**Thursday, May 23, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

We recall how the Apostle Paul reflected upon his own life in this manner:

“For what I do is not the good I want to do, no, the evil I do not want to do -- this I keep on doing’.” (Romans 7:19)

Join me as we pray, please:

Gracious God, how challenging it is for any one of us to live the sort of life You call upon us all to lead. Every one of us falls so far short of Your expectations of us, as did Paul. But we are grateful -- always --for Your grace and for Your mercy, dear Lord. And with this in mind, we ask, O God, that You bestow Your blessings upon each of these leaders. The lady and the gentlemen who serve You in this Body here in the year 2013 are faced with so many challenges -- some of them hurdles never before imagined. Continue to strengthen each of these servants. Grant to them a sense of dedication and determination during these difficult days. Allow them to remain focused on honoring You, dear God, while at the same time they do that which is best for South Carolina. In Your loving name we pray this, dear Lord.

Amen.

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

**Doctor of the Day**

Senator LEATHERMAN introduced Dr. Coy Irvin of Florence, S.C., Doctor of the Day.

**Leave of Absence**

At 1:35 P.M., Senator FAIR requested a leave of absence beginning at 8:00 P.M. and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

On motion of Senator MASSEY, at 7:00 P.M., Senator COURSON was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator DAVIS, at 10:45 P.M., Senator BRYANT was granted a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 160 Sens. Reese, Cromer, Thurmond, Massey, Rankin, Turner

S. 649 Sen. Alexander

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

**Remarks by Senator ALEXANDER**

Thank you, Mr. PRESIDENT.

Members of Senate, I have listened intently to several things that have been before this Body that impacts us and that’s important for us. But I think it’s also equally important that we understand why we are able to be here today and have the ability to discuss those matters. And that’s because of the freedoms that have been given to us. And we are in the process of going into Memorial Day weekend, and this could very well be the last day that we are in session prior to that.

We owe a great debt of gratitude to our veterans that serve us today; our defenders of freedom, and to those that have gone before us and who have paid the ultimate sacrifice. We will have our opportunities in our own communities across this great State to pay recognition over this weekend. Yesterday we had a ratification of an act that provides for the medal of valor for those individuals who have given the ultimate sacrifice. It’s a small recognition that we can pay to recognize those individuals from the State of South Carolina. For several years I have had the opportunity and I think it is worth repeating today to share with you one of my favorite poems -- the Veterans Poem -- that puts things in perspective for us. I will read that at this time.

“It is the veteran, not the preacher  
 That has given us freedom of religion.  
 It is the veteran, not the reporter  
 That has given us freedom of press.  
 It is the veteran, not the poet  
 That has given us the freedom of speech.  
 It is the veteran, not the campus organizer  
 That has given us the freedom to assemble.  
 It is the veteran, not the lawyer  
 That has given us the right to a fair trial.  
 It is the veteran, not the politician  
 That has given us the right to vote.  
 It is the veteran that salutes the flag  
 And it is the veteran who serves under the flag.”

May we all be grateful for the sacrifices of all of our defenders of freedoms, but especially those that have given the ultimate sacrifice so that we can have the ability to enjoy our public service in this Body. Please remember what it means for us to live in a society that’s free because of those sacrifices of those that have gone before us and those who are defending us today and those who will answer that call regardless of the sacrifices that they will make and have made.

Thank you, Mr. PRESIDENT.

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

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LARRY MARTIN rose for an Expression of Personal Interest.

**Motion Adopted**

On motion of Senator COURSON, with unanimous consent, the members of the Senate Education Committee were granted leave to attend a meeting and were granted leave to vote from the balcony.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 722 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA SCHOOL CHOICE PILOT PROGRAM FOR CERTAIN STUDENTS WITH DISABILITIES ACT OF 2013”; BY ADDING ARTICLE 12 TO CHAPTER 63, TITLE 59 SO AS TO CREATE A PILOT PROGRAM FOR GRANTING SCHOLARSHIPS OF A CERTAIN AMOUNT OF STATE FUNDS TO CHILDREN WITH CERTAIN DISABILITIES TO ATTEND NONPUBLIC SCHOOLS, AND TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES AND PROMULGATE REGULATIONS TO ESTABLISH THE PILOT PROGRAM.

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

S. 723 -- Senator Thurmond: A BILL TO AMEND SECTION 5-3-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURE FOR ANNEXATION OF SPECIAL PURPOSE DISTRICTS, SO AS TO PROVIDE FOR AN ADDITIONAL METHOD OF ANNEXATION BY RESOLUTION OF A SPECIAL PURPOSE DISTRICT WHEN A PREEXISTING MUNICIPALITY ANNEXES A MAJORITY OF THE POPULATION OF THE DISTRICT OR WHEN A MUNICIPALITY INCORPORATES A MAJORITY OF THE POPULATION OF A DISTRICT.

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

S. 724 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE CARDINAL NEWMAN MEN'S SOCCER TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON CAPTURING THE 2013 SCISA CLASS 3A STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 725 -- Senator Scott: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF PASTOR BOBBY WATKINS AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 726 -- Senator Lourie: A SENATE RESOLUTION TO HONOR DR. SHIRLEY A. WATSON, PRINCIPAL OF L. W. CONDER ELEMENTARY SCHOOL, FOR HER THIRTY-FIVE YEARS OF DEDICATED SERVICE AS AN EDUCATOR AND ADMINISTRATOR IN THE PUBLIC SCHOOL SYSTEM, TO CONGRATULATE HER ON THE OCCASION OF HER RETIREMENT, AND TO WISH HER WELL IN HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 727 -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LAKE WATEREE HOME OWNERS ASSOCIATION OF FAIRFIELD COUNTY FOR OUTSTANDING ACCOMPLISHMENTS IN THE COMMUNITY AND CONGRATULATE THE ASSOCIATION ON THE CELEBRATION OF ITS TWENTY-FIFTH ANNIVERSARY OF DISTINGUISHED SERVICE IN FAIRFIELD COUNTY.

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The Senate Resolution was adopted.

S. 728 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND PASTOR WINDELL RODGERS FOR HIS FAITHFUL SERVICE TO MOUNT CALVARY BAPTIST CHURCH IN GREENVILLE, SOUTH CAROLINA, AND TO CONGRATULATE HIM AND HIS CONGREGATION FOR FIFTEEN YEARS OF MINISTRY TOGETHER.

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The Senate Resolution was adopted.

S. 729 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND BLYTHE ACADEMY OF LANGUAGES IN GREENVILLE, SOUTH CAROLINA UPON BEING NAMED THE 2012 INTERNATIONAL SPANISH ACADEMY ELEMENTARY SCHOOL OF THE YEAR AND TO DECLARE MAY 24, 2013, AS BLYTHE ACADEMY OF LANGUAGES DAY IN GREENVILLE.

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The Senate Resolution was adopted.

S. 730 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND PASTOR CURTIS L. JOHNSON FOR HIS FAITHFUL SERVICE TO VALLEY BROOK OUTREACH BAPTIST CHURCH IN PELZER, SOUTH CAROLINA, AND TO CONGRATULATE HIM AND HIS CONGREGATION FOR TWENTY YEARS OF MINISTRY TOGETHER.

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The Senate Resolution was adopted.

S. 731 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-43-165 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (DOT) TO TRANSFER TO THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK (SIB) FROM NON-TAX SOURCES AN AMOUNT EQUAL TO THE AMOUNT OF GENERAL FUND REVENUE APPROPRIATED TO DOT IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR “HIGHWAY ENGINEERING PERMANENT IMPROVEMENTS”, TO PROVIDE THAT THE AMOUNT APPROPRIATED TO DOT IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR “HIGHWAY ENGINEERING PERMANENT IMPROVEMENTS” ARE NOT SUBJECT TO ANY ACROSS THE BOARD REDUCTIONS, TO REQUIRE SIB TO USE THE TRANSFERRED FUNDS SOLELY TO FINANCE BRIDGE REPLACEMENT, REHABILITATION PROJECTS, AND EXPANSION AND IMPROVEMENTS TO EXISTING MAINLINE INTERSTATES, TO PROVIDE THAT DOT SHALL SUBMIT A LIST OF APPROPRIATE PROJECT RECOMMENDATIONS TO SIB, AND TO PROVIDE THAT THE FUNDS TRANSFERRED PURSUANT TO THIS SECTION MAY NOT BE EXPENDED ON ANY PROJECT APPROVED BY SIB BEFORE JULY 1, 2013.

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

H. 4133 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO REQUIREMENTS OF LICENSURE IN THE FIELD OF COSMETOLOGY (EDUCATIONAL REQUIREMENTS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4336, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4134 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO REQUIREMENTS OF LICENSURE IN THE FIELD OF COSMETOLOGY (SANITATION AND SALONS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4337, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4194 -- Reps. Hiott, Skelton and Owens: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR PICKENS COUNTY SHERIFF C. DAVID STONE, FOR HIS LONG AND DEDICATED SERVICE AND OUTSTANDING CONTRIBUTIONS TO LAW ENFORCEMENT OVER THE PAST FORTY-FOUR YEARS.

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

H. 4200 -- Rep. Howard: A CONCURRENT RESOLUTION TO RECOGNIZE THE DEVASTATING EFFECTS CAUSED BY MENINGOCOCCAL DISEASE AND RAISE PUBLIC AWARENESS OF ITS SERIOUS IMPACT ON CITIZENS AND COMMUNITIES IN THE PALMETTO STATE.

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

H. 4201 -- Rep. G. R. Smith: A CONCURRENT RESOLUTION TO RECOGNIZE AUGUST 20, 2013, AS DIABETIC PERIPHERAL NEUROPATHY DAY AT THE STATE CAPITOL TO RAISE AWARENESS OF THE DELETERIOUS EFFECTS OF NERVE DAMAGE DUE TO DIABETIC PERIPHERAL NEUROPATHY.

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

H. 4214 -- Reps. Hardwick, H. A. Crawford, 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, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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 RECOGNIZE AND HONOR BURGESS ELEMENTARY SCHOOL IN HORRY COUNTY AND TO CONGRATULATE THE ADMINISTRATION, FACULTY, STUDENTS, AND PARENTS FOR THE SELECTION OF THE SCHOOL AS A 2013 NATIONAL SCHOOL OF CHARACTER BY THE CHARACTER EDUCATION PARTNERSHIP.

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

H. 4215 -- Reps. Barfield and Hardee: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR AUBREY M. ANDERSON OF CONWAY AND TO EXPRESS THE APPRECIATION OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR HIS SERVICE IN THE UNITED STATES ARMY DURING WORLD WAR II.

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

**REPORTS OF STANDING COMMITTEES**

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 649 -- Senators Bryant, Shealy, Bright, Corbin, Davis and S. Martin: A SENATE RESOLUTION TO ENCOURAGE BUSINESSES AND FIREARMS MANUFACTURERS FROM OUT OF STATE TO LOCATE IN THE PALMETTO STATE.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a majority favorable and Senators BRIGHT and BRYANT a minority unfavorable report on:

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.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary polled out H. 3451 favorable:

H. 3451 -- Reps. Tallon, Cole, Forrester, Kennedy, Murphy, Pope, Rutherford and Weeks: A BILL TO AMEND SECTION 56‑7‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSES THAT A PERSON MAY BE CHARGED ON A UNIFORM TRAFFIC TICKET, SO AS TO PROVIDE THAT THE OFFENSES OF SHOPLIFTING AND CRIMINAL DOMESTIC VIOLENCE MUST BE CHARGED ON A UNIFORM TRAFFIC TICKET.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 20; Nays 0; Not Voting 2; Abstain 1**

**AYES**

*Martin, Larry* Rankin Malloy

Campsen Bright Coleman

*Martin, Shane* Nicholson Scott

Gregory Allen Bennett

Corbin Hembree Johnson

McElveen Shealy Thurmond

Turner Young

**Total--20**

**NAYS**

**Total--0**

**NOT VOTING**

Hutto Sheheen

**Total--2**

**ABSTAIN**

Massey

**Total--1**

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary polled out H. 3538 favorable:

H. 3538 -- Reps. Bannister, Tallon, Sandifer, Hamilton, Erickson, Gambrell, Brannon, Allison, Felder and Weeks: A BILL TO AMEND SECTION 16‑17‑500, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OR PURCHASE OF TOBACCO PRODUCTS FOR MINORS, SO AS TO INCLUDE ALTERNATIVE NICOTINE PRODUCTS IN THE PURVIEW OF THE STATUTE; TO AMEND SECTION 16‑17‑501, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF RELEVANT TOBACCO PRODUCT FOR MINORS OFFENSES, SO AS TO DEFINE THE TERMS “ALTERNATIVE NICOTINE PRODUCT” AND “ELECTRONIC CIGARETTE”; AND TO AMEND SECTIONS 16‑17‑502, 16‑17‑503, AND 16‑17‑504, RELATING TO DISTRIBUTION OF TOBACCO PRODUCT SAMPLES, ENFORCEMENT AND REPORTING, AND IMPLEMENTATION, RESPECTIVELY, ALL SO AS TO MAKE CONFORMING CHANGES TO INCLUDE ALTERNATIVE NICOTINE PRODUCTS.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 17; Nays 0; Not Voting 3; Abstain 3**

**AYES**

*Martin, Larry* Rankin Malloy

Campsen Bright Coleman

Nicholson Scott Gregory

Allen Bennett Hembree

Johnson Shealy Thurmond

Turner Young

**Total--17**

**NAYS**

**Total--0**

**NOT VOTING**

Hutto Sheheen McElveen

**Total--3**

**ABSTAIN**

Massey  *Martin, Shane* Corbin

**Total--3**

Ordered for consideration tomorrow.

