**Wednesday, March 20, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.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:

In Deuteronomy we hear Moses offer this charge to his people:

“ ‘Be strong and courageous’.” (Deuteronomy 31:6a)

Please, join me as we bow in prayer:

O God, it is inevitable. Often we sense that we are alone, that we have been abandoned by those we thought were going to be there at our side, that others were not dedicated to the same values as we, after all. Our discoveries in such moments can be unsettling. And yet it is all the more important for women and men in leadership roles to stand up for what is right, for what is filled with meaning, for that which can benefit all people, not merely some. Dear Lord, give each Senator in this Chamber the strength and courage required for the tasks which are before them. Bless them as they work for what is right and just and truly beneficial for all. In Your loving name we pray, Lord.

Amen.

**Point of Quorum**

At 2:03 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Alexander Bright Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Hayes Hembree

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McElveen McGill

O'Dell Peeler Reese

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

A quorum being present, the Senate resumed.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointments**

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2008, and to expire June 30, 2014

4th Congressional District:

David M. Banks, 402 Netherland Lane, Simpsonville, SC 29681 *VICE* vacant

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Ports Authority, with the term to commence June 4, 2013, and to expire June 4, 2018

At-Large:

Henry D. McMaster, 1731 Senate Street, Columbia, SC 29201

Referred to the Committee on Transportation.

**Local Appointment**

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Matthew A. Johnson, 3144 Sierra Drive, West Columbia, SC 29170 *VICE* vacant

**Doctor of the Day**

Senators COURSON and SCOTT introduced Medical Director of the Family Medicine Center, Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day, along with Dr. Kristen Bishop, 1st year Resident.

**Leave of Absence**

At 2:05 P.M., Senator CAMPBELL requested a leave of absence beginning at 12:30 P.M. tomorrow.

**Leave of Absence**

At 4:00 P.M., Senator PINCKNEY requested a leave of absence for Thursday, April 21, 2013.

**Leave of Absence**

On motion of Senator NICHOLSON, at 11:05 A.M., Senator SCOTT was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator MASSEY, at 11:05 A.M., Senator GREGORY was granted a leave of absence for today.

**CO-SPONSORS ADDED**

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

S. 30 Sen. Turner

S. 301 Sen. Ford

S. 313 Sen. Ford

S. 387 Sen. Ford

S. 437 Sen. Ford

S. 438 Sen. Ford

S. 472 Sen. Larry Martin

S. 535 Sen. Pinckney

**RECALLED AND ADOPTED**

S. 545 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 76 AND 576 AT WAHEE ROAD IN MARION COUNTY “ROBERT J. MCINTYRE, SR. INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “ROBERT J. MCINTYRE, SR. INTERSECTION”.

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

The Concurrent Resolution was recalled from the Committee on Transportation.

Senator WILLIAMS asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

On motion of Senator WILLIAMS, with unanimous consent, the Concurrent Resolution was adopted, ordered sent to the House with concurrence.

**RECALLED**

H. 3293 -- Reps. Norman, Felder and Long: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE IN YORK COUNTY THAT CROSSES INTERSTATE HIGHWAY 77 ALONG SUTTON ROAD THE “PATRIOT LEONARD A. FARRINGTON 9/11 MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “PATRIOT LEONARD A. FARRINGTON 9/11 MEMORIAL BRIDGE”.

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

The Concurrent 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. 551 -- Senator Corbin: A BILL TO AMEND SECTION 50-11-310 OF THE 1976 CODE, RELATING TO OPEN SEASON FOR ANTLERED DEER, TO PROVIDE THAT OPEN SEASON IN GAME ZONE 1, WITH ARCHERY EQUIPMENT AND FIREARMS, IS OCTOBER 11 THROUGH JANUARY 1, AND TO PROVIDE THAT ON WMA LANDS, THE DEPARTMENT MAY PROMULGATE REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT TO ESTABLISH SEASONS FOR THE HUNTING AND TAKING OF DEER.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 552 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 33, SO AS TO ENACT THE “REVISED UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT”, TO AMONG OTHER THINGS, DEFINE TERMS, SPECIFY APPLICABILITY, SET FORTH POWERS OF UNINCORPORATED NONPROFIT ASSOCIATIONS, TO SPECIFY LIABILITY, AND TO SET FORTH THE PROCESS BY WHICH A LEGAL ACTION AGAINST AN ASSOCIATION IS ADJUDICATED.

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

S. 553 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE WORKERS’ COMPENSATION COMMISSION, RELATING TO MEDIATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4286, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 554 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE LOWER RICHLAND HIGH SCHOOL GIRLS BASKETBALL TEAM FOR CAPTURING THE 2013 CLASS AAA STATE CHAMPIONSHIP TITLE AND TO HONOR THE TEAM’S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

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The Senate Resolution was adopted.

S. 555 -- Senator Nicholson: A SENATE RESOLUTION TO HONOR AND RECOGNIZE THE LIFE AND WORK OF REVEREND JAMES FOSTER MARSHALL AND TO COMMEMORATE THE CELEBRATION AT BETHANY MISSIONARY BAPTIST CHURCH.

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The Senate Resolution was adopted.

