**Thursday, March 14, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Joshua, well-advanced in years, says farewell to his leaders, adding:

“ ‘So be very careful to love the Lord your God’.”

(Joshua 23:11)

Join me as we pray:

O Wondrous Lord, the calendar reminds us that tomorrow happens to be the “Ides of March,” that ominous day in Roman history when -- as even Shakespeare reminds us in his play, *Julius Caesar* --the Emperor was assassinated in 44 BC. Naturally, that fact in and of itself is not important to us except in this manner: that time is passing, and that we are soon to be halfway through this Legislative Session. Much work is still to be done by this Senate. Each Senator and every staff person still has “miles to go before they sleep.” Grant them all the energy, the zeal and the courage to continue working diligently on behalf of all South Carolinians, O God. And may their love for this State reflect their love for You, O Lord, as well.

Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**REGULATION RECEIVED**

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

Document No. 4329

Agency: Department of Agriculture

Chapter: 5

Statutory Authority: 1976 Code Section 39-25-180

SUBJECT: Cheese & Butter

Received by Lieutenant Governor March 14, 2013

Referred to Agriculture and Natural Resources Committee

Legislative Review Expiration February 18, 2014

**Leave of Absence**

On motion of Senator CAMPBELL, at 11:05 A.M., Senator GROOMS was granted a leave of absence until March 21, 2013.

**Doctor of the Day**

Senator SHANE MARTIN introduced Dr. David Mitchell of Spartanburg, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 4 Sen. Bryant

S. 185 Sen. Bright

S. 227 Sens. Corbin, Bryant, Campbell

S. 445 Sen. Young

S. 457 Sen. Davis

S. 525 Sen. Pinckney

**RECALLED**

H. 3786 -- Reps. Erickson, M.S. McLeod, Spires, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G.A. Brown, R.L. Brown, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, H.A. Crawford, K.R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM AND TO DECLARE TUESDAY, APRIL 9, 2013, AS “CHILDREN’S ADVOCACY DAY” IN SOUTH CAROLINA.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Judiciary.

The Concurrent Resolution was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

S. 515 -- Senator Grooms: A JOINT RESOLUTION TO PROHIBIT TREE REMOVAL IN THE MEDIAN OF A PORTION OF INTERSTATE 26 UNTIL THE TRANSPORTATION REVIEW COMMITTEE HAS REVIEWED AND COMMENTED ON THE PROJECT.

Senator VERDIN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Transportation.

The Joint Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 530 -- Senators Hayes, Campbell and L. Martin: A BILL TO AMEND SECTION 38-71-1730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSED PANEL HEALTH PLANS, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EMPLOYERS THAT OFFER ONLY CLOSED PANEL HEALTH PLANS TO ITS EMPLOYEES ALSO OFFER A POINT‑OF-SERVICE OPTION TO ITS EMPLOYEES, TO MAKE CONFORMING CHANGES, AND TO INCREASE THE ALLOWABLE DIFFERENCES BETWEEN COINSURANCE PERCENTAGES FOR IN-NETWORK AND OUT-OF-NETWORK COVERED SERVICES AND SUPPLIES UNDER A POINT‑OF‑SERVICE OPTION.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 531 -- Senator Alexander: A BILL TO AMEND CHAPTER 41, TITLE 41 OF THE 1976 CODE, RELATING TO OFFENSES, PENALTIES, AND LIABILITIES, BY ADDING SECTION 41-41-45 TO PROVIDE FOR A MANDATORY PENALTY ON FRAUDULENT OVERPAYMENTS IN CONNECTION WITH UNEMPLOYMENT INSURANCE COMPENSATION; TO AMEND CHAPTER 35, TITLE 41, RELATING TO BENEFITS AND CLAIMS, BY ADDING SECTION 41-35-135 TO PROVIDE THAT THE DEPARTMENT SHALL NOT RELIEVE THE CHARGE BENEFITS TO AN EMPLOYER’S ACCOUNT WHEN IT DETERMINES THAT THE OVERPAYMENT HAS BEEN MADE TO A CLAIMANT AND THE OVERPAYMENT OCCURRED BECAUSE THE EMPLOYER WAS AT FAULT FOR FAILING TO RESPOND TIMELY OR ADEQUATELY TO A WRITTEN REQUEST OF THE DEPARTMENT FOR INFORMATION RELATING TO AN UNEMPLOYMENT COMPENSATION CLAIM, AND THE EMPLOYER EXHIBITS A PATTERN OF FAILURE TO TIMELY OR ADEQUATELY RESPOND TO REQUESTS FROM THE DEPARTMENT FOR INFORMATION RELATING TO UNEMPLOYMENT COMPENSATION CLAIMS ON THREE OR MORE OCCASIONS WITHIN A SINGLE CALENDAR YEAR; AND TO AMEND SECTION 43-5-598, RELATING TO THE DEFINITION OF “NEW HIRE”, TO PROVIDE THAT A NEW HIRE INCLUDES A REHIRED EMPLOYEE WHO HAS BEEN SEPARATED FROM PRIOR EMPLOYMENT FOR AT LEAST SIXTY CONSECUTIVE DAYS.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 532 -- Senator Turner: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “MOTORCYCLE AWARENESS ALLIANCE” SPECIAL LICENSE PLATES.