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

H. 3797 -- Reps. Sandifer and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑90‑165 SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY DECLARE A CAPTIVE INSURANCE COMPANY INACTIVE IN CERTAIN CIRCUMSTANCES AND THAT THE DIRECTOR MAY MODIFY THE MINIMUM TAX PREMIUM APPLICABLE TO THE COMPANY DURING INACTIVITY; BY ADDING SECTION 38‑90‑215 SO AS TO PROVIDE A PROTECTED CELL MAY BE EITHER INCORPORATED OR UNINCORPORATED, AND TO PROVIDE REQUIREMENTS FOR EACH; BY ADDING SECTION 38‑90‑250 SO AS TO PROVIDE THE DEPARTMENT MUST CONSIDER A LICENSED CAPTIVE INSURANCE COMPANY THAT MEETS THE REQUIREMENTS OF AN INSURER FOR ISSUANCE OF A CERTIFICATE OF AUTHORITY TO ACT AS AN INSURER; TO AMEND SECTION 38‑90‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE ADDITIONAL TERMS AND REVISE DEFINITIONS OF CERTAIN EXISTING TERMS; TO AMEND SECTION 38‑90‑20, AS AMENDED, RELATING TO THE DOCUMENTATION REQUIRED FOR LICENSING CAPTIVE INSURANCE COMPANIES, SO AS TO REMOVE THE REQUIREMENT OF A CERTIFICATE OF GENERAL GOOD ISSUED BY THE DIRECTOR; TO AMEND SECTION 38‑90‑35, RELATING TO THE CONFIDENTIALITY OF INFORMATION CONCERNING CAPTIVE INSURANCE COMPANIES SUBMITTED TO THE DEPARTMENT OF INSURANCE, SO AS TO REVISE REQUIREMENTS FOR MAKING THE INFORMATION SUBJECT TO DISCOVERY IN A CIVIL ACTION; TO AMEND SECTION 38‑90‑40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS, SECURITY REQUIREMENTS, AND RESTRICTIONS ON DIVIDEND PAYMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE FORM OF CAPITAL REQUIRED FOR A CAPTIVE INSURANCE COMPANY THAT IS NOT A SPONSORED CAPTIVE INSURANCE COMPANY THAT ASSUMES RISK, AND TO REVISE REQUIREMENTS FOR CONTRIBUTIONS TO A CAPTIVE INSURANCE COMPANY INCORPORATED AS A NONPROFIT, AMONG OTHER THINGS; TO AMEND SECTION 38‑90‑50, AS AMENDED, RELATING TO FREE SURPLUS REQUIREMENTS OF A CAPTIVE INSURANCE COMPANY, SO AS TO REVISE THE FORM OF CAPITAL REQUIRED FOR A CAPTIVE INSURANCE COMPANY THAT IS NOT A SPONSORED CAPTIVE INSURANCE COMPANY THAT ASSUMES RISK; TO AMEND SECTION 38‑90‑55, AS AMENDED, RELATING TO THE INCORPORATION OF CAPTIVE INSURANCE COMPANIES, SO AS TO DELETE PROVISIONS CONCERNING THE MINIMUM NUMBER AND STATUS OF INCORPORATORS, PREREQUISITES TO TRANSMITTING ARTICLES OF INCORPORATION TO THE SECRETARY OF STATE, AND THE ISSUANCE OF CAPITAL STOCK AT PAR VALUE; TO AMEND SECTION 38‑90‑60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE AVAILABLE OPTIONS; TO AMEND SECTION 38‑90‑80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF CAPTIVE INSURANCE COMPANIES BY THE DEPARTMENT, SO AS TO DELETE REFERENCES TO PURE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38‑90‑90, AS AMENDED, RELATING TO THE SUSPENSION OR REVOCATION OF A CAPTIVE INSURANCE LICENSE, SO AS TO MAKE A GRAMMATICAL CHANGE; TO AMEND SECTION 38‑90‑100, AS AMENDED, RELATING TO THE LOANS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE A SPONSORED CAPTIVE INSURANCE COMPANY MAY MAKE LOANS TO ITS PARENT COMPANY IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38‑90‑130, AS AMENDED, RELATING THE PROHIBITION AGAINST PARTICIPATION IN PLAN, POOL, ASSOCIATION, GUARANTY, OR INSOLVENCY FUNDS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE CAPTIVE INSURANCE COMPANIES, INCLUDING PURE CAPTIVE INSURANCE COMPANIES, MAY PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING, AMONG OTHER THINGS; TO AMEND SECTION 38‑90‑180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS RELATING TO INSURANCE, SO AS TO PROVIDE REQUIREMENTS FOR THE NAME OF NEW CAPTIVE INSURANCE COMPANIES, TO PROVIDE CIRCUMSTANCES IN WHICH A SPONSORED CAPTIVE INSURANCE COMPANY MAY ESTABLISH PROTECTED CELLS, INCLUDING REQUIREMENTS FOR A PLAN OF OPERATION, THE ATTRIBUTIONS OF ASSETS AND LIABILITIES BETWEEN A PROTECTED CELL AND THE GENERAL ACCOUNT OF THE SPONSORED CAPTIVE INSURANCE COMPANY, AND ADMINISTRATIVE AND ACCOUNTING PROCEDURES; TO AMEND SECTION 38‑90‑210, RELATING TO THE SEPARATE ACCOUNTING OF PROTECTED CELLS WHEN ESTABLISHED, SO AS TO REQUIRE THIS ACCOUNTING MUST REFLECT THE PARTICIPANTS OF THE PROTECTED CELL IN ADDITION TO EXISTING REQUIREMENTS; TO AMEND SECTION 38‑90‑220, AS AMENDED, RELATING TO CERTAIN REQUIREMENTS APPLICABLE TO SPONSORS OF CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 38‑90‑230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT PROTECTED CELLS ASSETS ARE ONLY AVAILABLE TO CREDITORS OF THE SPONSORED CAPTIVE INSURANCE COMPANY AND RELATED REQUIREMENTS, AND TO PROVIDE REQUIREMENTS CONCERNING OBLIGATIONS OF SPONSORED CAPTIVE INSURANCE COMPANIES WITH RESPECT TO PROTECTED CELLS AND ITS GENERAL ACCOUNT; TO AMEND SECTION 38‑90‑240, RELATING TO THE ELIGIBILITY OF A LICENSED CAPTIVE INSURANCE COMPANY FOR CERTIFICATE OF AUTHORITY TO ACT AS INSURER, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE FOR WHO MAY PARTICIPATE IN A SPONSORED CAPTIVE INSURANCE COMPANY AND OBLIGATIONS OF THESE PARTICIPANTS, AND TO PROVIDE SPONSORED CAPTIVE INSURANCE COMPANIES MAY NOT BE USED TO FACILITATE INSURANCE SECURITIZATION TRANSACTIONS; TO AMEND SECTION 38‑90‑450, AS AMENDED, RELATING TO ORGANIZATION REQUIREMENTS FOR SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO DELETE PROVISIONS CONCERNING THE MINIMUM NUMBER AND STATUS OF INCORPORATORS, AND PREREQUISITES TO TRANSMITTING ARTICLES OF INCORPORATION TO THE SECRETARY OF STATE; AND TO REPEAL SECTION 38‑90‑235 RELATING TO TERMS AND CONDITIONS FOR PROTECTED CELL INSURANCE COMPANIES TO APPLY TO SPONSORED CAPTIVE INSURANCE COMPANIES.

Ordered for consideration tomorrow.

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

H. 3960 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑41‑35 SO AS TO REQUIRE EMPLOYERS PARTICIPATING IN A MULTIPLE EMPLOYER SELF‑INSURED HEALTH PLAN TO EXECUTE HOLD HARMLESS AGREEMENTS IN WHICH THE EMPLOYER AGREES TO PAY ALL UNPAID PORTIONS OF INSURED CLAIMS, AND TO REQUIRE THE DEPARTMENT OF INSURANCE TO PROVIDE FORMS THAT MUST BE USED FOR THESE AGREEMENTS, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

**Appointment Reported**

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Initial Appointment, South Carolina Department of Employment and Workforce, with term coterminous with Governor

Executive Director:

Cheryl Stanton, 410 West 24th Street, #6-K, New York, NY 10011 *VICE* Abraham Turner

Received as information.

**Message from the House**

Columbia, S.C., May 23, 2013

Mr. President and Senators:

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

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

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

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

**HOUSE BILL RETURNED**

The following House Bill was read the third time and ordered returned to the House with amendments:

H. 3762 -- Reps. Ott, Skelton, Hardwick, Hodges, Knight, Bales, Jefferson, Parks, Sellers, Finlay, Funderburk, Gagnon, Gambrell, George, Hayes, Hiott, Hixon, Horne, Lowe, D.C. Moss, Norman, Pitts, Putnam, Riley, White, Williams and Vick: A BILL TO AMEND SECTIONS 50‑11‑740, AS AMENDED, AND 50‑11‑745, RELATING TO THE CONFISCATION, FORFEITURE, SALE, AND RELEASE OF PROPERTY USED FOR THE UNLAWFUL HUNTING OF WILDLIFE, SO AS TO PROVIDE ADDITIONAL TYPES OF PROPERTY THAT ARE COVERED BY BOTH PROVISIONS, AND TO REVISE THE PENALTIES THAT MAY BE IMPOSED FOR THE UNLAWFUL HUNTING OF WILDLIFE.

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 495 -- Senators Lourie and Rankin: A BILL TO AMEND SECTION 23‑3‑115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, COUNTY, OR THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM.

**READ THE SECOND TIME**

S. 707 -- Senator Lourie: A BILL TO PROVIDE FOR THE AUTHORITY OF THE CITY OF COLUMBIA TO APPOINT AND COMMISSION FIREFIGHTERS TO SERVE AS CERTIFIED LAW ENFORCEMENT OFFICERS WHO HAVE THE FULL POWERS AS CERTIFIED LAW ENFORCEMENT OFFICERS AND TO REQUIRE FIREFIGHTERS TO MEET CERTAIN QUALIFICATIONS TO BE COMMISSIONED AS A CERTIFIED LAW ENFORCEMENT OFFICER.

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

There was no objection.

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

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

**AMENDED, READ THE SECOND TIME**

H. 3971 -- Reps. Stringer and Willis: A BILL TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES, AS DESIGNATED IN ACT 1285 OF 1966, IS CHANGED TO THE GREENVILLE HEALTH SYSTEM BOARD OF TRUSTEES.

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

There was no objection.

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

Senator FAIR proposed the following amendment (NBD\  
3971C008.NBD.AC13), which was adopted:

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

/ SECTION 1. Section 4 of Act 432 of 1947, as last amended by Act 379 of 2008, is further amended to read:

“Section ~~4~~ 1. (A) For the purpose of operating and at all times maintaining adequate hospital facilities for the residents of Greenville County, including those residents in the City of Greenville and as otherwise provided by law, including, but not limited to, Section 44‑7‑78 of the Code of Laws of South Carolina, 1976, there is established the Greenville ~~Hospital~~ Health System (formerly known as the Greenville Hospital System) which must be governed by a Board of Trustees selected pursuant to this section.

(B)(1) The board of trustees shall consist of not fewer than twelve or more than seventeen members ~~to~~. A membership above twelve must be first requested by the board of trustees and then approved by the Greenville County Legislative Delegation. Members must be appointed by the Greenville County Legislative Delegation pursuant to this section. All members must be qualified electors. Members filling house district residency seats, as provided for in this subsection, ~~shall~~ must, at the time of their appointment and throughout their term of office, ~~reside in a~~ be residents of Greenville County residing in specified house ~~district~~ districts~~, which constitutes~~ that constitute a part of the specific house district residency seat. Six of the ~~twelve~~ members must be considered as filling house district residency seats, with one seat being filled by a person residing in House District 17 ~~or~~, 18, or 36; one residing in House District 10 or 19 ~~or 26,~~; one residing in House District 20 ~~or~~, 21, or 35; one residing in House District 22 or 24~~,~~; one residing in House District 23 or 25~~,~~; and one residing in House District 16, 27, or 28. ~~Six of the twelve~~ The remaining members must be at large, at least four of whom must reside in Greenville County~~, and two of whom may reside within or without Greenville County~~. Two of the members ~~serving at large and residing in Greenville County~~ must reside in the City of Greenville, but no more than three of the ~~twelve~~ members may reside in the city limits of a single municipality~~; provided, however, that four members may reside in the city limits of a single municipality during the period ending October 1, 2011, in which the members specified in subsection (D) shall continue to serve~~. Appointment of ~~at‑large~~ members who are residents of the City of Greenville must be submitted for review by the City of Greenville as provided in subsection (B)(3)~~(a)~~. Members shall represent all communities served by the Greenville ~~Hospital~~ Health System regardless of residency and shall make decisions in the best ~~interests~~ interest of the Greenville ~~Hospital~~ Health System as a whole and all those it serves.

(2)(a) Except as provided for in subsection (B)(2)(c) and subsection (D), members shall serve terms of ~~six~~ three years, which expire on October first of the appropriate year, and until their successors are appointed and qualify; however, under no circumstance may a member continue to serve longer than six months after the expiration of his term. If the Greenville County Legislative Delegation has not filled a seat within six months of the expiration of the term, the member serving in that seat shall cease serving and the seat is vacant until filled in accordance with this section. Members may not serve more than ~~one six‑year term~~ two terms, except that a member who fills a ~~partial~~ term of one year or less ~~than three years or the term provided for in subsection (E)(3)~~ may be reappointed to serve ~~one six‑year term~~ two terms. ~~If the Greenville County Legislative Delegation has not filled a seat within six months of the expiration of the term, the member serving in that seat shall cease serving and the seat is vacant until filled in accordance with this section.~~

(b) Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term. Appointments must be filed in the office of the Clerk of Court for Greenville County, who shall certify their appointment to the Governor of South Carolina, who shall commission the member for the term provided.