S. 556 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “PARENT EMPOWERMENT ACT” BY ADDING CHAPTER 42 TO TITLE 59 SO AS TO PROVIDE THAT THE PARENTS OF CHILDREN ATTENDING A SCHOOL RATED BELOW AVERAGE OR LOCATED IN A SCHOOL DISTRICT RATED AT-RISK UNDER THE EDUCATION ACCOUNTABILITY ACT MAY CONVERT THE SCHOOL INTO A CHARTER SCHOOL OR TRANSFORM THE SCHOOL UNDER A TURNAROUND MODEL, RESTART MODEL, OR TRANSFORMATION MODEL; TO PROVIDE A CITATION, AND TO PROVIDE RELATED DEFINITIONS, PROCEDURES, AND POLICIES.

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

H. 3229 -- Reps. Daning and Crosby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-5-170 SO AS TO CREATE THE DIVISION OF INTERSCHOLASTIC ATHLETICS TO SERVE AS THE SOLE GOVERNING BODY OF ATHLETICS FOR SOUTH CAROLINA PUBLIC SCHOOLS, TO PROVIDE FOR A DIRECTOR OF THE DIVISION APPOINTED BY THE SUPERINTENDENT OF EDUCATION, TO PROVIDE MATTERS ABOUT WHICH THE DIVISION SHALL PROMULGATE REGULATIONS AND FOR WHICH THE DIVISION MAY ISSUE EMERGENCY REGULATIONS, TO PROVIDE FOR THE CREATION OF AN ADVISORY COMMITTEE TO ASSIST THE DIVISION IN EVALUATING THE OVERALL INTERSCHOLASTIC ATHLETIC PROGRAM AND RELATED RECOMMENDATIONS, TO PROVIDE FOR THE COMPOSITION OF THE COMMITTEE, AND TO PROVIDE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE SUPERINTENDENT OF EDUCATION AND MAY NOT RECEIVE COMPENSATION; AND TO AMEND SECTION 59-39-160, RELATING TO REQUIREMENTS FOR PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES, SO AS TO MAKE CONFORMING CHANGES.

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

H. 3773 -- Reps. Newton, Bowers, Erickson, Herbkersman, Hodges and Patrick: A CONCURRENT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND ITS COMPONENT FEDERAL HIGHWAY ADMINISTRATION TO TAKE A LEADING ROLE IN ORGANIZING AND PROVIDING REGULAR PUBLIC FERRY SERVICE TO DAUFUSKIE ISLAND IN BEAUFORT COUNTY.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3781 -- Reps. Herbkersman, Newton and Patrick: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE DEPARTMENT’S REPLACEMENT BRIDGE LOCATED ALONG SPANISH WELLS ROAD ON HILTON HEAD ISLAND “CHARLIE SIMMONS, SR. MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “CHARLIE SIMMONS, SR. MEMORIAL BRIDGE”.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

**REPORTS OF STANDING COMMITTEES**

**Invitations Accepted**

On motion of Senator BRYANT, with unanimous consent, the following invitations were polled favorably from the Committee on Invitations and ordered placed on the Calendar:

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Bryant                                 Alexander                          McGill

Reese                                  Ford                                   Verdin

Campsen                             Cromer                              Malloy

Cleary                                 Johnson

**Total--11**

**NAYS**

**Total--0**

Tuesday, April 9, 2013 - 12:00 - 2:00 P.M.

Members of the Senate and Staff, Luncheon, State House Grounds, by the SC REALTORS

Tuesday, April 9, 2013 - 6:00 - 8:00 P.M.

Members of the Senate, Reception, Seawell’s, by the HOME BUILDERS ASSOCIATION OF SC “BIRD SUPPER”

Tuesday, April 9, 2013 - 7:00 - 9:00 P.M.

Members of the Senate, Reception, Capital City Club, by the SC GOVERNOR’S SCHOOL FOR SCIENCE AND MATHMATICS

Wednesday, April 10, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the AMI KIDS

Wednesday, April 10, 2013 - 12:00 - 2:00 P.M.

Members of the Senate and Staff, Luncheon, State House Grounds, by the JASPER COUNTY CHAMBER OF COMMERCE “JASPER COUNTY DAY”

Wednesday, April 10, 2013 - 6:00 - 8:00 P.M.

Members of the Senate and Staff, Reception, Columbia Convention Center, by the YORK COUNTY REGIONAL CHAMBER OF COMMERCE

Wednesday, April 10, 2013 - 7:00 - 9:00 P.M.

Members of the Senate and Staff, Reception, 701 Whaley, by the CLEMSON UNIVERSITY

Thursday, April 11, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the CITY OF CAMDEN

Tuesday, April 16, 2013 - 6:00 - 8:00 A.M.

Members of the Senate, Reception, Americraft-Cantey Building State Fair Grounds, by the CITADEL ALUMNI ASSOCIATION BARBECUE

Wednesday, April 17, 2013 - 8:00 - 10:00 A.M.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the SC ASSOCIATION OF PROBATE JUDGES

Wednesday, April 17, 2013 - 12:00 - 2:00 P.M.

Members of the Senate, Luncheon, Room 112, Blatt Building, by the SC CHAPTER OF AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

Wednesday, April 17, 2013 - 6:00 - 8:00 P.M.

