**Wednesday, April 17, 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:

The Psalmist reminds us:

“Give thanks to the Lord, for He is good; His love endures forever.” (Psalm 118:1)

Join me in prayer, if you will:

Glorious and Ever-loving God, we thank You for the dedication of these servants who strive to honor You here in the Senate of South Carolina. Strengthen each of these individuals; grant them hearts of compassion; lead them as they in turn lead the people of our State. As they wrestle with issues of great importance, fill each of them, Lord, with wisdom, insight, and energy sufficient for the tasks that are before them. And be with and protect our women and men in uniform, also serving the causes of freedom in so many different places here at home and abroad. We pray this in Your loving name, O Lord.

Amen.

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

**Point of Quorum**

At 2:04 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

A quorum being present, the Senate resumed.

**Recorded Presence**

Senator RANKIN recorded his presence subsequent to the Call of the Senate.

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointment**

Initial Appointment, Savannah River Site Redevelopment Authority, with the term to commence October 21, 2010, and to expire October 21, 2014

Barnwell County:

Kay H. Still, 2985 Friendship Road, Barnwell, SC 29812 *VICE* Thomas Williams (resigned)

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4337

Agency: Board of Cosmetology

Chapter: 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

SUBJECT: Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)

Received by Lieutenant Governor February 27, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration February 3, 2014

120 Day Period Tolled

Withdrawn and Resubmitted April 17, 2013

Document No. 4336

Agency: Board of Cosmetology

Chapter: 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

SUBJECT: Requirements of Licensure in the Field of Cosmetology (Educational Requirements)

Received by Lieutenant Governor February 27, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration February 3, 2014

120 Day Period Tolled

Withdrawn and Resubmitted April 17, 2013

**Doctor of the Day**

Senator COURSON introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 185 Sen. Shealy

S. 160 Sens. Jackson, Shealy

S. 572 Sens. McGill, Williams

S. 596 Sen. Hutto

S. 599 Sen. Hutto

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 630 -- Senator Pinckney: A SENATE RESOLUTION TO CONGRATULATE DOROTHY THOMPSON ALSTON OF BEAUFORT COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 631 -- Senator Cleary: A BILL TO AMEND SECTION 38-71-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COVERAGE THAT MAY BE WRITTEN BY A LICENSED ACCIDENT AND HEALTH INSURER, SO AS TO PROHIBIT THE INSURER FROM DIRECTLY PAYING MONEY TO AN INSURED FOR A HEALTH CARE SERVICE PROVIDED TO THE INSURED IF THE PROVIDER RENDERED THE SERVICE SUBJECT TO THE ON-CALL COVERAGE OF THE PROVIDER, AND TO PROVIDE EXCEPTIONS.

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Senator CLEARY spoke on the Bill.

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

S. 632 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND KEOWEE ELEMENTARY SCHOOL IN OCONEE COUNTY UPON THE OCCASION OF ITS CENTENNIAL YEAR, 2013.

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The Senate Resolution was adopted.

S. 633 -- Senator Courson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LOU NOLAN FOR HER YEARS OF OUTSTANDING SERVICE TO THE REPUBLICAN PARTY IN THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 634 -- Senator Courson: A SENATE RESOLUTION TO HONOR AND THANK ERIC DAVIS OF COLUMBIA FOR HIS DEDICATED SERVICE TO THE RICHLAND COUNTY REPUBLICAN PARTY.

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The Senate Resolution was adopted.

H. 3560 -- Reps. Tallon, Harrell, Quinn, Stavrinakis, Patrick, Allison, McCoy, Pitts, Taylor, H. A. Crawford, Simrill, J. R. Smith, Crosby, Brannon, V. S. Moss, G. R. Smith, Henderson, Delleney, Cole, McEachern, Barfield, Ridgeway, Stringer, Nanney, R. L. Brown, Wood, Daning, Erickson, Clemmons, Powers Norrell, Funderburk, Mitchell, Merrill, Kennedy, D. C. Moss, Gagnon, Bannister, Atwater, Rivers, Owens, Bingham, Forrester, Ballentine, Toole, Hixon, Spires, Huggins, Lucas, Horne, Putnam, Weeks, M. S. McLeod and Anderson: A BILL TO AMEND SECTION 16-23-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO, AMONG OTHER THINGS, INDIVIDUALS WHO ARE PROHIBITED FROM POSSESSING OR ACQUIRING A HANDGUN, SO AS TO ALSO PROHIBIT A PERSON ADJUDICATED MENTALLY INCAPACITATED OR COMMITTED TO A MENTAL INSTITUTION FROM POSSESSING OR ACQUIRING A HANDGUN; TO AMEND SECTION 44-22-100, RELATING TO THE CONFIDENTIALITY OF MENTAL HEALTH COMMITMENT AND TREATMENT RECORDS, SO AS TO AUTHORIZE REPORTING INFORMATION IN THESE RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) TO BE UTILIZED IN DETERMINING IF A PERSON IS DISQUALIFIED FROM PURCHASING A FIREARM; AND BY ADDING ARTICLE 10, CHAPTER 31, TITLE 23 SO AS TO ESTABLISH A CONFIDENTIAL PROCESS FOR COMPILING AND TRANSMITTING INFORMATION ON PERSONS WHO HAVE BEEN ADJUDICATED MENTALLY INCAPACITATED OR COMMITTED TO A MENTAL INSTITUTION, THEREBY BEING DISQUALIFIED FROM POSSESSING OR ACQUIRING A HANDGUN AND TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION (SLED) TO TRANSMIT THIS INFORMATION TO NICS; TO REQUIRE SLED TO CROSS CHECK THE NAMES SENT TO NICS WITH SLED'S DATABASE FOR CONCEALED WEAPONS PERMITS TO ASCERTAIN IF ANY PERMITS MUST BE REVOKED; AND TO ESTABLISH A JUDICIAL PROCESS FOR PERSONS PROHIBITED FROM POSSESSING FIREARMS, DUE SOLELY TO AN ADJUDICATION AS MENTALLY INCAPACITATED OR COMMITMENT TO A MENTAL INSTITUTION, TO OBTAIN REMOVAL OF THE DISQUALIFICATIONS THAT PROHIBITED THEM FROM POSSESSING FIREARMS.