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Read the first time and referred to the Committee on Transportation.

S. 533 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LEXINGTON HIGH SCHOOL VARSITY WRESTLING TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE CLASS AAAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 534 -- Senators Setzler and Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CLARENCE LARRYMORE OF CALHOUN COUNTY FOR HIS MANY YEARS OF DEDICATED AND OUTSTANDING SERVICE ON THE CALHOUN COUNTY BOARD OF ELECTIONS AND REGISTRATION AND, UPON THE OCCASION OF HIS RETIREMENT, WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 313 -- Senators Hayes, Courson, Setzler, Matthews, Lourie, Hutto, Jackson, Rankin, L. Martin and O’Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 59 SO AS TO ESTABLISH A SCHOOL DISTRICT CHOICE PROGRAM AND OPEN ENROLLMENT PROGRAM WITHIN THE PUBLIC SCHOOL SYSTEM OF THIS STATE, TO PROVIDE FOR A VOLUNTARY PILOT TESTING OF THE PROGRAM BEFORE FULL IMPLEMENTATION, TO DEFINE CERTAIN TERMS, TO PROVIDE FOR AN APPLICATION PROCESS FOR STUDENTS WISHING TO TRANSFER, TO PROVIDE RESPONSIBILITIES, STANDARDS, AND CRITERIA CONCERNING SENDING AND RECEIVING SCHOOLS AND SCHOOL DISTRICTS, TO PROVIDE STANDARDS OF APPROVAL, PRIORITIES FOR ACCEPTING STUDENTS AND CRITERIA FOR DENYING STUDENTS, TO PROVIDE THAT WITH CERTAIN EXCEPTIONS THE PARENT IS RESPONSIBLE FOR TRANSPORTING THE STUDENT TO SCHOOL, TO PROVIDE THAT DISTRICTS SHALL RECEIVE ONE HUNDRED PERCENT OF THE BASE STUDENT COST FROM THE STATE FOR NONRESIDENT STUDENTS ENROLLED PURSUANT TO THIS CHAPTER, TO PROVIDE THAT A STUDENT GENERALLY MAY NOT PARTICIPATE IN INTERSCHOLASTIC ATHLETIC CONTESTS AND COMPETITIONS FOR ONE YEAR AFTER HIS DATE OF ENROLLMENT, TO PROVIDE THAT A RECEIVING DISTRICT SHALL ACCEPT CERTAIN CREDITS TOWARD A STUDENT’S REQUIREMENTS FOR GRADUATION AND SHALL AWARD A DIPLOMA TO A NONRESIDENT STUDENT WHO MEETS ALL REQUIREMENTS FOR GRADUATION, TO PROVIDE THAT A SCHOOL DISTRICT MAY CONTRACT WITH CERTAIN ENTITIES FOR THE PROVISION OF SERVICES, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION ANNUALLY SHALL SURVEY SCHOOL DISTRICTS TO DETERMINE PARTICIPATION IN THE OPEN ENROLLMENT PROGRAM AND PROVIDE CERTAIN DELETED REPORTS ON THE PROGRAM TO THE GENERAL ASSEMBLY, TO PROVIDE A DISTRICT MAY RECEIVE CERTAIN WAIVERS CONCERNING THE IMPLEMENTATION OF THIS ACT, AND TO PROVIDE THAT IMPLEMENTATION OF THIS PROGRAM EACH FISCAL YEAR IS CONTINGENT UPON THE APPROPRIATION OF ADEQUATE FUNDING BY THE GENERAL ASSEMBLY.

