**Monday, May 13, 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:

Moses’ father-in-law, Jethro, said to him:

“Teach them the statutes and instructions and make known to them the way they are to go and the things they are to do.” (Exodus 18:20)

Friends, let us pray:

Holy God, as this Senate receives and collectively begins to wrestle with the budget this week, we ask that You especially bless and guide each of these Senators and their aides. Expectations from many groups are particularly high, and the limitations our current economy imposes upon this process are acute. Therefore, Lord, bestow Your mercy, Your wisdom, and Your grace upon each one of these leaders. And continue to bless this Senate as its members seek the very best ways to meet the needs of our State and her people. In Your loving name we pray, dear Lord.

Amen.

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

**Point of Quorum**

At 2:07 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 PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Bennett Bright

Campbell Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hembree Hutto

Johnson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

Peeler Reese Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

A quorum being present, the Senate resumed.

**Leave of Absence**

On motion of Senator SHANE MARTIN, at 2:05 P.M., Senator BRYANT was granted a leave of absence until 2:40 P.M.

**Leaves of Absence**

On motion of Senator LARRY MARTIN, at 2:05 P.M., Senator CORBIN was granted a leave of absence for the balance of the day.

**Leave of Absence**

At 2:06 P.M., Senator VERDIN requested a leave of absence from 4:00 - 10:00 A.M. tomorrow.

**Leave of Absence**

On motion of Senator McGILL, at 2:06 P.M., Senator O’DELL was granted a leave of absence for the balance of the week.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**RECALLED AND COMMITTED**

H. 3410 -- Reps. Forrester, Allison, Loftis, V.S. Moss, Cole, Tallon, Mitchell, Cobb‑Hunter and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 1, TITLE 13 SO AS TO TRANSFER THE REGIONAL EDUCATION CENTERS ESTABLISHED BY THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL TO THE DEPARTMENT OF COMMERCE; TO AMEND SECTION 59‑59‑170, RELATING TO THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL, AND SECTION 59‑59‑190, RELATING TO ASSISTANCE OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, THE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND THE COMMISSION ON HIGHER EDUCATION SHALL PROVIDE THE DEPARTMENT OF EDUCATION WITH RESPECT TO CERTAIN PROGRAMS UNDER THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 59‑59‑180 RELATING TO REGIONAL EDUCATION CENTERS.

Senator COURSON asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

The Bill was recalled from the Committee on Education.

On motion of Senator COURSON, with unanimous consent, the Bill was committed to the Committee on Labor, Commerce and Industry.

**OBJECTION**

H. 3101 -- Reps. Chumley, Taylor, G.R. Smith, Huggins, Wells, Henderson, Crosby, Atwater, Long, Wood, Toole, Willis, Clemmons, Hardwick, Hardee, Goldfinch, Bedingfield, D.C. Moss, Loftis, Nanney, Pitts, Putnam, V.S. Moss, Owens, Barfield, H.A. Crawford, Stringer, Hamilton, Burns, Tallon, Kennedy, Allison, Murphy, Delleney, Horne, Daning and Brannon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FREEDOM OF HEALTH CARE PROTECTION ACT” BY ADDING ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO RENDER NULL AND VOID CERTAIN UNCONSTITUTIONAL LAWS ENACTED BY THE CONGRESS OF THE UNITED STATES TAKING CONTROL OVER THE HEALTH INSURANCE INDUSTRY AND MANDATING THAT INDIVIDUALS PURCHASE HEALTH INSURANCE UNDER THREAT OF PENALTY; TO PROHIBIT CERTAIN INDIVIDUALS FROM ENFORCING OR ATTEMPTING TO ENFORCE SUCH UNCONSTITUTIONAL LAWS; AND TO ESTABLISH CRIMINAL PENALTIES AND CIVIL LIABILITY FOR VIOLATING THIS ARTICLE.

Senator SHANE MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

Senator HUTTO objected.

**Statement by Senators SHANE MARTIN, BRYANT, BRIGHT BENNETT, DAVIS, SHEALY, VERDIN, GROOMS, PEELER COURSON, CROMER, FAIR, HEMBREE, TURNER and YOUNG**

Senators SHANE MARTIN, BRYANT, BRIGHT, BENNETT, DAVIS, SHEALY, VERDIN, GROOMS, PEELER, COURSON, CROMER, FAIR, HEMBREE, TURNER and YOUNG wished the Journal to reflect that they were in support of the motion to recall the Bill from the Committee on Finance.

Senator SHANE MARTIN made a motion to recall H. 3101 (the Obamacare Nullification Bill) from the Finance Committee to be placed on the Senate Calendar.  Unfortunately, it takes unanimous consent outside of the Motion Period.  We do not object and are in favor of working on this legislation.  Each Senator present was given an opportunity to sign on to this statement.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 689 -- Senator Bryant: A BILL TO AMEND SECTION 7-7-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ANDERSON COUNTY, SO AS TO ADD THE “NORTH POINTE” PRECINCT AND THE “GLENVIEW” PRECINCT, TO REDESIGNATE 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, AND TO CORRECT ARCHAIC LANGUAGE.

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

S. 690 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF ARCHITECTURAL EXAMINERS, RELATING TO OFFICERS, MEETINGS, APPLICATIONS AND FEES, RENEWALS, AND CONTINUING EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4334, 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. 691 -- 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 RESIDENTIAL CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4321, 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. 692 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE RESIDENTIAL BUILDERS COMMISSION, RELATING TO RESIDENTIAL SPECIALTY CONTRACTORS LICENSE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4252, 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. 693 -- Senator Hayes: A CONCURRENT RESOLUTION TO CONGRATULATE STEPHEN R. FOWLER, PRESIDENT AND CEO OF THE SOUTH CAROLINA CREDIT UNION LEAGUE, ON THE OCCASION OF HIS RETIREMENT AND TO RECOGNIZE HIM FOR HIS OUTSTANDING LEADERSHIP AND COOPERATIVE SPIRIT IN SERVICE TO SOUTH CAROLINA'S CREDIT UNION MOVEMENT, CREDIT UNION MEMBERS, AND CITIZENS AT LARGE.

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The Concurrent Resolution was adopted, ordered sent to the House.

**REPORTS OF STANDING COMMITTEES**

Senator COURSON from the Committee on Education submitted a majority favorable with amendment and Senator LARRY GROOMS a minority unfavorable report on:

S. 160 -- Senators Malloy, Cleary, Jackson, Shealy, Verdin, Fair and Alexander: A BILL TO AMEND CHAPTER 32, TITLE 59 OF THE 1976 CODE, RELATING TO THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, BY ADDING SECTION 59‑32‑35 TO REQUIRE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR TO ALL STUDENTS ENROLLED IN THE SCHOOL DISTRICT AS A REQUIREMENT FOR GRADUATION FROM HIGH SCHOOL.