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

H. 3838 -- Reps. Norman, Delleney, Felder, Pope and Simrill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN YORK COUNTY FROM ITS INTERSECTION WITH RAWLSVILLE ROAD TO ITS INTERSECTION WITH CRAIG ROAD “EZRA DEWITT MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “EZRA DEWITT MEMORIAL HIGHWAY”.

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

H. 3861 -- Reps. Herbkersman and Newton: A BILL TO AMEND SECTION 7-7-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO DELETE THE LEVY AND OKATIE PRECINCT, TO ADD THE GRAHAMVILLE 3, LEVY 1, LEVY 2, OKATIE 1, AND OKATIE 2 PRECINCTS, AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

H. 3862 -- Rep. Barfield: A CONCURRENT RESOLUTION TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A BALANCED BUDGET AMENDMENT CONVENTION OF THE SEVERAL STATES OF THE UNITED STATES.

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

H. 3947 -- Reps. Clemmons, Mack, Bannister, Whitmire, Henderson and McCoy: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 15, 2013, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2016; AND AS THE DATE TO MEET IN JOINT SESSION FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT SEAT, WHOSE TERM EXPIRES ON JUNE 30, 2017, AND FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES ON JUNE 30, 2016.

On motion of Senator LARRY MARTIN, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

H. 3968 -- Reps. Hamilton, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO PROCLAIM MAY 16, 2013, AS SENIOR HUNGER AWARENESS DAY IN SOUTH CAROLINA, TO ENCOURAGE ALL SOUTH CAROLINIANS TO LEARN MORE ABOUT THE IMPACT OF HUNGER AND MALNUTRITION ON THE HEALTH OF OUR CITIZENS AND ON THE PROGRESS OF OUR STATE, AND TO WORK TOGETHER FOR A HUNGER-FREE SOUTH CAROLINA.

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

H. 3969 -- Reps. Lucas, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE OF SOUTH CAROLINA AND ITS ECONOMY, TO RECOGNIZE THE DARLINGTON RACEWAY AS ONE OF OUR STATE’S MOST TREASURED ATTRACTIONS, AS WELL AS IDENTIFY NASCAR’S RICH HISTORY IN THE STATE OF SOUTH CAROLINA, AND TO NAME THE WEEK OF MAY 5, 2013, THROUGH MAY 12, 2013, AS “DARLINGTON RACEWAY WEEK - A WEEK TOO TOUGH TO TAME” IN SOUTH CAROLINA.

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

H. 3970 -- Reps. G. R. Smith, J. R. Smith, Bedingfield, Hamilton, Finlay, Powers Norrell, Clyburn, Anderson, H. A. Crawford, Simrill, Bales, G. A. Brown, Atwater, Toole, Burns, Kennedy, Barfield, Gagnon, Govan, Nanney, Newton, Pope, Ridgeway and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, APRIL 30, 2013, AS “NATIONAL FAST DAY” IN HONOR OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF PRESIDENT ABRAHAM LINCOLN’S PROCLAMATION APPOINTING A NATIONAL FAST DAY.

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

H. 3979 -- Reps. Harrell, R. L. Brown, Crosby, Gilliard, Goldfinch, Horne, Limehouse, Mack, McCoy, Merrill, Rivers, Sottile, Stavrinakis, Whipper, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Loftis, Long, Lowe, Lucas, McEachern, M. S. McLeod, W. J. McLeod, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO SUPPORT PLANS TO CREATE THE NATIONAL MEDAL OF HONOR MUSEUM ON THE WATERFRONT IN MOUNT PLEASANT, SOUTH CAROLINA, OVERLOOKING THE CITY OF CHARLESTON, WHICH WILL SERVE AS A PERMANENT PLACE OF HONOR AND RECOGNITION FOR THOSE INDIVIDUALS WHO HAVE BEEN AWARDED THE HIGHEST LEVEL OF RECOGNITION FOR THEIR SACRIFICE AND SERVICE; AS A PLACE TO INSPIRE CURRENT AND FUTURE GENERATIONS ABOUT THE IDEALS OF COURAGE, PATRIOTISM, LEADERSHIP, AND SACRIFICE; TO HELP THEM UNDERSTAND THE MEANING AND PRICE OF FREEDOM; AND TO ENCOURAGE THEM TO EMBRACE THEIR RESPONSIBILITIES AS CITIZENS IN A DEMOCRACY.

The Concurrent Resolution was introduced and referred to the General Committee.

**REPORTS OF STANDING COMMITTEES**

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

S. 250 -- Senator Cromer: A BILL TO AMEND SECTION 33‑56‑30 OF THE 1976 CODE, RELATING TO REGISTRATION STATEMENTS FOR THE SOLICITATION OF CHARITABLE FUNDS, TO EXEMPT PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS.

Ordered for consideration tomorrow.

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

S. 330 -- Senators Courson, Jackson, Hutto, Rankin, Lourie, Campsen and Gregory: A BILL TO AMEND SECTION 2-1-180 OF THE 1976 CODE, RELATING TO THE DATE FOR SINE DIE ADJOURNMENT OF THE GENERAL ASSEMBLY, TO PROVIDE THAT THAT THE REGULAR ANNUAL SESSION OF THE GENERAL ASSEMBLY ADJOURNS THE FIRST THURSDAY IN MAY, AND TO PROVIDE THAT THE DATE FOR SINE DIE ADJOURNMENT IS EXTENDED ONE DAY FOR EACH DAY AFTER MARCH FIRST THAT THE HOUSE OF REPRESENTATIVES FAILS TO GIVE THE ANNUAL APPROPRIATIONS BILL THIRD READING.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 620 -- Senator Verdin: A BILL TO AMEND SECTION 56‑3‑2335 OF THE 1976 CODE, RELATING TO RESEARCH AND DEVELOPMENT LICENSE PLATES, TO INCLUDE THE MANUFACTURE AND RESEARCH AND DEVELOPMENT OF TRANSMISSIONS IN THIS STATE IN THE DEFINITION OF “RESEARCH AND DEVELOPMENT BUSINESS”, TO DEFINE THE TERM “TRANSMISSIONS”, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE RESEARCH AND DEVELOPMENT LICENSE PLATES FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS ON THE MOTOR VEHICLE, AND THE DEPARTMENT MAY ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER STATES CONCERNING THE REGISTRATION AND OPERATION OF VEHICLES OWNED BY A RESEARCH AND DEVELOPMENT BUSINESS FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS, TO PROVIDE IT IS THE SOLE RESPONSIBILITY OF THE RESEARCH AND DEVELOPMENT BUSINESS OR CONTRACTED FLEET OWNER TO TAKE ANY OTHER ACTIONS REQUIRED BY ANOTHER STATE THAT ARE NECESSARY FOR THE RESEARCH AND DEVELOPMENT BUSINESS OR CONTRACTED FLEET OWNER, AND TO LEGALLY TEST AND EVALUATE THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS IN THAT STATE.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary polled out H. 3011 favorable:

H. 3011 -- Reps. Whitmire, Long, Gilliard and Williams: A BILL TO AMEND SECTION 53‑3‑120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PURPLE HEART DAY IN SOUTH CAROLINA, SO AS TO MOVE THE DAY FROM THE THIRD SATURDAY IN FEBRUARY TO THE SEVENTH DAY OF AUGUST IN ORDER TO COINCIDE WITH THE DATE GENERAL GEORGE WASHINGTON ORIGINALLY AUTHORIZED THE AWARD.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 23; Nays 0; Not Voting 0**

**AYES**

*Martin, Larry* Rankin Hutto

Malloy Sheheen Campsen

Massey Bright Coleman

*Martin, Shane* Nicholson Scott

Gregory Allen Bennett

Corbin Hembree Johnson

McElveen Shealy Thurmond

Turner Young

**Total--23**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

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

H. 3091 -- Reps. Henderson, Huggins, Ballentine and W.J. McLeod: A BILL TO AMEND SECTION 33‑56‑55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PARENT‑TEACHER ASSOCIATIONS AND LOCAL CHAMBERS OF COMMERCE BEING EXEMPT FROM THE PROVISIONS OF THE SOLICITATION OF CHARITABLE FUNDS ACT UNDER CERTAIN CONDITIONS, SO AS TO PROVIDE THAT THESE PROVISIONS ALSO DO NOT APPLY TO AN ATHLETIC, BAND, OR OTHER EXTRACURRICULAR ACTIVITY BOOSTER CLUB OR ORGANIZATION AFFILIATED WITH A K‑12 SCHOOL IF THE ORGANIZATION IS A 501(c)(3) TAX‑EXEMPT ENTITY PROPERTY FILING ALL FEDERAL AND STATE REPORTING FORMS REQUIRED OF THESE ORGANIZATIONS, INCLUDING FORM 990.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 3360 -- Reps. Owens, Daning, Hiott, Skelton, Simrill, Anthony, Bedingfield, Clemmons, Delleney, Hardwick, Henderson, Hixon, Limehouse, Nanney, Ott, Pope, G.R. Smith, J.E. Smith, Sottile, Stringer, Tallon, Taylor and Bales: A BILL TO AMEND SECTIONS 57‑5‑10, 57‑5‑70, AND 57-5-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE STATE HIGHWAY SYSTEM, ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, AND THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS WITHIN THE STATE HIGHWAY SYSTEM SHALL BE CONSTRUCTED TO THE DEPARTMENT OF TRANSPORTATION STANDARDS, TO PROVIDE THE FUNDING SOURCES THAT THE DEPARTMENT USES TO CONSTRUCT AND MAINTAIN THESE HIGHWAYS, TO REVISE THE PROCEDURE AND WHEREBY ENTITIES TO WHICH THE DEPARTMENT MAY TRANSFER ROADS WITHIN THE STATE HIGHWAY SECONDARY SYSTEM; AND TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT MAY ADD A ROAD FROM THE COUNTY OR MUNICIPAL ROAD TO THE STATE HIGHWAY SYSTEM; AND TO REPEAL SECTION 57‑5‑90 RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF BELT LINES AND SPURS.

Ordered for consideration tomorrow.

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

H. 3554 -- Reps. Cole, Forrester, G.M. Smith, Stavrinakis, Herbkersman and Merrill: A BILL TO AMEND SECTION 61‑4‑1515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SAMPLES AND SALES OF BEER AT BREWERIES, SO AS TO SPECIFY THAT FOURTEEN PERCENT ALCOHOL BY WEIGHT IS THE MAXIMUM THAT MAY BE OFFERED FOR ON‑PREMISES CONSUMPTION, TO ALLOW FOR THE SALE OF SIXTY‑FOUR OUNCES OF BEER TO A CONSUMER EVERY TWENTY‑FOUR HOURS, TO PROVIDE THE BEER MUST BE SOLD AT THE APPROXIMATE RETAIL PRICE, TO PROVIDE THAT APPROPRIATE TAXES MUST BE REMITTED, AND TO CLARIFY THAT A CERTAIN PROVISION APPLIES TO OFF‑PREMISES CONSUMPTION.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 17, 2013

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 17, 2013

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 17, 2013

Mr. President and Senators:

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

H. 3047 -- Reps. Hardwick and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑5‑581 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO GIG FOR FLOUNDER IN SALT WATERS DURING DAYLIGHT HOURS, TO DEFINE THE TERM “DAYLIGHT HOURS”, AND TO PROVIDE A PENALTY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 17, 2013

Mr. President and Senators:

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

H. 3571 -- Reps. Barfield and Hardee: A BILL TO AMEND SECTION 50‑13‑665, AS AMENDED, RELATING TO BAIT THAT MAY BE USED WITH TROTLINES, SET HOOKS, AND JUGS, SO AS TO REVISE THE SIZE OF HOOKS THAT MAY BE USED TO FISH ALONG CERTAIN RIVERS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**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. 484 -- Senator Setzler: A BILL TO AMEND SECTION 9‑11‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISABILITY RETIREMENT FOR MEMBERS OF THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE REQUIREMENT THAT CERTAIN MEMBERS BE ELIGIBLE FOR, AND PROVIDE PROOF OF, SOCIAL SECURITY BENEFITS TO CONTINUE TO RECEIVE A DISABILITY BENEFIT.

S. 401 -- Senators O’Dell and Coleman: A BILL TO AMEND SECTION 59‑121‑55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD, SO AS TO REMOVE A LIMIT ON THE AMOUNT OF FUNDS OR PROPERTY THAT THE BOARD MAY TRANSFER TO THE CORPORATION.