Ordered for consideration tomorrow.

Senator O’DELL from the General Committee submitted a majority favorable and Senators LOURIE, McGILL, JACKSON and FORD a minority unfavorable report on:

S. 247 -- Senators Corbin, Bryant, Verdin, Cleary, Hembree, Peeler, Fair, Shealy, Grooms, Campbell, Cromer and Turner: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑80 SO AS TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA UNORGANIZED MILITIA.

**Poll of the General Committee**

**Polled 17; Ayes 11; Nays 5; Present 1**

**AYES**

O’Dell Reese Bryant

Cromer Cleary Bright

Campbell *Martin, Shane* Shealy

Young Verdin

**Total--11**

**NAYS**

Ford Lourie Jackson

McGill Allen

**Total--5**

**PRESENT**

Sheheen

**Total--1**

Ordered for consideration tomorrow.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**THIRD READING BILLS**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 517 -- Senators Massey and Nicholson: A BILL TO AMEND ACT 185 OF 1997, RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 4 OF MCCORMICK COUNTY, TO PROVIDE THAT IN THE EVENT OF A VACANCY ON THE BOARD OCCURRING FOR ANY REASON OTHER THAN EXPIRATION OF A TERM, THE BOARD SHALL CALL A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM, AND TO MAKE TECHNICAL CHANGES.

On motion of Senator MASSEY

S. 75 -- Senator Cromer: A BILL TO AMEND SECTION 40‑57‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSE RENEWALS FOR REAL ESTATE BROKERS AND SALESMEN, SO AS TO REQUIRE A CRIMINAL BACKGROUND CHECK FROM A SOURCE APPROVED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; AND BY ADDING SECTION 40‑57‑245 SO AS TO REQUIRE THAT THE DEPARTMENT ASSIGN ONE INVESTIGATOR FOR EVERY TWO THOUSAND FIVE HUNDRED LICENSEES TO ENSURE COMPLAINTS ARE PROCESSED AND CONSIDERED IN AN EXPEDITIOUS MANNER.

S. 310 -- Senators Alexander and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑29‑95 SO AS TO PROVIDE THE MANUFACTURED HOUSING BOARD SHALL ADOPT CERTAIN FINANCIAL RESPONSIBILITY GUIDELINES FOR ITS LICENSEES; BY ADDING SECTION 40‑29‑225 SO AS TO PROVIDE CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF LICENSURE AS A MANUFACTURED HOME RETAIL DEALER, RETAIL SALESMAN, INSTALLER, CONTRACTOR, OR REPAIRER; BY ADDING SECTION 40‑29‑325 SO AS TO PROVIDE A DEALER SHALL INCLUDE HIS LICENSE NUMBER IN ADVERTISING, TO PROVIDE AN EXCEPTION, AND TO PROVIDE PENALTIES FOR A VIOLATION; BY ADDING SECTION 40‑29‑500 SO AS TO PROVIDE FAILURE TO OBTAIN AN APPROPRIATE BUILDING PERMIT BEFORE INSTALLING A MANUFACTURED HOME CONSTITUTES A VIOLATION; TO AMEND SECTION 40‑29‑80, RELATING TO BASES FOR SUSPENDING, REVOKING, RESTRICTING, OR DENYING A LICENSE BY THE BOARD, SO AS TO INCLUDE THE AIDING OR ABETTING AN UNLICENSED ENTITY TO EVADE THE PROVISIONS OF THE CHAPTER OR TO ALLOW USE OF A LICENSE BY AN UNLICENSED ENTITY; TO AMEND SECTION 40‑29‑200, RELATING TO APPLICATIONS FOR LICENSURE AND RENEWAL, SO AS TO PROVIDE AN APPLICANT FOR LICENSURE AS A RETAIL DEALER SHALL GIVE THE BOARD A FINANCIAL STATEMENT REVIEWED BY A CERTIFIED PUBLIC ACCOUNTANT, TO PROVIDE THE HOLDER OF A LIEN ON A MANUFACTURED HOME IS NOT SUBJECT TO THE PROVISIONS OF THIS CHAPTER FOR THE SALE, EXCHANGE, OR TRANSFER BY LEASE‑PURCHASE A REPOSSESSED MANUFACTURED HOME MADE THROUGH A LICENSED MANUFACTURED HOME RETAILER, AND TO PROVIDE A PERSON LICENSED BY ANOTHER BOARD OR COMMISSION IN THIS STATE MAY NOT INSTALL A MANUFACTURED HOME BUT MAY REPAIR, INSPECT, OR IMPROVE A MANUFACTURED HOME CONSISTENT WITH THE REQUIREMENTS OF HIS LICENSE; AND TO AMEND SECTION 40‑29‑230, RELATING TO VIOLATIONS OF SURETY BOND, CLAIM, AND RELEASE REQUIREMENTS FOR APPLICANTS FOR LICENSURE BY THE BOARD, SO AS TO INCLUDE THE INABILITY OF AN APPLICANT TO SATISFY REQUISITE FINANCIAL RESPONSIBILITY GUIDELINES AS A BASIS FOR INCREASING THE AMOUNT OF THE REQUIRED SURETY BOND OR OTHER APPROVED SECURITY.