(c) Members appointed to fill a new seat on the board, if any, must be appointed for a term beginning October first, with the length of the initial term being of a duration that results in approximately one‑third of the members of the board being appointed annually.

(3)~~(a)~~ The board of trustees shall publicize vacancies, and recommendations may be made to the board from any individual, organization, or group. The board shall submit ~~at least two nominees~~ a nominee for each vacancy to the Greenville County Legislative Delegation~~, except as provided for in subsection (B)(3)(b)~~. The board shall provide the legislative delegation with biographical information on ~~the~~ nominees and must be available to discuss the recommendations and shall make ~~the nominees~~ each nominee available, if requested by the legislative delegation, to meet with the delegation. The legislative delegation with a quorum present and by majority‑weighted vote shall ~~select one nominee from the nominees submitted~~ vote to appoint a nominee for each vacancy. However, if after the board has submitted its initial ~~nominees~~ nominee, the delegation requests an additional ~~nominees~~ nominee, the board has one hundred twenty days to submit the additional ~~nominees~~ nominee. If the board does not submit an additional ~~nominees~~ nominee within one hundred twenty days of the request, the legislative delegation has sixty days to appoint a qualified ~~members~~ member to fill the vacancy without considering nominations from the board. If the board does submit ~~one~~ an additional ~~set of nominees~~ nominee within the one hundred twenty days and the delegation by vote does not ~~select one of the nominees~~ appoint the nominee, the delegation has sixty days to appoint a qualified ~~members~~ member to fill the vacancy without considering the nominations from the board. An individual selected by the delegation ~~to fill the seat of an at‑large member~~ who is a resident of the City of Greenville must be submitted by the legislative delegation to the City Council of the City of Greenville for concurrence, and the city council shall act timely on the request for concurrence. If the city council does not concur in the appointment, the board ~~must~~ shall submit ~~two nominees~~ an additional nominee to the legislative delegation to fill the seat and the legislative delegation shall ~~select from the nominees another individual and~~ vote to appoint the nominee or request an additional nominee, and upon approval of the nominee shall submit that nominee to the City of Greenville for concurrence. The board is committed to maintaining a diverse board, believing that diversity is a source of strength and that the skills needed in building health communities can best be developed through exposure to widely diverse people, culture, ideas, and leadership. All recommendations, nominations, and appointments to the board shall take into account race, gender, expertise, and other qualifications as may be pertinent to service on the board so that ~~such~~ members are mindful, to the greatest extent possible, of the needs of all segments of the population of Greenville County and those served by the Greenville ~~Hospital~~ Health System.

~~(b)~~ ~~Notwithstanding the provisions of subsection (B)(3)(a) requiring the board to submit two nominees to the Greenville County Legislative Delegation for each vacancy, when the term expires of a member serving an unexpired portion of a term of less than three years, the board may elect to nominate only that member to fill the vacancy occurring at the expiration of the member’s partial term.~~

(C)(1) The board shall elect from among its members a chairman, vice chairman, and secretary.

(2) Members shall serve on the board of trustees without compensation.

(D) Members ~~serving on this act’s effective date~~ shall continue to serve until their terms expire and until their successors are appointed and qualify. ~~The House District Residency Seat for House District 20 or 21 initially must be filled by Mr. Frank Landgraff, a currently serving member whose term will expire October 1, 2009. The House District Residency Seat for House District 22 or 24 initially must be filled by Mr. Harry Chapman, a currently serving member whose term will expire October 1, 2011. An at‑large seat initially must be filled by Ms. Frances Ellison, a currently serving member whose term will expire October 1, 2011. An at‑large seat initially must be filled by Mr. Jack Shaw, a currently serving member whose term will expire October 1, 2009. An at‑large seat must be filled by Ms. Rita McKinney, who had been approved by the City of Greenville but who had not been commissioned by the Governor, for a term to expire October 1, 2011. On the expiration of these members’ terms, new members must be appointed in accordance with this section for one six‑year term to fill the vacancies created by the expiration of these terms.~~

~~(E)(1)~~ ~~In addition to the members provided for in subsection (D), these new members must be appointed in 2008:~~

~~(a)~~ ~~new members whose terms expire October 1, 2013:~~

~~(i)~~ ~~the member residing in House District 17 or 18;~~

~~(ii)~~ ~~the member residing in House District 19 or 26;~~

~~(iii)~~ ~~the member residing in House District 23 or 25; and~~

~~(iv)~~ ~~the member residing in House District 16, 27, or 28;~~

~~(b)~~ ~~one new at‑large member whose term expires October 1, 2011;~~

~~(c)~~ ~~two new at‑large members whose terms expire October 1, 2009.~~

~~(2)~~ ~~On the expiration of the members’ terms appointed pursuant to item (a) or (b) of subsection (E)(1), new members must be appointed in accordance with this section for one six‑year term to fill the vacancies created by the expiration of these terms.~~

~~(3)~~ ~~Of the members appointed pursuant to subsection (E)(1), only the two members appointed pursuant to item (c) of subsection (E)(1) may be reappointed to serve one six‑year term. If the board wishes to reappoint the member appointed pursuant to item (c) of subsection (E)(1), the board may elect to nominate only that one person to fill the vacancy in that at‑large seat for one six‑year term.~~”

SECTION 2. Section 5 of Act 432 of 1947, as last amended by Act 1285 of 1966, is further amended to read:

“Section ~~5~~ 2. The Greenville ~~Hospital~~ Health System ~~Board of Trustees~~ ~~shall be~~ is authorized and empowered to do all things necessary or convenient for the establishment and maintenance of adequate ~~hospital~~ health care facilities for ~~Greenville County~~ the communities it serves and, without limiting in any way the generality of the foregoing, ~~shall be~~ is empowered ~~as follows~~ to:

(1) ~~To~~ adopt and use a corporate seal;

(2) ~~To~~ amend its name as determined by the board of trustees after receiving input from the Greenville County Legislative Delegation;

(3) ~~To~~ adopt ~~such~~ ~~by‑laws~~ bylaws, rules, and regulations for the conduct of its business and expenditure of its funds, as it may deem advisable, including establishing committees of the board of trustees, which may include community and professional representatives;

~~(3)~~(4) ~~To~~ operate the hospital conveyed to it by the City of Greenville, and such other hospitals, health care facilities, clinics, programs, and services as it may lease, acquire, ~~or~~ construct, or develop;

~~(4)~~(5) ~~To~~ acquire by gift, purchase, ~~lease,~~ or otherwise, all kinds and descriptions of real and personal property;

~~(5)~~(6) ~~To~~ accept gifts, grants, donations, devises, and bequests;

~~(6)~~(7) ~~To~~ enlarge and improve any ~~hospital building~~ facility that it may acquire or construct;

~~(7)~~(8) ~~To~~ adequately staff and equip any ~~hospital~~ health care facility that it may operate;

~~(8)~~(9) ~~To~~ provide and operate outpatient departments and services;

~~(9)~~(10) ~~To~~ establish and operate ~~such~~ clinics ~~as the Board may deem~~ deemed necessary by the board of trustees to the health of the residents of Greenville County and the communities served;

~~(10)~~(11) ~~To~~ provide teaching and instruction programs and schools for physicians, nurses, ~~hospital technicians, hospital employees, medical students and physicians during internship and residency~~ allied health professionals, pharmacists, case workers, administrators, and other persons;

~~(11)~~(12) ~~To~~ employ ~~such~~ personnel as ~~it~~ may ~~deem~~ be necessary for ~~the~~ its efficient operation ~~of the several facilities maintained by the board~~;

~~(12)~~(13) ~~To~~ establish and promulgate ~~reasonable~~ rates for the use of ~~the~~ its services and facilities ~~afforded by the Board~~;

~~(13)~~(14) ~~To~~ provide ~~reasonable~~ regulations concerning the use of ~~the~~ its facilities ~~maintained by the board~~ and access to its programs and services, including ~~reasonable~~ rules governing the conduct of physicians, nurses ~~and~~, technicians, allied health professionals, social workers, and others while on duty or practicing their profession in ~~the~~ its facilities ~~maintained by the Board~~ and patients and visitors using its services and facilities; the determination of whether patients presented to the health system for treatment are subject for charity; and to fix compensation to be paid by patients and others utilizing its services;

~~(14)~~(15) ~~To define eligibility requirements for patients for charity services, to operate and maintain necessary services for such patients, to contract with third parties for reimbursement for services rendered to such patients, and to collect partial payment from patients unable to pay the rates established by the Board~~ provide free or discounted services for residents of the county and the communities it serves;

~~(15)~~(16) contract directly or in conjunction with insurers, employers, and individuals for the provision of health care services on a population risk or episodic basis and to expend the proceeds derived from ~~the charges made for the use of the services and facilities of the hospital for the operation and maintenance thereof~~ these activities to support its programs and services;

~~(16)~~(17) ~~To~~ determine the fiscal year upon which ~~the~~ its affairs ~~of the board shall~~ must be conducted;

~~(17)~~(18) ~~To~~ expend any funds received in any manner, and the proceeds derived from ~~the issue~~ issuance of bonds, ~~hereinafter authorized~~ to defray any costs incident to establishing, constructing, equipping, and maintaining ~~any hospital~~ its facilities and services;

~~(18)~~(19) ~~To~~ apply to the federal government and state agencies and any other governmental ~~agency~~ agencies, industries, and philanthropic programs for a grant of ~~moneys~~ monies to aid in ~~the construction and equipment of any hospital~~ providing any health care facility or program, conducting research, and providing health care services;

~~(19)~~(20) ~~To~~ dispose of any property, real or personal, that it may possess~~, provided always that it shall not dispose of the hospital building, and the site thereof and the land adjacent thereto, which shall be conveyed to it by the City of Greenville, without the consent of the City Council of the City of Greenville~~;

~~(20) To enter into contracts for the construction and repair of hospitals and hospital facilities and to contract for equipment and supplies for such hospitals;~~

(21) conduct periodic investigations into hospital, medical, and health conditions and needs in Greenville County and the communities it serves;

~~(21)~~(22) ~~To~~ exercise the power of eminent domain ~~for the purpose of acquiring property for purposes of expansion, and to that end it may avail itself of the~~, in the manner provided by the general laws of the State of South Carolina for procedure ~~prescribed for the exercise of eminent domain~~ by any county, municipality, or authority created by or organized under the laws of this State~~,~~ or by the ~~State Highway~~ Department~~,~~ of Transportation or by railroad ~~corporation~~ corporations; ~~and~~

~~(22)~~(23) ~~To~~ borrow money from banking or other lending institutions in such amounts and on such terms as the board may determine is for the best interest to the board for the operation of the hospital or for the acquisition of real or personal property~~,~~ or to enlarge or improve any hospital facilities and to secure such loan or loans by pledge of revenues;

(24) enter into affiliation, cooperation, territorial management, joint operation, and other similar agreements with other providers for the:

(a) sharing, dividing, allocating, or exclusive furnishing of services, referral of patients, management of facilities, and other similar activities; or

(b) reducing or eliminating duplicative services in a market in order to improve quality or reduce cost; and

(25) exercise all powers now or hereinafter granted to regional health service districts pursuant to Articles 15 and 16, Chapter 7, Title 44 of the Code of Laws of South Carolina, 1976.”

SECTION 3. Section 6 of Act 432 of 1947 is amended to read:

“Section ~~6~~ 3. ~~(1)~~(A) ~~Said~~ The board shall at all times keep full and accurate account of its actings and doings and of its receipts and expenditures, and at least once within four ~~(4)~~ months following the close of its fiscal year, a complete audit of its affairs ~~shall~~ must be made by a qualified public accountant. Copies of the ~~same shall~~ audit must be filed with the Clerk of Court for Greenville County, the Clerk of the City Council of the City of Greenville, and with the Secretary or Acting Secretary of the Greenville County Delegation to the General Assembly.

~~(2)~~(B) ~~Whenever~~ If a petition, containing the authentic signatures of more than ten ~~(10%) per centum~~ percent of the qualified electors of any incorporated town or any district now in existence or hereafter created, lying wholly within Greenville County or partly within Greenville County and any adjoining county, ~~shall ask~~ asks the board to establish additional hospital facilities~~,~~ to be located in ~~said~~ the town or district, ~~said~~ the board ~~shall~~ promptly shall investigate the need of additional hospital facilities and if ~~it shall find~~ the board finds that such need exists, ~~it~~ the board shall cause plans and specifications to be made for the type of facilities that the board ~~shall determine~~ determines is needed~~, and~~. If the town or district ~~shall make~~ makes available to the board not less than fifty ~~per centum (50%)~~ percent of the total of the estimated cost of the construction and equipment of such facilities, ~~it~~ the board shall cause the ~~same~~ facility to be promptly constructed, and upon its completion the ~~same shall~~ facility must be operated as a part of its general hospital.”

SECTION 4. Section 8 of Act 432 of 1947 is amended to read:

“Section ~~8~~ 4. All bonds, revenues, or general obligations~~,~~ issued pursuant to the provisions of this act ~~shall, when issued in compliance with the provisions of this act, be~~ are deemed incontestable and valid and binding obligations, according to their tenor and effect, notwithstanding the provisions of other statutes.”

SECTION 5. An undesignated section of Act 432 of 1947, as added by Act 312 of 2010, is designated and amended to read:

“Section 5. (A)(1) The ~~Board of Trustees of the~~ Greenville ~~Hospital~~ Health System may establish a police department and appoint and employ police and security officers to carry out the functions of the department. While on duty, uniformed police and security officers shall wear distinctive uniforms prescribed by the board of trustees or its designees.

(2) The police officers must be commissioned as constables pursuant to Section 23‑1‑60 of the Code of Laws of South Carolina, 1976, and take the oath of office prescribed by law and the State Constitution for those officers.