S. 417 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT”; BY ADDING SECTION 59‑101‑400 SO AS TO PROVIDE A PUBLIC, POST‑SECONDARY INSTITUTION OF HIGHER EDUCATION IN THIS STATE MAY AWARD EDUCATIONAL CREDIT TO AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES FOR A COURSE THAT IS PART OF HIS MILITARY TRAINING OR SERVICE, SUBJECT TO CERTAIN CONDITIONS, AND TO REQUIRE THE INSTITUTION TO IMPLEMENT RELATED POLICIES AND REGULATIONS WITHIN A SPECIFIED TIME FRAME; BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 40 SO AS TO PROVIDE MISCELLANEOUS LICENSURE PROVISIONS FOR MILITARY PERSONNEL, TO PROVIDE A PERSON LICENSED BY BOARD OR COMMISSION UNDER THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IS EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS AND FEE ASSESSMENTS DURING ACTIVE DUTY IN THE UNITED STATES ARMED FORCES, TO PROVIDE A BOARD OR COMMISSION MAY ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE A BOARD OR COMMISSION MAY ACCEPT CERTAIN COURSEWORK OR EXPERIENCE OBTAINED DURING THE COURSE OF MILITARY SERVICE TO SATISFY RELATED PROFESSIONAL OR OCCUPATIONAL EDUCATION OR TRAINING LICENSURE REQUIREMENTS; AND TO REPEAL SECTIONS 40‑1‑75 RELATING TO EXEMPTING ACTIVE DUTY MILITARY PERSONNEL FROM CONTINUING EDUCATION REQUIREMENTS, AND 40‑1‑77 RELATING TO TEMPORARY PROFESSIONAL OR OCCUPATIONAL LICENSES FOR MILITARY SPOUSES, THE SUBSTANCE OF WHICH ARE INCORPORATED INTO THE NEW ARTICLE ADDED BY THIS ACT.

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

**READ THE SECOND TIME**

H. 3624 -- Reps. Herbkersman, Bingham, Merrill, Harrell, Newton and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9‑4‑15 SO AS TO PROVIDE THAT THE STATE SHALL DEFEND MEMBERS OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA) AGAINST CLAIMS AND SUITS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES, AND REQUIRE THAT THE STATE INDEMNIFY THESE DIRECTORS FOR ANY LOSS OR JUDGMENT INCURRED BY THEM WITH RESPECT TO SUCH A CLAIM OR SUIT, TO PROVIDE THAT THE STATE SHALL DEFEND PEBA OFFICERS AND MANAGEMENT EMPLOYEES AGAINST CLAIMS AND SUITS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES UNLESS THE OFFICER OR MANAGEMENT EMPLOYEE WAS ACTING IN BAD FAITH, AND REQUIRE THAT THE STATE INDEMNIFY PEBA OFFICERS AND MANAGEMENT EMPLOYEES FOR ANY LOSS OR JUDGMENT INCURRED BY THEM WITH RESPECT TO SUCH A CLAIM OR SUIT, AND TO EXTEND THE REQUIREMENT TO DEFEND AND INDEMNIFY MEMBERS OF THE BOARD OF DIRECTORS, OFFICERS, AND MANAGEMENT EMPLOYEES OF PEBA TO SUCH PERSONS AFTER LEAVING OFFICE OR EMPLOYMENT WITH PEBA FOR OFFICIAL DUTIES UNDERTAKEN BY THEM WHILE SERVING AS A DIRECTOR, OFFICER, OR MANAGEMENT EMPLOYEE OF PEBA.

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

Senator SETZLER explained 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

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McElveen McGill

Nicholson O'Dell Peeler

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3638 -- Reps. Harrell, Stavrinakis, Limehouse and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55‑1‑80 SO AS TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MEMBERS TO COUNTY AVIATION COMMISSIONS AND TO PROVIDE THAT IN COUNTIES WITH TWO MUNICIPALITIES WITH A POPULATION IN EXCESS OF FIFTY THOUSAND, THE MAYORS OF THESE MUNICIPALITIES SHALL SERVE, EX OFFICIO, AS MEMBERS OF THE COMMISSION.

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

Senator BRIGHT proposed the following amendment (3638R004.LB), which was ruled out of order:

Amend the bill, as and if amended, page 2, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Notwithstanding any other provision of law, the State Budget and Control Board is directed to sell the two airplanes owned by the State, specifically, the Hawker Beechcraft King Air 350 and the Hawker Beechcraft King Air C90. The sale shall be made under terms and conditions the board considers most advantageous to the State of South Carolina. The proceeds of the sale must be deposited in the general fund of the State. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator GROOMS 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.

The amendment was ruled out of order.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hembree

Hutto Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**OBJECTION**

S. 259 -- Senator Thurmond: A BILL TO AMEND SECTION 59‑111‑320 OF THE 1976 CODE, RELATING TO PERSONS AGE SIXTY AND OVER ATTENDING CLASSES AT STATE‑SUPPORTED COLLEGES, UNIVERSITIES, AND TECHNICAL SCHOOLS WITHOUT PAYMENT OF TUITION, TO DELETE THE PROVISION THAT THESE PERSONS RECEIVING COMPENSATION AS FULL‑TIME EMPLOYEES MUST PAY TUITION.

Senator SHANE MARTIN objected to the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 148 -- Senators Shealy, Bryant and Gregory: A BILL TO AMEND CHAPTER 20, TITLE 37 OF THE 1976 CODE, RELATING TO CONSUMER IDENTITY THEFT PROTECTION, BY ADDING SECTION 37‑20‑161, TO PROVIDE FOR CERTAIN MEASURES TO SAFEGUARD A CLASS OF “PROTECTED CONSUMERS” FROM BECOMING VICTIMS OF IDENTITY THEFT, TO ALLOW REPRESENTATIVES, PROVIDING SUFFICIENT PROOF OF AUTHORITY, TO PLACE A PREEMPTIVE SECURITY FREEZE ON PROTECTED CONSUMER’S CREDIT REPORTS, TO PROVIDE THE LIMITATIONS OF THIS SECTION, TO PROVIDE REQUIREMENTS TO IMPLEMENT A SECURITY FREEZE, TO PROVIDE FOR THE DURATION AND EXTENT OF A SECURITY FREEZE, AND TO PROVIDE TERMS FOR REMOVAL OF A SECURITY FREEZE ON A PROTECTED CONSUMER’S CREDIT REPORT OR RECORD.

