. Scott

Representative Jenny Horne

Representative Joe McEachern

Mr. Brendan P. Bryant, Governor Appointee

Ms. Michelle P. Kelley, Governor Appointee

Mr. Patrick M. Michaels, Governor Appointee

After the Workforce Review Committee held their organizational meeting on February 25, 2016, the Workforce Review Committee began advertising the vacancies on February 25, 2016. The Workforce Review Committee received applications from three (3) persons by the deadline of March 18, 2016 - one candidate for each available seat. The three (3) applicants are incumbent appellate panelists, each of whom is seeking

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reelection to the seat that he or she currently holds. The Workforce Review Committee conducted background investigations of each candidate, including credit, driver’s license, and law enforcement checks.

On April 12, 2016, the Workforce Review Committee reported that the following candidates are “qualified” to serve on one of the three (3) seats of the South Carolina Department of Employment and Workforce Appellate Panel:

Evelyn Belicia Ayers - Seat #1

Tim Dangerfield - Seat #2

Steve Kelly, Jr. - Seat #3

Beginning on April 21, 2016, at Noon, candidates may solicit votes from members of the General Assembly, and members of the General Assembly may pledge their votes to candidates. The Joint Assembly elections will occur Wednesday, April 27, 2016 at Noon.

Respectfully submitted,

Senator Thomas C. Alexander, Chairman

Representative Kenny Bingham, Vice Chairman

Senator Luke A. Rankin

Senator John L. Scott

Representative Jenny Horne

Representative Joe McEachern

Mr. Brendan P. Bryant, Governor’s Appointee

Ms. Michelle P. Kelley, Governor Appointee

Mr. Patrick M. Michaels, Governor Appointee

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 14, 2016

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber on Tuesday, April 19, 2016, at a mutually convenient time for the purpose of ratifying Acts.

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Very respectfully,

President

On motion of Rep. CLARY the invitation was accepted.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 14, 2016

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

Charleston County Master-in Equity

Term Commencing: December 24, 2016

Term Expiring: December 24, 2022

The Honorable Mikell R. Scarborough

70 Chadwick Drive

Charleston, South Carolina 29407

Very respectfully,

President of the Senate

Received as information.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5235 -- Reps. W. J. McLeod and Anthony: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE SPANNING THE ENOREE RIVER ALONG UNITED STATES HIGHWAY 176 AND SOUTH CAROLINA HIGHWAYS 72 AND 121 IN NEWBERRY AND UNION COUNTIES THE "SENATOR MARVIN E. ABRAMS BRIDGE" IN MEMORY OF FORMER SOUTH CAROLINA STATE SENATOR MARVIN E. ABRAMS AND ERECT APPROPRIATE

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MARKERS OR SIGNS AT THE BRIDGE REFLECTING THIS DESIGNATION.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1144 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 10, 2016.

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. 5236 -- Reps. Tinkler and Henegan: A BILL TO AMEND SECTION 63-9-780, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACCESS TO AND DISCLOSURE OF NONIDENTIFYING AND IDENTIFYING INFORMATION ABOUT ADOPTEES, BIOLOGICAL PARENTS, AND BIOLOGICAL SIBLINGS, SO AS TO APPLY ALSO TO BIOLOGICAL GRANDPARENTS.

Referred to Committee on Judiciary

H. 5237 -- Reps. Pitts, D. C. Moss, Gambrell, Hardee, Fry, H. A. Crawford, Finlay, Bannister, Rutherford, Ott, Cole, Duckworth, Hicks, Jordan, Lowe, Ryhal, Sandifer, G. M. Smith, J. E. Smith, Tallon, Weeks and Willis: A BILL TO AMEND SECTION 33-57-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING NONPROFIT RAFFLES FOR CHARITABLE PURPOSES, SO AS TO DEFINE "EXEMPT NONPROFIT CHARITABLE ORGANIZATIONS"; TO AMEND SECTION 33-57-140, RELATING TO STANDARDS FOR RAFFLES, SO AS TO SPECIFY THAT EXEMPT NONPROFIT CHARITABLE ORGANIZATIONS ARE NOT SUBJECT TO RESTRICTIONS ON THE USE OF CASUAL LABOR OR PART-TIME EMPLOYEES TO

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CONDUCT RAFFLE TICKET SALES OR TO THE REQUIREMENT THAT ADVERTISEMENTS OF RAFFLES INCLUDE STATEMENTS DISCLOSING THE EXTENT TO WHICH NONPROFIT SPONSORS OF RAFFLES HAVE APPLIED GROSS RECEIPTS FROM THE RAFFLES TO CHARITABLE PURPOSES IN RECENT YEARS; AND TO AMEND SECTION 33-57-150, RELATING TO REPORTING REQUIREMENTS OF NONPROFITS THAT CONDUCT RAFFLES FOR CHARITABLE PURPOSES, SO AS TO SPECIFY THAT EXEMPT NONPROFIT CHARITABLE ORGANIZATIONS ARE NOT SUBJECT TO CERTAIN REPORTING REQUIREMENTS CONCERNING EXPENSES PAID, EXPENDITURES MADE, AND TICKETS SOLD.

Referred to Committee on Judiciary

S. 315 -- Senators Grooms, Campsen and L. Martin: A JOINT RESOLUTION TO REPEAL SECTION 6 OF ACT 114, RELATED TO THE TERMINATION OF THE GOVERNOR'S AUTHORITY TO APPOINT THE SECRETARY OF TRANSPORTATION; AND TO EXTEND THE GOVERNOR'S AUTHORITY UNTIL FURTHER ACTION BY THE GENERAL ASSEMBLY TO THE CONTRARY.

Referred to Committee on Ways and Means

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bamberg | Bannister |
| Bedingfield | Bernstein | Bingham |
| Bradley | R. L. Brown | Burns |
| Chumley | Clary | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Collins | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Duckworth | Felder | Finlay |
| Forrester | Fry | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hardee |
| Hart | Hayes | Henderson |
| Henegan | Herbkersman | Hicks |
| Hill | Hiott | Hixon |

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|  |  |  |
| --- | --- | --- |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Jordan |
| Kennedy | King | Kirby |
| Long | Lucas | McCoy |
| McEachern | McKnight | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| Nanney | Newton | Norman |
| Ott | Parks | Pitts |
| Pope | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sandifer | Simrill |
| G. M. Smith | J. E. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Tinkler |
| Weeks | Whipper | White |
| Williams | Willis | Yow |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, April 19.

|  |  |
| --- | --- |
| Douglas "Doug" Brannon | Grady Brown |
| Christopher A. Corley | MaryGail Douglas |
| Shannon Erickson | Wendell Gilliard |
| Patsy Knight | H. B. "Chip" Limehouse |
| Dwight Loftis | Harold Mitchell |
| Richard "Rick" Quinn | Todd Rutherford |
| Garry R. Smith | Anne Thayer |
| William R. "Bill" Whitmire | David Mack |
| William Bowers  Jeffrey Johnson | Joseph Neal |

**Total Present--115**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NORRELL a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

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

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**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

**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. 3039 |
| Date: | ADD: |
| 04/19/16 | RIVERS |

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**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4037 |
| Date: | ADD: |
| 04/19/16 | G. A. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4391 |
| Date: | ADD: |
| 04/19/16 | COLLINS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4492 |
| Date: | ADD: |
| 04/19/16 | PITTS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5109 |
| Date: | ADD: |
| 04/19/16 | GEORGE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5216 |
| Date: | ADD: |
| 04/19/16 | G. R. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5218 |
| Date: | ADD: |
| 04/19/16 | R. L. BROWN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3918 |
| Date: | REMOVE: |
| 04/19/16 | GAGNON |

**SPEAKER IN CHAIR**

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**H. 4574--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4574 -- Reps. Spires, Herbkersman and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ELECTROLOGY PRACTICE ACT" BY ADDING ARTICLE 3 TO CHAPTER 13, TITLE 40 SO AS TO PROVIDE A CITATION, TO PROVIDE PURPOSES, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONDUCT CONCERNING THE PRACTICE AND TEACHING OF ELECTROLOGY WITHOUT LICENSURE, TO CREATE THE ELECTROLOGY LICENSURE COMMITTEE AS AN ADVISORY BOARD UNDER THE AUSPICES OF THE COSMETOLOGY BOARD, TO PROVIDE FOR THE COMPOSITION AND ORGANIZATION OF THE COMMITTEE, TO PROVIDE THE POWERS AND DUTIES OF THE COMMITTEE, TO PROVIDE REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGIST AND REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGY INSTRUCTOR, TO PROVIDE REQUIREMENTS FOR THE CONDUCT OF LICENSEES, TO PROVIDE PROCEDURES FOR VOLUNTARY SURRENDER OF A LICENSE AND SUBSEQUENT REINSTATEMENT, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE DISCIPLINARY PROCEDURES FOR VIOLATIONS, AMONG OTHER THINGS; TO AMEND SECTION 40-13-5, RELATING TO APPLICABILITY OF THE CHAPTER, SO AS TO MAKE A CONFORMING CHANGE; TO DESIGNATE EXISTING SECTIONS OF THE CHAPTER AS ARTICLE 1, ENTITLED "COSMETOLOGISTS, NAIL TECHNICIANS, AND ESTHETICIANS"; AND TO REDESIGNATE THE CHAPTER AS "COSMETOLOGY AND MISCELLANEOUS RELATED OCCUPATIONS".

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 4574 (COUNCIL\AGM \4574C001.AGM.AB16), which was adopted:

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

/ SECTION 1. Chapter 47, Title 40 of the 1976 Code is amended by adding:

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“Article 11

Electrology Practice Act

Section 40‑47‑1700. This article must be known and may be cited as the ‘Electrology Practice Act’.

Section 40‑47‑1705. The purposes of this article are to ensure minimum standards of competency, protect the public from misrepresentation of status and qualifications by persons who hold themselves out to be ‘licensed electrologists’ or ‘licensed electrology instructors’, and provide the public with safe care by the mandatory licensing of electrologists and electrology instructors.

Section 40‑47‑1710. As used in this article:

(1) ‘Board’ means the Board of Medical Examiners of South Carolina.

(2) ‘Committee’ means the Electrology Licensure Committee.

(3) ‘Electrologist’ means an individual who practices electrology.

(4) ‘Electrology’ means the art and practice relating to the removal of hair from the normal skin of the human body by application of an electric current to the hair papilla by means of a needle or needles so as to cause growth inactivity of the hair papilla and thus permanently remove the hair.

(5) ‘Electrology instructor’ means an individual who practices electrology and teaches an electrology education program.

(6) ‘License’ means, unless the context requires otherwise, a license issued by the board to practice:

(a) electrology; or

(b) electrology and teach an electrology education program.

(7) ‘Licensed electrologist’ means an electrologist who is licensed pursuant to this article to practice electrology.