S. 382 -- Senators Grooms, Alexander, L. Martin, Campbell, Davis, McGill, Nicholson, O’Dell, Reese, Shealy, Johnson, Verdin, Williams, Cleary, Allen, Rankin, Setzler, Lourie, Scott, Ford, Turner, Bennett, Corbin, Bright, Hutto, Jackson, Sheheen, Pinckney, Cromer, Hembree, Matthews, McElveen, Young, Hayes and Malloy: A BILL TO AMEND SECTION 56-15-10, RELATING TO DEFINITIONS FOR REGULATING MANUFACTURERS, DISTRIBUTORS, AND DEALERS, TO DEFINE THE TERMS “DUE CAUSE” AND “MATERIAL BREACH”; TO AMEND SECTION 56-15-40, RELATING TO SPECIFIC ACTS DEEMED UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, TO PROVIDE THAT A MANUFACTURER, DISTRIBUTOR, WHOLESALER, DISTRIBUTOR BRANCH OR DIVISION, FACTORY BRANCH OR DIVISION, WHOLESALE BRANCH OR DIVISION, OR FINANCIAL ARM, OFFICER, AGENT, OR OTHER REPRESENTATIVE THEREOF, MAY NOT REQUIRE OR COERCE A MOTOR VEHICLE DEALER TO OFFER TO SELL OR SELL ANY EXTENDED SERVICE CONTRACT, EXTENDED MAINTENANCE PLAN, FINANCIAL PRODUCT, OR INSURANCE PRODUCT OFFERED, SOLD, OR SPONSORED BY THE MANUFACTURER OR TO SELL, ASSIGN, OR TRANSFER ANY RETAIL INSTALLMENT SALES CONTRACT OR LEASE OBTAINED BY THE MOTOR VEHICLE DEALER IN CONNECTION WITH THE SALE OR LEASE OF A NEW MOTOR VEHICLE MANUFACTURED BY THE MANUFACTURER TO A SPECIFIED FINANCE COMPANY, CLASS OF FINANCE COMPANIES, LEASING COMPANY, CLASS OF LEASING COMPANIES, OR TO ANY OTHER SPECIFIED PERSON; TO AMEND CHAPTER 15, TITLE 56, BY ADDING SECTION 56-15-47, TO PROVIDE THAT A MANUFACTURER MAY NOT PREVENT A MOTOR VEHICLE DEALER FROM DESIGNATING A SUCCESSOR TO THE DEALERSHIP IN THE EVENT OF DEATH OR INCAPACITY OF THE MOTOR VEHICLE DEALER; TO AMEND SECTION 56-15-60, RELATING TO MOTOR VEHICLE DEALER’S CLAIMS FOR COMPENSATION, TO PROVIDE THAT ALL WARRANTY CLAIMS, SERVICE CLAIMS, OR INCENTIVE CLAIMS NOT SPECIFICALLY DISAPPROVED IN WRITING WITHIN THIRTY DAYS OF RECEIPT SHALL BE CONSTRUED AS APPROVED AND PAYMENT MUST FOLLOW WITHIN THIRTY DAYS, AND A MANUFACTURER SHALL NOT UNREASONABLY DISAPPROVE A CLAIM THAT RESULTS IN A CLERICAL OR ADMINISTRATIVE ERROR AND THAT CLAIM DISAPPROVAL MUST BE BASED ON A MATERIAL DEFECT; TO AMEND CHAPTER 15, TITLE 56 BY ADDING SECTION 56-15-95, TO PROVIDE THAT A MANUFACTURER MAY NOT TERMINATE OR CANCEL A FRANCHISE OR SELLING AGREEMENT OF A MOTOR VEHICLE DEALER WITHOUT DUE CAUSE, AND TO DETERMINE WHETHER DUE CAUSE EXISTS, THE COURT SHALL TAKE INTO CONSIDERATION CERTAIN FACTORS PROVIDED IN THE SECTION; BY ADDING SECTION 56-15-96, TO PROVIDE THAT A PERFORMANCE STANDARD, SALES EFFECTIVENESS STANDARD, SALES OBJECTIVE, OR PROGRAM FOR MEASURING DEALERSHIP PERFORMANCE THAT MAY HAVE A MATERIAL EFFECT ON A MOTOR VEHICLE DEALER SHALL BE FAIR, REASONABLE, EQUITABLE, BASED ON ACCURATE INFORMATION, AND UNIFORMLY APPLIED TO OTHER SIMILARLY SITUATED MOTOR VEHICLE DEALERS; AND BY ADDING SECTION 56-15-98, TO PROVIDE A MANUFACTURER OR DISTRIBUTOR, OFFICER, AGENT, OR ANY REPRESENTATIVE OF A MANUFACTURER OR DISTRIBUTOR MAY NOT UNREASONABLY ALTER A NEW MOTOR VEHICLE DEALER’S AREA OF RESPONSIBILITY, AND TO PROVIDE PROCEDURE TO ALTER A NEW MOTOR VEHICLE DEALER’S AREA OF RESPONSIBILITY.