Ordered placed on the Calendar for consideration tomorrow.

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

H. 3061 -- Reps. McCoy, M.S. McLeod, Stavrinakis and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑95 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION TO DEVELOP AND DISTRIBUTE MODEL POLICIES CONCERNING THE NATURE AND RISK OF CONCUSSIONS SUSTAINED BY STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP ITS OWN POLICY, TO REQUIRE THE REVIEW OF THE POLICY BY STUDENT ATHLETES AND THEIR PARENTS OR GUARDIANS, TO REQUIRE THE REMOVAL FROM PLAY AND MEDICAL EVALUATION OF A STUDENT ATHLETE BELIEVED TO HAVE SUSTAINED A CONCUSSION DURING PLAY, TO ALLOW FOR THE EVALUATION TO BE UNDERTAKEN BY A VOLUNTEER HEALTH CARE PROVIDER, AND TO PROVIDE THAT LOCAL SCHOOL DISTRICTS ARE NOT REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a majority favorable with amendment and Senator PINCKNEY a minority unfavorable report on:

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.

Ordered for consideration tomorrow.

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

H. 3945 -- Reps. G.M. Smith, Harrell, Lucas, Bannister, Toole, Stringer, Hamilton, Sottile, Barfield, Bingham, Spires, Hardwick, Owens, Hiott, Long, Erickson, Murphy, Horne, Willis, Gagnon, Simrill, Funderburk and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, TO PROVIDE FOR ITS POWERS, DUTIES, PROCEDURES, AND JURISDICTION, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO REPEAL ARTICLE 3, CHAPTER 13, TITLE 8 RELATING TO THE STATE ETHICS COMMISSION; TO REPEAL ARTICLE 5, CHAPTER 13, TITLE 8 RELATING TO THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES; TO AMEND SECTION 8‑13‑100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8‑13‑700, AS AMENDED, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, SO AS TO PROVIDE THAT IF A MEMBER OF THE GENERAL ASSEMBLY DETERMINES THAT HE HAS A CONFLICT OF INTEREST, HE MUST COMPLY WITH CERTAIN REQUIREMENTS BEFORE ABSTAINING FROM ALL VOTES ON THE MATTER, AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL WHO IS REQUIRED TO RECUSE HIMSELF FROM A MATTER MUST DO SO; TO AMEND SECTION 8‑13‑740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL ENTITY, SO AS TO FURTHER DELINEATE WHAT IS CONSIDERED A CONTESTED CASE WHEN REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY IS PERMITTED; TO AMEND SECTION 8‑13‑745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY OR AN ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO DELETE A PROHIBITION AGAINST CERTAIN CONTRACTS WITH AN ENTITY FUNDED WITH GENERAL FUNDS; TO AMEND SECTION 8‑13‑1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 8‑13‑1300, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8‑13‑1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, SO AS TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8‑13‑1338, RELATING TO PERSONS WHO MAY NOT SOLICIT CONTRIBUTIONS, SO AS TO INCLUDE THE HEAD OF ANY STATE AGENCY WHO IS SELECTED BY THE GOVERNOR, THE GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8‑13‑1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, SO AS TO DELETE AN EXCEPTION FOR A COMMITTEE CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 8‑13‑1510 AND 8‑13‑1520, BOTH AS AMENDED, RELATING TO PENALTIES FOR ETHICAL AND OTHER VIOLATIONS, AND BY ADDING SECTION 8‑13‑1530 SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS AND FOR WHERE CERTAIN WILFUL VIOLATIONS MUST BE TRIED; AND TO REPEAL SECTIONS 8‑13‑710 AND 8‑13‑715 RELATING TO REPORTING OF PARTICULAR GIFTS AND AUTHORIZED REIMBURSEMENTS FOR SPEAKING ENGAGEMENTS.

Ordered for consideration tomorrow.

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

**THIRD READING BILLS**

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

S. 380 -- Senator L. Martin: A BILL TO AMEND SECTION 15-78-60, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO EXCEPTIONS TO WAIVER OF IMMUNITY, SO AS TO INCLUDE EMERGENCY MEDICAL SERVICES.

S. 635 -- Senators Shealy, Campbell, Corbin, Turner, Bryant and Campsen: A BILL TO AMEND CHAPTER 23, TITLE 48 OF THE 1976 CODE, RELATING TO FORESTRY, BY ADDING SECTION 48‑23‑300, TO PROVIDE THAT A MAJOR FACILITY PROJECT REQUESTING THIRD-PARTY CERTIFICATION SHALL NOT BE ALLOWED TO SEEK A RATING POINT THAT WOULD DISCRIMINATE AGAINST WOOD PRODUCTS OF THIS STATE DERIVED FROM FOREST LANDS CERTIFIED BY THE SUSTAINABLE FORESTRY INITIATIVE OR THE AMERICAN TREE FARM SYSTEM.

**READ THE SECOND TIME**

H. 3223 -- Rep. White: A BILL TO AMEND SECTIONS 1‑11‑55, AS AMENDED, 1‑11‑425, 1‑23‑120, AS AMENDED, 2‑1‑230, 2‑3‑75, 2‑13‑60, 2‑13‑180, 2‑13‑190, AS AMENDED, 2‑13‑200, 2‑13‑210, 11‑35‑310, 11‑53‑20, AND 29‑6‑250, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING, IN WHOLE OR IN PART, TO THE OFFICE OF LEGISLATIVE PRINTING, INFORMATION AND TECHNOLOGY SYSTEMS (LPITS), SO AS TO CHANGE THE NAME OF THIS OFFICE TO THE LEGISLATIVE SERVICES AGENCY (LSA).

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

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

**Ayes 35; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McElveen McGill

Nicholson Peeler Reese

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--35**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3472 -- Reps. Owens, Harrell, Patrick, Gambrell, Taylor, Wells, Anthony, Mitchell, Cobb‑Hunter, Allison, Pitts, Daning, Wood and Southard: A BILL TO AMEND SECTION 59‑40‑210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL AND THE REQUIREMENT THAT THE CONVERTED PRIVATE SCHOOL NOT BE ALLOWED TO OPEN AS A CHARTER SCHOOL FOR A PERIOD OF TWELVE MONTHS, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST THE CONVERTED PRIVATE SCHOOL BEING ALLOWED TO OPEN AS A CHARTER SCHOOL FOR A PERIOD OF TWELVE MONTHS DOES NOT APPLY UNDER SPECIFIED CONDITIONS IF THE ENROLLMENT OF THE CONVERTED PRIVATE SCHOOL FOR THE MOST RECENTLY COMPLETED SCHOOL TERM BEFORE THE DATE OF THE PROPOSED CONVERSION REFLECTS THE RACIAL COMPOSITION OF THE LOCAL SCHOOL DISTRICT IN WHICH THE CONVERTED PRIVATE SCHOOL IS LOCATED.