Members of the Senate and Staff, Reception, The Palmetto Club, by the CAROLINAS AGC

Wednesday, April 17, 2013 - 7:00 - 9:00 P.M.

Members of the Senate and Staff, Reception, The Seibels House and Garden, by the CONSERVATION VOTERS OF SC

Tuesday, April 23, 2013 - 12:00 - 2:00 P.M.

Members of the Senate and Staff, Luncheon, State House Grounds, by the STATE FARM INSURANCE “STATE FARM DAY AT THE CAPITOL”

Tuesday, April 23, 2013 - 6:00 - 8:00 P.M.

Members of the Senate, Reception, The Clarion, by the SC ASSOCIATION OF MUNICIPAL POWER SYSTEMS

Wednesday, April 24, 2013 - 8:00 - 10:00 A.M.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the SC CHAPTERS OF DELTA SIGMA THETA

Wednesday, April 24, 2013 - 12:00 - 2:00 P.M.

Members of the Senate and Staff, Luncheon, State House Grounds, by the SC RESTAURANT AND LODGING ASSOCIATION “TASTE OF SC”

Wednesday, April 24, 2013 - 6:00 - 8:00 P.M.

Members of the Senate and Staff, Reception, 1619 Pendleton Street, by the INN AT USC WYNDAM GARDEN

Wednesday, April 24, 2013 - 7:00 - 9:00 P.M.

Members of the Senate and Staff, Reception, Columbia Convention Center, by the AFFORDABLE HOUSING COALITION OF SC

Thursday, April 25, 2013 - 8:00 - 10:00 A.M.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the SC ASSOCIATION OF CONVENIENCE STORES

Tuesday, April 30, 2013 - 6:00 - 8:00 A.M.

Members of the Senate and Staff, Reception, Capital City Stadium, by the BLUECROSS BLUESHIELD OF SC “20TH ANNUAL LEGISLATIVE SOFTBALL GAME AND PICNIC”

Senator CAMPSEN from the Committee on Judiciary submitted a majority favorable with amendment and Senator MALLOY a minority unfavorable report on:

S. 173 -- Senators Young and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO, THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE; AND PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, TO UPDATE REFERENCES TO HIS TITLE AND MILITARY RANK, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, HE MUST BE APPOINTED BY THE GOVERNOR IN THE MANNER REQUIRED BY SECTION 7, ARTICLE VI.

Ordered for consideration tomorrow.

Senator SHANE MARTIN from the Committee on Judiciary submitted a favorable report on:

S. 176 -- Senator Young: A BILL TO AMEND SECTION 22‑3‑1000 OF THE 1976 CODE, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable with amendment report on:

S. 284 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑2100 SO AS TO REQUIRE THE POSTING OF INFORMATION REGARDING THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE IN CERTAIN BUSINESS ESTABLISHMENTS, PROVIDE THE LANGUAGE FOR THE POSTING, AND PROVIDE A PENALTY FOR FAILURE TO POST.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable report on:

S. 296 -- Senators Jackson, McElveen, Coleman, Ford, Campbell, Young, Allen, Pinckney, Cleary, Williams, Cromer, Nicholson, Johnson, Fair, McGill, Bright, Verdin, Gregory, Setzler, Shealy, Matthews, Turner, Thurmond, Peeler, Lourie, Leatherman and Scott: A BILL TO AMEND SECTION 16-11-535 OF THE 1976 CODE, RELATING TO MALICIOUS INJURY TO A PLACE OF WORSHIP, TO PROVIDE THAT WHOEVER WILFULLY, UNLAWFULLY, AND MALICIOUSLY VANDALIZES, DEFACES, DAMAGES, OR DESTROYS OR ATTEMPTS TO VANDALIZE, DEFACE, DAMAGE, OR DESTROY ANY FIXTURES OR IMPROVEMENTS OF A PLACE OF WORSHIP, OR AIDS, AGREES WITH, EMPLOYS, OR CONSPIRES WITH ANY PERSON TO DO OR CAUSE TO BE DONE ANY OF THESE ACTS IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE IMPRISONED NOT LESS THAN SIX MONTHS NOR MORE THAN TEN YEARS OR FINED NOT MORE THAN TEN THOUSAND DOLLARS, OR BOTH.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 334 -- Senators Leatherman, O’Dell, Bryant, Matthews, Jackson, Malloy, McGill, Fair, Coleman, Ford, Johnson, McElveen, Pinckney, Scott, Setzler, Williams, Nicholson, Allen, Lourie and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑4‑352 SO AS TO REQUIRE THE GOVERNOR TO DEVELOP A PROTECTION PLAN TO MINIMIZE THE ACTUAL AND POTENTIAL COSTS AND EFFECTS OF IDENTITY THEFT DUE TO THE CYBER SECURITY BREACH AT THE DEPARTMENT OF REVENUE BY PROVIDING IDENTITY THEFT PROTECTION AND IDENTITY THEFT RESOLUTION SERVICES, TO REQUIRE THE GOVERNOR TO DEVELOP A POLICY THAT ENSURES THE SAFETY OF ALL PERSONALLY IDENTIFIABLE INFORMATION IN THE POSSESSION OF THE DEPARTMENT OF REVENUE, INCLUDING THE ENCRYPTION OF PERSONALLY IDENTIFIABLE INFORMATION, TO SET FORTH THE PROCESS BY WHICH IDENTITY THEFT PROTECTION AND RESOLUTION SERVICES ARE PROCURED, TO REQUIRE THE GOVERNOR AND THE DEPARTMENT OF REVENUE TO ATTEMPT TO MAKE ENROLLMENT IN THESE PROGRAMS AS EASY AS POSSIBLE, TO PROVIDE THAT THESE PROGRAMS MUST BE FREE OF CHARGE TO THE ELIGIBLE PERSONS, AND TO DEFINE TERMS; BY ADDING SECTION 12‑6‑1141, SO AS TO PROVIDE AN INDIVIDUAL INCOME TAX DEDUCTION FOR THE ACTUAL COSTS, BUT NOT EXCEEDING TWO HUNDRED DOLLARS FOR AN INDIVIDUAL TAXPAYER, AND NOT EXCEEDING THREE HUNDRED DOLLARS FOR A JOINT RETURN OR A RETURN CLAIMING DEPENDENTS, INCURRED BY A TAXPAYER IN THE TAXABLE YEAR TO PURCHASE IDENTITY THEFT PROTECTION AND IDENTITY THEFT RESOLUTION SERVICES; BY ADDING PART 7 TO CHAPTER 6, TITLE 37 SO AS TO ESTABLISH WITHIN THE DEPARTMENT OF CONSUMER AFFAIRS THE IDENTITY THEFT UNIT AND TO PROVIDE ITS DUTIES; BY ADDING CHAPTER 36 TO TITLE 1 SO AS TO ESTABLISH THE DEPARTMENT OF INFORMATION SECURITY, TO PROVIDE THAT THE MISSION OF THE DEPARTMENT OF INFORMATION SECURITY IS TO PROTECT THE STATE’S INFORMATION AND CYBER SECURITY INFRASTRUCTURE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF INFORMATION SECURITY IS THE CHIEF INFORMATION SECURITY OFFICER OF THE STATE AND TO PROVIDE THE CHIEF INFORMATION SECURITY OFFICER IS APPOINTED BY THE GOVERNOR, AND TO DEFINE TERMS, TO ESTABLISH THE TECHNOLOGY INVESTMENT COUNCIL TO ADOPT AND ANNUALLY REVIEW A STATEWIDE TECHNOLOGY PLAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COUNCIL, AND TO REQUIRE REPORTS; TO AMEND SECTION 1‑3‑240, AS AMENDED, RELATING TO OFFICERS THAT ONLY MAY BE REMOVED BY THE GOVERNOR FOR CAUSE, SO AS TO ADD THE CHIEF INFORMATION SECURITY OFFICER; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF INFORMATION SECURITY; AND BY ADDING CHAPTER 79 TO TITLE 2 SO AS TO CREATE THE JOINT INFORMATION SECURITY OVERSIGHT COMMITTEE TO CONDUCT A CONTINUING STUDY OF THE LAWS OF THIS STATE AFFECTING CYBER SECURITY, INCLUDING THE RECEIPT OF IMPEDIMENTS TO IMPROVED CYBER SECURITY, AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 405 -- Senator L. Martin: A BILL TO AMEND SECTION 1‑23‑560, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE CODE OF JUDICIAL CONDUCT TO ADMINISTRATIVE LAW JUDGES AND THE ENFORCEMENT AND ADMINISTRATION OF THESE RULES BY THE STATE ETHICS COMMISSION, SO AS TO PROVIDE INSTEAD THAT THE JUDICIAL DEPARTMENT SHALL HANDLE COMPLAINTS AGAINST ADMINISTRATIVE LAW JUDGES FOR POSSIBLE VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT IN THE SAME MANNER AS COMPLAINTS AGAINST OTHER JUDGES.

Ordered for consideration tomorrow.

Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

S. 460 -- Senator Hayes: A BILL TO AMEND SECTION 38‑45‑90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTY OF DUE CARE THAT A SURPLUS LINES INSURANCE BROKER MUST EXERCISE WHEN PLACING BUSINESS WITH NONADMITTED INSURERS, SO AS TO EXEMPT THOSE BROKERS FROM THIS REQUIREMENT WHEN SEEKING TO PROCURE OR PLACE NONADMITTED INSURANCE FOR AN EXEMPT COMMERCIAL PURCHASER IN CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator HAYES from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 464 -- Senator Hayes: A BILL TO AMEND SECTION 38‑77‑150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATORY UNINSURED MOTORIST PROVISION FOR AUTOMOBILE INSURANCE POLICIES, SO AS TO INCREASE THE MINIMUM COVERAGE TO TWENTY‑FIVE THOUSAND DOLLARS.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Judiciary submitted a majority favorable with amendment and Senator HUTTO a minority unfavorable report on:

S. 472 -- Senators Campsen, Gregory, S. Martin, Shealy, Massey, Thurmond, Bright, Bryant, Davis, Turner, Young, Alexander, Grooms, Verdin, Hayes, Corbin, Bennett, Hembree, Fair and L. Martin: A BILL TO AMEND ARTICLE 5, CHAPTER 1, TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, TO ENACT THE “STUDENT ASSOCIATION FREEDOM OF RELIGION ACT”, BY ADDING SECTION 59-1-436 TO PROVIDE FOR DEFINITIONS RELATED TO THE ACT, AND THAT NO PUBLIC INSTITUTION OF HIGHER LEARNING SHALL TAKE ANY ACTION OR ENFORCE ANY POLICY THAT WOULD DENY A RELIGIOUS STUDENT ASSOCIATION ANY BENEFIT AVAILABLE TO ANY OTHER STUDENT ASSOCIATION BASED ON THE RELIGIOUS STUDENT ASSOCIATION’S REQUIREMENT THAT ITS LEADERS OR MEMBERS ADHERE TO ITS SINCERELY HELD RELIGIOUS BELIEFS OR STANDARDS OF CONDUCT.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3248 -- Reps. Rutherford, King, Loftis, Gilliard, Jefferson and Williams: A BILL TO AMEND SECTION 16-13-510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINANCIAL IDENTITY FRAUD, SO AS TO ADD CONFORMING LANGUAGE CONTAINED IN FINANCIAL TRANSACTION CARD CRIME TO PROVIDE THAT IT IS NOT A DEFENSE WHEN SOME OF THE ACTS OF THE CRIME DID NOT OCCUR IN THIS STATE OR WITHIN A CITY, COUNTY, OR LOCAL JURISDICTION; AND TO AMEND SECTION 37-20-130, RELATING TO THE INITIATION OF A LAW ENFORCEMENT INVESTIGATION OF IDENTITY THEFT, SO AS TO DELETE THE LANGUAGE ALLOWING REFERRAL OF THE MATTER TO THE LAW ENFORCEMENT AGENCY WHERE THE CRIME WAS COMMITTED FOR INVESTIGATION.

Ordered for consideration tomorrow.

**Point of Quorum**

At 2:21 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Ford Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Reese

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

A quorum being present, the Senate resumed.

**Message from the House**

Columbia, S.C., March 20, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 304 -- Senators Shealy, Cromer and Campsen: A BILL TO AMEND SECTIONS 50‑13‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING GENERAL RESTRICTIONS ON FRESHWATER FISHING, SO AS TO MAKE A TECHNICAL CHANGE AND TO REVISE THE DEFINITION OF THE TERM “BAIT FISH”; TO AMEND SECTION 50‑13‑60, AS AMENDED, RELATING TO THE LAWFUL POSSESSION OF FISH, SO AS TO MAKE A TECHNICAL CHANGE TO THE PROVISION RELATING TO THE POSSESSION OF A GAME FISH; TO AMEND SECTIONS 50‑13‑200, 50‑13‑210, 50‑13‑250, 50‑13‑260, AND 50‑13‑270, ALL AS AMENDED, RELATING TO THE PROTECTION OF FRESHWATER GAME FISH, SO AS TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, TO REVISE THE NUMBER OF TROUT THAT MAY BE TAKEN ON THE LOWER REACH OF THE SALUDA RIVER, TO PROVIDE THE LEGAL LENGTH OF SMALLMOUTH BASS THAT MAY BE TAKEN FROM CERTAIN LAKES, RIVERS, AND RESERVOIRS ALONG THE STATE’S WESTERN REGION, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 50‑13‑620, 50‑13‑625, AND 50‑13‑635, ALL AS AMENDED, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO PROVIDE THAT A COMMERCIAL TROTLINE WHICH USES FIFTY OR FEWER HOOKS MUST BE MARKED AT INTERVALS OF TWENTY‑FIVE HOOKS, TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, AND TO REVISE THE NUMBER OF SET HOOKS A RECREATIONAL FISHERMAN MAY USE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 20, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Joint Resolution to the Senate with amendments:

H. 3453 -- Reps. Bingham, Allison, Anthony, Hayes and Atwater: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2013‑2014 SCHOOL YEAR BY MAY 15, 2013; TO PROVIDE THAT A CONTINUING‑CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

Respectfully submitted,

Speaker of the House

Received as information.

The Joint Resolution was ordered placed on the Calendar for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 546 -- Senator Thurmond: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LAWRENCE MCGOWAN “LARRY” TODD, ASSISTANT SOLICITOR OF THE 9TH JUDICIAL CIRCUIT OF CHARLESTON COUNTY, UPON THE OCCASION OF HIS RETIREMENT AFTER EIGHTEEN YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

**THIRD READING BILLS**

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

S. 261 -- Senators Leatherman, Setzler, Ford and Campsen: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO JANUARY 2, 2013, AND TO DELETE AN INAPPLICABLE SUBITEM.

By prior motion of Senator LEATHERMAN, with unanimous consent.

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.

S. 515 -- Senators Grooms, Campsen and Gregory: 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.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 295 -- Senators Fair, Cromer, Verdin and Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑11‑2028 SO AS TO ALLOW THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, WHICH PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO VOLUNTARILY DISSOLVE ITSELF AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY IF ACCEPTED BY RESOLUTION OF ITS GOVERNING BODY; TO REQUIRE A PUBLIC HEARING TO BE CONDUCTED BEFORE TAKING A SUPERMAJORITY VOTE OF ITS GOVERNING BODY AND THE GOVERNING BODY OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6‑11‑2140; TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY; AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A SPECIAL PURPOSE DISTRICT THAT PROVIDES BOTH RECREATIONAL AND AGING SERVICES.