**S. 382--Recorded Vote**

Senator SHANE MARTIN desired to be recorded as abstaining from the vote on the third reading of the Bill.

**SECOND READING BILL**

The following Joint Resolution, having been read the second time, was ordered placed on the Third Reading Calendar:

S. 501 -- Senator Young: A JOINT RESOLUTION TO AUTHORIZE THE CITY OF NORTH AUGUSTA TO RELOCATE THE WORLD WAR I AND WORLD WAR II MEMORIAL MONUMENT IN CALHOUN PARK TO THE VETERANS MEMORIAL AT WADE HAMPTON VETERANS PARK.

**S. 501--Ordered to a Third Reading**

On motion of Senator YOUNG, S. 501 was ordered to receive a third reading on Friday, March 15, 2013.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance, which was previously amended on March 12, 2013.

The Committee on Finance proposed the following amendment (NL\237C001.NL.DG13), which was adopted:

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

/ SECTION 1. Section 10‑1‑161(D) of the 1976 Code is amended to read:

“(D) In addition to the public officials enumerated in subsection (B), flags atop the State Capitol Building must be lowered to half‑staff ~~on the day when funeral services are conducted~~ for members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat on the day the Division of Veterans’ Affairs, as established by Section 25-11-10, releases the name of the service member to the Office of the Governor. Flags must remain at half‑staff until at least dawn the second day after funeral services are conducted.”

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

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment, which was previously amended on March 12, 2013, was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Davis

Fair Ford Gregory

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Reese

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**POINT OF ORDER**

H. 3621 -- Reps. Sandifer and Gambrell: A BILL TO AMEND SECTION 38‑5‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REVOCATION OR SUSPENSION OF A CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS IN THIS STATE BY AN INSURER, SO AS TO REVISE PROVISIONS CONCERNING A REVOCATION OF THE LICENSEE OF A HAZARDOUS INSURER.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**CARRIED OVER**

S. 521 -- Senators Campsen, Sheheen and Scott: A BILL TO AMEND SECTION 59‑3‑10 OF THE 1976 CODE, RELATING TO THE ELECTION OF THE STATE SUPERINTENDENT OF EDUCATION, TO PROVIDE FOR THE APPOINTMENT OF THE SUPERINTENDENT BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE FOR THE TERM, QUALIFICATIONS, AND FILLING OF A VACANCY IN THE OFFICE SUPERINTENDENT; AND TO REPEAL SECTION 59‑3‑20.