(8) ‘Licensed electrology instructor’ means an electrologist licensed pursuant to this article to practice electrology and teach an electrology education program.

Section 40‑47‑1715. (A) A person may not practice, attempt to practice, or offer to practice electrology, or teach, attempt to teach, or offer to teach an electrology education program in this State unless licensed pursuant to this article or practicing electrology as a student in an approved clinical electrology education program.

(B) A person may not represent to the public by title, description of services, methods, procedures, or otherwise that the person is authorized to practice electrology or to teach an electrology education program in this State unless licensed pursuant to this article.

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(C) A person who violates a provision of this article is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than fifty thousand dollars, pursuant to Section 40‑1‑200.

Section 40‑47‑1720. (A) (1) There is created the Electrology Licensure Committee, an advisory committee under the auspices of the board. The committee shall consist of five members appointed by the Governor and who are residents of the State, including:

(a) three electrologists who have engaged in the practice of electrology for at least five years and are licensed by the committee;

(b) one physician licensed by the State; and

(c) a public member who has not practiced electrology, who is not in training to become an electrologist, who does not participate in the electrology field, and who is not immediately related to anyone who has practiced electrology, trained to become an electrologist, or participates in the electrology field.

(2) In nominating the three initial electrologist members of the board, the Governor must accept nominations for appointment from the South Carolina Association of Electrologists. If the Governor does not approve the recommendations, the association may provide the Governor with another list of nominees. The Governor may select a nominee from the second list provided, if any, or appoint another suitable candidate of her choice.

(B)(1) A member is appointed for a term of three years and may serve until a successor is appointed and qualified.

(2)(a) Of the members initially appointed:

(i) one of the electrologist members shall serve a term of one year;

(ii) the public member and a second electrologist member shall serve a term of two years; and

(iii) the physician member and a third electrologist member shall serve a term of three years.

(b) The terms of all initial appointments shall commence within thirty days after the effective date of this act.

(3) A member may serve not more than two consecutive full terms.

(C) A vacancy must be filled by the Governor to serve the remainder of an unexpired term and until his successor is appointed and qualified.

(D) The Governor or the board may remove a committee member for gross neglect of duty, incompetence, or unprofessional conduct. A

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member subject to disciplinary proceedings is disqualified from all committee business until the charges are resolved.

(E) A member of the committee is entitled to per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

(F) The committee may employ a staff and have a physician licensed by this State available as a consultant.

(G) The committee shall elect, from among its members, a chairman, a secretary, and a treasurer, and other officers that the committee considers appropriate. The committee shall determine the manner of election of officers and their terms of office.

(H) The committee annually shall hold at least two meetings to conduct its business, and shall adopt rules governing the calling, holding, and conducting of regular and special meetings. A majority of the members shall constitute a quorum.

Section 40‑47‑1725. In addition to the powers and duties set forth elsewhere in this article, the committee shall:

(1) adopt standards for the practice of electrology and for electrology instruction, and recommend procedures related to licensing to the board to be promulgated by the board in regulation;

(2) keep records of its proceedings;

(3) keep a list of all currently licensed electrologists and licensed electrology instructors;

(4) submit an annual report to the board on duties performed, actions taken and recommendations made;

(5) recommend continuing education requirements to be promulgated in regulation;

(6) conduct investigations and hearings under the auspices of the board concerning an alleged violation of this article, and make findings and recommendations to the board for penalties and sanctions for the violation, which the board may adopt;

(7) incur necessary expenses relating to the referral of an alleged violation of the criminal provisions of this article;

(8) review, at its discretion, advertising by licensed electrologists or licensed electrology instructors; and

(9) conduct or cause to be conducted inspections of electrology offices for compliance with provisions of this article and regulations promulgated pursuant to this article and the Centers for Disease Control.

Section 40‑47‑1730. (A) The committee shall recommend to the board regulations to establish reasonable fees for the issuance and renewal of licenses, for examination of applicants and licensees and

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inspection of their offices, and for its other services, and the board shall promulgate these regulations upon its approval. These fees must be sufficient, but not excessive, to cover expenses for carrying out the operations of the committee. The committee shall receive and account for all monies under a provision of this article and shall pay all monies collected to the board for deposit with the State Treasurer as provided for by law. Except as provided temporarily in subsection (B), no fee may be charged pursuant to this section.

(B) The committee initially may by rule establish the fees provided in subsection (A) which only may be in effect for a period of eighteen months after the effective date of this act, during which time the board must promulgate regulations to permanently provide for the fees. The temporary fees provided in this subsection expire when these regulations take effect.

Section 40‑47‑1735. To apply for a license as an electrologist, an applicant must:

(1) be at least eighteen years of age;

(2) be a high school graduate or have completed equivalent education;

(3) either:

(a) have successfully completed an electrology education program in this State approved by the committee and taught by a licensed electrology instructor that includes six hundred hours of instruction in the theory and clinical practice of electrology, or another amount of time as provided for in regulation, and meets the requirements for content recommended by the committee and established by the board; or

(b) have successfully completed an electrology education program in another state that is approved by the committee as being substantially equal in content and hours to that required of schools in this State;

(4) submit to the committee an application on a form prescribed by the committee;

(5) pay to the committee an application fee and an office inspection fee;

(6) pay for and pass a written examination pursuant to Section 40‑47‑1745 or be exempt from examination pursuant to Section 40‑47‑1745 or Section 40‑47‑1750;

(7) agree to initial and subsequent onsite inspections of the facilities used in electrology;

(8) agree to comply with infection control standards for the practice of electrology as established by the Centers for Disease Control

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or other organization specified in the rules and regulations, including, but not limited to, independent sterilization testing; and

(9) meet other requirements as provided for in regulation.

Section 40‑47‑1740. To apply for a license as an electrology instructor, an applicant must:

(1) be a licensed electrologist;

(2) have practiced electrology actively for at least five years immediately before applying;

(3) submit to the committee an application on a form prescribed by the committee;

(4) pay to the committee an application and school inspection fee;

(5) agree to initial and subsequent onsite inspections of the facilities used in electrology instruction;

(6) agree to comply with infection control standards for the practice of electrology as established by the Centers for Disease Control or other organization specified in rules and regulations, including, but not limited to, independent sterilization testing; and

(7) meet other requirements as provided in regulation.

Section 40‑47‑1745. (A) An applicant shall pay for and pass the International Board of Electrologist Certification examination or other similar examination approved by the committee, administered pursuant to regulation.

(B) The committee shall administer or coordinate administration of examinations to applicants at least once a year at the times and places that the committee determines. The committee may provide for reexaminations to applicants who fail all or part of the examination at the times and places that the committee determines. The committee shall have the final decision in determining the subjects, scope, form, and passing score for examinations required pursuant to this article. An examination must include a section on the theory of electrology, a section on the clinical practice of electrology and a section on proper sterilization and infection control techniques.

(C) An applicant may retake an examination or a failed section of an examination after paying the committee a reexamination fee, as provided for in regulation. An applicant who fails two reexaminations only may retake the examination if he:

(1) retakes the entire examination;

(2) pays the full examination fee; and

(3) completes additional training as required by the committee.

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(D) The committee shall waive the examination for an applicant who is licensed to practice electrology in another state if the applicant provides evidence acceptable to the committee that he:

(1) meets the qualifications otherwise required by this article;

(2) became licensed in the other state after passing in that or another state an examination that is substantially equal to the examination for which the applicant is seeking the waiver; and

(3) became licensed in the other state after meeting requirements that are substantially equal to the requirements of this article.

(E) The committee shall waive the examination for an applicant who presents evidence of having passed the American Electrology Association Certified Professional Electrology examination.

(F) Unless authorized by the committee, the public member may not participate in an activity related to examinations required pursuant to this article.

Section 40‑47‑1750. (A) The committee shall, after an applicant meets additional requirements of subsection (B), waive the licensing requirements under items (3) and (6) of Section 40‑47‑1735, if the applicant applies for licensure within one hundred eighty days after the effective date of this act and has been actively engaged in the practice of electrology in this State during the three years immediately preceding the date of application. For purposes of this section, ‘actively engaged in the practice of electrology’ means that an applicant has performed electrology on a regular basis for compensation, which the applicant can substantiate by providing evidence of paid advertising, tax returns, or other written records of compensation, affidavits from clients or business owners who can attest to the applicant practicing electrology for compensation, or other evidence acceptable to the committee. The applicant shall provide this evidence to the committee with a notarized affidavit certifying its authenticity.

(B) The committee may require an applicant seeking exemption from education and examination requirements under this section to undertake additional instruction in infection control standards for the practice of electrology, as established by the Centers for Disease Control or other organization as provided in regulation, if the applicant is unable to provide evidence of adequate prior instruction. This additional instruction must be determined by the committee and must be taken from an approved instructor.

Section 40‑47‑1755. (A) The board, upon the recommendation of the committee, shall issue a license to an applicant who meets the

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requirements of this article, pays applicable license and inspection fees, and receives a satisfactory inspection of his electrology facility. The committee shall include on each license a designation as an electrologist license or an electrology instructor license.

(B) A licensed electrologist only may use the title ‘licensed electrologist’ and the abbreviation ‘L.E.’. A licensed electrology instructor also may use the title ‘licensed electrology instructor’ and the abbreviation ‘L.E.I.’. In addition, a licensee may use the title ‘Certified Professional Electrologist’ and the abbreviation ‘C.P.E.’ if the licensee has an unexpired certificate for this designation from the International Board of Electrology Certification of the American Electrology Association.

(C) A licensee only may practice electrology in a permanent establishment, referred to in this article as an office. The board shall, with input from the committee, promulgate regulations concerning sanitation standards, equipment, supplies, and facilities to be used and maintained in an office. An office is subject to random and periodic inspections during business hours by members of the committee or its agents or assistants.

(D) A licensed electrologist shall notify the committee in writing no later than ten business days after a change of address or opening of a new office.

(E) A licensed electrologist shall display the license in a conspicuous place in the office.

Section 40‑47‑1760. (A) A license issued pursuant to this article for an electrologist or electrology instructor is valid for two years and must be renewed biennially. At least one month before the license expires, the committee shall send to the licensee, by first class mail to the last known address provided by the licensee, a renewal notice that states:

(1) the date on which the current license expires:

(2) the date by which the renewal application must be received by the committee for the renewal to be issued and mailed before the license expires; and

(3) the amount of the renewal fee as provided for in the rules.

(B) The board, upon the recommendation of the committee, shall renew the license of a licensee who submits a renewal application on a form prescribed by the committee, pays the renewal fee, submits satisfactory evidence of compliance with continuing education requirements pursuant to Section 40‑47‑1765, has complied with all

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sterilization testing requirements and has received satisfactory facility inspections, if any, all as provided for in regulation.