(3) The jurisdiction of a police officer is limited to the grounds and streets and roads through and contiguous to the property of the Greenville ~~Hospital~~ Health System and not more than one hundred yards beyond its boundary.

(B) While performing his duties, a Greenville ~~Hospital~~ Health System police officer has all the powers of municipal and county law enforcement officers to make arrests for both felonies and misdemeanors and possess all of the common law and statutory powers, privileges, and immunities of police officers. A Greenville ~~Hospital~~ Health System police officer shall:

(1) preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on the hospital grounds and protect all persons and property located there from injury, harm, and damage;

(2) enforce and assist hospital officials in the enforcement of the laws of the State ~~and~~, county and municipal ordinances, and the lawful regulations of the institution~~,~~ and assist and cooperate with other law enforcement agencies and officers.

(C) The jurisdiction of police officers of the Greenville ~~Hospital~~ Health System does not extend beyond the boundaries set by the provisions of subsection (A)(3) ~~of this section~~, and these police officers may not arrest a person outside these boundaries. If the person leaves these boundaries, the police officer shall contact the appropriate law enforcement agency to effectuate an arrest.

(D) Greenville ~~Hospital~~ Health System police officers may designate and operate emergency vehicles and patrol cars in the manner provided by law for municipal and county law enforcement officers. These regular assigned patrol vehicles or units must bear distinctive and conspicuous lettering and markings on the sides and rear of the vehicle which provide clear identification of the institution. The chief law enforcement executive for the Greenville ~~Hospital~~ Health System may designate unmarked vehicles assigned to administrative, special, or investigative duties which must be operated in the manner provided by law for municipal and county law enforcement officers.

(E) The chief law enforcement executive or other appropriate official, with the approval of the board of trustees, shall establish within the police department a system of ranks and grades and a promotion policy to ~~insure~~ ensure efficient operation of the department and the establishment of responsibility within it.

(F) The police department may install, maintain, and operate radio systems on radio frequencies under licenses issued by the Federal Communications Commission, or its successor.

(G) It is unlawful for a person to:

(1) falsely represent himself to be a Greenville ~~Hospital~~ Health System police officer~~,~~ or agent~~,~~ or an employee of its police department and to act upon ~~its~~ this representation to arrest, detain, search, or question ~~the~~ a person or the property of a person~~, nor may a person~~;

(2) without the authority of the board of trustees, to wear ~~its~~ the official uniform, insignia, badge, or identification of the Greenville Health System police department.

(H) A person arrested by a Greenville ~~Hospital~~ Health System police or security officer must be processed in the manner in which a person arrested is processed by municipal and county law enforcement officers.”

SECTION 6. Sections 2, 3, and 7 of Act 432 of 1947, Act 1013 of 1948, Acts 555 and 558 of 1961, Act 1286 of 1966, and Act 744 of 1967 are repealed.

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

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

On motion of Senator FAIR, the Bill was read the second time carrying over all amendments.

**PROPOSED AMENDMENT WITHDRAWN**

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**POINT OF ORDER**

**READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment as follows.

Senator THURMOND proposed the following amendment (AGM\3061C007.AGM.AB13), which was withdrawn:

Amend the committee report, as and if amended, Section 59‑63‑75(D)(1), as contained in SECTION 1, by deleting the subsection in its entirely and inserting:

/ (D)(1)(a) With respect to athletic contests, if an athletic trainer, official, or physician suspects that a student athlete, under the control of a coach, the athletic trainer, the official, or the physician, has sustained a concussion or brain injury in an athletic competition, the student athlete must be removed from competition at that time.

(b) With respect to practices, if a coach, athletic trainer, official, or physician suspects that a student athlete, under the control of the coach, athletic trainer, official, or physician, has sustained a concussion or brain injury in an athletic competition, the student athlete must be removed from practice at that time. /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND asked unanimous consent to withdraw his previously proposed amendment.

There was no objection and the amendment was withdrawn.

Senator FAIR proposed the following amendment (AGM\  
3061C008.AGM.AB13), which was adopted:

Amend the committee report, as and if amended, Section 59‑63‑75(D)(4), as contained in SECTION 1, by deleting the item in its entirety and inserting:

/ (4) In addition to posting information regarding the recognition and management of concussions in student athletes, the Department of Health and Environmental Control, in consultation with health care provider organizations, shall post on its website continuing education opportunities in concussion evaluation and management available to providers making such medical determinations. Such information must be posted by the department upon receipt from a participating health care organization. /

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

The Committee on Education proposed the following amendment (AGM\3061C005.AGM.AB13), which was adopted:

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

/ SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑75. (A) The South Carolina Department of Health and Environmental Control, in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. The Department of Health and Environmental Control also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer’s Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to South Carolina High School League sanctioned events.

(B) A local school district shall develop guidelines and procedures based on the model guidelines and procedures referenced in subsection (A).

(C) Each year prior to participation in athletics, each school district shall provide to all coaches, volunteers, student athletes, and their parents or legal guardian, an information sheet on concussions which informs of the nature and risk of concussion and brain injury, including the risks associated with continuing to play after a concussion or brain injury. The parent or legal guardian’s receipt of the information sheet must be documented in writing or by electronic means before the student athlete is permitted to participate in an athletic competition or practice.

(D)(1) If a coach, athletic trainer, official, or physician suspects that a student athlete, under the control of the coach, athletic trainer, official, or physician, has sustained a concussion or brain injury in a practice or in an athletic competition, the student athlete shall be removed from practice or competition at that time.

(2) A student athlete who has been removed from play may return to play if, as a result of evaluating the student athlete onsite, the athletic trainer, physician, physician’s assistant pursuant to scope of practice guidelines, or nurse practitioner pursuant to a written protocol determines in his best professional judgment that the student athlete does not have any signs or symptoms of a concussion or brain injury.

(3) A student athlete who has been removed from play and evaluated and who is suspected of having a concussion or brain injury may not return to play until the student athlete has received written medical clearance by a physician.

(4) In addition to posting information regarding the recognition and management of concussions in student athletes, the Department of Health and Environmental Control, in consultation with health care provider organizations, shall post on its website continuing education opportunities in concussion evaluation and management available to providers making such medical determinations.

(5) The athletic trainer, physician, physician’s assistant, or nurse practitioner who evaluates the student athlete during practice or an athletic competition and authorizes the student athlete to return to play is not liable for civil damages resulting from an act or omission in rendering this decision, other than acts or omissions constituting gross negligence or wilful, wanton misconduct. This immunity applies to an athletic trainer, physician, physician’s assistant, or nurse practitioner serving as a volunteer.

(E) For purposes of this section:

(1) ‘Physician’ is defined in the same manner as provided in Section 40‑47‑20(35).

(2) ‘Student athlete’ includes cheerleaders.”

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

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

Senator GROOMS proposed the following amendment (3061R002.LKG), which was ruled out of order:

Amend the bill, as and if amended, page 3, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Chapter 5, Title 59 of the 1976 Code is amended by adding:

“Section 59‑5‑170. A public school may not join or affiliate with any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain the following:

(1) A range of sanctions that may be applied to a student, coach, team, or program and that take into account factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity.

(2)(a) Guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. Private or charter schools may not be expelled or denied membership in the association, body, or entity or restricted in their ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on their status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership.

(b) Guarantees that a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team.

(3)(a) An appeals process in which appeals of the association, body, or entity are made to a disinterested third‑body appellate panel. The appellate body must consist of seven members, with one person appointed by the delegation of each congressional district. Members must serve four‑year terms.

(b) A member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel must be filled in the manner of the original appointment.

(c) Members of the appellate panel may not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years. Parents, legal guardians, principals, and coaches must be able to appeal a ruling of the association, body, or entity to the panel. The appellate panel must provide the final ruling in any appeal brought against a decision of the association, body, or entity.

(4) A procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices.

(5) Provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State.

Section 59‑5‑180. In the event an association, body, or entity fails to include one of the items listed in Section 59‑5‑170, public schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

**Point of Order**

Senator HAYES 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 GROOMS spoke on the Point of Order.

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 36; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Fair

Gregory Grooms Hayes

Hembree Johnson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McElveen McGill

Nicholson Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--36**

**NAYS**

**Total--0**

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

**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. 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.

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

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.

On motion of Senator SCOTT, the Bill 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.

H. 3783 -- Rep. Lucas: 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.

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

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.

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

**AMENDED, CARRIED OVER**

H. 3409 -- Reps. Sandifer and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑59‑25 SO AS TO PROHIBIT CERTAIN ACTS BY RESIDENTIAL BUILDERS OR CONTRACTORS RELATING TO ROOFING SYSTEMS; AND TO AMEND SECTION 40‑59‑110, RELATING TO REVOCATION, SUSPENSION, OR RESTRICTION OF THE LICENSE BY THE RESIDENTIAL HOME BUILDERS COMMISSION, SO AS TO PROVIDE A CONFORMING CHANGE.

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

Senator CORBIN proposed the following amendment (3409R001.TC), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 11 - 14 and inserting:

/ (D)(1) A builder or contractor shall not represent or negotiate, or offer or advertise to represent or negotiate, on behalf of an owner or possessor of residential real estate on any insurance claim in connection with the repair or replacement of roof systems.

(2) Notwithstanding item (1), or any other provision of state law, an owner is not prevented from consulting with a builder, contractor, or other person of his choice to provide an evaluation of the condition of his roof system and using the evaluation he receives in the negotiation for the repair or replacement of his roof system. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

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

**AMENDMENT PROPOSED, CARRIED OVER**

H. 3161 -- Reps. Spires and Toole: A BILL TO AMEND SECTION 40‑43‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA PHARMACY PRACTICE ACT, SO AS TO DEFINE ADDITIONAL TERMS; TO AMEND SECTION 40‑43‑86, RELATING TO COMPOUNDING PHARMACIES, SO AS TO REVISE MINIMUM GOOD COMPOUNDING PRACTICES, TO PROVIDE A PHARMACIST MUST PERFORM A FINAL CHECK ON A PRODUCT COMPOUNDED BY A PHARMACY TECHNICIAN, TO MODIFY REQUIREMENTS FOR AN AREA USED FOR COMPOUNDING IN A PHARMACY, TO PROVIDE PHARMACISTS SHALL ENSURE CERTAIN EXPECTED FEATURES OF INGREDIENTS USED IN A FORMULATION, TO PROVIDE A MEANS FOR DETERMINING THE MAXIMUM BEYOND‑USE DATE OF AN EXCESS AMOUNT OF A SPECIFIC COMPOUND IN CERTAIN CIRCUMSTANCES, TO REQUIRE CERTAIN WRITTEN POLICIES AND PROCEDURES APPLICABLE TO A COMPOUNDING AREA, AND TO PROVIDE THAT MATERIAL DATA SAFETY MUST BE READILY ACCESSIBLE TO PHARMACY PERSONNEL WHO WORK WITH DRUG SUBSTANCES OR BULK CHEMICALS, AND TO DELETE OBSOLETE LANGUAGE; AND TO AMEND SECTION 40‑43‑88, RELATING TO THE HANDLING OF STERILE PRODUCTS BY PHARMACIES, SO AS TO REVISE ASSOCIATED STANDARDS AND TO BROADEN THE APPLICATION OF THESE STANDARDS TO INCLUDE OTHER FACILITIES PERMITTED BY THE BOARD, AMONG OTHER THINGS.

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

Senator BRYANT proposed the following amendment (AGM\  
3161C003.AGM.AB13):

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

/ SECTION \_\_\_. Section 40‑43‑130(B) and (G)(1) of the 1976 Code is amended to read:

“(B) Each licensed pharmacist, as a condition of an active status license renewal, shall complete fifteen hours (1.5 CEU’s) of American Council on Pharmaceutical Education (ACPE) accredited continuing pharmacy education or continuing medical education (CME), Category I, or both, each license year. ~~Of~~ The fifteen hours~~, a minimum of six hours must~~ may be obtained through any combination of online courses and attendance at lectures, seminars, or workshops. At least fifty percent of the total number of hours required must be in drug therapy or patient management.

(G)(1) As a condition of registration renewal, a registered pharmacy technician shall complete ten hours of American Council on Pharmaceutical Education or CME I approved continuing education each year, beginning with the next renewal period after June 30, 2003. ~~A minimum of four hours of the total~~ These hours must be obtained through any combination of online courses and attendance at lectures, seminars, or workshops.” /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

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.

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

The Committee on Labor, Commerce and Industry proposed the following amendment (3459R001.TCA), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 7 and inserting:

/ (6) conduct periodic inspections of licensees or firms with notice to the licensee or firm of at least three business days, and if upon inspection a violation is found, a formal complaint shall be filed and the customary procedures for complaints must be followed;/

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was second reading of the Bill

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

**POINT OF ORDER**

S. 657 -- Senator L. Martin: A BILL TO AMEND SECTION 22‑2‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO MAGISTRATE JURY AREAS IN EACH COUNTY, SO AS TO REVISE AND UPDATE THE TERRITORIAL DESCRIPTIONS OF THE JURY AREAS AND PROVIDE REFERENCES TO PUBLIC MAPS SHOWING THE JURY AREAS.

**Point of Order**

Senator MALLOY 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**

S. 705 -- Senator Leatherman: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2013‑2014 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

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

**DEBATE INTERRUPTED**

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

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 130 proposed on May 22, 2013.

On motion of Senator SHANE MARTIN, with unanimous consent, Amendment No. 130 was withdrawn.

**Motion to Reconsider Carried Over**

Having voted on the prevailing side, Senator MALLOY moved to reconsider the vote whereby Amendment No. 122 was adopted on May 21, 2013.

Senator GREGORY spoke on the motion.