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

The Committee on Education proposed the following amendment (NL\3472C003.NL.DG13), which was adopted:

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

/ SECTION \_\_\_. A. Section 59‑40‑100 of the 1976 Code, as last amended by Act 164 of 2012, is further amended by adding an appropriately numbered subsection to read:

“( ) A special public school that is funded directly by the State of South Carolina and, therefore, is not associated with a public school district may apply to become a public charter school if it serves as a professional development school for an institution of higher learning’s teacher education program. If a special public school becomes a public charter school pursuant to this subsection, the provisions of Section 59‑127-75 do not apply.

Notwithstanding any other provision of law, if the qualifying special public school becomes a public charter school, it shall be deemed not to be a converted charter school.”

B. This SECTION takes effect upon approval by the Governor and applies beginning with the 2013‑2014 school year for any special public school that applies to become a public charter school by May 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

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 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hembree Hutto Johnson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Reese Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--37**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3725 -- Reps. Putnam, Ballentine, Patrick, Huggins, H.A. Crawford, Mitchell, Allison, Barfield, Chumley, Felder, Gagnon, Henderson, Hixon, Owens, Rivers, Ryhal, Simrill, Spires, Stringer, Taylor, Willis, Wood, Sellers, Long and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SAFE ACCESS TO VITAL EPINEPHRINE (SAVE) ACT”; BY ADDING SECTION 59‑63‑95 SO AS TO ALLOW SCHOOL DISTRICT AND PRIVATE SCHOOL GOVERNING AUTHORITIES TO OBTAIN SUPPLIES OF EPINEPHRINE AUTO‑INJECTORS FOR SCHOOLS TO USE IN CERTAIN CIRCUMSTANCES; TO AUTHORIZE CERTAIN PEOPLE TO PRESCRIBE AND DISPENSE PRESCRIPTIONS FOR EPINEPHRINE AUTO‑INJECTORS; TO AUTHORIZE CERTAIN SCHOOL PERSONNEL TO PROVIDE EPINEPHRINE AUTO‑INJECTORS TO STUDENTS FOR SELF‑ADMINISTRATION OF THE INJECTOR; TO AUTHORIZE CERTAIN PERSONNEL TO ADMINISTER EPINEPHRINE AUTO‑INJECTORS TO STUDENTS AND OTHER PEOPLE; TO PROVIDE FOR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND SCHOOL DISTRICT AND PRIVATE SCHOOL GOVERNING AUTHORITIES TO DEVELOP AND FACILITATE IMPLEMENTATION OF GUIDELINES FOR MANAGEMENT OF STUDENTS WITH LIFE‑THREATENING ALLERGIES, INCLUDING FOR ADMINISTRATION AND PROVISION OF EPINEPHRINE AUTO‑INJECTORS TO STUDENTS AND OTHER PEOPLE; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY WITH REGARD TO USE OF EPINEPHRINE AUTO‑INJECTORS BY SCHOOLS.

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

The Committee on Education proposed the following amendment (GGS\3725C001.GGS.VR13), which was adopted:

Amend the bill, as and if amended, by deleting Section 59-63-95(E), as contained in SECTION 2, and inserting:

/ (E) Participating governing authorities, in consultation with the State Department of Education and the Department of Health and Environmental Control, shall implement a plan for the management of students with life‑threatening allergies enrolled in the schools under their jurisdiction. The plan must include, but need not be limited to:

(1) education and training for school personnel on the management of students with life‑threatening allergies, including training related to the administration of an epinephrine auto‑injector, techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis, and the standards and procedures for the storage and administration of an epinephrine auto‑injector;

(2) procedures for responding to life‑threatening allergic reactions, including emergency follow‑up procedures; and

(3) a process for the development of individualized health care and allergy action plans for every student with a known life‑threatening allergy. /

Amend the bill further, by deleting Section 59-63-95(H), as contained in SECTION 2, and inserting:

/ (H)(1) A school, school district, school district governing authority, private school governing authority, the Department of Health and Environmental Control, the State Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to, a physician, advanced practice registered nurse, physician assistant, pharmacist, school nurse, and other designated school personnel, who undertake an act identified in subsection (H)(2), are not liable for damages caused by injuries to a student or another person resulting from the administration or self‑administration of an epinephrine auto‑injector, regardless of whether:

(a) the student’s parent or guardian, or a physician, advanced practice registered nurse, or physician assistant, authorized the administration or self‑administration; or

(b) the other person to whom a school nurse or other designated school personnel provides or administers an epinephrine auto‑injector gave authorization for the administration.

(2) The immunity granted pursuant to subsection (H)(1) applies to individuals and entities who:

(a) develop or implement, or participate in the development or implementation of, a plan, pursuant to subsection (E), including, but not limited to, providing training to school nurses and other designated school personnel;

(b) make publicly available a plan, pursuant to subsection (F);

(c) prescribe epinephrine auto‑injectors, pursuant to subsection (B);

(d) dispense epinephrine auto‑injectors, pursuant to subsection (B);

(e) provide epinephrine auto‑injectors to students or other people for self‑administration, pursuant to subsection (C); or

(f) administer epinephrine auto‑injectors to students or other people, pursuant to subsection (C).

(3) The immunity granted pursuant to this subsection:

(a) does not apply to acts or omissions constituting gross negligence or wilful, wanton, or reckless conduct; and

(b) is in addition to, and not in lieu of, immunity provided pursuant to Sections 15‑1‑310, 15‑78‑10, and any other provisions of law.

(4) The administration of an epinephrine auto‑injector pursuant to this section is not the practice of medicine or nursing.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

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 38; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hembree Hutto

Johnson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson Peeler Reese

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, CARRIED OVER, AS AMENDED**

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.

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

Senator BENNETT asked unanimous consent to take up perfecting Amendment No. 4 as the first order of business and withdraw Amendment Nos. 1 through 3.

There was no objection.