(C) Any person who has failed to renew a license for more than ninety days after expiration may have it reinstated by applying to the committee for reinstatement on a form approved by the committee, furnishing a statement of the reason for failure to apply for renewal prior to the deadline and paying the required fee. Beyond ninety days, the committee may require the applicant to provide evidence of competency, including repeating any or all of the requirements of Section 40‑47‑1735.

(D) A licensee is solely responsible for notifying the committee of any change of address for correspondence.

Section 40‑47‑1765. (A) The committee shall recommend to the board for promulgation in regulation the number of hours and subject matter of continuing education required as a condition of license renewal. The committee may offer continuing education to the licensees under this article or may approve programs offered at other institutions or by other electrologists.

(B) Upon request, the committee may grant approval to a continuing education program or course upon finding that the program or course offers a worthwhile educational experience for licensed electrologists.

(C) Upon application for license renewal, each licensee shall provide the committee with records or transcripts of the approved educational course work completed, including the subject matter and the number of hours of each course.

Section 40‑47‑1770. (A) Upon written request by a licensee for inactive status, the committee shall place the licensee’s name on the inactive list. While on the inactive list, the person is subject to renewal requirements and may not practice electrology in this State.

(B)(1) A person on inactive status who seeks to return to active status shall submit to the committee a:

(a) reactivation application on a form furnished by the committee; and

(b) reactivation fee.

(2) If the period of inactivity has exceeded two years, the committee may require the applicant to provide evidence of competency, including repeating any requirements of Section 40‑47‑1735, before returning the applicant to the active status. A person whose license has lapsed or expired for a period of five years or more must take and pass the examination for licensure before the license can be reactivated.

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Section 40‑47‑1775. (A) A licensed electrologist or licensed electrology instructor may voluntarily surrender a license by expressing this voluntary surrender in writing to the committee and returning the license to the committee. If the license is lost, the individual shall submit a notarized statement to that effect to the committee.

(B) A licensed electrologist or licensed electrology instructor may not surrender his license and the license may not lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee, unless the committee agrees to accept the surrender of a license. However, the committee may set conditions on its agreement with the licensed electrologist or licensed electrology instructor under investigation or against whom charges are pending to accept surrender of the license.

Section 40‑47‑1780. (A) Regarding electrology education programs, the committee also shall:

(1) recommend standards by which a program may be approved for the board to promulgate in regulation;

(2) survey and evaluate proposed programs;

(3) evaluate the need for a program in the geographical area in which the program will be located;

(4) keep a list of institutions that currently offer electrology education programs that are approved by the committee pursuant to this section; and

(5) encourage schools of higher learning to establish programs in the theory and practice of electrology.

(B) Before an institution may operate an electrology education program in this State, the committee must approve the program. The institution first shall submit evidence to the committee that the institution is prepared to:

(1) meet the standards provided in subsection (A)(1); and

(2) carry out an education program of at least six hundred combined instructional hours or another amount of time as provided for in regulation, in the:

(a) theory of electrology, pursuant to the provisions of Section 40‑47‑1735; and

(b) clinical practice of electrology, pursuant to the provisions of Section 40‑47‑17358.

(C) The committee periodically may evaluate electrology programs in this State. If an institution that offers an approved electrology education program violates a standard provided in

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subsection (A)(1), the committee shall give the institution specific written notice of the violation.

(D) The committee may remove an institution from a list of institutions that offer approved electrology education programs, subject to the hearing provisions of Section 40‑47‑1795 if the institution:

(1) is guilty of fraud or deceit in obtaining or attempting to obtain approval;

(2) acts in a manner inconsistent with generally accepted standards for the practice of electrology;

(3) advertises in a manner that the board determines violates this article;

(4) violates the standards provided in this article and does not correct the violation in a reasonable time after notice is given; or

(5) no longer operates a program that qualifies for approval under this article.

(E) An action taken pursuant to this section must comply with the notice and hearing provisions of the Administrative Procedures Act.

(F) Nothing in this article shall prevent a cosmetology school licensed pursuant to Chapter 13, Title 40 from submitting an electrology education program to the committee for approval.

Section 40‑47‑1785. (A) Subject to the hearing provisions of Section 40‑47‑1795, the board, upon the recommendation of the committee, may deny a license or renewal of a license to an applicant or licensee, reprimand a licensee, place a licensee on probation, or suspend or revoke a license if the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain or renew a license for the applicant or licensee or for another;

(2) fraudulently or deceptively uses a license;

(3) as part of the practice of electrology, knowingly acts beyond the scope of the practice of electrology, as provided in this article;

(4) is grossly negligent in practicing electrology or in teaching an electrology education program;

(5) acts in a manner inconsistent with generally accepted standards for the practice of electrology;

(6) is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not an appeal or other proceeding is pending to have the conviction or plea set aside;

(7) is disciplined by a licensing or disciplinary authority of another state or country, or is convicted or disciplined by a court of another state or country for an act that would be grounds for disciplinary action pursuant to this article;

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(8) provides professional services while under the influence of alcohol or uses a narcotic or controlled substance, as defined in Section 44‑53‑110, or another drug that is in excess of therapeutic amounts or without valid medical indication;

(9) practices electrology with an unauthorized person or supervises or aids an unauthorized person in the practice of electrology;

(10) wilfully makes or files a false report or record in the practice of electrology;

(11) wilfully fails to file or record a report as required by law; wilfully impedes or obstructs the filing or recording of the report or induces another to fail to file or record the report;

(12) submits a false statement to collect a fee;

(13) violates a provision of this article;

(14) uses or promotes or causes the use of misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial, or advertising that violates a provision of this article;

(15) is professionally, physically, or mentally incompetent;

(16) promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(17) behaves immorally in the practice of electrology;

(18) commits an act of unprofessional conduct in the practice of electrology;

(19) does not comply with infection control standards for the practice of electrology as established by the Centers for Disease Control or another agency mandated by the committee in regulation, including, but not limited to, failure to submit to independent sterilization testing; or

(20) fails to remedy a violation of a regulation noted as a result of an office inspection.

(B) If a license is suspended or revoked for a period of more than one year, the board, upon the recommendation of the committee, may reinstate the license after one year.

Section 40‑47‑1790. (A) If after a hearing under Section 40‑47‑1795, the committee finds that there are grounds under Section 40‑47‑1785 to suspend or revoke a license, an individual whose license is being revoked or suspended shall return the license to the committee. If the license is lost, the individual shall submit a notarized statement to that effect to the committee.

(B) If after a hearing under Section 40‑47‑1795, the committee finds that there are grounds under Section 40‑47‑1785 to suspend or revoke a license, the board, upon recommendation of the committee,

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may impose a penalty instead of suspending the license or in addition to suspending or revoking the license.

(C) The board, upon the recommendation of the committee, shall promulgate regulations to set standards for the imposition of penalties under this section.

(D) The committee shall use a penalty collected under this section to reimburse its costs for enforcing the terms of this article and the rules promulgated pursuant to this article, and shall provide any excess to the board for deposit with the State Treasurer as provided for by law.

Section 40‑47‑1795. (A) Before taking an action under Section 40‑47‑1780, 40‑47‑1785, or 40‑47‑1790, the committee shall give the person against whom the action is contemplated an opportunity for a hearing before the committee.

(B) The committee shall give notice in writing at least thirty days before the hearing and hold the hearing pursuant to the Administrative Procedures Act.

(C) The person may be represented at the hearing by counsel.

(D) The board, upon request of the committee, shall issue subpoenas, and the committee shall administer oaths in connection with a proceeding under this section.

(E) If after due notice the person against whom the action is contemplated fails or refuses to appear, the committee may hear and determine the matter in the person’s absence.

Section 40‑47‑1800. A person aggrieved by a final decision of the board, upon the recommendation of the committee, in a contested case, as defined in the Administrative Procedures Act, may appeal the decision in accordance with the Administrative Procedures Act.”

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

Renumber sections to conform.

Amend title to conform.

Rep. JEFFERSON 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 88; Nays 0

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Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Ballentine | Bamberg | Bannister |
| Bernstein | 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 | Forrester | Fry |
| Funderburk | Gagnon | George |
| Goldfinch | Govan | Hayes |
| Henderson | Henegan | Herbkersman |
| Hicks | Hill | Hiott |
| Hixon | Hodges | Hosey |
| Huggins | Jefferson | Johnson |
| Jordan | Kennedy | King |
| Loftis | Long | Lucas |
| McCoy | McEachern | McKnight |
| M. S. McLeod | W. J. McLeod | D. C. Moss |
| Nanney | Newton | Norman |
| Ott | Parks | Pitts |
| Pope | Putnam | Ridgeway |
| Riley | Rivers | Ryhal |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Tinkler | Weeks |
| White | Williams | Willis |
| Yow |  |  |

**Total--88**

Those who voted in the negative are:

**Total--0**

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

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**S. 339--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 339 -- Senators Lourie and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "HOPE'S LAW" BY ADDING SECTION 44-115-160 SO AS TO REQUIRE MAMMOGRAM PROVIDERS TO PROVIDE A MAMMOGRAM REPORT TO PATIENTS ABOUT BREAST DENSITY AND TO REQUIRE THESE PROVIDERS TO INCLUDE A CONSPICUOUS NOTICE WHEN A MAMMOGRAM SHOWS THE PRESENCE OF DENSE BREAST TISSUE.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to S. 339 (COUNCIL\BH\ 339C002.BH.VR16), which was adopted:

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

/ SECTION 1. This act is entitled “Hope’s Law”.

SECTION 2. Chapter 115, Title 44 of the 1976 Code is amended by adding:

“Section 44‑115‑160. A mammography report must be provided to a patient by the mammogram provider, and this report must include information about breast density based on the requirements of the Breast Imaging Reporting and Data System established by the American College of Radiology. Where applicable, this report must include:

(1) a notice in conspicuous language which states: ‘Your mammogram shows that your breast tissue is dense. Dense tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with an increased risk of breast cancer. This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your doctor. Together, you can decide which screening options are right for you. A report of your results was sent to your physician.’; and

(2) consumer or patient information available from the American College of Radiology about breast density and mammogram reports.”

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

Renumber sections to conform.

Amend title to conform.

Rep. RIDGEWAY explained the amendment.

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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 90; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bamberg |
| Bannister | Bedingfield | Bernstein |
| Bingham | Bradley | Brannon |
| G. A. Brown | R. L. Brown | Clary |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corley | H. A. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Duckworth |
| Erickson | Finlay | Forrester |
| Fry | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Hardee | Hayes | Henderson |
| Henegan | Hicks | Hixon |
| Hodges | Hosey | Huggins |
| Jefferson | Johnson | Jordan |
| Kennedy | King | Long |
| Lucas | McCoy | McEachern |
| McKnight | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | Nanney |
| Newton | Ott | Parks |
| Pitts | Pope | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Tinkler |
| Weeks | Whipper | Whitmire |
| Williams | Willis | Yow |

**Total--90**

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Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Norman |  |  |

**Total--1**

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

RECORD FOR VOTING

I was temporarily out of the Chamber meeting with constituents during the vote giving second reading on S. 339. If I had been present, I would have voted in favor of the Bill.