**Amendment No. 122**

Senator GREGORY proposed the following amendment (DG GGCOLLEGE):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 541, paragraph 118.17, by striking lines 3 - 11 and inserting:

/ *(12) H37 - University of South Carolina - Lancaster*

*(a)Deferred Maintenance $ 400,000;*

*(b)Parity Funding $ 148,400;*

*(13) H38 - University of South Carolina - Salkehatchie*

*Parity Funding $ 118,720;*

*(14) H39 - University of South Carolina - Sumter*

*Parity Funding $ 97,520;*

*(15) H40 - University of South Carolina - Union*

*Parity Funding $ 59,360;*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McELVEEN spoke on the motion.

Senator GREGORY moved to carry over the motion to reconsider.

The motion to reconsider was carried over and was subsequently withdrawn.

On motion of Senator PEELER, debate was interrupted by the recess.

**RECESS**

At 11:58 A.M., on motion of Senator PEELER, the Senate receded from business until 1:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:30 P.M. and was called to order by the PRESIDENT.

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**AMENDED, READ THE SECOND TIME**

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

The Senate resumed consideration of the Bill, the question being the second reading of the Bill.

**Amendment No. P4C-123**

Senators SETZLER, NICHOLSON, COURSON, CLEARY, CAMPBELL, GROOMS, PEELER, CROMER, SCOTT, CORBIN, SHEALY, McGILL and RANKIN proposed the following amendment (DAD NGSPERMINPROV5), which was carried over and subsequently adopted:

Amend Amendment No. 123, bearing document number N:\S‑FINANCE\AMEND\DAD DOT ROAD FUNDS.DOCX, by striking the amendment in its entirety and inserting:

Amend the bill, as and if amended, Part IA, Section 84, DEPARTMENT OF TRANSPORTATION, page 258, line 9, opposite Permanent Improvements, by:

COLUMN 7 COLUMN 8

/ STRIKING: 771,675,248

and

INSERTING: 821,675,248 50,000,000/

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *(DOT: Transfer to SIB) Upon receipt of General Funds appropriated to the Department of Transportation for Highway Engineering Permanent Improvements, the department is directed to transfer an equivalent amount from non-tax sources to the State Transportation Infrastructure Bank to be used solely to finance bridge replacement, rehabilitation projects, and expansion and improvements to existing mainline interstates. The Department of Transportation shall submit a list of bridge and road projects to the SIB for its consideration. These funds may not be used for projects approved by the SIB Board prior to July 1, 2013. The General Funds appropriated to the Department of Transportation for Highway Engineering Permanent Improvements are exempt from any across-the-board reductions.*  */*

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 539, paragraph 118.17, line 35, opposite item *(1) Part IA - General Fund*, by striking /*$34,625,547*/ and inserting /*$43,225,547*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, line 29, item (48)(f) opposite Bridge Replacement and Rehabilitation, by striking: /*$10,000,000;*/ and inserting : /*$1,400,000.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN spoke on the amendment.

On motion of Senator LEATHERMAN, Amendment No. P4C-123 was carried over and subsequently adopted.

**Amendment No. 141**

Senator GROOMS proposed the following amendment (3710R081.LKG.DOCX), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 355, after line 34, by adding an appropriately numbered new proviso to read:

/ *1.\_\_. (SDE: Interscholastic Athletic Association Dues) A public school district supported by state funds shall not use any funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain the following:*

*(1) a range of sanctions that may be applied to a student, coach, team, or program and that takes into account factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity;*

*(2)(a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. Private or charter schools may not be expelled or denied membership in the association, body, or entity or restricted in their ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on their status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership;*

*(b) guarantees that a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team;*

*(3)(a) an appeals process in which appeals of the association, body, or entity are made to a disinterested third‑body appellate panel which consists of seven members who serve four year terms, with one person appointed by the delegation of each congressional district;*

*(b) a member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel is filled in the manner of the original appointment;*

*(c) members of the appellate panel do not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years. Parents, legal guardians, principals, and coaches are able to appeal a ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the association, body, or entity;*

*(4) a procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices;*

*(5) provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State.*

*In the event an association, body, or entity fails to include one of the items listed in this proviso, public school districts and schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS 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 CAMPSEN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator SCOTT moved to lay the amendment on the table.

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

**Ayes 16; Nays 24**

**AYES**

Allen Coleman Ford

Johnson Lourie Malloy

Matthews McElveen McGill

Nicholson O'Dell Reese

Scott Setzler Sheheen

Williams

**Total--16**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Leatherman *Martin, Larry Martin, Shane*

Massey Peeler Shealy

Thurmond Turner Young

**Total--24**

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

Senator SCOTT spoke on the amendment.

Senator NICHOLSON spoke on the amendment.

Senator MALLOY spoke on the amendment.

On motion of Senator MALLOY, with unanimous consent, the amendment was carried over and subsequently withdrawn.

**Amendment No. P1-140**

Senator JACKSON proposed the following amendment (DG DJSCHOOLSUPP), which was carried over and subsequently withdrawn:

Amend Amendment No. 140, bearing document number L:\S‑RES\AMEND\3710R080.TD.DOCX, by striking the amendment in its entirety and inserting:

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 359, paragraph 1A.12, by adding an unnumbered paragraph after line 20 to read:

*/ Any parent that purchases school supplies and materials for their child may claim a refundable income tax credit on their 2013 tax return to offset the expense of the school supplies and materials incurred during the fiscal year, provided that the return or any amended return claiming the credit is filed prior to the end of the fiscal year. The credit is equal to twenty dollars, or the amount the parent expends on school supplies and materials, whichever is less. If any expenditures eligible for a credit are made after December 31st, the parent may include the expenditures on his initial return or may file an amended 2013 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The Department of Revenue may require whatever proof it deems necessary to implement the credit provided by this part of this provision. The credit allowed by this section may not exceed twenty dollars for each return.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

**Point of Order**

Senator SHANE MARTIN 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 JACKSON spoke on the Point of Order.

Senator DAVIS spoke on the Point of Order.

Senator SETZLER spoke on the Point of Order.

Senator MATTHEWS spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

On motion of Senator JACKSON, the amendment was carried over and subsequently withdrawn.

**Amendment No. 127**

Senators MASSEY and MALLOY proposed the following amendment (DAD 3.5 LOTTERY ASM GM ), which was tabled:

Amend the bill, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, which was amended by Amendment No. 69 bearing document number N:\S-FINANC\  
AMEND\DAD 3.5 LOTTERY5.DOCX, page 381, line 35, item (15) by striking /$4,000,000;/ and inserting /$3,000,000/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, which was amended by Amendment #69 bearing document number N:\S-FINANC\  
AMEND\DAD 3.5 LOTTERY5.DOCX, page 381, paragraph 3.5, after line 35, by striking:

/ *( ) Department of Education--*

*New School Buses $3,510,000;*

*( ) State Library--Union County*

*Carnegie Library Renovaton $1,250,000; and*

*( ) Department of Education--New Carolina*

*Transformation in Education $100,000.* /

and by inserting:

/ *( ) Department of Education--*

*New School Buses $5,860,000;*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, which was amended by Amendment No. 69 bearing document number N:\S-FINANC\  
AMEND\DAD 3.5 LOTTERY5.DOCX, page 382, paragraph 3.5, lines 32-36 and page 383, lines 1-11 by striking the lines in their entirety and inserting:

/ *For Fiscal Year 2013-14, of the funds certified from unclaimed prizes, $1,700,000 shall be appropriated to the Commission on Higher Education and State Board for Technical and Comprehensive Education for Tuition Assistance Two Year Institutions, $3,350,000 shall be appropriated to the Department of Education for the purchase of new school buses, and $2,950,000 shall be appropriated to the Commission on Higher Education for the Higher Education Excellence Enhancement Program.*

*Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first $1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program and all additional revenue realized shall be directed to the Department of Education for new school buses.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

Senator HAYES spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator MALLOY moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 138A**

Senators DAVIS, BRYANT, GROOMS, BRIGHT, SHANE MARTIN and SHEALY proposed the following amendment (3710R077.TD.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, page 405, after line 17, by adding an appropriately numbered new proviso to read:

/*33.\_\_. (DHHS: Affordable Care Act) (A) No state official, agency, or employee acting on behalf of the State and supported by state funds may engage in any activity that aids any agency in the implementation or enforcement of the provisions of the Patient Protection and Affordable Care Act of 2010 and any subsequent federal act that amends the Patient Protection and Affordable Care Act of 2010.*

*(B) From the funds appropriated to the Attorney General, if the Attorney General has reasonable cause to believe that a person or business is being harmed by implementation of the Patient Protection and Affordable Care Act and that proceedings would be in the public interest, the Attorney General may bring an action in the name of the State against the person or entity causing the harm to restrain the use of such method, act, or practice, by temporary restraining order, temporary injunction, or permanent injunction.*

*(C) Neither South Carolina nor a political subdivision including, but not limited to, counties, municipalities, or special purpose districts of the State may establish a Health Care Exchange for the purchase of health insurance or participate in or purchase insurance from a health care exchange, as defined in the Patient Protection and Affordable Care Act of 2010, established by a nonprofit organization.*

*(D) Any political subdivision that violates the provisions of this proviso shall forfeit all state funding, including any aid to subdivision funding they may receive in the current fiscal year.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

**Point of Order**

Senator SETZLER 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 LOURIE spoke on the Point of Order.

Senator SETZLER spoke on the Point of Order.

Senator SHEHEEN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. 138A was ruled out of order.

Senator COURSON, the PRESIDENT *Pro Tempore*, moved that when the Senate adjourns today, it stand adjourned to meet tomorrow in Statewide Session at 10:00 A.M.

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

**Ayes 21; Nays 19**

**AYES**

Alexander Bennett Campbell

Campsen Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Leatherman *Martin, Larry Martin, Shane*

Massey McGill Peeler

Shealy Turner Young

**Total--21**

**NAYS**

Allen Bright Bryant

Coleman Ford Hembree

Jackson Johnson Lourie

Malloy Matthews McElveen

Nicholson Reese Scott

Setzler Sheheen Thurmond

Williams

**Total--19**

The motion to convene tomorrow at 10:00 A.M. was adopted.

Having voted on the prevailing side, Senator McGILL moved to reconsider the vote whereby the motion to convene tomorrow at 10:00 A.M. was adopted.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the motion to reconsider was out of order inasmuch as the motion to reconvene under Rule 1A was a procedural motion and not subject to the motion to reconsider.

The PRESIDENT sustained the Point of Order.

**Motion Adopted**

Senator LOURIE moved under the provisions of Rule 1A that when the Senate adjourns, it reconvene in Statewide Session on Tuesday, May 28, 2013, at 10:00 A.M.

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

**Ayes 20; Nays 19**

**AYES**

Allen Bright Bryant

Coleman Ford Hembree

Jackson Johnson Lourie

Malloy Matthews McElveen

McGill Nicholson Reese

Scott Setzler Sheheen

Thurmond Williams

**Total--20**

**NAYS**

Alexander Bennett Campbell

Campsen Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Leatherman *Martin, Larry* Massey

Peeler Shealy Turner

Young

**Total--19**

The motion to convene Tuesday, May 28, 2013, at 10:00 A.M. in Statewide Session was adopted.

Senator LARRY MARTIN spoke on the amendment.

Senator MALLOY moved that the Senate stand adjourned.

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

**Ayes 11; Nays 30**

**AYES**

Allen Coleman Ford

Jackson Johnson Lourie

Malloy Nicholson Reese

Scott Sheheen

**Total--11**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Leatherman *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill O’Dell Peeler

Setzler Shealy Thurmond

Turner Williams Young

**Total--30**

The Senate refused to adjourn.

**Amendment No. 131**

Senators RANKIN, HEMBREE and McGILL proposed the following amendment (DG LARBEACHNOUR2), which was adopted:

Amend the bill, as and if amended, Part IB, Section 34, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 410, by striking paragraph 34.30 and inserting:

/ 34.30. (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) ~~Beach renourishment activities are suspended for the current fiscal year. Funds~~ From the funds allocated or carried forward for beach renourishment*, $500,000* may be spent ~~for coastal access improvement and shall be spent~~ in accordance with all required state and federal permits and certifications *for the purpose of constructing outfalls for stormwater emanating from jurisdictions where maintenance of near shore water quality is critical to tourism*. If state funds are made available from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment and maintenance, the department shall be able to expend not more than $100,000 of these funds annually to support annual beach profile monitoring coast wide to enable the department to determine erosion rates and to identify priority areas needing renourishment and maintenance to mitigate erosion and storm damage potential. Appropriations for beach renourishment projects that are certified by the department as excess may be spent for coastal access improvement. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

**Amendment No. 134**

Senators CLEARY, DAVIS and HUTTO proposed the following amendment (DG RECTELEMED2), which was adopted:

Amend the bill, as and if amended, Part IB, Section 105, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 491, after line 35, by adding an appropriately numbered new proviso to read:

/ *105.\_\_\_. (PEBA: Telemedicine) (A)(1) During the current fiscal year, the State Health Plan shall not require face‑to‑face contact between a consulting health care provider and a patient as a prerequisite for payment for covered services appropriately provided through telemedicine in accordance with generally accepted health care practices and standards at the time the telemedicine service was rendered.*

*(2) Notwithstanding the provisions of item (1), the State Health Plan shall establish coverage guidelines, documentation requirements, and benefit design standards for telemedicine services.*

*(B) Reimbursement for covered services provided through telemedicine shall be determined by the State Health Plan and shall be based upon Current Procedural Terminology (CPT) codes with appropriate GT telemedicine modifiers (via interactive audio and video telecommunications systems).*

*(C) It is the responsibility of the consulting health care provider to communicate the details of the telemedicine service with the patient’s primary care provider or referring health care provider within a mutually agreed upon time frame and mode of communication.*