Senators BENNETT, FAIR and LOURIE proposed the following amendment (JUD3554.005), which was adopted:

Amend the committee report, as and if amended, by striking the report in its entirety and inserting the following:

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

/ SECTION 1. Section 61‑4‑1515 of the 1976 Code is amended to read:

“Section 61‑4‑1515. (A) ~~Notwithstanding another provision of law, a~~ A brewery licensed in this State is authorized to offer samples of beer to consumers ~~brewed in this State~~ on its licensed premises, ~~with or without cost, to consumers under the~~  provided that the beer is brewed on the licensed premises with an alcoholic content of twelve percent by weight, or less, subject to the following conditions:

(1) sales to or ~~tastings~~ samplings by consumers must be held in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

(2) ~~a sample~~ sales or samplings shall not be offered or made to, or allowed to be offered, made to, or consumed by an intoxicated person or a person who is under the age of twenty‑one;

(3) ~~a sample shall be no more than two ounces per brand of beer with over eight percent alcohol by weight and no more than four ounces of beer with under eight percent alcohol by weight brewed at the licensed premises; and~~

(a) no more than a total of forty‑eight ounces of beer brewed at the licensed premises, including amounts of samples offered and consumed with or without cost, shall be sold to a consumer for on‑premises consumption within a twenty‑four hour period; and

(b) of that forty‑eight ounces of beer available to be sold to a consumer within a twenty‑four hour period, no more than sixteen ounces of beer with an alcoholic weight of above eight percent, including any samples offered and consumed with or without cost, shall be sold to a consumer for on‑premises consumption within a twenty‑four hour period;

(4) ~~no more than four brands of beer brewed at the licensed premises may be sampled by a consumer in a twenty‑four hour period~~ a brewery must develop and use a system to monitor the amounts and types of beer sampled or sold to a consumer for on‑premises consumption;

(5) a brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located;

(6) a brewery must remit appropriate taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for excise taxes assessed by the department. A brewery also must remit appropriate sales and use taxes and local hospitality taxes;

(7) a brewery must post information that states the alcoholic content by weight of the various types of beer available in the brewery and the penalties for convictions for: (1) driving under the influence; (2) unlawful transport of an alcoholic container; and (3) unlawful transfer of alcohol to minors, and the information shall be in signage that must be posted at each entrance, each exit, and in places in a brewery seen during a tour;

(8) a brewery must provide DAODAS approved alcohol enforcement training for the employees who serve beer on the licensed premises to consumers for on‑premises consumption, so as to prevent and prohibit unlawful sales, transfer, transport or consumption of beer by persons who are under the age of twenty‑one or who are intoxicated; and

(9) a brewery must maintain liability insurance in the amount of at least one million dollars for the biennial period for which it is licensed. Within ten days of receiving its biennial license, a brewery must send proof of this insurance to the State Division of Law Enforcement and to the Department of Revenue, where the proof of insurance information shall be retained with the department’s alcohol beverage licensing section.

(B) A brewery located in this State is authorized to sell beer on its licensed premises for off‑premises consumption provided that the sealed beer was brewed on the licensed premises with an alcohol content of fourteen percent by weight or less, subject to the following ~~restrictions~~ conditions:

(1) the maximum amount of beer that may be sold to an individual per day for off‑premises consumption shall be equivalent to two hundred eighty‑eight ounces in total;

(2) the beer only shall be sold in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

(3) the beer sold is for personal use only and cannot be resold;

(4) the beer cannot be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

(5) the brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located; and

(6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12‑21‑1020 and Section 12‑21‑1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes.

(C) In addition to other applicable fines or penalties, ~~A~~ a person licensed as a brewery in this State who violates the provisions of this section must be assessed a fine of ~~one~~ five hundred dollars for ~~each~~ a first violation ~~in addition to other applicable fines and penalties~~. For a second violation that occurs within three years of the first violation, a person must be assessed an additional five hundred dollars. For subsequent violations within a three-year period, the department must suspend the brewery license for a period of not less than thirty days. The revenue from the ~~one hundred dollar fine~~ fines established in this section must be directed to the ~~Department of Revenue~~ State Law Enforcement Division for supplementing funds required for ~~the department’s activities concerning licensure and regulation of alcohol~~ the regulation and enforcement of this section.”

SECTION 2. (A) By no later than March 15, 2016, a report, compiled jointly by the Department of Revenue and the State Law Enforcement Division, shall be delivered to the chairs of the Senate Judiciary Committee, the Senate Finance Committee, the House Judiciary Committee, and the House Ways and Means Committee, and reported in the Senate and House Journals, which contains the following information:

(1) a list of civil and criminal violations and dispositions of those violations related to the provisions of Section 61‑4‑1515, including, but not limited to, sales or transfers of beer to minors or intoxicated persons, suspensions of brewery licenses, unlawful transportation of beer, and offenses of driving under the influence, if known, for the period of time from the enactment of these provisions to February 1, 2016;

(2) a total of excise and sales taxes paid by the breweries to the Department of Revenue for the period of time from the enactment of these provisions to February 1, 2016;

(3) a total of all fines and penalties paid by or assessed against persons for violations of Section 61‑4‑1515 for the period of time from the enactment of these provisions to February 1, 2016;

(4) a monthly total of the numbers of persons touring each of the breweries licensed in this State for the period of time from two months after the enactment of these provisions to February 1, 2016, and each brewery shall be responsible for providing the Department of Revenue with this information electronically on a monthly basis during the above‑described time period; and

(5) The Department of Revenue shall furnish a list of all licensed breweries upon request by the State Law Enforcement Division or local law enforcement agencies.

(B) The purpose of this report is to enable the General Assembly to consider the information provided by the report to determine if state laws should be amended and additional revenue for regulation and enforcement of Section 61‑4‑1515 should be appropriated.

SECTION 3. This act shall take effect upon approval of the Governor, except that, for a brewery licensed in the State at the time this act becomes effective, the requirements for proof of liability insurance shall apply immediately, and a licensed brewery must provide the required documentation within sixty days of the effective date of this act. / //

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD3554.001), which was adopted:

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

/ SECTION 1. Section 61‑4‑1515 (A) and (B) of the 1976 Code are amended to read:

“Section 61‑4‑1515. (A) ~~Notwithstanding another provision of law, a~~ A brewery licensed in this State is authorized to offer samples of beer ~~brewed in this State~~ to consumers on its licensed premises, ~~with or without cost, to consumers under the~~ for on-premises consumption, provided that the beer is brewed on the licensed premises with an alcohol content of fourteen percent by weight, or less, subject to the following conditions:

(1) sales to or ~~tastings~~ samplings by consumers must be held in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

(2) ~~a sample~~ sales or samplings shall not be offered or made to, or allowed to be ~~consumed by~~ offered or made to, an intoxicated person or a person who is under the age of twenty-one;

(3) ~~a sample shall be~~ no more than ~~two ounces per brand of beer with over eight percent alcohol by weight and no more than four~~ sixteen ounces of beer ~~with under eight percent alcohol by weight brewed at the licensed premises; and~~