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

The Committee on Banking and Insurance proposed the following amendment (NL\148C002.NL.DG13), which was adopted:

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

/ SECTION 1. Chapter 20, Title 37 of the 1976 Code is amended by adding:

“Section 37‑20‑161. (A) For purposes of this section:

(1) ‘Protected consumer’ means an individual who is:

(a) under the age of sixteen years at the time a request for the placement of a security freeze is made; or

(b) an incapacitated person or a protected person for whom a guardian or conservator has been appointed.

(2) ‘Record’ means a compilation of information that:

(a) identifies a protected consumer;

(b) is created by a consumer reporting agency solely for the purpose of complying with this section; and

(c) may not be created or used to consider the protected consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for any purpose listed in Section 37‑20‑110(3).

(3) ‘Representative’ means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

(4) ‘Security freeze’ means:

(a) if a consumer reporting agency does not have a file pertaining to a protected consumer, a restriction that:

(i) is placed on the protected consumer’s record in accordance with this section; and

(ii) prohibits the consumer reporting agency from releasing the protected consumer’s record except as provided in this section; or

(b) if a consumer reporting agency has a file pertaining to the protected consumer, a restriction that:

(i) is placed on the protected consumer’s consumer report in accordance with this section; and

(ii) prohibits the consumer reporting agency from releasing the protected consumer’s consumer report or any information derived from the protected consumer’s consumer report except as provided in this section.

(5) ‘Sufficient proof of authority’ means documentation that shows a representative has authority to act on behalf of a protected consumer and includes:

(a) an order issued by a court of law;

(b) a lawfully executed and valid power of attorney; or

(c) a written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected consumer.

(6) ‘Sufficient proof of identification’ means information or documentation that identifies a protected consumer or a representative of a protected consumer and includes:

(a) a social security number or a copy of a social security card issued by the social security administration;

(b) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate; or

(c) a copy of a driver’s license, an identification card issued by the motor vehicle administration, or any other government issued identification.

(B) This section does not apply to the use of a protected consumer’s consumer report or record by a person specified in Section 37‑120‑60(K) or (L).

(C)(1) A consumer reporting agency shall place a security freeze for a protected consumer if:

(a) the consumer reporting agency receives a request from the protected consumer’s representative for the placement of the security freeze under this section; and

(b) the protected consumer’s representative:

(i) submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

(ii) provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative; and

(iii) provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer;

(2) if a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under paragraph (1) of this subsection, the consumer reporting agency shall create a record for the protected consumer.

(D) Within thirty days after receiving a request that meets the requirements of subsection (C)(1) of this section, a consumer reporting agency shall place a security freeze for the protected consumer.

(E) Unless a security freeze for a protected consumer is removed in accordance with subsection (G) or (I) of this section, a consumer reporting agency may not release the protected consumer’s consumer report, any information derived from the protected consumer’s consumer report, or any record created for the protected consumer.

(F) A security freeze for a protected consumer placed under subsection (D) of this section shall remain in effect until:

(1) the protected consumer or the protected consumer’s representative requests the consumer reporting agency to remove the security freeze in accordance with subsection (G) of this section; or

(2) the security freeze is removed in accordance with subsection (I) of this section.

(G) If a protected consumer or a protected consumer’s representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer’s representative shall:

(1) submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency; and

(2) provide to the consumer reporting agency:

(a) in the case of a request by the protected consumer:

(i) proof that the sufficient proof of authority for the protected consumer’s representative to act on behalf of the protected consumer is no longer valid; and

(ii) sufficient proof of identification of the protected consumer; or

(b) in the case of a request by the representative of a protected consumer:

(i) sufficient proof of identification of the protected consumer and the representative; and

(ii) sufficient proof of authority to act on behalf of the protected consumer.

(H) Within fifteen days after receiving a request that meets the requirements of subsection (G) of this section, the consumer reporting agency shall remove the security freeze for the protected consumer.

(I) A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer’s representative.”

SECTION 2. This act takes effect January 1, 2014. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The committee amendment was adopted.

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

**AMENDED, AMENDMENT PROPOSED**

**CARRIED OVER, AS AMENDED**

H. 3568 -- Reps. Weeks, Sandifer and Gilliard: A BILL TO AMEND SECTION 16‑13‑385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERING, TAMPERING WITH, OR BYPASSING ELECTRIC, GAS, OR WATER METERS, SECTION 58‑7‑60, RELATING TO THE UNLAWFUL APPROPRIATION OF GAS, AND SECTION 58‑7‑70, RELATING TO THE WRONGFUL USE OF GAS AND INTERFERENCE WITH GAS METERS, ALL SO AS TO RESTRUCTURE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS OF THE STATUTES.

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

Senator LARRY MARTIN proposed the following amendment (JUD3568.002), which was adopted:

Amend the bill, as and if amended, by striking lines 17-23 on page 5 and inserting:

/ (B) ~~And any such~~ It is unlawful for a person to whom ~~such~~ gas is furnished from or by means of a meter who shall wilfully and with intention to cheat and defraud ~~any such~~ a person or corporation alter or interfere with ~~such~~ a meter or by any contrivance whatsoever withdraw or take off gas in any manner except through ~~such~~ a meter shall ~~be guilty of a misdemeanor and~~ be punished as provided in Section 58‑7‑60(B). /

To further amend the bill, as and if amended, by striking lines 7-25 on page 6 and inserting:

/ (E) A person who violates the provisions of this section and the violation results in:

(1) great bodily injury to another person is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than fifteen years, or both. For purposes of this item, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ; and

(2) the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(F) This section does not apply to licensed and certified contractors while performing usual and ordinary service in accordance with recognized standards.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

Senator THURMOND proposed the following amendment (JUD3568.001):

Amend the bill, as and if amended, by striking lines 27-29 on page 2 and inserting:

/ (D) A person who violates the provisions of this section and the violation results in property damage in excess of five thousand dollars or public endangerment for a: /

Amend the bill further, as and if amended, by striking lines 1-3 on page 4 and inserting:

/ (C) A person who violates the provisions of this section and the violation results in property damage in excess of five thousand dollars or public endangerment for a: /

Amend the bill further, as and if amended, by striking lines 37-39 on page 5 and inserting:

/ (D) A person who violates the provisions of this section and the violation results in property damage in excess of five thousand dollars or public endangerment for a: /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND explained the amendment.