Rep. Jerry N. Govan, Jr.

**S. 849--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 849 -- Senators Cromer, Allen and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE PROCEDURES GOVERNING THE MAXIMUM ALLOWABLE COST REIMBURSEMENTS FOR GENERIC PRESCRIPTION DRUGS BY PHARMACY BENEFIT MANAGERS, TO PROVIDE NECESSARY DEFINITIONS, TO EXEMPT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE PERFORMANCE OF ITS DUTIES IN ADMINISTERING MEDICAID UNDER TITLES XIX AND XXI OF THE SOCIAL SECURITY ACT, TO PROVIDE REQUIREMENTS FOR PLACING DRUGS ON MAXIMUM ALLOWABLE COST LISTS BY PHARMACY BENEFIT MANAGERS, AND TO PROVIDE VARIOUS REQUIREMENTS OF PHARMACY BENEFIT MANAGERS; TO PROVIDE CONTRACTS BETWEEN PHARMACIES AND PHARMACY BENEFIT MANAGERS THAT ARE ENTERED INTO, RENEWED, OR EXTENDED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2016.

Rep. SPIRES explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 72; Nays 22

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Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bales | Bannister |
| Bernstein | Bingham | Bradley |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Clary | Clyburn |
| Cobb-Hunter | Cole | Collins |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Duckworth |
| Erickson | Finlay | Fry |
| Funderburk | Gagnon | Gambrell |
| George | Govan | Hardee |
| Hayes | Henegan | Herbkersman |
| Hiott | Hodges | Hosey |
| Jefferson | Jordan | Kennedy |
| Kirby | Long | Lucas |
| McCoy | McEachern | McKnight |
| M. S. McLeod | W. J. McLeod | D. C. Moss |
| Newton | Norman | Ott |
| Pope | Ridgeway | Riley |
| Robinson-Simpson | Rutherford | Ryhal |
| Sandifer | Simrill | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Tinkler | Weeks | Whipper |
| Whitmire | Williams | Yow |

**Total--72**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Clemmons | Corley | Felder |
| Forrester | Goldfinch | Henderson |
| Hill | Hixon | Huggins |
| Johnson | Loftis | Merrill |
| Nanney | Putnam | G. M. Smith |
| G. R. Smith | Thayer | White |
| Willis |  |  |

**Total--22**

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

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**H. 4763--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4763 -- Reps. Pope, D. C. Moss, Yow, Hardee, Duckworth, Johnson, Goldfinch, Southard, Long, Felder, Taylor, George, Simrill, Jordan, Chumley, Clemmons, Sandifer, Wells, Whitmire, Funderburk and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-7-180 SO AS TO CREATE THE INTERNET CRIMES AGAINST CHILDREN FUND TO INVESTIGATE, PROSECUTE, AND PREVENT INTERNET CRIMES AGAINST CHILDREN; AND TO AMEND SECTIONS 14-1-206, 14-1-207, AND 14-1-208, ALL AS AMENDED, ALL RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY CERTAIN COURTS, SO AS TO REVISE THE AMOUNT OF AN ASSESSMENT THAT A PERSON MUST PAY.

Rep. POPE proposed the following Amendment No. 1 to H. 4763 (COUNCIL\MS\4763C001.MS.AHB16), which was adopted:

Amend the bill, as and if amended, by adding and appropriately numbered SECTION after the enacting words to read:

/ SECTION \_\_\_. This act may be cited as “Alicia’s Law”. /

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS 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 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bamberg | Bannister |
| Bedingfield | Bernstein | Bingham |
| Bradley | Brannon | G. A. Brown |
| R. L. Brown | Burns | Clary |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Collins | Corley |

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|  |  |  |
| --- | --- | --- |
| H. A. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Duckworth | Erickson | Felder |
| Finlay | Forrester | Fry |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hardee | Hayes |
| Henderson | Henegan | Herbkersman |
| Hicks | Hiott | Hixon |
| Hodges | Hosey | Huggins |
| Jefferson | Johnson | Jordan |
| Kennedy | King | Kirby |
| Loftis | Long | Lucas |
| McCoy | McEachern | McKnight |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | Nanney | Newton |
| Norman | Ott | Parks |
| Pitts | Pope | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Tinkler | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Yow |

**Total--102**

Those who voted in the negative are:

**Total--0**

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

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

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**RECURRENCE TO THE MORNING HOUR**

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

**H. 4492--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4492 -- Reps. Putnam, Clyburn, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Tinkler, Jordan, Hicks, McCoy, M. S. McLeod, Douglas, Henegan, Allison, G. M. Smith, Funderburk, Finlay and Pitts: A BILL TO AMEND SECTION 63-7-1630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF CHILD ABUSE AND NEGLECT HEARINGS, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE TEN DAYS NOTICE OF A HEARING TO, AMONG OTHERS, FOSTER PARENTS AND TO REQUIRE THE NOTICE TO INFORM FOSTER PARENTS OF THE RIGHT TO SUBMIT A REPORT TO THE COURT; TO AMEND SECTION 63-7-1700, AS AMENDED, RELATING TO PERMANENCY PLANNING FOR CHILDREN IN FOSTER CARE, SO AS TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE OF A PERMANENCY PLANNING HEARING TO FOSTER PARENTS AND OTHER PERSONS PROVIDING CARE FOR A CHILD; AND TO AMEND SECTION 63-11-720, RELATING TO FUNCTIONS OF THE FOSTER CARE REVIEW BOARD, SO AS TO REQUIRE THE FOSTER CARE REVIEW BOARD TO ADVISE FOSTER PARENTS ABOUT THE RIGHT TO SUBMIT A REPORT TO AND BE HEARD BY THE COURT AT A HEARING CONCERNING THE CHILD.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4492 (COUNCIL\BH\4492C002.BH.VR16), which was adopted:

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

/ SECTION 1. Section 63‑7‑1630 of the 1976 Code is amended to read:

“Section 63‑7‑1630. The department shall provide notice of a hearing held in connection with an action filed or pursued ~~under~~ pursuant to Subarticle 3, Article 3, Chapter 7, Title 63 or Section 63‑7‑1650, 63‑7‑1660, 63‑7‑1670, 63‑7‑1680, 63‑7‑1700, or 63‑7‑2550 to the foster parent, the preadoptive parent, or the relative who is providing care for

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a child. ~~The notice must be in writing and may be delivered in person or by regular mail.~~ The department shall send notice pursuant to this section at least ten days prior to the hearing, except where the department must schedule the hearing within less than ten days or where the department otherwise does not have notice of the hearing ten days prior. The notice must be in writing and may be delivered in person or by regular mail. The notice shall inform the foster parent, preadoptive parent, or relative of the date, place, and time of the hearing ~~and of~~, the right to attend the hearing, and the right to submit a report to and address the court concerning the child. Notice provided pursuant to this section does not confer on the foster parent, preadoptive parent, or relative the status of a party to the action.”

SECTION 2. Section 63‑7‑1700(A) of the 1976 Code, as last amended by Act 160 of 2010, is further amended to read:

“(A) The family court shall review the status of a child placed in foster care upon motion filed by the department to determine a permanent plan for the child. The permanency planning hearing must be held no later than one year after the date the child was first placed in foster care. At the initial permanency planning hearing, the court shall review the status of the child and the progress being made toward the child’s return home or toward any other permanent plan approved at the removal hearing. The court’s order shall make specific findings in accordance with this section. An action for permanency planning must be brought for a child who enters the custody of the department by any mechanism, including subarticle 3 or Section 63‑7‑1660 or 63‑9‑330. If the child enters the custody of the department pursuant to Section 63‑9‑330 and no action is pending in the family court concerning the child, the department may initiate the permanency planning hearing with a summons and petition for review. All parties, and the foster parent, preadoptive parent, or relative who is providing care for a child, must be ~~served with~~ sent the motion or the summons and petition at least ten days before the hearing, and no responsive pleading is required.”

SECTION 3. Section 63‑11‑720(A)(6)‑(7) of the 1976 Code is amended to read:

“(6) to advise foster parents of the right to submit a report to and be heard by the court at a hearing concerning the child;

(7) to recommend that a child caring facility or agency exert all possible efforts to make arrangements for permanent foster care or guardianship for children for whom return to natural parents or adoption is not feasible or possible as determined during a case review by the local review board; and

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~~(7)~~(8) to report to the state office of the Department of Social Services and other adoptive or foster care agencies any deficiencies in these agencies’ efforts to secure permanent homes for children discovered in the local board’s review of these cases as provided for in items (1) and (2) ~~of this section~~.”

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

Renumber sections to conform.

Amend title to conform.

Rep. MCCOY 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 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bamberg | Bannister |
| Bedingfield | Bernstein | Bingham |
| 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 |
| Fry | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hardee | Hayes |
| Henegan | Herbkersman | Hicks |
| Hiott | Hixon | Hodges |
| Hosey | Huggins | Jefferson |
| Johnson | Jordan | Kennedy |
| King | Kirby | Loftis |
| Long | Lucas | McCoy |
| McEachern | McKnight | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |

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|  |  |  |
| --- | --- | --- |
| Nanney | Newton | Norman |
| Ott | Parks | Pitts |
| Pope | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Tinkler | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Yow |

**Total--102**

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. 4398--REQUEST FOR DEBATE, AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4398 -- Reps. Clemmons, Yow, Burns, Pitts, McCoy and Hicks: A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY EXEMPT FROM BANKRUPTCY PROCEEDINGS OR ATTACHMENT, LEVY, AND SALE, SO AS TO EXEMPT THREE FIREARMS OF ANY VALUE AND ONE THOUSAND ROUNDS OF AMMUNITION FOR EACH FIREARM OWNED BY THE DEBTOR.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4398 (COUNCIL\MS\4398C001.MS.AHB16), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 15‑41‑30(A) of the 1976 Code, as last amended by Act 153 of 2012, is further amended by adding an appropriately numbered item at the end to read:

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“( ) Any firearms not exceeding a total value of five thousand dollars owned by the debtor.” /

Renumber sections to conform.

Amend title to conform.