On motion of Senator PEELER, the Bill was carried over.

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

On motion of Senator MALLOY, the Bill was carried over.

H. 3620 -- Reps. Sandifer and Gambrell: A BILL TO AMEND SECTION 38‑90‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF CAPTIVE INSURANCE COMPANIES FROM CERTAIN PROVISIONS OF TITLE 38, SO AS TO PROVIDE AN INDUSTRIAL INSURED CAPTIVE INSURANCE COMPANY IS SUBJECT TO CERTAIN REQUIREMENTS CONCERNING REPORTS FOR RISK‑BASED CAPITAL, ACQUISITIONS DISCLOSURE, AND ASSET DISPOSITION, AND CEDED REINSURANCE AGREEMENTS, AND TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY ELECT NOT TO TAKE REGULATORY ACTION CONCERNING RISK‑BASED CAPITAL IN SPECIFIC CIRCUMSTANCES.

On motion of Senator SHANE MARTIN, the Bill was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

On motion of Senator PEELER, the Senate agreed to dispense with the Motion Period.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

S. 4 -- Senators Scott, Malloy, Setzler, Matthews, Allen, Coleman, Ford, Hutto, Jackson, Johnson, Lourie, McElveen, McGill, Nicholson, Pinckney, Reese, Sheheen, Williams and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; TO AMEND SECTION 7‑3‑20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; AND TO AMEND SECTION 7‑15‑320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0004.001), which was adopted:

Amend the bill, as and if amended, on page 2, by striking lines 3-9 and inserting

/ (E) The early voting period begins ten days before an election and ends three days prior to the election.

(F) The county board of registration and elections shall determine the hours of operation for the early voting center or centers; however:

(1) for any election, the early voting centers shall not open on Sundays;

(2) for statewide primaries and general elections, the early voting centers must be open for two Saturdays within the early voting period; and

(3) for any election that is not a statewide primary or general election, the county board of registration and elections shall determine whether to open or not to open the early voting centers on Saturdays during the early voting period. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

**Amendment No. 1**

Senators CAMPSEN and MASSEY proposed the following Amendment No. 1 (JUD0004.002), which was adopted:

Amend the bill, as and if amended, page 2 by inserting on line 23:

/ (I) The provision of this section do not apply to presidential preference primaries held pursuant to Section 7-11-20.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

**Amendment No. 2**

Senator CORBIN proposed the following Amendment No. 2 (4R009.TDC), which was ruled out of order:

Amend the bill, as and if amended, page 2 by striking SECTION 4 and adding::

/ SECTION 4. Section 7‑5‑170(2) of the 1976 Code is amended to read:

“(2) Form of application.‑‑The application must be on a form prescribed and provided by the executive director and shall contain the following information: name, sex, race, social security number, date and place of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must take the following oath: “I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence.” Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.”

SECTION 5. Section 7-5-185(B)(5) of the 1976 Code is amended to read:

“(5) An application submitted pursuant to this section must contain the applicant’s name, sex, race, social security number, date and place of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in a public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must attest to the following: “I do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence.” An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.”

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

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

**Point of Order**

Senators MALLOY and SCOTT raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

Amendment No. 2 was ruled out of order.