*(D) The Board of Medical Examiners shall authorize and establish standards for other forms or methods of providing health care services through telephone, facsimile, or electronic means, or combination thereof; provided, however, that the State Health Plan may reimburse for such other services but are not required by subsection (A) to do so. Further, the Board of Medical Examiners and the Board of Nursing shall use the same standards in evaluating and investigating a complaint and disciplining a licensee who practices telemedicine as it would use for a licensee who does not practice telemedicine.*

*(E) This provision does not affect health care services currently reimbursed by the State Health Plan that utilize electronic communications which are not real-time or preclude the Public Employee Benefit Authority from reimbursing for similar services in the future.*

*(F)(1) In the current fiscal year, and from funds appropriated, there must be a Telemedicine Advisory Council whose functions are to study telemedicine outcomes, evaluate reimbursement rates and make recommendations regarding the further development and use of telemedicine. The council shall consist of:*

*(a) the Director of the Department of Insurance or their designee;*

*(b) the Director of the Department of Health and Human Services or their designee;*

*(c) the Director of the Department of Labor, Licensing and Regulation or their designee;*

*(d) the Director of the Public Employee Benefit Authority or their designee;*

*(e) a member of the Senate appointed by the Chairman of the Senate Medical Affairs Committee;*

*(f) a member of the House of Representatives appointed by the Chairman of the House Labor, Commerce and Industry Committee;*

*(g) five members appointed by the Governor consisting of:*

*(i) a rural hospital administrator;*

*(ii) a physician with specialized knowledge and interest in the use of telemedicine;*

*(iii) a psychiatrist with specialized knowledge and interest in the use of telepsychiatry;*

*(iv) a representative from a health insurance issuer licensed to do business in this State; and*

*(v) a representative from a public medical school in South Carolina; and*

*(h) the Chairman of the Board of Directors for Palmetto Care Connections, Inc. or their designee, ex officio and non-voting.*

*(2) The Director of the Public Employee Benefit Authority or their designee shall serve as chairman. A quorum will be a majority of the members present but not less than four attendees. Members shall serve without per diem, subsistence, or mileage.*

*(3) Staff support shall be provided by the Public Employee Benefit Authority, the Senate, and the House of Representatives.*

*(4) Members shall be appointed no later than August 1, 2013. Vacancies must be filled in the manner of the original appointment. The initial meeting of the council shall be no later than December 1, 2013, and the council shall meet at least twice during the fiscal year or at the call of the chairman.*

*(5) The council shall make a progress report to the Public Employee Benefit Authority, the Chairman of the Senate Medical Affairs Committee and the Chairman of the House of Representatives Labor, Commerce and Industry Committee no later than June 30, 2014. The progress reports shall include, but not be limited to, evaluation of the access to health care; patient satisfaction of telemedicine services; medical outcomes; affordability of telemedicine health care services; and recommendations and results from item (6).*

*(6) The council shall research and evaluate the opportunities and challenges for further growth and development of telemedicine in South Carolina including, but not limited to, market incentives for telemedicine growth; market impediments to the use and growth of telemedicine; statutory and regulatory limitations to the utilization and growth of telemedicine; the value and availability of the various types of telemedicine available in medicine, including physician-to-patient telemedicine; the impact of telemedicine policy directives and decisions by the Board of Medical Examiners; and, liability concerns for providers and insurers.*

*(G) For the purposes of this provision:*

*(1) ‘Telemedicine’ means the delivery of health care, including diagnosis, treatment, or transfer of medical data, by means of bi-directional, real-time, interactive, secured and HIPAA compliant, electronic audio and video telecommunications systems by a consulting health care provider to a patient of a referring health care provider, at a referring site. HIPAA compliant electronic audio and video telecommunications systems must be used between the consultant site and referring site. Standard telephone, facsimile transmissions, unsecured electronic mail, or a combination of them do not constitute telemedicine services.*

*(2) ‘Consultant site’ means the physical site at which the consulting health care provider is located at the time the health care is provided by means of telemedicine.*

*(3) ‘Referring site’ means the physical site of the patient.*

*(4) ‘Consulting health care provider’ means an allopathic or osteopathic physician, physician assistant, or a nurse practitioner licensed in the State of South Carolina and practicing pursuant to their respective practice act under Title 40.*

*(5) ‘Referring health care provider’ means an allopathic or osteopathic physician, physician assistant, or nurse practitioner who, upon evaluation of the patient determines the need for consultation and makes the arrangements for the consulting health care provider services. A referring health care provider must be licensed in the State of South Carolina and practicing pursuant to their respective practice act under Title 40.*

*(6) ‘State Health Plan’ means the employee and retiree insurance program administered by the Public Employee Benefit Authority.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

**Amendment No. 142**

Senator THURMOND proposed the following amendment (3710R079.PT.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 540, paragraph 118.17, by adding a new item after line 8 to read:

/ *(e) School Bus Lease and Purchase $6,685,000;* /

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 14, by inserting after line 15:

COLUMN 7 COLUMN 8

/School Bus Lease and

Purchase - Nonrecurring 100,000 100,000/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 4, line 24, by:

COLUMN 7 COLUMN 8

/ STRIKING: 15,506 15,506

and

INSERTING: 1,015,536 1,015,536/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 540, paragraph 118.17, by striking lines 22 - 24.

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 541, paragraph 118.17, by striking lines 17 - 18.

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 541, paragraph 118.17, by striking lines 21 - 30 and inserting:

/ *(20) J04 - Department of Health and Environmental Control*

*(a) Women in Unity $1,000;*

*(b) Best Chance Network and Colon Cancer*

*Prevention Network - Proviso 34.44 $2,000,000;* */*

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 541, paragraph 118.17, by striking lines 33 - 34.

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 542, paragraph 118.17, by striking line 34.

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 543, paragraph 118.17, by striking lines 3 - 5.

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, paragraph 118.17, by striking lines 1 and 2.

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, paragraph 118.17, by striking lines 5 - 9.

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, paragraph 118.17, by striking lines 14 - 20.

Amend the bill further, as and if amended, Part IB, Section 35, DEPARTMENT OF MENTAL HEALTH, by striking paragraph 35.15 and inserting:

/ *35.15 (DMH: Psychiatric Day Care Program) Of the funds appropriated to the department, $250,000 shall be transferred to the Department of Education for school bus leases and purchases.*  /

Amend the bill further, as and if amended, Part IA, Section 28, ARTS COMMISSION, page 91, line 19, by:

COLUMN 7 COLUMN 8

/ STRIKING: 2,851,693 2,386,318

and

INSERTING: 1,851,663 1,386,288/

Amend the bill further, as and if amended, Part IA, Section 57, JUDICIAL DEPARTMENT, page 188, line 22, by striking opposite:

COLUMN 7 COLUMN 8

Barnwell County

Courthouse Repairs / 100,000 100,000/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, by striking /*Union County Library............$1,250,000; /* and inserting */School Bus Lease and Purchase............$1,250,000; /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THURMOND explained the amendment.

Senator FAIR spoke on the amendment.

Senator JACKSON spoke on the amendment.

Senator COLEMAN spoke on the amendment.

Senator HAYES moved to lay the amendment on the table.

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

**Ayes 28; Nays 12**

**AYES**

Alexander Allen Campbell

Campsen Coleman Courson

Cromer Fair Ford

Grooms Hayes Hembree

Jackson Johnson Leatherman

Lourie *Martin, Larry* Matthews

McElveen McGill Nicholson

O'Dell Peeler Reese

Scott Setzler Turner

Williams

**Total--28**

**NAYS**

Bennett Bright Bryant

Corbin Davis Gregory

Malloy *Martin, Shane* Massey

Shealy Thurmond Young

**Total--12**

The amendment was laid on the table.

**Amendment No. P4C-123**

Senators SETZLER, NICHOLSON, COURSON, CLEARY, CAMPBELL, GROOMS, PEELER, CROMER, SCOTT, CORBIN, SHEALY, McGILL and RANKIN proposed the following amendment (DAD NGSPERMINPROV5), which was adopted:

Amend Amendment No. 123, bearing document number N:\S‑FINANCE\AMEND\DAD DOT ROAD FUNDS.DOCX, by striking the amendment in its entirety and inserting:

/ Amend the bill, as and if amended, Part IA, Section 84, DEPARTMENT OF TRANSPORTATION, page 258, line 9, opposite Permanent Improvements, by:

COLUMN 7 COLUMN 8

/ STRIKING: 771,675,248

and

INSERTING: 821,675,248 50,000,000/

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *(DOT: Transfer to SIB) Upon receipt of General Funds appropriated to the Department of Transportation for Highway Engineering Permanent Improvements, the department is directed to transfer an equivalent amount from non-tax sources to the State Transportation Infrastructure Bank to be used solely to finance bridge replacement, rehabilitation projects, and expansion and improvements to existing mainline interstates. The Department of Transportation shall submit a list of bridge and road projects to the SIB for its consideration. These funds may not be used for projects approved by the SIB Board prior to July 1, 2013. The General Funds appropriated to the Department of Transportation for Highway Engineering Permanent Improvements are exempt from any across-the-board reductions.*  */*

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 539, paragraph 118.17, line 35, opposite item *(1) Part IA - General Fund*, by striking /*$34,625,547*/ and inserting /*$43,225,547*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, line 29, item (48)(f) opposite Bridge Replacement and Rehabilitation, by striking: /*$10,000,000;*/ and inserting : /*$1,400,000*./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

**Amendment No. 123**

Senator SHANE MARTIN proposed the following amendment (DAD DOT ROAD FUNDS), which was adopted:

Amend the bill, as and if amended, Part IA, Section 84, DEPARTMENT OF TRANSPORTATION, page 259, line 15, by:

COLUMN 7 COLUMN 8

/ STRIKING: 38,800,000

and

INSERTING: 88,800,000 50,000,000/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 539, paragraph 118.17, line 35, opposite item *(1) Part IA - General Fund*, by striking /*$34,625,547*/ and inserting /*$43,225,547*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, paragraph 118.17, line 29, item (48)(f) opposite Bridge Replacement and Rehabilitation, by striking: /*$10,000,000;*/ and inserting: /*$1,400,000*./

Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

**Amendment No. 118**

Senator HUTTO proposed the following amendment (3710 TREAS.DOCX), which was carried over and subsequently withdrawn:

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

COLUMN 7 COLUMN 8

/SPECIAL ITEMS:

CUSTODIAL BANKING 495,000 495,000

DEBT MANAGEMENT &

INVESTMENT SYSTEM

UPGRADE 1,280,200 1,280,200 /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN moved to carry over the amendment.

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

**Ayes 29; Nays 12**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McElveen McGill O'Dell

Peeler Shealy Thurmond

Turner Young

**Total--29**

**NAYS**

Allen Ford Jackson

Johnson Lourie Matthews

Nicholson Reese Scott

Setzler Sheheen Williams

**Total--12**

The amendment was carried over and subsequently withdrawn.

**Amendment No. 140**

Senator DAVIS proposed the following amendment (3710R080.TD.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 359, paragraph 1A.12, by adding an unnumbered paragraph after line 20 to read:

*/ Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the reimbursement allowed by this provision, may claim a refundable income tax credit on the teacher’s 2013 tax return, provided that the return or any amended return claiming the credit is filed prior to the end of the fiscal year. The credit is equal to two hundred seventy-five dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures eligible for a credit are made after December 31st, the teacher may include the expenditures on his initial return or may file an amended 2013 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The Department of Revenue may require whatever proof it deems necessary to implement the credit provided by this part of this provision.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator MATTHEWS spoke on the amendment.

Senator MATTHEWS moved to lay the amendment on the table.

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

**Ayes 15; Nays 25**

**AYES**

Allen Coleman Jackson

Johnson Lourie Malloy

Matthews McElveen McGill

Nicholson Reese Scott

Setzler Sheheen Williams

**Total--15**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Corbin Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hembree Leatherman *Martin, Larry*

Massey O'Dell Peeler

Shealy Thurmond Turner

Young

**Total--25**

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

The amendment was adopted.

**ACTING PRESIDENT PRESIDES**

At 5:55 P.M., Senator LARRY MARTIN assumed the Chair.

**Amendment No. 150**

Senator BRIGHT proposed the following amendment (DAD NONPROFIT), which was tabled:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *117.\_\_\_. (GP: Prohibition on Funds to Non-Profits) Notwithstanding any provision of this act to the contrary, no funds are appropriated to any non-profit organization. The State Budget Division shall determine if any appropriations, but for this provision, are considered to be to a non-profit organization, and shall notify the agency receiving the appropriation of their determination. As a matter of reference, the appropriations made to the Gateway House, the Southeastern Wildlife Exposition, the Greenwood Genetic Center, the regional economic development groups, STEM Centers, Teach for America, Keystone Substance Abuse Services, and Centers for Fathers and Families, are all considered non-profit organizations whose appropriation is ineffective pursuant to this provision. Upon notification, the agency shall transfer any amounts appropriated to a non-profit organization, but for this provision, to the Income Tax Rebate Fund.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator SCOTT moved to lay the amendment on the table.

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

**Ayes 34; Nays 7**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Courson Cromer Fair

Ford Gregory Grooms

Hayes Hembree Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Reese Scott Setzler

Sheheen Turner Williams

Young

**Total--34**

**NAYS**

Bright Bryant Corbin

Davis *Martin, Shane* Shealy

Thurmond

**Total--7**

The amendment was laid on the table.

**Amendment No. 147**

Senator McELVEEN proposed the following amendment (DAD USC SUMTER PARITY), which was adopted:

Amend the bill, as and if amended, Part IA, Section 20G, USC - SUMTER CAMPUS, page 72, by inserting after line 10:

COLUMN 7 COLUMN 8

/Non-Recurring Appropriation:

Parity Funding 78,750 78,750/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McELVEEN spoke on the amendment.

The amendment was adopted.