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

Rep. MCCOY proposed the following Amendment No. 2 to H. 4398 (COUNCIL\MS\4398C002.MS.AHB16), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 15‑41‑30(A) of the 1976 Code, as last amended by Act 153 of 2012, is further amended to read:

“(A) The following real and personal property of a debtor domiciled in this State is exempt from attachment, levy, and sale under any mesne or final process issued by a court or bankruptcy proceeding:

(1) The debtor’s aggregate interest, not to exceed fifty thousand dollars in value except that a surviving spouse may exempt, in addition to their interest, the aggregate interest of a deceased spouse not to exceed fifty thousand dollars in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, except that the aggregate value of multiple homestead exemptions allowable with respect to a single living unit may not exceed one hundred thousand dollars. If there are multiple owners of such a living unit exempt as a homestead, the value of the exemption of each individual owner may not exceed his fractional portion of one hundred thousand dollars.

(2) The debtor’s interest, not to exceed five thousand dollars in value, in one motor vehicle.

(3) The debtor’s interest, not to exceed four thousand dollars in aggregate value in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(4) The debtor’s aggregate interest, not to exceed one thousand dollars in value, in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(5) The debtor’s aggregate interest in cash and other liquid assets to the extent of a value not exceeding five thousand dollars, except

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that this exemption is available only to an individual who does not claim a homestead exemption. The term ‘liquid assets’ includes deposits, securities, notes, drafts, unpaid earnings not otherwise exempt, accrued vacation pay, refunds, prepayments, and other receivables.

(6) The debtor’s aggregate interest, not to exceed one thousand five hundred dollars in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

(7) The debtor’s aggregate interest in any property, not to exceed five thousand dollars in value of an unused exemption amount to which the debtor is entitled pursuant to subsection (A), items (1) through (6).

(8) Any unmatured life insurance contract owned by the debtor, other than a credit life insurance contract.

(9) The debtor’s aggregate interest, not to exceed in value four thousand dollars less any amount of property of the estate transferred in the manner specified in Section 542(d) of the Bankruptcy Code of 1978, in any accrued dividend or interest under, or loan value of, any unmatured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent.

(10) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(11) The debtor’s right to receive or property that is traceable to:

(a) a social security benefit, unemployment compensation, or a local public assistance benefit;

(b) a veteran’s benefit;

(c) a disability benefit, except as provided in Section 15‑41‑33, or an illness or unemployment benefit;

(d) alimony, support, or separate maintenance; or

(e) a payment under a stock bonus, pension, profit sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, unless:

(i) the plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor’s rights under the plan or contract arose;

(ii) the payment is on account of age or length of service; and

(iii) the plan or contract does not qualify under Sections 401(a), 403(a), 403(b), or 409 of the Internal Revenue Code of 1954 (26 U.S.C. 401(a), 403(a), 403(b), or 409).

(12) The debtor’s right to receive or property that is traceable to:

(a) an award under a crime victim’s reparation law;

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(b) a payment on account of the bodily injury of the debtor or of the wrongful death or bodily injury of another individual of whom the debtor was or is a dependent; or

(c) a payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of that individual’s death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(13) The debtor’s right to receive individual retirement accounts as described in Sections 408(a) and 408A of the Internal Revenue Code, individual retirement annuities as described in Section 408(b) of the Internal Revenue Code, and accounts established as part of a trust described in Section 408(c) of the Internal Revenue Code. A claimed exemption may be reduced or eliminated by the amount of a fraudulent conveyance into the individual retirement account or other plan. For purposes of this item, ‘Internal Revenue Code’ has the meaning provided in Section 12‑6‑40(A). The interest of an individual under a retirement plan shall be exempt from creditor process to the same extent permitted in Section 522(d) under federal bankruptcy law and is an exception to Section 15‑41‑35. The exemption provided by this section shall be available whether such individual has an interest in the retirement plan as a participant, beneficiary, contingent annuitant, alternate payee, or otherwise.

(14) The debtor’s interest in a pension plan qualified under the Employee Retirement Income Security Act of 1974, as amended.

(15) Any firearms not exceeding a total value of five thousand dollars owned by the debtor.” /

Renumber sections to conform.

Amend title to conform.

Rep. MCCOY explained the amendment.

Rep. WHIPPER requested debate on the Bill.

Rep. MCCOY continued speaking.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 5

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Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Bedingfield |
| Bernstein | Bingham | Bradley |
| Brannon | G. A. Brown | Burns |
| Chumley | Clary | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Collins | Corley | H. A. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Duckworth |
| Erickson | Finlay | Forrester |
| Fry | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Govan | Hardee | Hayes |
| Henderson | Henegan | Herbkersman |
| Hicks | Hiott | Hixon |
| Hodges | Hosey | Huggins |
| Jefferson | Johnson | Jordan |
| Kennedy | King | Kirby |
| Limehouse | Loftis | Long |
| Lucas | McCoy | McEachern |
| McKnight | M. S. McLeod | Merrill |
| D. C. Moss | Nanney | Newton |
| Ott | Parks | Pitts |
| Pope | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sandifer |
| Simrill | G. M. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Tinkler | Weeks |
| White | Whitmire | Williams |
| Willis | Yow |  |

**Total--98**

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Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| R. L. Brown | Felder | Gilliard |
| Norman | Whipper |  |

**Total--5**

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

RECORD FOR VOTING

I mistakenly voted in favor of H. 4398. It was my intent to vote ‘nay’ on the Bill.

Rep. Gilda Cobb-Hunter

**H. 3039--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3039 -- Reps. Daning, Cobb-Hunter, George, D. C. Moss, J. E. Smith, Weeks, W. J. McLeod and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE "DILAPIDATED BUILDINGS ACT", TO PROVIDE DEFINITIONS, TO PROVIDE THAT A COUNTY OR MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL OR COUNTY ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT-APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT-APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE COUNTY OR MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE COUNTY OR MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3039 (COUNCIL\BBM\3039C002.BBM.DG16):

Amend the bill, as and if amended, by adding:

/SECTION 1. Title 6 of the 1976 Code is amended by adding:

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“CHAPTER 38

Dilapidated Buildings Act

Section 6‑38‑10. For purposes of this chapter:

(1) A building, structure, condition, or property is ‘dilapidated’ if it is not in substantial compliance with one or more municipal ordinances regarding:

(a) prevention of substantial risk of injury to a person; or

(b) condition of the property constituting an imminent danger to the public health or safety.

(2) ‘Imminent danger’ means a condition that could cause serious or life‑threatening injury or death at any time.

(3) ‘Owner of record’ means a person who is the owner of property according to the most recently approved county tax roll.

(4) ‘Unsafe structures’ means commercial buildings that are found to be unoccupied and dangerous to the life, health, property, or safety of the public.

(5) ‘Substantial compliance’ means compliance that satisfies the purpose or objective of the basic or essential requirements of the local ordinance relating to unsafe structures even though the compliance failed to meet some specifics of the ordinance.

(6) ‘Substantial risk’ means a strong possibility, as contrasted with a remote or even a significant possibility, that a particular result may occur or that a particular circumstance may exist. It is risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.

Section 6‑38‑20. (A) The rules of equity govern an action as provided by this chapter unless inconsistent with this chapter or general law.

(B) In applying this chapter, the court shall operate with the presumption that private property should not have a receiver and, therefore, given this presumption:

(1) a receiver shall be viewed as a special, extraordinary equitable remedy to be used sparingly and a receiver must not be appointed unless there is clear and convincing evidence that the appointment is necessary to address an immediate threat to public health or safety;

(2) all feasible efforts must be made to protect and preserve the property rights of existing property owners and lien holders of record; and

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(3) the order appointing a receiver shall recite specifically the evidence that permits the court to exercise its extraordinary authority pursuant to this chapter.

(C) In applying this chapter, a court is explicitly authorized to exercise its inherent equitable discretion and, in so doing, take into account reasonable steps that might be taken, such as the following:

(1) avoiding judicial actions immediately after a state or national disaster, such as a hurricane, so as to give owners or lien holders additional time to respond, to make repairs, or to otherwise maintain the status quo in light of such highly unusual exceptional situations;

(2) phasing in necessary repairs that are most appropriate for the situation and direct incremental repairs to portions of a building where necessary to preserve public safety or to ameliorate imminent danger.

Section 6‑38‑30. (A) Before filing an action as provided by this chapter, the municipality must have:

(1) developed and followed its locally adopted procedures to deal with the abatement of unsafe structures by measures up to, but not including, demolition pursuant to authority granted to municipalities in Sections 31‑15‑20 and 5‑7‑80;

(2) given the owner of record proper notice as required and reasonable time under the circumstances for the correction of a condition pursuant to Section 5‑25‑390 or codes properly adopted by a municipality pursuant to Sections 6‑9‑50 or 6‑9‑60;

(3) by resolution of the governing body declared the property or structure unsafe for human occupancy; and

(4) given written notice by certified mail to the owner of record and all lien holders of:

(a) an ordinance violation, and

(b) reasons the municipality believes there is a serious, present, and imminent public health harm or safety hazard, alleged to exist on the property.

(B) The notice required in subsection (A)(4) must be served in accordance to the rules of South Carolina Civil Procedure and by posting of the property in accordance with Section 6‑29‑760.

Section 6‑38‑40. (A) After at least sixty days have passed since the notice required by Section 6‑38‑30(A)(4), a municipality may bring an action against an owner of record and name any lien holder of record.

(B) After the action is filed, a potential receiver may request the court to authorize the potential receiver to enter the property in order to assess the condition of the property and to make a preliminary determination of measures necessary to address the problems with the

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property. Limitations may be imposed on the authorization in terms of the time and manner of entry and assessment.

(C) Before granting the authorization pursuant to subsection (B), at least seven days notice must be served:

(1) to the physical address of the property, with one copy addressed to the owner and one copy addressed to occupant, and

(2) to the best available address in accordance with Section 12‑51‑40(a), and

(3) to any lien holder of record.

Section 6‑38‑50. (A) Within seven days of filing a receivership action as provided by this chapter, a municipality bringing the action shall serve notice of the proceedings to each owner of record, lien holder, and holder of recorded property interests in accordance with the South Carolina Rules of Civil Procedure and by posting of the property in accordance with Section 6‑29‑760. An owner of record, lien holder, or holder of a recorded property interest who is not available after due diligence may be served by alternative means, including publication, as prescribed by the South Carolina Rules of Civil Procedure. Actual service or service by publication on an owner of record or a lien holder of record constitutes notice to each owner of record, lien holder of record, or others with a recorded property interest of the same ownership interest, lien, or property interest. Copies of names and addresses of those given notice must be supplied to the court at the time notice is given.

(B) Within seven days of filing an action, a municipality bringing action as provided by this chapter shall file a notice of lis pendens to provide constructive notice of the pending action.

Section 6‑38‑60. An owner of record, lien holder of record, or other person with a recorded property interest in a property that is the subject of an action as provided by this chapter may:

(1) intervene in the action; and

(2) request appointment as a receiver pursuant to this chapter if the lien holder or other person with a recorded property interest demonstrates to the court an ability and willingness to repair the property.