Senator FAIR asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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 (JUD0284.001), which was adopted:

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

/ SECTION 1. Section 14‑7‑1630(A) of the 1976 Code is amended to read:

“(A) The jurisdiction of a state grand jury impaneled pursuant to ~~the provisions of~~ this article extends throughout the State. The subject matter jurisdiction of a state grand jury in all cases is limited to the following offenses:

(1) a crime involving narcotics, dangerous drugs, or controlled substances, or a crime arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances, including, but not limited to, money laundering as specified in Section 44‑53‑475, obstruction of justice, perjury or subornation of perjury, or any attempt, aiding, abetting, solicitation, or conspiracy to commit one of the aforementioned crimes, if the crime is of a multi‑county nature or has transpired or is transpiring or has significance in more than one county of this State;

(2) a crime involving criminal gang activity or a pattern of criminal gang activity pursuant to ~~the provisions of~~ Article 3, ~~of~~ Chapter 8, Title 16;

(3) a crime, statutory, common law or other, involving public corruption as defined in Section 14‑7‑1615, a crime, statutory, common law or other, arising out of or in connection with a crime involving public corruption as defined in Section 14‑7‑1615, and any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime, statutory, common law or other, involving public corruption as defined in Section 14‑7‑1615;

(4) a crime involving the election laws, including, but not limited to, those named offenses ~~as~~ specified in Title 7, or a common law crime involving the election laws if not superseded, or a crime arising out of or in connection with the election laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving the election laws;

(5) a crime involving computer crimes, pursuant to Chapter 16, Title 16, or a conspiracy or solicitation to commit a crime involving computer crimes;

(6) a crime involving terrorism, or a conspiracy or solicitation to commit a crime involving terrorism. Terrorism includes an activity that:

(a) involves an act dangerous to human life that is a violation of the criminal laws of this State;

(b) appears to be intended to:

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a government by intimidation or coercion; or

(iii) affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(c) occurs primarily within the territorial jurisdiction of this State;

(7) a crime involving a violation of Chapter 1, Title 35 of the Uniform Securities Act, or a crime related to securities fraud or a violation of the securities laws;

(8) a crime involving obscenity, including, but not limited to, a crime as provided in Article 3, Chapter 15, Title 16, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving obscenity;

(9) a crime involving the knowing and wilful making of, aiding and abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in an affidavit regarding an alien’s lawful presence in the United States, as defined by law, if the number of violations exceeds twenty or if the public benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars;

(10) a crime involving financial identity fraud or identity fraud involving the false, fictitious, or fraudulent creation or use of documents used in an immigration matter as defined in Section 16‑13‑525, if the number of violations exceeds twenty, or if the value of the ascertainable loss of money or property suffered by a person or persons from a violation or combination of violations exceeds twenty thousand dollars;

(11) a crime involving the knowing and wilful making of, aiding or abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in a document prepared or executed as part of the provision of immigration assistance services in an immigration matter, as defined by law, if the number of violations exceeds twenty, or if a benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars; ~~and~~

(12) a knowing and wilful crime involving actual and substantial harm to the water, ambient air, soil or land, or both soil and land. This crime includes a knowing and wilful violation of the Pollution Control Act, the Atomic Energy and Radiation Control Act, the State Underground Petroleum Environmental Response Bank Act, the State Safe Drinking Water Act, the Hazardous Waste Management Act, the Infectious Waste Management Act, the Solid Waste Policy and Management Act, the Erosion and Sediment Control Act, the South Carolina Mining Act, and the Coastal Zone Management Act, or a knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages, including, but not limited to, the cost of remediation, ~~are~~ is two million dollars or more, as certified by an independent environmental engineer who must be contracted by the Department of Health and Environmental Control. If the knowing and wilful crime is a violation of federal law, ~~then~~ a conviction or an acquittal pursuant to federal law for the same act is a bar to the impaneling of a state grand jury pursuant to this section~~.~~; and

(13) a crime involving or relating to the offense of trafficking in persons, as defined in Section 16‑3‑2020, when a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county.”

SECTION 2. Article 19, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑2100. (A) The following establishments are required to post the information contained in subsection (B) regarding the National Human Trafficking Resource Center Hotline:

(1) an establishment which has been declared a nuisance for prostitution pursuant to Chapter 43, Title 15;

(2) an adult business, including a nightclub, bar, restaurant, or another similar establishment in which a person appears in a state of sexually explicit nudity, as defined in Section 16‑15‑375, or semi‑nudity, as defined in Section 57‑25‑120; and

(3) an airport, train station, and bus station.

(B) The information must be posted in a prominent location conspicuous to the public at the entrance of the establishment where posters and notices are customarily posted on a poster no smaller than eight and one-half by eleven inches in size and must state the following:

‘If you or someone you know is being forced to engage in any activity and cannot leave, whether it is commercial sex, housework, farmwork, or any other activity, call the National Human Trafficking Resource Center Hotline at 1‑888‑373‑7888 to access help and services. Victims of human trafficking are protected under federal law and the laws of South Carolina. The hotline is:

(1) available twenty‑four hours a day, seven days a week;

(2) operated by a nonprofit, nongovernmental organization;

(3) anonymous and confidential;

(4) accessible in one hundred seventy languages;

(5) able to provide help, referral to services, training, and general information.’