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

**AMENDED, CARRIED OVER, AS AMENDED**

S. 463 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑53‑95 SO AS TO REQUIRE THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PROFESSIONAL SURETY BONDSMAN OR RUNNER MUST PROVIDE HIS BUSINESS, MAILING, RESIDENTIAL, AND EMAIL ADDRESSES WITH THE APPLICATION, TO PROVIDE HE MUST NOTIFY THE DEPARTMENT OF A CHANGE OF ANY OF THESE ADDRESSES OR A LEGAL NAME CHANGE WITHIN THIRTY DAYS, AND TO PROVIDE A PENALTY FOR A VIOLATION; TO AMEND SECTION 38‑43‑107, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN INSURANCE PRODUCER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑47‑15, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑48‑30, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PUBLIC ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; AND TO AMEND SECTION 38‑49‑25, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS.

Senator HAYES asked unanimous consent to return to the Calendar in order 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 previously proposed amendment and printed in yesterday’s journal.

Senator CROMER proposed the following amendment (BBM\  
463C001.BBM.AB13), which was adopted:

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

/ SECTION \_\_. Section 38-53-90 of the 1976 Code is amended to read:

“Section 38-53-90. (A) Before a license is issued to an applicant permitting him to act as a professional bondsman or runner, the applicant shall furnish to the director or his designee a complete set of his fingerprints and a recent passport size full‑face photograph in the manner prescribed by the director. Before a license is issued to a new or renewal applicant permitting him to act as a professional, surety bondsman, or runner, the applicant must undergo a state criminal records check, supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal records check, supported by his fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported by the department. The cost associated with the criminal history record must be borne by the applicant. The applicant’s fingerprints must be certified by an authorized law enforcement officer.

(B) Before being issued the license, every applicant for a license as a professional bondsman, surety bondsman, or runner shall certify to the director that he:

~~(a)~~(1) is eighteen years of age or older;

~~(b)~~(2) is a resident of this State;

~~(c)~~(3) is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years;

~~(d)~~(4) has knowledge, training, or experience of sufficient duration and extent to satisfy reasonably the director or his designee that he possesses the competence necessary to fulfill the responsibilities of a licensee.” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

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

**AMENDMENT PROPOSED, CARRIED OVER**

S. 481 -- Senators Malloy, McGill, Leatherman, Setzler and Johnson: A BILL TO AMEND SECTION 12‑21‑2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

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

Senator BRYANT proposed the following amendment (481R001.KLB):

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

/ (B) For purposes of the exemption allowed by this section, a motorsports entertainment complex means a motorsports facility, and its ancillary grounds and facilities, that satisfies all of the following:

(1) ~~has at least sixty thousand fixed seats for race patrons~~ is a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year featuring the preeminent NASCAR cup series;

(2) has at least three scheduled days of motorsports events, and events ancillary and incidental thereto, each calendar year that are sanctioned by a nationally or internationally recognized governing body of motorsports that establishes an annual schedule of motorsports events;

(3) engages in tourism promotion;

(4) allocates at least one quarter of the revenue derived from the admissions license tax to a scholarship granting organization that must provide scholarships for students to attend the school of their choice.”/

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

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

**CARRIED OVER**

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.

Senator CROMER explained the Bill.

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

**CARRIED OVER**

H. 3540 -- Reps. Harrell, J.E. Smith, Bales, Hosey, Cobb‑Hunter, Bannister, J.R. Smith, Patrick, Brannon, Erickson, Taylor, Huggins, Kennedy, Ballentine, Bernstein, Sellers, Williams, Jefferson, M.S. McLeod, Atwater, Bowers, R.L. Brown, Cole, Douglas, George, Hixon, Long, McCoy, Mitchell, Pitts, Pope, G.R. Smith, Tallon, Wood, Weeks, Knight and Hart: A BILL TO AMEND SECTION 1‑3‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE ADJUTANT GENERAL TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 25‑1‑320, RELATING TO THE STATE ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE 2014 GENERAL ELECTION, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR‑YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY THAT FOLLOWS THE GENERAL ELECTION THAT MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS ACT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO ESTABLISH CERTAIN QUALIFICATIONS FOR THE OFFICE OF ADJUTANT GENERAL; TO AMEND SECTION 25‑1‑340, AS AMENDED, RELATING TO VACANCIES IN THE OFFICE OF ADJUTANT GENERAL, SO AS TO DELETE A REFERENCE TO THE ELIGIBILITY REQUIREMENTS OF CONSTITUTIONAL OFFICERS; AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE EFFECTIVE UPON THE RATIFICATION OF AMENDMENTS TO SECTION 7, ARTICLE VI, AND SECTION 4, ARTICLE XIII OF THE CONSTITUTION OF THIS STATE DELETING THE REQUIREMENT THAT THE STATE ADJUTANT GENERAL BE ELECTED BY THE QUALIFIED ELECTORS OF THIS STATE.

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

**OBJECTION**

H. 3541 -- Reps. Harrell, J.E. Smith, Bales, Williams, Bannister, J.R. Smith, Patrick, Brannon, Erickson, Huggins, Kennedy, Ballentine, M.S. McLeod, Bernstein, Atwater, Cole, Funderburk, George, Hixon, Long, McCoy, W.J. McLeod, Pitts, Pope, G.R. Smith, Tallon, Taylor, Wood and Knight: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED; AND TO AMEND SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT AND INSPECTOR GENERAL, SO AS TO DELETE AN OBSOLETE REFERENCE TO INSPECTOR GENERAL, TO MAKE A CONFORMING CHANGE TO THE RANK OF THE ADJUTANT GENERAL, TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS AMENDMENT, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR‑YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY FOLLOWING THE GENERAL ELECTION, WHICH MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS AMENDMENT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE.

Senator MALLOY objected to further consideration of the Joint Resolution.

**CARRIED OVER**

S. 306 -- Senators Campsen and Ford: A BILL TO AMEND SECTION 50‑1‑130 OF THE 1976 CODE, RELATING TO PENALTIES ASSOCIATED WITH MISDEMEANOR OFFENSES CONTAINED IN TITLE 50, TO REVISE THE PENALTIES FOR THESE OFFENSES, AND TO PROVIDE THAT MAGISTRATE’S COURT HAS BOTH ORIGINAL AND CONCURRENT JURISDICTION OVER MISDEMEANOR OFFENSES.