**Amendment No. 149**

Senator HUTTO proposed the following amendment (DAD TREAS CBDBSU3), which was tabled:

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

COLUMN 7 COLUMN 8

/SPECIAL ITEMS:

CUSTODIAL BANKING 495,000

DEBT MANAGEMENT &

INVESTMENT

SYSTEM UPGRADE 1,280,200/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 25; Nays 15**

**AYES**

Alexander Allen Bennett

Bryant Campsen Coleman

Courson Cromer Fair

Ford Gregory Grooms

Hayes Hembree Johnson

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen Peeler Shealy

Young

**Total--25**

**NAYS**

Bright Corbin Davis

Jackson Malloy McGill

Nicholson O'Dell Reese

Scott Setzler Sheheen

Thurmond Turner Williams

**Total--15**

The amendment was laid on the table.

**PRESIDENT PRESIDES**

At 6:48 P.M., the PRESIDENT assumed the Chair.

**Amendment No. 137F**

Senators BRYANT, GROOMS and CAMPBELL proposed the following amendment (3710R118.KLB.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 333, after line 5, by adding an appropriately numbered new proviso to read:

/ *1.\_\_\_. (SDE: Educational Credit for Exceptional Needs Children) (A) As used in this proviso:*

*(1) ‘Independent school’ means a school, other than a public school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met and that does not discriminate based on the grounds of race, color, religion, or national origin.*

*(2) ‘Parent’ means the natural or adoptive parent or legal guardian of a child.*

*(3) ‘Qualifying student’ means a student who is a South Carolina resident and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the current school year.*

*(4) ‘Resident public school district’ means the public school district in which a student resides.*

*(5) ‘Tuition’ means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school and school‑related transportation.*

*(6) ‘Eligible school’ means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met, that:*

*(a) offers a general education to primary or secondary school students;*

*(b) does not discriminate on the basis of race, color, or national origin;*

*(c) is located in this State;*

*(d) has an educational curriculum that includes courses set forth in the state’s diploma requirements and where the students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to determine student progress;*

*(e) has school facilities that are subject to applicable federal, state, and local laws; and*

*(f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools or the South Carolina Independent Schools Association.*

*(7) ‘Nonprofit scholarship funding organization’ means a charitable organization that:*

*(a) is exempt from federal tax under Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the Code;*

*(b) allocates, after its first year of operation, at least ninety‑five percent of its annual contributions and revenue received during a particular year to provide grants for tuition, transportation, or textbook expenses (collectively hereinafter referred to as tuition) or any combination thereof to children enrolled in an eligible school meeting the criteria of this section, and incurs administrative expenses annually, after its first year of operation, of not more than five percent of its annual contributions and revenue for a particular year;*

*(c) allocates all of its funds used for grants on an annual basis to children who are ‘exceptional needs’ students as defined herein;*

*(d) does not provide grants solely for the benefit of one school, and if the Department of Revenue determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;*

*(e) does not have as a member of its governing board any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member; and*

*(f) does not have as a member of its governing board any person who has been convicted of a felony, or who has declared bankruptcy within the last seven years.*

*(8) ‘Person’ means an individual, partnership, corporation, or other similar entity.*

*(9) ‘Transportation’ means transportation to and from school only.*

*(B) A person is entitled to a tax credit for the amount of money the person contributes to a nonprofit scholarship funding organization up to the limits of this proviso if:*

*(1) the contribution is used to provide grants for tuition, transportation, or textbook expenses or any combination thereof to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this proviso; and*

*(2) the person does not designate a specific child or school as the beneficiary of the contribution.*

*(C) Grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total cost of tuition, whichever is less, for students with ‘exceptional needs’ to attend an independent school. An ‘exceptional needs’ child is defined as a child who has been designated by the South Carolina Department of Education to meet the requirements of CFR Part A Section 300.8 and the child’s parents or legal guardian believe that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.*

*(D)(1) The tax credits authorized by subsection (B) may not exceed cumulatively a total of five million dollars for contributions made on behalf of ‘exceptional needs’ students. If the Department of Revenue determines that the total of such credits claimed by all taxpayers exceeds this amount, it shall allow credits only up to those amounts on a first come, first serve basis.*

*(2) A taxpayer may not claim more than ten thousand dollars in contribution towards the tax credit authorized by subsection (B). This credit is not refundable.*

*(3) If a husband and wife file separate returns, they each may only claim one‑half of the tax credit that would have been allowed for a joint return for the year.*

*(4) The person shall apply for a credit under subsection (B) on or with the tax return for the period for which the credit is claimed.*

*(5) The Department of Revenue shall prescribe the form and manner of proof required to obtain the credit authorized by subsection (B). Also, the department shall develop a method of informing taxpayers if either of the credit limits are met at any time during the 2013 tax year.*

*(6) A person may claim a credit under subsection (B) for contributions made on or after January 1, 2014.*

*(E) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the deduction or credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.*

*(F) Except as otherwise provided, neither the Department of Education, the Department of Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to this proviso.*

*(G)(1) The Education Oversight Committee, as established in Chapter 6, Title 59, is responsible for determining if an eligible school meets the criteria established by subsection (A)(6), and shall publish an approved list of such schools meeting this criteria below. For this purpose, it also shall promulgate regulations further enumerating the specifics of this criteria. In performing this function, the Education Oversight Committee shall establish an advisory committee made up of not more than nine members including parents, and representatives of independent schools and independent school associations. The advisory committee shall provide recommendations to the Education Oversight Committee on the content of these regulations and any other matters requested by the Education Oversight Committee.*

*(2)(a) By the first day of August for the current fiscal year, the Education Oversight Committee, on its website available to the general public, shall provide a list with addresses and telephone numbers of nonprofit scholarship funding organizations in good standing which provide grants under this proviso, and a list of approved independent schools which accept grants for eligible students and which in its determination are in compliance with the requirements of subsection (A)(6).*

*(b) Student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested and administered by an eligible school receiving or entitled to receive scholarship grants under this proviso must be transmitted to the Education Oversight Committee which in turn shall publish this information on its website with the most recent scores by category included.*

*(3) Any independent school not determined to be an eligible school under the provisions of this proviso may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court’s rules of procedure.*

*(4) The Education Oversight Committee, after consultation with its nine‑member advisory committee, may exempt an independent school having students with exceptional needs who receive scholarship grants pursuant to this proviso from the curriculum requirements of subsection (A)(6)(d).*

*(H)(1) Every nonprofit scholarship funding organization providing grants under subsection (C), shall cause an outside auditing firm to conduct a comprehensive financial audit of its operations in conformity with generally accepted accounting principles and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review.*

*(2) Every independent school accepting grants for eligible students shall cause to be conducted a compliance audit by an outside entity or auditing firm examining its compliance with the provisions of this proviso, and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review*. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRYANT explained the amendment.

**Point of Order**

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

The PRESIDENT overruled the Point of Order.

Senator LOURIE spoke on the amendment.

Senator LOURIE moved to lay the amendment on the table.

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

**Ayes 14; Nays 25**

**AYES**

Allen Coleman Jackson

Johnson Lourie Malloy

Matthews McElveen McGill

Nicholson Scott Setzler

Sheheen Williams

**Total--14**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Corbin Courson Cromer

Davis Fair Ford

Grooms Hayes Hembree

Leatherman *Martin, Larry Martin, Shane*

Massey O'Dell Peeler

Shealy Thurmond Turner

Young

**Total--25**

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

The amendment was adopted.

**Amendment No. 153**

Senator SETZLER proposed the following amendment (NL\  
3710C012.NL.DG13.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, beginning on page 338, by striking paragraph 1.24, and inserting:

/ 1.24. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses. *If the department uses the specifications of Georgia or North Carolina, the department must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical, and in the public interest, when compared to the specifications set forth by the School Bus Specifications Committee.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**Amendment No. 151**

Senator SETZLER proposed the following amendment (DAD JT TRANSP CORRIDOR), which was adopted:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *(GP: Joint Transportation Corridor Study Committee) There is created the Joint Transportation Corridor Study Committee which shall be composed of the following: two members appointed by the Governor; one member of the Senate appointed by the President Pro-Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Finance Committee; one member of the Senate Transportation Committee appointed by the Chairman of the Senate Transportation Committee; one member of the Senate Labor, Commerce and Industry Committee appointed by the Chairman of the Senate Labor, Commerce and Industry Committee; one member of the Senate appointed by the Senate Majority Leader; one member of the Senate appointed by the Senate Minority Leader; one member of the House of Representatives appointed by the Speaker of the House; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member of the House Education and Public Works Committee appointed by the Chairman of the House Education and Public Works Committee, one member of the House Labor, Commerce and Industry Committee appointed by the Chairman of the House Labor, Commerce and Industry Committee; one member of the House of Representatives appointed by the House Majority Leader; and one member of the House of Representatives appointed by the House Minority Leader. The Joint Study Committee shall form a Government and Freight Industry Advisory Subcommittee composed of one representative from each of the following: the South Carolina Trucking Association; the South Carolina Manufacturers Alliance; the South Carolina Chamber of Commerce; the Palmetto Agribusiness Council; the State Ports Authority; the Department of Commerce; and the Department of Transportation.*

*The committee shall study transportation corridors which are the state’s primary commercial, commuter and tourist arteries, with respect to traffic congestion, safety and efficiency of existing South Carolina interstates and with respect to the state’s major metropolitan areas and which connect the vital port terminals at Charleston to upstate industries. The study shall include, but is not limited to, the need for capacity expansion, removal of bottlenecks, traffic flow, safety improvements, interstate-only prioritization list, and adequacy of current and anticipated federal funding. The Department of Transportation shall provide staffing and other resources as required. Expenses of the committee shall be borne by the appointing agencies and entities.*

*The committee shall submit a report containing their findings and any recommended plans of action by December 31, 2013, to the Governor, the Senate, the House of Representatives, the Joint Transportation Review Committee, and the Department of Transportation Commission.*

*The Governor is encouraged to address the findings and any plans of action in the 2014 State of the State Address and/or in the Executive Budget submitted to the General Assembly. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**RECESS**

At 7:40 P.M., on motion of Senator PEELER, the Senate receded from business subject to the call of the PRESIDENT.

At 9:42 P.M., the Senate resumed.

**Amendment No. 155**

Senator MALLOY proposed the following amendment (3710R072.GM.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 34, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 413, line 13, by adding an appropriately numbered new proviso to read:

*/ 34.\_\_\_ (DHEC: Solid Waste Management Facilities) The department shall charge an annual fee for each solid waste management facility operating in this State that accepts waste generated from out-of-state. The fee shall be calculated by (1) determining the percentage of waste collected from out-of-state sources annually as compared to the total amount of waste collected by the facility annually; and (2) multiplying the percentage by the total county or municipal operating property tax charged to the facility for the applicable year. If the facility is operated by a county or municipality and the facility accepts out-of-state waste, the percentage of out-of-state waste must be multiplied by the applicable amount of the property tax that the facility would be charged annually if the facility’s property were not exempt from property tax. The fee shall be remitted to the department for environmental mitigation programs and to compensate local residents for damages related to the operation of solid waste management facilities. The department may carry forward any unexpended funds. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Amendment No. 156**

Senators GROOMS and CAMPSEN proposed the following amendment (3710R120.LKG.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, pages 422-423, paragraph 38.20, by striking the proviso in its entirety and inserting:

/ 38.20. (DSS: Teen Pregnancy Prevention) (A) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, the department must award ~~two~~ contracts to separate private, non-profit 501(c)(3) entities to provide teen pregnancy prevention programs and services within the State.

(B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

(C) The monies appropriated must be divided equally between the contracts and paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department’s contractual agreement.

(D) Entities that have a proven and public history of having effectively implemented abstinence programs in this State may be given a preference during the contract evaluation and awarding process. For the purposes of this proviso, a program is “effectively implemented” if the program has published positive behavioral outcomes by an independent and nationally recognized private or government agency demonstrating that a year after the program, program participants initiated sex at a rate of at least thirty percent lower than comparable non-program students.

(E)(1) At least one ~~One~~ contract must be awarded to an entity that utilizes an abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina.

(2)(a) At least one ~~One~~ contract must be awarded to an entity that uses a National Abstinence Clearinghouse (NAC) approved curricula for a minimum of one year prior to their application. ~~NAC is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of approved abstinence-only education~~ The curricula ~~that is~~ must be consistent with the A through H legislative requirements defined in Title V, Section 510(b)(2). Any entity that is awarded one of the above contracts must agree to provide data to verify the program effectiveness.

(b) The contract awarded pursuant to this item must be awarded to entities that utilize a program or evaluation process approved by, and under the supervision of, a federally approved Institutional Review Board (IRB) and have been evaluated and approved for medical accuracy by the United States Health and Human Services’ Office of Adolescent Health or the Office of Adolescent Pregnancy Prevention. Contracts may also be awarded to entities that do not meet these requirements on the date of the award but the entity must meet the requirements by the end of the fiscal year or the entity must forfeit the final quarterly payment.