~~(4)~~ ~~no more than four brands of beer~~ brewed at the licensed premises may be sampled by a consumer without cost for on-premises consumption ~~in~~ within a twenty-four hour period;

(4)(a) no more than forty-eight ounces of beer brewed at the licensed premises may be sold to a consumer for on-premises consumption within a twenty-four hour period; and

(b) of that forty-eight ounces, no more than sixteen ounces of beer with an alcoholic weight of above eight percent shall be sold to a consumer for on-premises consumption within a twenty-four hour period;

(5) the brewery must develop and use a system to monitor the amounts and types of beer sampled or sold to a consumer for on-premises consumption;

(6) the brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located;

(7) the brewery must remit appropriate taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for excise taxes assessed by the department. The brewery also must remit appropriate sales and use taxes and local hospitality taxes;

(8) the brewery must post signage at each entrance and in places in the brewery seen during a tour that states the high alcoholic content of the various types of beer available in the brewery and the penalties for convictions for driving under the influence;

(9) the brewery must maintain liability insurance policies in the amount of at least one million dollars per occurrence, ten million dollars in the aggregate, during the time it is licensed; and

(10) the brewery must offer the same training to its servers that businesses with on-premises consumption licenses are required to offer.

(B) A brewery located in this State is authorized to sell beer on its licensed premises for off-premises consumption, provided that the beer was brewed on the licensed premises with an alcohol content of fourteen percent by weight or less, subject to the following ~~restrictions~~ conditions:

(1) the maximum amount of beer that may be sold to an individual per day shall be equivalent to two hundred eighty-eight ounces in total;

(2) the beer only shall be sold in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

(3) the beer sold is for personal use only and cannot be resold;

(4) the beer cannot be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

(5) the brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located; and

(6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12‑21‑1020 and Section 12‑21‑1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes.”

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

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the committee amendment.

The committee amendment, as perfected, was adopted.

Senator HUTTO proposed the following amendment (JUD3554.006), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION as follows:

/ SECTION \_\_\_. Section 61-4-960(A) of the 1976 Code is amended to read:

“(A) Notwithstanding another provision of law or regulation, the holder of a retail permit authorizing the sale of beer for off-premises consumption whose primary product is beer or wine may conduct, in accordance with department rulings or regulations, not more than twenty-four beer tastings at any one retail location in a calendar quarter, provided that:

(1) at least ten days before the tasting, a notice detailing the specific date and hours of the tasting must be sent by first class mail or by electronic mail to the State Law Enforcement Division;

(2) the tastings must be conducted by the retailer or an agent or independent contractor of the retailer and may not be conducted by a wholesaler or manufacturer or an employee, agent, or independent contractor of a wholesaler or manufacturer. Nothing in this subsection prohibits a manufacturer or employee, agent, or independent contractor of a manufacturer from attending a tasting to provide information and offer educational material on the products to be sampled. For purposes of this subsection, a wholesaler is not considered an employee, agent, or independent contractor of a manufacturer;

(3) the products must be supplied by the retailer and may not be donated or otherwise supplied at no or reduced cost by the manufacturer or wholesaler;

(4) a sample may not be offered from more than eight products at any one tasting;

(5) no more than one container of each of the products to be sampled may be open at any time. Open containers must be visible at all times and must be removed at the conclusion of a tasting;

(6) the tasting must be held in a designated tasting area of the retail store;

(7) samples must be no more than two ounces for each product sampled as defined in Section 61‑4‑10(1);

(8) samples must be no more than one ounce for each product sampled as defined in Section 61‑4‑10(2), provided that no more than two of the total eight samples may contain more than ten percent of alcohol by weight;

(9) a person shall not be served more than one sample of each product;

(10) a sample shall not be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty-one years. A person tasting a sample may not be allowed to loiter on the store premises;

(11) a sampling may not be offered for more than four hours;

(12) ~~the tasting may not be held in conjunction with a wine tasting pursuant to Section 61‑4‑737;~~

~~(13)~~ a retailer, pursuant to this section, may not offer more than one sampling per day; and

~~(14)~~(13) the tasting may not be held in conjunction with a tasting in a retail alcoholic liquor store, pursuant to Section 61‑6‑1035, that is adjacent to and licensed in the same name of the retail permit authorizing the sale of beer.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**CARRIED OVER**

S. 558 -- Senator Reese: A BILL TO AMEND ARTICLE 13, CHAPTER 25, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS PLACED ON THE USE OF WATERCRAFT ON LAKES WILLIAM C. BOWEN AND H. TAYLOR BLALOCK IN SPARTANBURG COUNTY, SO AS TO SPECIFY THE TYPES OF WATERCRAFT TO WHICH THESE RESTRICTIONS APPLY, TO PROVIDE THAT CERTAIN SIGNS THAT CONTAIN THESE RESTRICTIONS MUST BE DESIGNED AND INSTALLED BY THE SPARTANBURG WATER SYSTEM, TO PROVIDE THAT CERTAIN VESSELS ARE EXEMPTED FROM THESE RESTRICTIONS, TO PROVIDE THAT THESE RESTRICTIONS APPLY TO A HYDROELECTRIC GENERATOR OUTFALL, AND TO PROVIDE THAT CERTAIN RESTRICTIONS APPLICABLE TO LAKE H. TAYLOR BLALOCK DO NOT APPLY TO THE HUNTING OF WATERFOWL IN CERTAIN AREAS DURING CERTAIN TIMES OF THE YEAR.

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

S. 674 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF LAKES AND PONDS OWNED AND LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4341, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MALLOY, the Joint Resolution was carried over.

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.

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

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

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

H. 3193 -- Reps. Rutherford and King: A BILL TO AMEND SECTION 24‑13‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPUTATION OF TIME SERVED BY A PRISONER, SO AS TO PROVIDE THAT ANY TIME SERVED UNDER HOUSE ARREST BY A PRISONER MUST BE USED IN COMPUTING TIME SERVED BY THE PRISONER.