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

**CARRIED OVER**

S. 274 -- Senators L. Martin and Sheheen: A BILL TO AMEND SECTION 16‑13‑385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERING, TAMPERING WITH, OR BYPASSING ELECTRIC, GAS, OR WATER METERS, SECTION 58‑7‑60, RELATING TO THE UNLAWFUL APPROPRIATION OF GAS, AND SECTION 58‑7‑70, RELATING TO THE WRONGFUL USE OF GAS AND INTERFERENCE WITH GAS METERS, ALL SO AS TO RESTRUCTURE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS OF THE STATUTES.

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

**CARRIED OVER**

S. 8 -- Senator L. Martin: A BILL TO AMEND SECTION 47-3-110, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE LIABILITY OF AN OWNER OR KEEPER OF A DOG FOR A DOG ATTACK, TO PROVIDE THAT LIABILITY DOES NOT EXTEND TO TRAINED LAW ENFORCEMENT DOGS IN THE PERFORMANCE OF OFFICIAL DUTIES OR DOGS ACTING IN DEFENSE OF A PERSON; AND TO AMEND CHAPTER 23, TITLE 23 BY ADDING SECTION 23‑23‑140, RELATING TO PATROL CANINE TEAMS.

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

**OBJECTION**

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

Senator HAYES asked unanimous consent to take the Joint Resolution up for immediate consideration.

There was no objection.

Senator HAYES explained the Joint Resolution.

Senator BRYANT objected to further consideration.

**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.

**Expression of Personal Interest**

Senator VERDIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**COMMITTEE AMENDMENT AMENDED**

**READ THE SECOND TIME**

**RETURNED TO THE STATUS OF SPECIAL ORDER**

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.

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

Senator LARRY MARTIN spoke on the Bill.

**Amendment No. P2**

Senator SCOTT proposed the following Amendment No. P2 (5MW308):

Amend the committee report, as and if amended, page [308-1], by striking Section 16-23-465(A)and inserting the following:

/ “Section 16-23-465. (A) In addition to the penalties provided for by Sections 16‑11‑330, 16-11-620, ~~and~~ 16‑23‑460, 23-31-220, and ~~by~~ Article 1, ~~of~~ Chapter 23, ~~of~~ Title 16, a person convicted of carrying a ~~pistol or~~ firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than ~~two~~ ten thousand dollars or imprisoned not more than three years, or both. /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 27; Nays 16**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Malloy *Martin, Larry*

*Martin, Shane* Massey Peeler

Rankin Shealy Thurmond

Turner Verdin Young

**Total--27**

**NAYS**

Allen Coleman Ford

Hutto Jackson Johnson

Lourie Matthews McElveen

McGill Nicholson Pinckney

Reese Scott Setzler

Williams

**Total--16**

The amendment was laid on the table.

**Motion Adopted**

On motion of Senator COURSON, with unanimous consent, the Senate agreed to go into Executive Session.

**EXECUTIVE SESSION**

On motion of Senator COURSON, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

**STATEWIDE APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was taken up for immediate consideration:

Initial Appointment, Jobs Economic Development Authority, with the term to commence July 27, 2012, and to expire July 12, 2015

5th Congressional District:

Gregory A. Thompson, 1820 Stadium Road, Sumter, SC 29154 *VICE* Hampton Atkins

On motion of Senator ALEXANDER, the question was confirmation of Mr. Thompson.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

The appointment of Mr. Thompson was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointment was taken up for immediate consideration:

Initial Appointment, South Carolina Mental Health Commission, with the term to commence July 31, 2008, and to expire July 31, 2013

5th Congressional District:

Beverly Cardwell, Post Office Box 37764, Rock Hill, SC 29732

On motion of Senator PEELER, the question was confirmation of Ms. Cardwell.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

The appointment of Ms. Cardwell was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointment was taken up for immediate consideration:

Reappointment, South Carolina Mental Health Commission, with the term to commence July 31, 2013, and to expire July 31, 2018

5th Congressional District:

Beverly Cardwell, Post Office Box 37764, Rock Hill, SC 29732

On motion of Senator PEELER, the question was confirmation of Ms. Cardwell.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

The appointment of Ms. Cardwell was confirmed.

The Senate resumed consideration of S. 308.

**ACTING PRESIDENT PRESIDES**

At 5:00 P.M., Senator LARRY MARTIN assumed the Chair.

**Amendment No. P4**

Senator SCOTT proposed the following Amendment No. P4 (2MW308), which was carried over:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/(B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23 within the premises of a business in which sixty percent of its proceeds are from food. However, the person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business's premises. A person who violates this subitem may be charged with a violation of subsection (A). /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

Senator MASSEY spoke on the amendment.

On motion of Senator MASSEY, Amendment No. P4 was carried over.

**Amendment No. P5**

Senator SCOTT proposed the following Amendment No. P5 (4MW308), which was adopted:

Amend the committee report, as and if amended, page [308-1], by striking Section 16-23-465(A)and inserting the following:

/ “Section 16-23-465. (A) In addition to the penalties provided for by Sections 16‑11‑330, 16-11-620, ~~and~~ 16‑23‑460, 23-31-220, and ~~by~~ Article 1, ~~of~~ Chapter 23, ~~of~~ Title 16, a person convicted of carrying a ~~pistol or~~ firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than ~~two~~ three thousand dollars or imprisoned not more than three years, or both. /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

**Amendment No. P6**

Senator REESE proposed the following Amendment No. P6 (7MW308), which was tabled:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/ (B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23. This exception does not apply to any handgun with a barrel over six inches. The person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’s premises. A person who violates this subitem may be charged with a violation of subsection (A). /  
 Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 29; Nays 13**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Leatherman

*Martin, Larry Martin, Shane* Massey

O'Dell Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--29**

**NAYS**

Allen Ford Jackson

Johnson Lourie Malloy

McElveen McGill Nicholson

Pinckney Reese Scott

Williams

**Total--13**

The amendment was laid on the table.