Section 6‑38‑70. The following may serve as a court‑appointed receiver:

(1) an entity not including a municipality that the court determines has sufficient capacity, resources, and experience repairing properties and abating code violations, or both;

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(2) an individual the court determines to have sufficient capacity, resources, and experience repairing properties and abating code violations, or both;

(3) in the case of historic properties, an entity not including a municipality, a nonprofit organization, or an individual the court determines to have sufficient capacity, experience, and demonstrated record of repairing historical buildings to comply with the guidelines for repairing historic properties established by the United States Secretary of the Interior pursuant to 16 U.S.C. Section 470, et seq., or the historic preservation ordinance of the municipality, if applicable;

(4) a licensed and bonded contractor in the State of South Carolina;

(5) a lien holder requesting appointment pursuant to Section 6‑38‑60; or

(6) an owner of record requesting appointment pursuant to Section 6‑38‑60.

Section 6‑38‑80. (A) The court may appoint a receiver for the property for a term:

(1) not to exceed two years; or

(2) for a time determined appropriate by the court based on the nature of the work to be done.

(B) The court may determine by specific facts noted in a written order:

(1) the evidence which permits the court to exercise its extraordinary authority as provided by this chapter, and

(2) the time period for receivership. In addition to the facts relevant to this extraordinary exercise of the equitable power of the court, the findings of the court must include the following:

(a) structures on the property are in substantial violation of one or more ordinances of the municipality pursuant to Section 6‑38‑30;

(b) the property is not a single‑family residence;

(c) the property does not have one to four family residences where at least one unit is occupied;

(d) the property is not currently in a probate, foreclosure, or bankruptcy proceeding; and

(e) the property is not classified as agricultural real property pursuant to Section 12‑43‑220(d)

Section 6‑38‑90. Subject to control of the court and the rights of any prior lien holder of record, a court‑appointed receiver has all powers necessary and customary to the powers of a receiver as provided by the laws of equity and may:

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(1) take possession and control of the property;

(2) operate and manage the property;

(3) establish and collect rents and income on the property;

(4) lease the property;

(5) make repairs necessary to bring the property into compliance with local codes, ordinances, and state laws, including:

(a) performing and entering into contracts for the performance of work and the furnishing of materials for repairs; and

(b) entering into loan and grant agreements for repairs to the property;

(6) pay expenses, including paying for utilities and paying current taxes, taxes in arrears and current assessments and assessments in arrears, insurance premiums, and reasonable compensation to a property management agent;

(7) enter into contracts for operating and maintaining the property;

(8) exercise all other authority of an owner of the property other than the authority to sell the property; and

(9) perform other acts regarding the property as authorized by the court.

Section 6‑38‑95. (A) In exercising the powers pursuant to Section 6‑38‑90, and in submitting the reports required by Section 6‑38‑100, and in completing any work as a receiver, the receiver must plan and execute his duties with honesty, good faith, reasonable diligence, and in the most economically prudent manner possible, utilizing measures to minimize costs and seeking competitive bids for services.

(B) If a receiver’s exercise of powers, submission of reports, and completion of work do not meet the standard set forth in subsection (A), the receiver is liable for economic damages and, at the discretion of the court, treble damages.

Section 6‑38‑100. (A) Before beginning any work the receiver shall submit to the court for its approval a detailed report describing the problems associated with the property and a detailed plan for abating the problems. The receiver shall provide a copy of the report and estimate to the owner of record, lien holders, and others with a recorded property interest.

(B) This report required by subsection (A) must be accompanied by a performance bond or performance bond binder as well as a detailed timeline for completion of the work.

(C) The receiver shall submit progress reports every forty‑five days or as the court determines to demonstrate compliance with the time schedules established for commencement and performance of the work.

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Section 6‑38‑110. A receiver shall have a lien on the property for all of the unreimbursed costs and expenses of the receiver, plus a receivership fee, the amounts of which are subject to the discretion of the court pursuant to Sections 6‑38‑140 and 6‑38‑150.

Section 6‑38‑120. (A) If a loss occurs to the property entrusted to the receiver as a result of the receiver’s negligence, the receiver shall be liable for economic damages.

(B) If the loss occurs as a result of fraudulent execution of trust, the receiver shall be liable for economic damages and, at the discretion of the court, treble damages.

Section 6‑38‑130. (A) A receiver appointed pursuant to this chapter may demolish a structure only after a hearing.

(B) Before the hearing, the receiver shall prepare a detailed report which establishes:

(1) it is not economically feasible to bring the structure into compliance with local codes, local ordinances, and state laws; and

(2) the structure:

(a) is unfit for human habitation; or

(b) is a hazard to public health or safety.

(C) At least ninety days before the hearing, notice must be sent, along with the report, to all owners of record, all lien holders, and all others with a recorded property interest. In addition, the property must have been posted in accordance with Section 6‑29‑760(A) for at least ninety days before the hearing.

(D) At the hearing, the court shall determine whether demolition is appropriate. In making this determination, the court shall consider:

(1) whether any owner, lien holder, or other person with a recorded interest has appeared to explain to the court’s satisfaction why the property has been left in its current state, and

(2) the factors listed in subsection (B). In considering these factors, the court also may consider whether the property is unsecured from unauthorized entry to the extent that it can be entered or used by vagrants or other uninvited persons as a place of harborage or can be entered or used by children. If the property is boarded, fenced, or otherwise secured, the court may consider whether:

(a) the structure constitutes a danger to the public even though secured from entry; or

(b) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

Section 6‑38‑140. A receiver who completes repairs to a structure or demolishes a structure, upon or before petitioning a court for

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termination of the receivership, shall file with the court a full accounting of:

(1) all costs and expenses incurred in the repairs or demolition, including reasonable costs for labor and supervision;

(2) all income received from the property; and

(3) at the discretion of the court, a receivership fee not to exceed ten percent of the costs and the expenses in item (1).

Section 6‑38‑150. (A) Subject to the provisions of subsection (E), a receiver appointed as provided by this chapter shall be terminated in accordance with Section 6‑38‑80. In addition, a receiver may petition the court to terminate the receivership and order the sale of the property, as provided in subsection (B) if:

(1) the work has been successfully completed; and

(2) at least ninety days before filing for termination, the owners of record, lien holders, and others holding recorded property interests have been served notice as provided in Section 6‑38‑60 of a summary accounting of costs and expenses paid by the receiver and of a receivership fee, which must not exceed ten percent of reasonable costs and expenses.

(B) The court may order the sale of the property at public auction if the court finds that:

(1) notice as required by subsection (A) was given to each owner of record, lien holder, and holder of a recorded property interest;

(2) the receiver’s costs and fees are reasonable based on:

(a) nature, extent, and difficulty of the services rendered;

(b) time and labor devoted to the case;

(c) professional standing of the receiver;

(d) contingency of compensation;

(e) fee customarily charged in the locality for similar services; and

(f) beneficial results obtained;

(3) the receiver has been in control of the property and the owner has failed to repay all the receiver’s outstanding costs and expenses of rehabilitation plus a reasonable receivership fee; and

(4) a lien holder of record or other holder of a recorded property interest has not intervened in the action and tendered the costs and expenses of the receiver, plus a receivership fee which must not exceed ten percent of reasonable costs and expenses, and assumed control of the property.

(C) Where demolition of the structure is involved, the court may authorize the sale of the property to an individual or organization that

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will bring the property into productive use so long as the requirements of subsections (A) and (B) are satisfied.

(D) If the revenue from the sale exceeds the total of the costs and expenses listed in Section 6‑38‑160(A), any net overage belongs to the owner pursuant to Section 6‑38‑160(B).

(E) If the total of the costs and expenses incurred by the receiver plus a receivership fee, not to exceed ten percent of reasonable costs and expenses, exceeds the combined value of the likely possible revenue from a sale and the income produced during the receivership, the court may permit the receiver to maintain control of the property until the following are recovered: all rehabilitation and maintenance costs plus a fee, which must not exceed ten percent of reasonable costs and expenses.

Section 6‑38‑160. (A) The court shall confirm a sale as provided by this chapter and order a distribution of the proceeds of the sale in the following order:

(1) court costs;

(2) costs and expenses, plus a reasonable receivership fee, and any lien held by the receiver; and

(3) other valid liens.

(B) Any remaining overage belongs to the owner of record. These sums are payable ninety days after execution of the deed unless a judicial action is instituted during that time by another claimant. If neither claimed nor assigned within five years of date of public auction sale, the overage must escheat to the general fund of the governing body to be set aside for the purposes of this chapter. Before the escheat date unclaimed overages must be kept in a separate account and must be invested so as not to be idle; the governing body of political subdivision is entitled to the earnings for keeping the overage. On escheat date the overage must be transferred to the general funds of the governing body.

Section 6‑38‑170. (A) The court shall award fee title to the purchaser after the proceeds are distributed. If proceeds from the sale are insufficient to pay all liens, claims, and encumbrances on the property, the court shall extinguish all unpaid liens, claims, and encumbrances on the property and award title to the purchaser free and clear.

(B) This chapter does not foreclose any right or remedy that may be available pursuant to other state law or the laws of equity.”

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

Renumber sections to conform.

Amend title to conform.

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Rep. DANING explained the amendment.

Reps. WHITE, HILL, LOFTIS, MCEACHERN, DOUGLAS, MCKNIGHT, GEORGE, BANNISTER, DANING, FINLAY, THAYER, GAMBRELL, CLEMMONS, FRY, KING, MERRILL, CLYBURN, R. L. BROWN, ROBINSON-SIMPSON, NORMAN, JEFFERSON, WILLIAMS and POPE requested debate on the Bill.

**H. 3167--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3167 -- Reps. Tallon, Long, G. R. Smith, Pitts, Toole, Pope, Simrill, Johnson, Felder, Kennedy, Jordan, Goldfinch, Clemmons, Duckworth, Fry, Hardee, Ryhal, Yow, Gagnon, Willis, Rutherford, Hixon, Taylor, Hill, Howard, Williams, Douglas, Dillard, Hayes, Daning, Crosby, George, Bales, Bradley, Murphy, Bannister, Delleney, Bingham, McKnight and Kirby: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACCEPTABLE FORMS OF IDENTIFICATION REQUIRED OF A PERSON WHEN HE PRESENTS HIMSELF TO VOTE, SO AS TO INCLUDE A VALID AND CURRENT SOUTH CAROLINA RESIDENT CONCEALED WEAPON PERMIT AS AN AUTHORIZED FORM OF IDENTIFICATION.