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

H. 3751 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO CONFORM WITH FEDERAL MANDATES ENACTED BY THE UNITED STATES CONGRESS IN THE TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011; BY ADDING SECTION 41‑41‑45 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL IMPOSE A PENALTY ON FRAUDULENT OVERPAYMENTS OF UNEMPLOYMENT BENEFITS; BY ADDING SECTION 41‑33‑910 SO AS TO CREATE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE INTEGRITY FUND AND PROVIDE FOR ITS SOURCE AND USE; BY ADDING SECTION 41‑35‑135 SO AS TO PROVIDE THE DEPARTMENT SHALL CHARGE THE ACCOUNT OF AN EMPLOYER WHEN THE EMPLOYER FAILS TO RESPOND TIMELY OR ADEQUATELY TO A REQUEST BY THE DEPARTMENT FOR INFORMATION CONCERNING A CLAIM FOR UNEMPLOYMENT BENEFITS WHEN THE EMPLOYER HAS DEMONSTRATED A PATTERN OF FAILING TO TIMELY OR ADEQUATELY RESPOND TO THESE REQUESTS; AND TO AMEND SECTION 43‑5‑598, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE SOUTH CAROLINA EMPLOYABLES PROGRAM ACT, SO AS TO REVISE THE DEFINITION OF “NEW HIRE” TO APPLY WHERE THE SEPARATION OF AN EMPLOYEE FROM EMPLOYMENT IS FOR AT LEAST SIXTY CONSECUTIVE DAYS.

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

S. 509 -- Senators Thurmond, Hembree and Rankin: A BILL TO AMEND CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO OFFENSES IN CONNECTION WITH ELECTRONIC MONITORING DEVICES, BY ADDING SECTION 24‑13‑425 TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY AND WITHOUT AUTHORITY TO REMOVE, DESTROY, OR CIRCUMVENT THE OPERATION OF AN ELECTRONIC MONITORING DEVICE WHICH IS BEING USED FOR THE PURPOSE OF MONITORING A PERSON, OR TO SOLICIT ANOTHER PERSON TO DO SO, AND TO PROVIDE FOR PENALTIES.

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

H. 3711 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2012‑2013, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

On motion of Senator MALLOY, the Joint Resolution was carried over.

**POINT OF ORDER**

S. 348 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑10‑35 SO AS TO PROVIDE FOR REQUIREMENTS FOR FIREPLACES IN LIEU OF REQUIREMENTS OF THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

Senator MASSEY explained the Bill.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3087 -- Reps. Merrill and Daning: A BILL TO AMEND SECTION 59‑40‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS CHARTER SCHOOL REQUIREMENTS, POWERS, AND DUTIES, SO AS TO PROVIDE THAT A CHARTER SCHOOL LOCATED ON A FEDERAL MILITARY INSTALLATION OR BASE WHERE THE APPROPRIATE AUTHORITIES HAVE MADE BUILDINGS, FACILITIES, AND GROUNDS ON THE INSTALLATION OR BASE AVAILABLE FOR USE BY THE CHARTER SCHOOL, AS ITS PRINCIPAL LOCATION, ALSO MAY GIVE ENROLLMENT PRIORITY TO OTHERWISE ELIGIBLE STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL LIVING IN MILITARY HOUSING ON THE BASE OR INSTALLATION OR WHO ARE CURRENTLY STATIONED AT THE BASE OR INSTALLATION NOT TO EXCEED FIFTY PERCENT OF THE TOTAL ENROLLMENT OF THE CHARTER SCHOOL.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3459 -- Reps. Sandifer, Bales, J.E. Smith and Erickson: A BILL TO AMEND SECTION 40‑2‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, SO AS TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE BOARD, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE BOARD, AND TO PROVIDE THESE PERSONNEL MAY BE TERMINATED BY THE DIRECTOR OF A MAJORITY OF THE BOARD; TO AMEND SECTION 40‑2‑30, RELATING TO THE PRACTICE OF ACCOUNTANCY, SO AS TO PROVIDE A CERTIFIED PUBLIC ACCOUNTANT LICENSED BY THE BOARD IS EXEMPT FROM LICENSURE REQUIREMENTS OF PRIVATE SECURITY AND INVESTIGATION AGENCIES; AND TO AMEND SECTION 40‑2‑70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD MAY CONDUCT PERIODIC INSPECTIONS OF LICENSEES OR FIRMS; AND TO AMEND SECTION 40‑2‑80, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT SHALL DIRECT THE INVESTIGATOR ASSIGNED TO THE BOARD TO INVESTIGATE AN ALLEGED VIOLATION TO DETERMINE THE EXISTENCE OF PROBABLE CAUSE MERITING FURTHER PROCEEDINGS.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 4038 -- Reps. Sandifer and Harrell: A BILL TO AMEND SECTION 40‑22‑280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE APPLICATION OF THE CHAPTER CONCERNING ENGINEERS AND SURVEYORS, SO AS TO ADD AN EXEMPTION FOR CERTAIN ENGINEERS.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3710, THE GENERAL APPROPRIATIONS BILL.**

**REPORT OF THE SENATE FINANCE COMMITTEE ADOPTED, AMENDED**

**DEBATE INTERRUPTED**

**H. 3710--GENERAL APPROPRIATIONS BILL**

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

Senator LEATHERMAN spoke on the report.

**Motion Adopted**

**Report of the Committee on Finance Adopted**

Senator LEATHERMAN asked unanimous consent to make a motion that the Report of the Committee on Finance be adopted, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

There was no objection and the motion was adopted.

The Report of the Committee on Finance was adopted.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, staff members from the Budget and Control Board were authorized as necessary to be in that area behind the rail and, further, that Finance Committee staff and other staff designated by the President *Pro Tempore* were admitted to the floor of the Senate Chamber while debate was in progress on H. 3710, the General Appropriations Bill.

There was no objection and the motion was adopted.

**Report of the Subcommittee on K-12 Education**

Senator HAYES, Chairman of the Subcommittee on K-12 Education, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Judicial and Criminal Justice**

Senator FAIR, Chairman of the Subcommittee on Judicial and Criminal Justice, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Higher Education**

Senator COURSON, Chairman of the Subcommittee on Higher Education, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Health and Human Services**

Senator ALEXANDER, Chairman of the Subcommittee on Health and Human Services, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Natural Resources and**

**Economic Development**

Senator McGILL, Chairman of the Subcommittee on Natural Resources and Economic Development, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Constitutional Officers and Administrative Laws**

Senator CROMER, Chairman of the Subcommittee on Constitutional and Administrative Laws, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Transportation and**

**Regulatory Laws**

Senator SETZLER, Chairman of the Subcommittee on Transportation and Regulatory Laws, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Amendment No. 10**

Senators HAYES and MATTHEWS proposed the following amendment (NL\3710C009.NL.DG13.DOCX), which was adopted:

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 9, by inserting a new item after line 37,

COLUMN 7 COLUMN 8

/Public-Private Literacy

Partnerships (A85) 50,000 /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 2**

Senator GROOMS proposed the following amendment (3710R003.LKG.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 82, DEPARTMENT OF MOTOR VEHICLES, page 461, after line 5, by adding an appropriately numbered new proviso to read:

*/ 82.\_\_\_ (DMV: Five Year Eye Exam Suspension) For the current fiscal year, Section 56‑1‑220(B), relating to the requirement for a vision screening certificate during the fifth year of a ten‑year driver*’*s license, is suspended. The department may use the savings recognized from the suspension of this requirement to support necessary technology upgrades.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