**Amendment No. 3**

Senator CORBIN proposed the following Amendment No. 3 (BBM\  
4C003.BBM.HTC13), which was ruled out of order:

Amend the bill, as and if amended, by adding a penultimate new SECTION appropriately numbered to read:

/ SECTION \_\_. Section 7‑25‑110 of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read:

“Section 7‑25‑110. It is unlawful for a person qualified to vote at any general, special, or primary election for an office whether local, state, or federal to vote more than once at such election, for the same office. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be ~~fined in the discretion of the court or imprisoned not more than three years~~ imprisoned for a mandatory term of ten years. This sentence may not be suspended, nor may probation be granted. A person convicted of this offense is ineligible for parole.” /

Amend further, as and if amended, in Section 7‑13‑25(H), as contained in SECTION 1, page 2, by striking lines 18 through 22 and inserting:

/ center and shall have printed on it: ‘VOTING MORE THAN ONCE IS A FELONY AND, UPON CONVICTION, A PERSON MUST BE IMPRISONED FOR A MANDATORY TERM OF TEN YEARS, WHICH MAY NOT BE SUSPENDED OR PAROLE GRANTED. A PERSON CONVICTED OF THIS OFFENSE IS INELIGIBLE FOR PAROLE’. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

**Point of Order**

Senator SCOTT raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator CORBIN spoke on the Point of Order.

Senator BRYANT spoke on the Point of Order.

Senator SCOTT spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. 3 was ruled out of order.

Senator BRIGHT spoke on the Bill.

**Amendment No. 4**

Senators BRIGHT, BRYANT and CORBIN proposed the following Amendment No. 4 (4R010.LB), which was withdrawn:

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

/ SECTION 4. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑123. (A) A citizen of this State and United States may vote during vote during the early voting period established by law if he first registers for early voting pursuant this section. .

(B) Every citizen of this State and the United States who applies for early voting registration must be registered if he meets the following qualifications:

(1) meets the age qualification as provided in Section 4, Article II of the Constitution of this State;

(2) is not laboring under disabilities named in the Constitution of 1895 of this State;

(3) is a resident in the county and in the polling precinct in which the elector offers to vote; and

(4) provides proof of citizenship pursuant to Section 7‑5‑123.”

(C) The county board of registration must reject any application for early voter registration unless the person submits satisfactory proof of United States citizenship. Satisfactory proof of citizenship shall include any of the following:

(1) the number of the applicant’s driver’s license or other form of identification containing a photograph that is issued by the South Carolina Department of Motor Vehicles or a driver’s license or identification card containing a photograph that is issued by another state pursuant to the provisions in Section 41‑8‑20(B)(2)(c);

(2) the applicant’s birth certificate or a certified photocopy of the person’s birth certificate;

(3) a valid United States passport or a legible photocopy of the pertinent pages of the person’s passport, identifying the person and showing the passport number;

(4) the applicant’s United States naturalization documentation or a legible photocopy of this documentation, or the number of the person’s certificate of naturalization; except that a person who provides the number of the certificate of naturalization in lieu of the naturalization documentation must not be registered until the county board of registration verifies the number with United States Citizenship and Immigration Services;

(5) any document or method of proof of citizenship established by the federal ‘Immigration Reform and Control Act of 1986’; or

(6) the applicant’s bureau of Indian affairs card number, tribal treaty card number, or tribal enrollment number.

(D) Proof of voter registration from another state or county is not satisfactory proof of citizenship for purposes of this section.

(E) A person who is registered to vote as of the effective date of this act is deemed to have provided proof of citizenship and is not required to submit proof of citizenship pursuant to this section.

(F) A registered elector is not required to submit proof of citizenship when the elector:

(1) moves within a county and changes his address on the registration record in accordance with this chapter; or

(2) changes his name on the registration record in accordance with this chapter.

(G) Residents of this State who are United States citizens who are not in possession of any of the documents or methods of proof enumerated under subsection (C), may submit other documents or methods of proof for establishing evidence of United States citizenship which shall be promulgated by rule and regulation of the State Election Commission.

(H) After a person has submitted satisfactory evidence of citizenship, such information must be indicated on the elector’s early voter registration record. After two years, the State Election Commission may destroy all documents that were submitted as evidence of citizenship.

(I) The State Election Commission shall establish procedures to match an applicant’s early voter registration information to the information contained in the data base maintained by the Department of Motor Vehicles for the verification of the accuracy of the information provided on the application for early voter registration, including whether the applicant has provided satisfactory evidence of United States citizenship.”

SECTION 5. Section 7‑5‑320(C) of the 1976 Code is amended to read:

“(C)(1) The Department of Motor Vehicles shall include a voter registration form and an early voter registration form as part of an application for a state motor vehicle driver’s license.