Rep. RUTHERFORD proposed the following Amendment No. 1 to H. 3167 (COUNCIL\GGS\3167C001.GGS.ZW16):

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

/ SECTION 1. Section 7‑13‑710(A) of the 1976 Code, as last amended by Act 27 of 2011, is further amended to read:

“(A) When a person presents himself to vote, he shall produce a valid and current:

(1) South Carolina driver’s license; or

(2) other form of identification containing a photograph issued by the Department of Motor Vehicles, including a State of South Carolina employee identification card or a student identification card issued by one of the South Carolina colleges or universities enumerated in Section 59‑101‑10; or

(3) passport; or

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(4) military identification containing a photograph issued by the federal government; or

(5) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7‑5‑675; or

(6) South Carolina resident concealed weapon permit issued pursuant to Article 4, Chapter 31, Title 23.”

SECTION 2. Section 7‑13‑710 of the 1976 Code, as last amended by Act 27 of 2011, is further amended by adding an appropriately designated subsection at the end to read:

“( )(1) For purposes of this section, ‘designated entity’ or ‘designated entities’ means:

(a) those state agencies, boards, commissions, councils, or departments that issue photo identification cards to their employees; and

(b) the South Carolina colleges or universities enumerated in Section 59‑101‑10.

(2) To enhance the security of photo identification cards issued to employees of the State of South Carolina and to students enrolled in a South Carolina public college or university, the South Carolina Department of Motor Vehicles (‘SCDMV’) shall enter into appropriate memoranda of agreement with the designated entities.

(3) Pursuant to the memoranda of agreement required by this subsection, upon a designated entity’s specific, by name request, the SCDMV shall furnish or make available to the designated entity, an electronic or digitally formatted version of the requested individual’s driver’s license or state identification card photograph.

(4) Designated entities may request SCDMV issued photographs only to produce and issue State of South Carolina employee identification cards and student identification cards.

(a) State of South Carolina employee identification cards may not be made valid for a period exceeding ten years from the date of issuance.

(b) Student identification cards issued by a designated entity are valid for the period listed on the identification card, provided the period does not exceed ten years.

(5) If an individual does not have a valid South Carolina driver’s license or identification card photograph issued by the SCDMV, then the designated entity shall print on that individual’s identification card in a font equal in size to the individual’s printed name, ‘Photo not issued by the SCDMV’.

(6) Unless a designated entity requires an earlier expiration date, an identification card issued by a designated entity expires

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coterminously with the individual’s driver’s license or SCDMV issued state identification card, and a new identification card must be issued in the manner prescribed by this subsection following the renewal of the individual’s driver’s license or SCDMV issued state identification card.”

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

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

**POINT OF ORDER**

Rep. TALLON raised the Point of Order that under Rule 9.3, Amendment No. 1 to H. 3167 was out of order in that it was not germane to the Bill.

Rep. RUTHERFORD spoke against the Point of Order.

Rep. COBB-HUNTER spoke against the Point of Order.

Rep. QUINN spoke to the Point of Order

The SPEAKER stated that the amendment and the Bill concern the types of photo IDs that qualify for a person to vote; therefore the Point of Order is overruled and he ruled that Amendment No. 1 is germane to the Bill.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of Amendment No. 1.

**RATIFICATION OF ACTS**

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

(R. 153, S. 850) -- Senator Hayes: AN ACT TO AMEND SECTION 38‑9‑180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STANDARD VALUATION, SO AS TO DEFINE NECESSARY TERMS, TO PRESCRIBE NEW REQUIREMENTS FOR THE DIRECTOR OR HIS DESIGNEE CONCERNING VALUING RESERVE LIABILITIES FOR OUTSTANDING INSURANCE POLICIES BASED UPON THE EFFECTIVE DATE OF THE POLICY OR CONTRACT, TO ALTER THE ACTUARIAL OPINION REQUIREMENTS FOR ALL LIFE INSURANCE POLICIES, TO UPDATE REFERENCES TO REQUIRE THAT THE COMMISSIONER’S RESERVE VALUATION METHOD BE USED

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FOR POLICIES ISSUED AFTER MARCH 23, 1960, AND POLICIES ISSUED AFTER THE EFFECTIVE DATE OF THIS ACT, TO PROVIDE A NEW FORMULA TO COMPUTE THE CALENDAR YEAR STATUTORY INTEREST RATE, TO UPDATE REFERENCES TO REFLECT THE COMMISSIONER’S RESERVE VALUATION METHODS, TO PROVIDE THE MINIMUM RESERVE REQUIRED IF THE PREMIUM CHARGED BY A COMPANY IS LESS THAN THE VALUATION NET PREMIUM FOR THE POLICY OR CONTRACT, TO PRESCRIBE THE MINIMUM STANDARD OF VALUATION FOR ACCIDENT AND HEALTH INSURANCE CONTRACTS ISSUED ON OR AFTER THE OPERATIVE DATE OF THE OPERATION MANUAL, TO PRESCRIBE THE OPERATIVE DATE FOR THE VALUATION MANUAL AND WHAT THE VALUATION MANUAL MUST SPECIFY, TO ESTABLISH REQUIREMENTS FOR A COMPANY THAT USES A PRINCIPLE‑BASED VALUATION, TO DEFINE CONFIDENTIAL INFORMATION AND TO PROVIDE PRIVILEGE FOR AND CONFIDENTIALITY OF CONFIDENTIAL INFORMATION, AND TO PROVIDE EXEMPTIONS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38‑63‑510, RELATING TO STANDARD NONFORFEITURE LAW FOR LIFE INSURANCE, SO AS TO DEFINE THE TERM “OPERATIVE DATE OF THE VALUATION MANUAL”; AND TO AMEND SECTION 38‑63‑600, RELATING TO THE BASIS FOR CALCULATING ADJUSTED PREMIUMS AND PRESENT VALUES OF POLICIES ISSUED ON OR AFTER JANUARY 1, 1989, SO AS TO PROVIDE THAT THE COMMISSIONERS’ STANDARD MORTALITY TABLE SHALL BE USED TO DETERMINE THE MINIMUM NONFORFEITURE STANDARD FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

(R. 154, S. 1049) -- Senators Massey and Setzler: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33‑47‑1160 SO AS TO ALLOW A MARKETING COOPERATIVE ASSOCIATION WHOSE TERM OF EXISTENCE HAS EXPIRED TO APPLY TO THE SECRETARY OF STATE FOR REINSTATEMENT WITHIN TWO YEARS OF ITS EXPIRATION.

(R. 155, S. 1076) -- Senator Hembree: AN ACT TO AMEND SECTION 48‑39‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO UTILIZE

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CRITICAL AREAS, SO AS TO ESTABLISH THAT AN INDIVIDUAL DOES NOT NEED TO APPLY FOR A PERMIT TO DREDGE A MANMADE, PREDOMINATELY ARMORED, RECREATIONAL USE OR ESSENTIAL ACCESS CANAL.

(R. 156, H. 3204) -- Reps. Bernstein, J.E. Smith, Cobb‑Hunter, M.S. McLeod, Jefferson, Horne and Bales: AN ACT 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 2016‑2017 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 OR HOMESCHOOLING PROGRAM 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 REQUIRE THE DEPARTMENT TO DISCLOSE CERTAIN INFORMATION ABOUT THE VACCINATION SERIES, TO DEFINE “CERVICAL CANCER VACCINATION SERIES”, TO PROVIDE THAT IMPLEMENTATION OF THIS ACT IS CONTINGENT UPON RECEIPT OF CERTAIN FUNDS, AND TO PROHIBIT THE DEPARTMENT FROM CONTRACTING WITH A HEALTH CARE PROVIDER TO OFFER THE VACCINATION SERIES IF THE HEALTH CARE PROVIDER PERFORMS ABORTIONS.

(R. 157, H. 3265) -- Reps. Wells, Taylor, Cole, Bedingfield, Sottile, Ridgeway, Hiott, Ott, Anthony, M.S. McLeod, Bannister, Henderson, Collins, Clary, Daning, McKnight, Kennedy, Pope, Hixon, Gagnon, Erickson, Long, Hicks, Nanney and W. J. McLeod: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “RONALD ROUSE’S LAW”; TO AMEND SECTION 59‑32‑30, AS AMENDED, RELATING TO PUBLIC SCHOOL COMPREHENSIVE HEALTH EDUCATION PROGRAMS, SO AS TO PROVIDE THAT STUDENTS MUST RECEIVE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AND AWARENESS OF THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

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AT LEAST ONCE DURING THE ENTIRE FOUR YEARS OF GRADES NINE THROUGH TWELVE, TO SPECIFY SKILLS THIS INSTRUCTION MUST INCLUDE, TO PROVIDE FOR ADAPTATION OF THE PROGRAM FOR VIRTUAL SCHOOLS, TO PROVIDE FOR WAIVERS IN CERTAIN CIRCUMSTANCES, TO PROVIDE RELATED REQUIREMENTS OF LOCAL SCHOOL DISTRICTS AND THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE STUDENTS WHO HAVE ALREADY COMPLETED THE REQUISITE HEALTH COURSE ARE NOT REQUIRED TO TAKE THE COURSE A SECOND TIME; TO PROVIDE THE DEPARTMENT MAY INCLUDE LANGUAGE FROM ANY SECTION OF THIS ACT IN THE SOUTH CAROLINA HEALTH AND SAFETY EDUCATION CURRICULUM STANDARDS; AND TO PROVIDE SCHOOL DISTRICTS MUST BEGIN COMPLYING WITH THE PROVISIONS OF THIS ACT NO LATER THAN THE 2017‑2018 SCHOOL YEAR.

(R. 158, H. 3325) -- Reps. J.E. Smith, Hodges, Weeks, Whipper, Mitchell, Govan and Gilliard: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 61, TITLE 15 SO AS TO ENACT THE “CLEMENTA C. PINCKNEY UNIFORM PARTITION OF HEIRS’ PROPERTY ACT”; TO DEFINE NECESSARY TERMS; TO PROVIDE FOR A PRELIMINARY HEARING TO DETERMINE WHETHER THE PROPERTY IN AN ACTION TO PARTITION REAL PROPERTY IS HEIRS’ PROPERTY; TO PROVIDE FOR NOTICE BY PUBLICATION IN A PARTITION ACTION; TO PROVIDE PROCEDURES FOR A COURT TO FOLLOW IN DETERMINING THE VALUE OF THE PROPERTY AND FACTORS FOR A COURT TO CONSIDER FOR DIFFERENT TYPES OF PARTITIONS; TO PROVIDE FOR OPEN‑MARKET SALES, SEALED BIDS, OR AUCTIONS, TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 61 AS ARTICLE 1; TO AMEND SECTION 15‑61‑10, RELATING TO PARTITION ACTIONS, SO AS TO PROVIDE FOR A COURT HEARING TO DETERMINE IF THE PARTITION ACTION CONCERNS HEIRS’ PROPERTY; AND TO AMEND SECTION 15‑61‑100, RELATING TO WRITS OF PARTITION, SO AS TO DELETE OBSOLETE REFERENCES.