**Amendment No. P7A**

Senator REESE proposed the following Amendment No. P7A (19MW308), which was tabled:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/ (B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23. This exception only applies to a single action gun. The person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’s premises. A person who violates this subitem may be charged with a violation of subsection (A). /  
 Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 30; Nays 12**

**AYES**

Alexander Bennett Bright

Bryant Campbell Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Leatherman *Martin, Larry Martin, Shane*

Massey McGill O'Dell

Peeler Rankin Setzler

Shealy Thurmond Turner

Verdin Williams Young

**Total--30**

**NAYS**

Allen Ford Hutto

Jackson Johnson Lourie

Malloy McElveen Nicholson

Pinckney Reese Scott

**Total--12**

The amendment was laid on the table.

**Amendment No. P8A**

Senator REESE proposed the following Amendment No. P8A (20MW308), which was tabled:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/ (B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23. This exception only applies to a double action gun. The person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’s premises. A person who violates this subitem may be charged with a violation of subsection (A). /  
 Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

Senator BRIGHT moved to lay the amendment on the table.

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

**Ayes 28; Nays 15**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Leatherman *Martin, Larry*

*Martin, Shane* Massey O'Dell

Peeler Rankin Shealy

Thurmond Turner Verdin

Young

**Total--28**

**NAYS**

Allen Ford Hutto

Jackson Johnson Lourie

Malloy McElveen McGill

Nicholson Pinckney Reese

Scott Setzler Williams

**Total--15**

The amendment was tabled.

**Amendment No. P9A**

Senator REESE proposed the following Amendment No. P9A (22MW308), which was tabled:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/ (B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23. This exception does not apply to any gun that fires more than six rounds. The person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’s premises. A person who violates this subitem may be charged with a violation of subsection (A). /  
 Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 28; Nays 11**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Cromer

Davis Fair Gregory

Grooms Hayes Hembree

*Martin, Larry Martin, Shane* Massey

McGill O'Dell Peeler

Rankin Shealy Thurmond

Turner Verdin Williams

Young

**Total--28**

**NAYS**

Allen Ford Hutto

Johnson Malloy McElveen

Nicholson Pinckney Reese

Scott Setzler

**Total--11**

The amendment was tabled.

**Amendment No. P10**

Senator REESE proposed the following Amendment No. P10 (18MW308), which was tabled:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/ (B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23. This exception only applies to nine millimeter semi-automatic guns. The person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’s premises. A person who violates this subitem may be charged with a violation of subsection (A). /  
 Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 26; Nays 14**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hembree

*Martin, Larry Martin, Shane* Massey

O'Dell Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

**NAYS**

Allen Ford Hutto

Jackson Johnson Malloy

McElveen McGill Nicholson

Pinckney Reese Scott

Setzler Williams

**Total--14**

The amendment was tabled.

**Amendment No. P11**

Senator REESE proposed the following Amendment No. P11 (23MW308), which was tabled:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/ (B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23. This exception only applies to a gun that is comprised of lightweight alloy. The person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’s premises. A person who violates this subitem may be charged with a violation of subsection (A). /  
 Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 30; Nays 11**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

O'Dell Peeler Rankin

Setzler Shealy Thurmond

Turner Verdin Young

**Total--30**

**NAYS**

Allen Hutto Jackson

Johnson McElveen McGill

Nicholson Pinckney Reese

Scott Williams

**Total--11**

The amendment was tabled.

**Amendment No. P12**

Senator REESE proposed the following Amendment No. P12 (21MW308), which was tabled:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/ (B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23. This exception only applies to a gun that is comprised of stainless steel. The person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’s premises. A person who violates this subitem may be charged with a violation of subsection (A). /  
 Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

Senator SHANE MARTIN moved to lay the amendment on the table.

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

**Ayes 27; Nays 9**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Setzler Shealy Thurmond

Turner Verdin Young

**Total--27**

**NAYS**

Allen Hutto Jackson

Johnson Malloy McElveen

Pinckney Reese Scott

**Total--9**

The amendment was tabled.

**Amendment No. P13**

Senator REESE proposed the following Amendment No. P13 (24MW308), which was withdrawn:

Amend the committee report, as and if amended, page [308-2], by striking Section 16-23-465(B)(1), and inserting the following:

/ (B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23. This exception does not apply to a gun with a laser sight. The person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’s premises. A person who violates this subitem may be charged with a violation of subsection (A). /  
 Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

At 7:42 P.M., Senator HUTTO moved that the Senate stand adjourned.

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

**Ayes 13; Nays 24**

**AYES**

Allen Cleary Ford

Hutto Jackson Johnson

Malloy McElveen Pinckney

Rankin Reese Scott

Setzler

**Total--13**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

*Martin, Larry Martin, Shane* Massey

Peeler Shealy Thurmond

Turner Verdin Young

**Total--24**

The Senate refused to adjourn. The Senate resumed consideration of Amendment No. P13.

Senator REESE explained the amendment.

**PRESIDENT PRESIDES**

At 8:03 P.M., the PRESIDENT assumed the Chair.

**Objection**

Senator MASSEY asked unanimous consent to make a motion, with Senator REESE retaining the floor, to give the Bill a second reading, carrying over all amendments to third reading, cutting off receipt of further amendments, with the exception of only one further amendment that is in the process of being prepared, and one further compromise amendment, allowing amendments to be substituted for those already on the Desk, and, then the Senate would stand adjourned.

Senator MALLOY objected.

Senator REESE resumed explaining the amendment.

Senator SHANE MARTIN moved to lay the amendment on the table.

**Motion Adopted**

Senator MASSEY asked unanimous consent to make a motion to give the Bill a second reading, carrying over all amendments to third reading, cutting off receipt of other amendments, with the exception of only seven further amendments that are in the process of being prepared, and one further compromise amendment, allowing amendments to be substituted for those already on the Desk.

The motion was adopted.

On motion of Senator HUTTO, with unanimous consent, Amendment No. P13 was withdrawn.

The Bill was read the second time, with unanimous consent, passed and ordered to a third reading, carrying over all amendments to third reading.

The Bill was returned to the status of Special Order.

**LOCAL APPOINTMENT**

**Confirmation**

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

Initial Appointment, Savannah River Site Redevelopment Authority, with the term to commence October 21, 2010, and to expire October 21, 2014

Barnwell County:

Kay H. Still, 2985 Friendship Road, Barnwell, SC 29812 *VICE* Thomas Williams (resigned)

**ADJOURNMENT**

At 8:11 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*