(2) The voter registration application portion of an application for a state motor vehicle driver’s license:

(a) may not require any information that duplicates information required in the driver’s license portion of the form, other than a second signature or other information necessary under subitem (c);

(b) may require only the minimum amount of information necessary to:

(i) prevent duplicate voter registrations; and

(ii) enable a county board of voter registration to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(c) ~~includes~~ must include a statement that:

(i) states each eligibility requirement, including citizenship and, for early voting registration, satisfactory documentation of citizenship as required pursuant to Section 7‑5‑123(C);

(ii) contains an attestation that the applicant meets each requirement; and

(iii) requires the signature of the applicant under penalty of perjury;

(d) includes in print identical to that used in the attestation portion of the application:

(i) the information required in Section 7‑5‑320(C)(2)(c);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that, if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(e) must be made available, as submitted by the applicant, to the county board of voter registration in which the application is made.”

SECTION 6. Section 7‑5‑320(E)(1) of the 1976 Code is amended to read:

“(E)(1) A completed voter registration portion of an application for a state motor vehicle driver’s license and documentation of proof of citizenship as required by Section 7‑5‑123 for early voter registration accepted at a state motor vehicle authority must be transmitted to the county board of voter registration no later than ten days after the date of acceptance.”

SECTION 7. This act takes effect upon approval of the Governor.” /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

**Point of Order**

Senator SCOTT raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT overruled the Point of Order.

Senator BRIGHT resumed speaking on the amendment.

**RECESS**

With Senator BRIGHT retaining the floor, at 12:59 P.M., on motion of Senator LARRY MARTIN, with unanimous consent, the Senate receded from business subject to the call of the PRESIDENT.

At 1:29 P.M., the Senate resumed.

Senator BRIGHT resumed speaking on the amendment.

**RECESS**

With Senator BRIGHT retaining the floor, at 1:48 P.M., on motion of Senator COURSON, with unanimous consent, the Senate receded from business not to exceed one minute.

At 1:52 P.M., the Senate resumed.

Senator BRIGHT resumed speaking on the amendment.

On motion of Senator BRIGHT, with unanimous consent, Amendment No. 4 was withdrawn.

The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 34; Nays 5**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Courson Cromer Davis

Fair Ford Gregory

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson Scott

Setzler Shealy Thurmond

Turner Verdin Williams

Young

**Total--34**

**NAYS**

Bright Bryant Corbin

*Martin, Shane* Peeler

**Total--5**

The Bill was read the second time, passed and ordered to a third reading.

**DEBATE INTERRUPTED**

S. 92 -- Senators Davis, S. Martin, Verdin, Grooms, Bryant and Bright: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “NDAA NULLIFICATION ACT OF 2013”, BY ADDING SECTION 8‑1‑15, RELATING TO PUBLIC OFFICERS AND EMPLOYEES, TO PROHIBIT ANY OFFICER OR EMPLOYEE OF THE STATE OR ANY OFFICER OR EMPLOYEE OF A POLITICAL SUBDIVISION FROM AIDING THE DETENTION OF ANY UNITED STATES CITIZEN WITHOUT TRIAL BY THE U.S. ARMED FORCES IN VIOLATION OF THE CONSTITUTION OF SOUTH CAROLINA.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

Senator DAVIS explained the Bill.

**Objection**

With Senator DAVIS retaining the floor, Senator COURSON asked unanimous consent to make a motion that the Senate stand adjourned.

Sen. THURMOND objected.

Senator DAVIS moved that the Senate stand adjourned.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 32; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Courson Cromer Davis

Fair Gregory Hayes

Hembree Hutto Jackson

Johnson Leatherman Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Scott Setzler

Shealy Turner Verdin

Williams Young

**Total--32**

**NAYS**

Bright Bryant Corbin

Ford Lourie Thurmond

**Total--6**

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Cartha Dekle “Deke” DeLoach of Hilton Head, S.C. Mr. DeLoach, beloved father of Mr. Tom DeLoach, began his employment with the Federal Bureau of Investigation in 1942 and rose to be deputy director of the FBI in 1965. He was involved in the investigation of the assassination of John F. Kennedy and had an illustrious career with the FBI.

**ADJOURNMENT**

At 2:02 P.M., on motion of Senator DAVIS, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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