(R. 159, H. 3545) -- Reps. Gambrell, Weeks, Bedingfield, V.S. Moss, Clemmons, Forrester, Gagnon, D.C. Moss, Pitts, Riley, G.M. Smith,

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G.R. Smith, White and Yow: AN ACT TO AMEND THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”, CODE OF LAWS OF SOUTH CAROLINA, 1976, TO AMEND SECTION 16‑11‑110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE ELEMENTS OF THE DEGREES OF ARSON; TO AMEND SECTION 16‑23‑500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE PROCEDURES FOR THE RETURN OF FIREARMS OR AMMUNITION TO AN INNOCENT OWNER UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 22‑3‑560, AS AMENDED, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; TO AMEND SECTION 24‑19‑10, AS AMENDED, RELATING TO THE DEFINITION OF “YOUTHFUL OFFENDER”, SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16‑11‑312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE‑YEAR MINIMUM SENTENCE; TO AMEND SECTIONS 24‑21‑5 AND 24‑21‑100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, BOTH SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; TO AMEND SECTION 24‑21‑280, AS AMENDED, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY‑DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; TO AMEND SECTIONS 44‑53‑370 AND 44‑53‑375, BOTH AS

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AMENDED, RELATING TO CONTROLLED SUBSTANCE OFFENSES, BOTH SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; TO AMEND SECTION 44‑53‑470, AS AMENDED, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; AND TO AMEND SECTION 56‑1‑396, RELATING TO THE DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑5‑2990 OR 56‑5‑2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑1‑460 IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON’S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56‑5‑2990 OR 56‑5‑2945.

(R. 160, H. 3576) -- Reps. Bannister, Merrill, Murphy, Atwater, Collins, Gagnon, Hamilton, Hicks, Pitts, Sandifer, G.R. Smith, Tallon, Whitmire, Henderson and Herbkersman: AN ACT 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 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 REQUIRED COVERAGE OF UNEMPLOYMENT INSURANCE AND OF ANY CIVIL ACTIONS INSTITUTED BY THIRD PARTIES, AND TO DEFINE THE TERM “NONPROFIT YOUTH SPORTS ORGANIZATION”.

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(R. 161, H. 3706) -- Reps. Putnam, Gagnon, Yow, Thayer, Gambrell, Ridgeway, Norrell, Henderson, Fry and Bedingfield: AN ACT TO AMEND CHAPTER 99, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY TREATMENT FOR MEDICAL HAZARDS CAUSED BY INSECT STINGS, SO AS TO RENAME THE CHAPTER THE “EMERGENCY ANAPHYLAXIS TREATMENT ACT”; TO DEFINE CERTAIN TERMS, INCLUDING “AUTHORIZED ENTITY”, “EPINEPHRINE AUTO‑INJECTOR”, AND “HEALTH CARE PRACTITIONER”; TO ALLOW THE PRESCRIPTION OF EPINEPHRINE AUTO‑INJECTORS TO AUTHORIZED ENTITIES; TO ALLOW AUTHORIZED ENTITIES TO ACQUIRE AND STOCK EPINEPHRINE AUTO‑INJECTORS; TO ALLOW CERTAIN INDIVIDUALS TO PROVIDE AND ADMINISTER EPINEPHRINE AUTO‑INJECTORS AND TO ESTABLISH TRAINING REQUIREMENTS; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY FOR CERTAIN INDIVIDUALS AND ENTITIES, WITH EXCEPTIONS.

(R. 162, H. 3788) -- Reps. Funderburk, Taylor, McKnight, Simrill, Burns, Gilliard, Corley, Douglas, Kirby, McCoy, Bales, Atwater, Alexander, McEachern, Jefferson, Spires, Anthony, G.A. Brown, Henegan, Anderson, Bernstein, Bingham, Clemmons, Clyburn, Goldfinch, Hardwick, Hixon, Hodges, Hosey, Limehouse, Long, D.C. Moss, V.S. Moss, Murphy, Norrell, Quinn, Ridgeway, Sandifer, Stringer, Toole, Weeks, Wells, G.M. Smith and Ballentine: AN ACT TO AMEND SECTION 56‑28‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE ENFORCEMENT OF MOTOR VEHICLE EXPRESS WARRANTIES, SO AS TO REVISE THE DEFINITIONS OF THE TERMS “MOTOR VEHICLE” AND A “NEW MOTOR VEHICLE”.

(R. 163, H. 3911) -- Reps. Willis and Allison: AN ACT TO AMEND SECTION 56‑3‑1230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE, CONTENT, AND PRODUCTION COSTS OF MOTOR VEHICLE LICENSE PLATES, SO AS TO REVISE THE INTERVAL IN WHICH THE DEPARTMENT OF MOTOR VEHICLES MUST REISSUE A LICENSE PLATE FROM SIX YEARS TO TEN YEARS.

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(R. 164, H. 4141) -- Reps. Gambrell, Sandifer and Pitts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “LIMITED LINES TRAVEL INSURANCE ACT” BY ADDING ARTICLE 6 TO CHAPTER 43, TITLE 38 SO AS TO PROVIDE A CITATION, TO DEFINE NECESSARY TERMS, TO PROVIDE REQUIREMENTS ONLY UNDER WHICH TRAVEL RETAILERS MAY OFFER AND DISSEMINATE TRAVEL INSURANCE UNDER A LIMITED LINES TRAVEL INSURANCE PRODUCER BUSINESS ENTITY LICENSE FOR COMPENSATION, TO PROVIDE THAT TRAVEL INSURANCE MAY BE PROVIDED UNDER AN INDIVIDUAL POLICY OR UNDER A GROUP OR MASTER POLICY, TO PROVIDE THAT LIMITED LINES TRAVEL INSURANCE PRODUCERS ACTING AS AN INSURANCE DESIGNEE ARE RESPONSIBLE FOR THE ACTS OF THE TRAVEL RETAILER AND SHALL USE REASONABLE MEANS TO ENSURE COMPLIANCE BY THE TRAVEL RETAILER WITH THIS ARTICLE, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

(R. 165, H. 4328) -- Rep. White: AN ACT TO AMEND SECTION 12‑8‑1530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUARTERLY INCOME TAX WITHHOLDINGS, SO AS TO CHANGE THE DUE DATE OF THE FOURTH QUARTER RETURN FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF JANUARY; TO AMEND SECTION 12‑8‑1550, RELATING TO THE DUE DATE FOR FILING STATEMENTS REGARDING INCOME TAX WITHHOLDINGS WITH THE DEPARTMENT OF REVENUE, SO AS TO CHANGE THE DUE DATE FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF JANUARY; TO AMEND SECTION 12‑6‑40, AS AMENDED, 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 2015 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES; TO AMEND SECTION 12‑6‑4970, RELATING TO THE TIME TO FILE RETURNS, SO AS TO ADD REQUIREMENTS FOR WHEN A PARTNERSHIP MUST FILE; TO AMEND SECTION 12‑8‑590, RELATING TO TAX WITHHOLDING ON DISTRIBUTIONS TO

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NONRESIDENTIAL SHAREHOLDERS OF “S” CORPORATIONS AND NONRESIDENT PARTNERS, SO AS TO CHANGE THE DUE DATE FOR FILING WITHHOLDINGS FOR NONRESIDENT PARTNERS; TO AMEND SECTION 12‑13‑80, RELATING TO INCOME TAX RETURNS ON BUILDING AND LOAN ASSOCIATIONS, SO AS TO CHANGE THE DUE DATE FOR FILING RETURNS; TO AMEND SECTION 12‑20‑20, RELATING TO ANNUAL REPORTS FILED BY CORPORATIONS, SO AS TO CHANGE THE DUE DATE OF THE ANNUAL REPORTS; TO AMEND SECTION 12‑28‑110, RELATING TO MOTOR FUEL USER FEE DEFINITIONS, SO AS TO ADD A DEFINITION FOR “DIESEL GALLON EQUIVALENT” AND “GASOLINE GALLON EQUIVALENT”; BY ADDING SECTION 12‑28‑120 SO AS TO CLARIFY CERTAIN REFERENCES TO THE TERM “GALLON”; TO AMEND SECTION 12‑36‑2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE SALES TAX, SO AS TO ADD CERTAIN GASES TO THE SALES TAX EXEMPTION; AND TO AMEND SECTION 12‑28‑1125, RELATING TO THE REQUIREMENTS OF AN OCCASIONAL IMPORTER’S LICENSE OR BONDED IMPORTER’S LICENSE TO BRING CERTAIN MOTOR FUEL INTO THIS STATE, SO AS TO REQUIRE A LICENSE REGARDLESS OF THE METHOD OF TRANSPORTATION USED TO DELIVER THE MOTOR FUEL.

(R. 166, H. 4662) -- Rep. Gambrell: AN ACT TO REENACT THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT AND RELATED PROVISIONS, ENACTED BY SECTIONS 1, 2, 3, AND 5, ACT 339 OF 2008, WHICH EXPIRED ON JUNE 1, 2014, AND TO MAKE THESE REENACTED PROVISIONS RETROACTIVE TO THIS EXPIRATION DATE, AND TO SPECIFICALLY NOT REENACT CERTAIN OBSOLETE PROVISIONS.

(R. 167, H. 4816) -- Rep. J. E. Smith: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑205 SO AS TO DESIGNATE JUNE TWENTY‑SEVENTH OF EACH YEAR AS SOUTH CAROLINA POST‑TRAUMATIC STRESS INJURY (PTSI) AWARENESS DAY.

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

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**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4748 -- Rep. R. L. Brown: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES SIMMONS CREEK ALONG OLD POND ROAD IN CHARLESTON COUNTY "JERRY AND HANNAH BLAKE MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

H. 5202 -- Reps. Felder, Delleney, King, Long, D. C. Moss, V. S. Moss, Norman, Pope, Simrill, 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, Dillard, Douglas, Duckworth, Erickson, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, Kirby, Knight, Limehouse, Loftis, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, Murphy, Nanney, Neal, Newton, Norrell, Ott, Parks, Pitts, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, 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 CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SIGNIFICANT SERVICE OF YORK ELECTRIC COOPERATIVE OF YORK COUNTY AND TO CONGRATULATE THE ORGANIZATION ON ITS SEVENTY-FIFTH ANNIVERSARY OF PROVIDING ELECTRICITY IN THE PALMETTO STATE.

H. 4960 -- Rep. Delleney: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS ANNUAL STATE HOUSE MEETING ON FRIDAY, JUNE 10, 2016, HOWEVER, THE CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY

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IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

**ADJOURNMENT**

At 1:41 p.m. the House, in accordance with the motion of Rep. W. J. MCLEOD, adjourned in memory of Bennie D. Bennett, Superintendent of Newberry County Schools, to meet at 10:00 a.m. tomorrow.

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