(C) The Department of Revenue and the Department of Transportation, as appropriate depending on the regulatory control or authority the respective department exercises over the establishment, are directed to provide each establishment with the notice required to be posted by this section. The departments shall post on the departments’ websites a sample of the notice required to be posted which must be accessible for download.

(D) The Department of Revenue or the Department of Transportation, as appropriate, is authorized to issue a written warning to an establishment which fails to post the required notice provided in this section and may assess a fine of not more than fifty dollars for each subsequent violation. Each day that the establishment remains in violation of this section is considered a separate and distinct violation and the establishment may be fined accordingly.

(E) The Department of Revenue and Department of Transportation are directed to collaborate on the design of the required notice to be posted and shall have the design finalized no later than sixty days after the effective date of this section. Establishments required to post the notice must be in compliance no later than six months after the effective date of this section.

(F) This section does not apply to establishments providing entertainment in theatres, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances when the performances presented are expressing matters of serious literary, artistic, scientific, or political value.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Ford

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**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 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 MALLOY, the Bill was carried over.

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.

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

S. 313 -- Senators Hayes, Courson, Setzler, Matthews, Lourie, Hutto, Jackson, Rankin, L. Martin, O’Dell, Malloy and Ford: 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.

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

**POINT OF ORDER**

S. 539 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OCCUPATIONAL THERAPY BOARD, RELATING TO REQUIREMENTS OF LICENSURE FOR OCCUPATIONAL THERAPISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4328, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 540 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PERPETUAL CARE CEMETERY BOARD, RELATING TO PERPETUAL CARE CEMETERY BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4168, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 541 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO CODE OF ETHICS, INTERPRETATION OF STANDARDS, AND REPORTING OF DISCIPLINARY ACTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4327, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 542 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, AND NATIONAL ELECTRICAL CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4320, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Remarks by Senator LOURIE**

Members of the Senate.

If I could please get your attention, I have a few things I would like to share with you today. I put a news story on your desks a few minutes ago. I am going to tell you that I find this disturbing and appalling. It is an abuse of taxpayer dollars.

I am told today that Dr. Walt Williams from George Mason University came to Columbia, where we welcomed him -- from George Mason -- to testify before the House today on a Nullification Bill. That is a Bill we talked about yesterday. I think we should allow any citizen of this great country to come to Columbia, South Carolina, to testify, but that is not the point. The point is that our state airplane flew up there at 5:00 A.M. to pick him up. The state airplane that the taxpayers of this State fund flew up at the request of Representative Bill Chumley from Spartanburg. He requested, authorized and approved the use of the state airplane to go to Washington, D.C., this morning to pick this man up and fly back to South Carolina to speak on a piece of legislation.

I could care less whether it is nullification, ignition interlock, the cigarette tax or the budget. I would ask you, Senator MATTHEWS, with your history here in the General Assembly, have you ever known of one of us taking the state airplane to fly someone to testify on a Bill? We have reached the point of insanity, lady and gentlemen of the Senate. I think it is wrong and I do not care what the issue is. I think we have let the use of the state airplane get out of control. I will be filing legislation, upon our return, to govern the use of the state airplane. I would ask that this Senate afford me the opportunity to have that legislation heard and sent to the floor before the May 1 deadline.

I am told there is another man, Kent Masterson Brown, who was paid $7,500 to come testify. That is a little unusual; not illegal but very weird. If someone wants to pay a person that much money to come testify on a piece of legislation, God bless them. He probably makes a very comfortable living doing that. I am going to ask you -- and we are all stewards of the taxpayers -- to tell me that what happened today was not an injustice. Tell me that something went terribly wrong when we allow one Representative Chumley -- who I do not know -- to pick up someone to testify for a Bill.

Three weeks ago, many of us on both sides of the aisle, worked passionately on the Ignition Interlock Bill. We had people from all over the county come testify. But guess what? They did it on their own dime. They paid for it themselves. I ask you why in the world, Representative Sellers, would we allow our state airplane to be used to fly, pick someone up and bring them to Columbia just so they can talk about a piece of legislation? That is insane.

I am going to sponsor legislation to govern that and I hope we can get that legislation to the floor because I believe the taxpayers and citizens that we represent will be outraged and we owe them a response.

Thank you.

On motion of Senator SHEHEEN, with unanimous consent, the remarks of Senator LOURIE were ordered printed in the Journal.

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

**MADE SPECIAL ORDER UNDER RULE 33B**

S. 308 -- Senators Bennett, Shealy, Grooms, Hembree, L. Martin, Massey, Campbell, Turner, Thurmond, Bryant, Verdin, S. Martin, Davis, Bright, Corbin, Campsen, Fair and Cromer: A BILL TO AMEND SECTION 16‑23‑465 OF THE 1976 CODE, RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES, TO PERMIT THE POSSESSION OF A WEAPON UNLESS NOTICE OF A PROHIBITION IS PROVIDED BY THE BUSINESS, TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BUSINESS BY SOMEONE CARRYING A FIREARM, AND TO REDUCE THE PENALTIES FOR VIOLATIONS.