**Amendment No. 8**

Senator BRYANT proposed the following amendment (LC GOV IDENTITY THEFT PROTECTION), which was adopted:

Amend the bill, as and if amended, Part IB, Section 92, OFFICE OF THE GOVERNOR, page 473, after line 22, by adding an appropriately numbered new proviso to read:

/ *(GOV: Identity Theft Protection) The Governor shall develop a protection plan to minimize the actual and potential costs and effects of identity theft perpetrated upon all taxpayers that files a tax return with the South Carolina Department of Revenue after 1997 and before 2013, by providing identity theft protection and identity theft resolution services. The identity theft protection and identity theft resolution services must be free of charge to each eligible person. The protection plan implemented may include assistance from or services provided by any executive branch agency of state government, including the Department of Consumer Affairs.*

*The protection plan implemented must include procurement by the Governor of one or more contracts for identity theft protection and identity theft resolution services for all eligible persons, including, but not limited to, credit monitoring and alerts. In implementing the protection plan, the Governor must also consider including protections against government documents and benefits fraud, phone and other utilities fraud, bank fraud and loan fraud. The procurement of identity theft protection shall be governed by the South Carolina Consolidated Procurement Code and conducted in compliance with the following additional requirements. Any contract for identity theft protection or identity theft resolution services entered into by the Governor must be solicited through the Materials Management Office using the process set forth in Section 11‑35‑1530 of the 1976 Code, as amended. Prior to issuance, the Governor’s request for proposals must be reviewed and approved by an advisory panel composed of three members appointed by the Governor, Chairman of the Senate Finance Committee, and Chairman of the House Ways and Means Committee. The evaluation and ranking required by Section 11‑35‑1530 of the 1976 Code, as amended, must be conducted by an evaluation panel composed of at least three members. The advisory panel must approve anyone selected to serve or otherwise participate with the evaluation panel and anyone authorized by the procurement officer to participate, directly or indirectly, in the selection process. No contract may be procured for a cost if the same service is available to eligible persons for free under state or federal law.*

*Any contract entered into for identity theft protection and identity theft resolutions services in FY 2013-14 shall be for one year. Upon the expiration of a contract or contracts, the Governor shall issue a report to the General Assembly containing findings and recommendations concerning the ongoing risk of identity theft to eligible persons, the services the contract or contracts provided, and the need, if any, for extending the period for the contracted services, including the levels of service required if such a need exists.*

*In order to ensure that every eligible person obtains identity theft protection and identity theft resolution services, to the extent allowed by federal or state law, including Section 30-2-320 of the 1976 Code, as amended, the Governor and the Department of Revenue must develop and implement a policy to make enrollment as simple as possible for each eligible person. The policy may include, but is not limited to, automatic enrollment, provided that there is an opt-out mechanism for otherwise eligible persons, enrollment authorization on a tax return filed in this State, and enrollment authorization through a secure protected server on the department’s website.*

*By March fifteenth, the Department of Revenue shall issue a report to the Governor and the General Assembly detailing the number of eligible persons that enrolled in the identity theft protection and identity theft resolution services program procured by the Governor. The report also must detail the efforts of the Governor and the Department of Revenue to increase enrollment in the programs.*

*Nothing in this proviso creates a private right of action or an expenditure of funds.* /

Senator BRYANT explained the amendment.

The amendment was adopted.

**Amendment No. 6**

Senator CROMER proposed the following amendment (DAD 118.17 SC VAN), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 545, paragraph 118.17, line 7, by adding an appropriately lettered subsection to read:

/ *( ) Of any excess funds collected above the amount identified in subsection(A), and after all the items in subsection (B) are fully funded, there is appropriated $82,217 to the Governor’s Office of Executive Policy and Programs to be distributed to SC VAN.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

**Amendment No. 4**

Senators CAMPBELL and SETZLER proposed the following amendment (DG EIAPILOT), which was adopted:

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 378, after line 15, by adding an appropriately numbered new proviso to read:

/ *1A.\_\_\_. (SDE-EIA: Pilot Assessment) In the current fiscal year and from funds appropriated, there is created a pilot assessment. The Education Oversight Committee may select no more than five school districts to participate in the pilot. To be eligible to participate in the pilot, a school district must have received an absolute rating of Excellent on its most recent state report card and a letter grade of “A” on the most recent federal report card. The district must request and receive approval from the Education Oversight Committee and the State Board of Education to use an alternative assessment to current state assessments in grades 3 through 8 to measure student performance on English language arts, mathematics and science, and in high school the district may use alternative assessments to the High School Assessment program to measure college and career readiness, or any combination thereof. The alternative assessments must be aligned to college and career readiness standards as approved by the State Board of Education and the Education Oversight Committee. The district may use financial flexibility to absorb any additional costs of the alternative assessments with state, local or other funds. The district must still administer the Palmetto Assessment of State Standards in grades 3 through 8 in social studies and the state end‑of‑course assessment program as funded with EIA revenues. Unless otherwise provided for in law, students graduating in the current fiscal year must still pass all exit exam requirements. The Education Oversight Committee, working with school districts in the pilot, must devise an alternative state district and school report card. In addition the South Carolina Department of Education must request changes to its ESEA waiver to permit alternative and innovative approaches to assessment.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

**Amendment No. 12**

Senator HAYES proposed the following amendment (DAD EEDA CF), which was adopted:

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 378, after line 15, by adding an appropriately numbered new proviso to read:

/ (*SDE-EIA: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 13**

Senators SHEHEEN, GROOMS, CAMPSEN and GREGORY proposed the following amendment (3710 VSTREES.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 84, DEPARTMENT OF TRANSPORTATION, page 464, after line 18, by adding an appropriately numbered new proviso to read:

/*The Department of Transportation is prohibited from using funds authorized by this act for tree removal, or other similar activities, in the median of Interstate 26 from approximately mile marker 170 to approximately mile marker 199 between Summerville and Interstate 95 until the Joint Transportation Review Committee has reviewed and commented on the proposed removal or similar activity.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

**Point of Order**

Senator MALLOY raised a Point of Order under Rule 24A that Proviso 34.48 of Part 1B was out of order inasmuch as it was not germane to the Bill.

***34.48.*** *(DHEC: Surface Water Withdrawal Permit) For purposes of compliance with the requirements of R.61-119, any existing surface water withdrawer, as defined in Section 49-4-20(9) of the 1976 Code, as amended, shall be allowed to file a permit application, pay the $1,000 application fee and receive a permit as an existing surface water withdrawer, as long as the application is submitted prior to July 15, 2013.*

The PRESIDENT took the Point of Order under advisement.