On behalf of the Rules Committee, Senator CROMER, as Chairman of the Committee on Rules, moved to make the Bill a Special Order pursuant to Rule 33B.

The motion to make the Bill a Special Order was polled out of the Committee on Rules as follows:

**Poll of the Rules Committee**

**Polled 14; Ayes 9; Nays 4; Present 1; Not Voting 3**

**AYES**

Cromer *Martin, Larry* Massey

*Martin, Shane* Gregory Campsen

Corbin Thurmond Turner

**Total--9**

**NAYS**

Hutto Nicholson McElveen

Allen

**Total--4**

**PRESENT**

Malloy

**Total--1**

**NOT VOTING**

Leatherman Reese Scott

**Total--3**

The question then was the motion to make the Bill a Special Order.

Senator MALLOY argued contra to the motion to make the Bill a Special Order and Senator LARRY MARTIN argued in favor.

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

**Ayes 31; Nays 9; Present 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Hayes Hembree

Leatherman *Martin, Larry Martin, Shane*

Massey McGill O'Dell

Peeler Rankin Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--31**

**NAYS**

Hutto Jackson Johnson

Lourie Matthews McElveen

Nicholson Pinckney Reese

**Total--9**

**PRESENT**

Malloy

**Total--1**

Having received the necessary vote, the Bill was set for Special Order.

**MOTION ADOPTED**

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

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

**READ THE THIRD TIME, SENT TO THE HOUSE**

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 third reading of the Bill.

Senator MATTHEWS spoke on the Bill.

**Remarks by Senator MATTHEWS**

Hello Members of the Senate.

I want to make a couple of comments about the Bill and what I see are the most important things about it. It ought to be a history lesson, because when I was in college the number one issue was to get the right to vote. I remember many days we went down to the courthouse to register in my hometown and we were denied the right to vote based on a lot of frivolous reasons. So, I learned from that day forward, that access to the ballot is a critical process if the democratic process is going to work.

I’m one of those who doesn’t have any say about allowing people to have access to vote. But, I really believe I can defend my position and if I can’t defend my position, then the voters ought to take me out. If we want to grow this economy and grow this State, we have to make people feel that they are a part of the system. We need to allow them to participate and if they don’t participate and they have the right access, then that’s up to them.

I also think early voting takes away another burden. In this last year, when I went to vote -- and I went to vote early, Mr. PRESIDENT -- I went down to my courthouse. When I got there, about ninety people were in line and I said, “Man I’m not going to vote today! I’m going to come back tomorrow.” And so I left and did some other chores. When I came back to vote, another seventy-five people were still ahead of me.

So, I said to myself, “I can’t stand in this line this long. I’m going to vote on Election Day and I’m going to be there at 7:15 in the morning.” And so I thought I’d get at the head of the line again, but when I got to my little precinct, there were about seventy people ahead of me again! It took me about forty minutes from the time I stood in line until I actually voted. People who have a lot of things to do need to have as much access as they can have. Early voting, in my opinion, from this day forward will give everybody a shot at voting. Whether they vote or not is not up to me, but they will have access.

We will eliminate those burdens out of their way and give them a shot at the American dream. People who participate in the process feel much more connected to the system than people who do not participate. It’s then that you have a stake in America, a stake in your state, a stake in your county and a stake in your school district, because you vote for the representatives.

I remember when I first ran for the House back in 1974. I went to this elderly black gentleman who was head of a United Methodist church. He said, “I have never voted for a Democrat in my life. I have always voted for a Republican.” He was about 75 or 80 years old at the time and his reason for voting Republican was that he was still loyal to Abraham Lincoln and the Emancipation. That was his loyalty. He told me, “Although I’ve never voted for a Democrat in my life, I’m going to vote for you because I know your Daddy.”

I’ve been able to see the transition from people being denied the right to vote to people who cherish the ballot. I can say that in my part of the country, I have seen some basic changes in attitudes. I’m supposed to speak on Monday night to a small group in my hometown, and they call themselves the “Men of Bowman.” The acronym that they use is “MOB.” Twenty years ago I would never have had the opportunity to speak to the MOB, but the MOB is going to take me to dinner and allow me to speak about how we are going to move our community forward. It began to make me realize that if we are going to move forward, we have to move forward together as a State.

So, I would just urge you all to support this effort, because I think in the final analysis we all would be better off.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator MATTHEWS were ordered printed in the Journal.

Senator FORD spoke on the Bill.

The Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

**READ THE THIRD TIME, SENT TO THE HOUSE**

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

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

The Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Matthew A. Johnson, 3144 Sierra Drive, West Columbia, SC 29170 *VICE* vacant

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Hazel G. Stilwell of Cayce, S.C. Mrs. Stilwell was predeceased by her loving husband, William E. Stilwell, Sr., and was the beloved mother of two sons, the devoted grandmother of four and doting great-grandmother of seven.

and

**MOTION ADOPTED**

On motion of Senator SCOTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Harry Gene Berry of Blythewood, S.C. Mr. Berry was the co-owner of B&W Lumber Company. He was predeceased by his beloved wife of 47 years, Emily. Mr. Berry was a devoted father to his daughter, Marie Berry and he will be missed by his friends and family.

**ADJOURNMENT**

At 4:17 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senators SHEALY, BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the motion to adjourn.

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