On motion of Senator MALLOY, with unanimous consent, the Point of Order was withdrawn.

**Amendment No. 20**

Senator BRYANT proposed the following amendment (DG IDFIX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 92, OFFICE OF THE GOVERNOR, paragraph 92.\_\_\_, which was added by Amendment #8 bearing document number L:\S-FINANCE\  
AMEND\LC GOV IDENTITY THEFT PROTECTION, by striking the last unnumbered paragraph and inserting:

/ *Nothing in this proviso creates a private right of action.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRYANT explained the amendment.

The amendment was adopted.

**Amendment No. 21**

Senator LOURIE proposed the following amendment (DAD 117.23 & 128 AIRCRAFT USE), which was adopted:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 508, paragraph 117.23, line 9, by striking the line in its entirety and by inserting:

*/*  117.23. (GP: State Owned Aircraft - ~~Maintenance~~ *Utilization and Flight* Logs) *A member of a state board, commission, or committee in the executive branch who is permitted to request use of state aircraft shall not use any aircraft owned or leased by this State, any state agency, entity, or institution, unless the use is first approved by the chairman of that board, commission, or committee.*

*A member of the General Assembly shall not use any aircraft owned or leased by this State, any state agency, entity, or institution, unless the use is first approved by the Speaker of the House of Representatives or by the President Pro Tempore of the Senate, as applicable.*

Each agency having in its custody one or more aircraft shall /

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, paragraph 117.128 (State Aircraft Utilization), lines 8-18, by striking the proviso in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LOURIE explained the amendment.

The amendment was adopted.

**Amendment No. 5**

Senator CROMER proposed the following amendment (JH STO- OF INCREASE), which was adopted:

Amend the bill, as and if amended, Part IA, Section 97, STATE TREASURER’S OFFICE, page 286, line 16, by:

COLUMN 7 COLUMN 8

/ STRIKING: 2,700,753 978,052

and

INSERTING: 2,954,471 978,052/

Amend the bill further, as and if amended, Part IA, Section 97, STATE TREASURER’S OFFICE, page 286, line 23, by:

COLUMN 7 COLUMN 8

/ STRIKING: 1,371,580 52,641

and

INSERTING: 1,398,680 52,641/

Amend the bill further, as and if amended, Part IA, Section 97, STATE TREASURER’S OFFICE, page 286, line 30, by:

COLUMN 7 COLUMN 8

/ STRIKING: 1,015,827 396,696

and

INSERTING: 1,128,504 396,696/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

**Amendment No. 25**

Senators SHANE MARTIN and BRYANT proposed the following amendment (3710R018.SRM.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 378, after line 17, by adding an appropriately numbered new proviso to read:

/*3.\_\_. (LEA: Scholarship Repay) Unless a student disenrolls for a hardship purpose, as determined by the college or university, a student who disenrolls from a college or university shall repay all scholarship funds received by the student for that portion of the academic year in which the student disenrolled from the college or university.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

**Point of Order**

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

Senator BRYANT spoke on the Point of Order.

Senator SCOTT spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

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

**Amendment No. 14**

Senator MASSEY proposed the following amendment (3710R013.ASM.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 526, proviso 117.103, by striking the proviso in its entirety and inserting:

/ 117.103. (GP: WIA Training Marketability Evaluation) For Fiscal Year ~~2012‑13~~ *2013‑14*, ~~local workforce investment boards~~ *the Department of Employment and Workforce* shall ~~prepare an~~ *submit any and all* annual ~~report~~ *reports required by the United States Department of Labor in reference to the Workforce Investment Act and the Workforce Investment Boards* ~~that demonstrates how funds were expended in the prior fiscal year to provide marketable work skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion of training, have become employed in the field in which they were trained. The report shall be annually submitted~~ to the Chairman of the Senate Finance Committee*, Chairman of the Senate Labor, Commerce and Industry Committee,* ~~and~~ the Chairman of the House Ways and Means Committee*, and the Chairman of the House Labor, Commerce and Industry Committee* ~~on or before November 16th~~ *when submitted to the United States Department of Labor*. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 16A**

Senators MASSEY, CAMPSEN and DAVIS proposed the following amendment (3710R021.ASM.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 531, paragraph 118.4, by striking lines 35-36 and inserting:

/ (2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance ~~may be appropriated by the General Assembly as it deems appropriate~~ *is appropriated to the Department of Transportation to serve as the match requirement for active federal aid eligible bridge replacement projects currently programmed in the Statewide Transportation Improvement Program (STIP) and Act 114 prioritized rehabilitation projects approved by the commission for future inclusion in the STIP as of May 1, 2013. Unexpended funds appropriated pursuant to this item may be carried forward to succeeding fiscal years and expended for the same purpose.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 20; Nays 20**

**AYES**

Alexander Allen Campbell

Cleary Courson Cromer

Fair Ford Hayes

Hutto Leatherman Lourie

Matthews McGill Nicholson

Rankin Reese Scott

Setzler Williams

**Total--20**

**NAYS**

Bennett Bright Bryant

Campsen Davis Gregory

Grooms Hembree Johnson

Malloy *Martin, Larry Martin, Shane*

Massey McElveen Peeler

Shealy Sheheen Thurmond

Turner Young

**Total--20**

The PRESIDENT voted “No”.

The Senate refused to table the amendment. The question was the adoption of the amendment.

Senator CLEARY spoke on the amendment.

**Point of Order**

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

Senator SETZLER spoke on the Point of Order.

Senator MASSEY spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

On motion of Senator COURSON, debate was interrupted by adjournment.

**Motion Adopted**

Senator COURSON moved that when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. tomorrow.

The motion was adopted.

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Alfred Henry Vang of Columbia, S.C., beloved husband of Leslie and devoted father of Eric and Jonathan. Mr. Vang was the former Director of the Water Resources Commission and while there, he was instrumental in studying the state’s increasingly threatened groundwater resources as development and farming began to draw down on aquifers. Co-workers and friends called him a visionary who helped develop a state water plan and who had the foresight to acknowledge the threat of climate change long before many of his counterparts.

and

**MOTION ADOPTED**

On motion of Senator YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Ola Ruth Hitt of Aiken, S.C., long-time Aiken fixture and philanthropist. She was a dedicated member of Aiken’s First Baptist Church for nearly a century. She was known to many Aikenites as the “Mother of Veterans,” as she opened her home to disabled veterans for more than three decades. She received the Order of the Palmetto in 1990. The plaudits she received were many and she will be sorely missed by family, friends and the community.

**ADJOURNMENT**

At 7:49 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*