~~(c)~~ ~~Prior to receiving funding the entities awarded the contracts pursuant to this item must verify that the program they implement meets the Cooperative Agreement with the Centers for Disease Control Division of Adolescent School Health (CDC DASH) approved SMARTool (Systematic Method for Assessing Risk-avoidance Tool) minimum standard for abstinence curriculum evaluation or the Cooperate Agreement with the Centers for Disease Control Division of Reproductive Health Tool to Assess the Characteristics of Effective Sex and STD/HIV Education Programs.~~

(F) The programs implemented by the entities awarded contracts pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed. /

Amend the bill further, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 424, paragraph 38, line 1, by striking Proviso 38.25 in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

**Amendment No. 158**

Senator MALLOY proposed the following amendment (3710R109.GM.DOCX), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, Part IB, Section 79, BOARD OF FINANCIAL INSTITUTIONS, page 457, line 29, by adding an appropriately numbered new proviso to read:

*/ 79.\_\_\_ (FI: Consumer Protection) (A) The Board of Financial Institutions shall charge deferred presentment providers a fee on each deferred presentment transaction equal to fifty percent of the principal amount advanced by a provider, not to exceed two hundred dollars. No part of the transaction fee may be directly or indirectly paid by a person entering into a deferred presentment transaction with a deferred presentment provider licensed pursuant to Chapter 39, Title 34.*

*(B) The fees must be transferred to the Department of Consumer Affairs and used to fund investigations of complaints made by people against deferred presentment providers and used to attempt to reach a mutually agreeable settlement of the complaint. A person for whom the department attempts to reach a settlement does not waive, by virtue of the department’s actions, any other remedy that he has at law or equity.*

*(C) From the funds appropriated to the Board of Financial Institutions, the board must develop a notice to be included with all deferred presentment transaction documentation providing the person entering into the transaction with the Department of Consumer Affairs contact information and including a statement that the person should contact the Department of Consumer Affairs with any complaints concerning their transaction. The notice must be signed and dated by the deferred presentment provider, or his agent or employee, and the person entering into the deferred presentment transaction.*

*(D) The Department of Consumer Affairs must submit a report to the General Assembly on or about March 1, 2014, concerning the investigations conducted, the outcomes of the investigations, and recommendations for additional consumer protections that the department deems advisable.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

**Point of Order**

Senator SHANE MARTIN 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 took the Point of Order under advisement

On motion of Senator MALLOY, the amendment was carried over and subsequently withdrawn.

**Amendment No. 160**

Senator LEATHERMAN proposed the following amendment (DAD BALANCING AMENDMENT), which was adopted:

Amend the bill, as and if amended, Part IA, Section 11, COMMISSION ON HIGHER EDUCATION, page 33, line 7, opposite LIFE SCHOLARSHIPS, by:

COLUMN 7 COLUMN 8

/ STRIKING: 61,754,048 61,754,048

and

INSERTING: 59,754,048 59,754,048/

Amend the bill, as and if amended, Part IA, Section 45, CLEMSON UNIV (PUBLIC SERVICE ACTIVITIES), page 156, lines 22-23, opposite “PLANT BREEDER”, by:

COLUMN 7 COLUMN 8

/ STRIKING: 490,000 490,000

(6.00) (6.00)

and

INSERTING: 150,000 150,000

(1.00) (1.00)/

Amend the bill, as and if amended, Part IA, Section 45, CLEMSON UNIV (PUBLIC SERVICE ACTIVITIES), page 156, line 29, opposite OTHER OPERATING EXPENSES, by:

COLUMN 7 COLUMN 8

/ STRIKING: 4,610,287 450,000

and

INSERTING: 4,360,287 200,000/

Amend the bill, as and if amended, Part IA, Section 45, CLEMSON UNIV (PUBLIC SERVICE ACTIVITIES), page 157, lines 2-3, opposite “EXTENSION ASSOCIATE”, by:

COLUMN 7 COLUMN 8

/ STRIKING: 370,000 370,000

(6.00) (6.00)

and

INSERTING: 190,000 190,000

(3.00) (3.00)/

Amend the bill, as and if amended, Part IA, Section 45, CLEMSON UNIV (PUBLIC SERVICE ACTIVITIES), page 157, line 16, opposite EMPLOYER CONTRIBUTIONS, by:

COLUMN 7 COLUMN 8

/ STRIKING: 13,743,884 8,606,755

and

INSERTING: 13,513,884 8,376,755/

Amend the bill, as and if amended, Part IA, Section 46, SC STATE UNIVERSITY (PUBLIC SERVICE ACTIVIES), page 158, line 24, opposite OTHER OPERATING EXPENSES, by:

COLUMN 7 COLUMN 8

/ STRIKING: 4,443,555 3,019,180

and

INSERTING: 3,443,555 2,019,180/

Amend the bill, as and if amended, Part IA, Section 49, DEPARTMENT OF PARKS, RECREATION, AND TOURISM, page 171, line 12, opposite ADVERTISING, by:

COLUMN 7 COLUMN 8

/ STRIKING: 13,764,793 11,964,793

and

INSERTING: 13,264,793 11,464,793/

Amend the bill, as and if amended, Part IA, Section 94, LIEUTENANT GOVERNOR’S OFFICE, page 280, lines 29-30, opposite HOME AND COMMUNITY BASED SERVICES, by:

COLUMN 7 COLUMN 8

/ STRIKING: 8,472,000 8,472,000

and

INSERTING: 7,472,000 7,472,000/

Amend the bill, as and if amended, Part IA, Section 103, B & C - EMPLOYEE BENEFITS, page 314, line 20, opposite EMPLOYEE PAY PLAN, by:

COLUMN 7 COLUMN 8

/ STRIKING: 17,186,668 17,186,668

and

INSERTING: 15,300,000 15,300,000/

Amend the bill, as and if amended, Part IA, Section 103, B & C - EMPLOYEE BENEFITS, page 314, lines 25-26, opposite HEALTH INSURANCE - EMPLOYER CONTRIBUTIONS, by:

COLUMN 7 COLUMN 8

/ STRIKING: 61,826,030 61,826,030

and

INSERTING: 54,000,000 54,000,000/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 539, paragraph 118.17, lines 24-27 by striking the lines in their entirety and by inserting:

/ *118.17. (SR: Non-recurring Revenue) (A) The source of revenue appropriated in this provision is $161,627,856 of non-recurring revenue generated from the following sources and transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2013-14 after September 1, 2013, following the Comptroller General’s close of the state’s books on Fiscal Year 2012-13.*

*(1) $159,845,460 from Fiscal Year 2012-13 unobligated general fund revenue as certified by the Board of Economic Advisors; and*

*(2) $1,782,396 from the LCD Hitachi Settlement.* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, which was amended by Amendment No. P4C-123 bearing document number N:\S-FINANCE\AMEND\  
DAD NGSPERMINPROV5.DOCX, page 539, paragraph 118.17, line 35, item(1) Part IA-General Fund, by striking /*$43,225,547;*/ and by inserting: /*$* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 541, paragraph 118.17, line 36, item (23)(a) Deal Closing Fund, by striking /*$13,677,766;*/ and by inserting: /*$12,677,766*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 542, paragraph 118.17, line 20, item (25) Vehicle Replacement, by striking /*$1,000,000;*/ and by inserting: /*$500,000*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 542, paragraph 118.17, lines 31-32, by striking /*(27) N12-Department of Juvenile Justice Deferred Maintenance…$800,000;*  /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 542, paragraph 118.17, line 35, item (28)(b) State River Basin Study, by striking /*$2,000,000;*/ and by inserting: /*$1,000,000;* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 543, paragraph 118.17, line 30, item (36)(a) Armory Maintenance and Repair Projects, by striking /*$2,500,000;*/ and by inserting: /*$1,500,000;* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, paragraph 118.17, line 11, item (43)(a) Marketing - Promotion of 3 Regional Farmers Markets, by striking /*$1,000,000;*/ and by inserting: /*$500,000;* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, paragraph 118.17, line 20, item (46) Urban Search and Rescue (USAR), by striking /*$1,500,000;*/ and by inserting: /*$1,000,000;* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, which was amended by Amendment No. P4C-123 bearing document number N:\S-FINANCE\AMEND\  
DAD NGSPERMINPROV5.DOCX, page 544, paragraph 118.17, line 29, item (48)(f) by striking /*(f) Bridge Replacement and Rehabilitation…$1,400,000*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

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

**Ayes 37; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Corbin Cromer Davis

Fair Ford Gregory

Grooms Hayes Hembree

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--37**

**NAYS**

Bright Bryant

**Total--2**

The amendment was adopted.

**Amendment No. 157**

Senator GROOMS proposed the following amendment (3710R119.LKG.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 355, after line 34, by adding an appropriately numbered new proviso to read:

/ *1.\_\_. (SDE: Interscholastic Athletic Association Dues) A public school district supported by state funds shall not use any funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain the following:*

*(1) a range of sanctions that may be applied to a student, coach, team, or program and that takes into account factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity;*

*(2)(a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership;*

*(b) guarantees that a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team; other rules or policies of the association, body, or entity would apply;*

*(3)(a) an appeals process in which appeals of the association, body, or entity are made to a disinterested third‑body appellate panel which consists of seven members who serve four year terms, with one person appointed by the delegation of each congressional district;*

*(b) a member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel is filled in the manner of the original appointment;*

*(c) members of the appellate panel do not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years. Principals and superintendents are able to appeal a ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the association, body, or entity;*

*(4) a procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices;*

*(5) provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State.*

*In the event an association, body, or entity fails to include one of the items listed in this proviso, public school districts and schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

**Amendment No. 146**

Senators SETZLER, MATTHEWS, McGILL, REESE, FORD, JACKSON, HUTTO, PINCKNEY, MALLOY, SHEHEEN, LOURIE, WILLIAMS, COLEMAN, NICHOLSON, SCOTT, ALLEN, JOHNSON and McELVEEN proposed the following amendment (3710 $20 MILLION LOCAL GOVT NONRECUR.DOCX), which was adopted:

Amend the bill, as and if amended, Part IA, Section 110, AID TO SUBDIVISIONS - STATE TREASURER, page 323, by inserting after line 3:

COLUMN 7 COLUMN 8

/Local Government Fund

Non-Recurring Revenue 20,000,000 20,000,000/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**Amendment No. 161**

Senator LEATHERMAN proposed the following amendment (DAD BALANCING AMENDMENT2), 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, the first $1,000,000 shall be directed to the Department of Commerce for the Deal Closing Fund. The next $500,000 shall be directed to the Department of Public Safety for Vehicle Replacement. The next $800,000 shall be directed to the Department of Juvenile Justice for Deferred Maintenance. The next $1,000,000 shall be directed to the Department of Natural Resources for the State River Basin Study. The next $1,000,000 shall be directed to the Adjutant General for Armory Maintenance and Repair Projects. The next $500,000 shall be directed to the Department of Parks, Recreation and Tourism for Marketing - Promotion of 3 Regional Farmers Markets. The next $500,000 shall be directed to the Department of Labor, Licensing, and Regulation for Urban Search and Rescue (USAR).* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

**Amendment No. 42**

Senator HEMBREE proposed the following amendment (DAD 118.17 FFA 250K), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 545, after 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 $250,000 to the Department of Agriculture for the Future Farmers of America Leadership Center Roof Repair and Replacement.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the adoption of the amendment.

**Amendment No. 50**

Senator VERDIN proposed the following amendment (DG DBVEMFARM), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 545, paragraph 118.17, after 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 $250,000 to the Clemson University Public Service Activities for the Emerging Farmers Initiative-Product Development.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

**Amendment No. 85**

Senators CAMPSEN and VERDIN proposed the following amendment (DG GECDNRQUAIL), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 545, paragraph 118.17, after 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 $185,000 to the Department of Natural Resources to conduct a study of the impacts wildlife management practices designed to increase and benefit the wild bobwhite quail populations, including supplemental feeding, have upon eastern wild turkey populations and behavior. The study must also address the impact these practices have upon the hunting of eastern wild turkey, the enforcement of laws and regulations governing such hunting, and any recommended changes to statutory law. In designing and conducting the study, the department shall consider the input and recommendations of conservation organizations dedicated to enhancing management practices, habitat and populations of wild bobwhite quail and eastern wild turkey.*

*If excess funds are not identified to fund this provision, the department may conduct the study from appropriated funds.*

*If a study is conducted, regardless of the source of funds, the department shall provide a status report to the Chairman of the Senate Fish, Game and Forestry Committee, the Chairman of the Senate Agriculture and Natural Resources Committee, and the Chairman of the House Agriculture, Natural Resources and Environmental Affairs. The report must be delivered by May 30, 2014.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSEN explained the amendment.

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

**Ayes 18; Nays 18**

**AYES**

Alexander Bennett Campbell

Campsen Cromer Ford

Grooms Hayes Hembree

Jackson *Martin, Larry* Matthews

McElveen McGill Nicholson

Peeler Scott Williams

**Total--18**

**NAYS**

Allen Bright Bryant

Coleman Corbin Fair

Gregory Johnson Lourie

Malloy *Martin, Shane* Massey

Setzler Shealy Sheheen

Thurmond Turner Young

**Total--18**

The PRESIDENT voted “Aye”.

The amendment was adopted.

**Amendment No. 71**

Senators MATTHEWS and HUTTO proposed the following amendment (DG JWMCOLLEGEENROLL), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 545, paragraph 118.17, after 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 $180,000 to the Education Oversight Committee to conduct a pilot project aimed at increasing the college enrollment rate of participating school district’s high school students. Amongst other endeavors, the pilot may include efforts to offer a post-secondary curriculum, college visits, speaker programs, and college preparation trainings and workshops. The Education Oversight Committee shall solicit volunteers from the school districts for the pilot from which it may choose participants.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MATTHEWS explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the adoption of the amendment.

**Amendment No. 152A**

Senator SCOTT proposed the following amendment (3710 DOTSTUDY.DOCX), which was adopted:

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

*/ ( ) Of any excess funds collected above the amount identified in subsection (A), and after all items in subsection (B) are fully funded, there is appropriated to the Department of Transportation for Drainage Studies an amount of $300,000 which is recommended to be distributed on an one-to-one match basis.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

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

**Ayes 20; Nays 18**

**AYES**

Alexander Allen Coleman

Ford Hayes Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry* Matthews

McElveen McGill Nicholson

Peeler Scott Setzler

Sheheen Williams

**Total--20**

**NAYS**

Bennett Bright Bryant

Campbell Campsen Corbin

Cromer Davis Fair

Gregory Grooms Hembree

*Martin, Shane* Massey Shealy

Thurmond Turner Young

**Total--18**

The amendment was adopted.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the adoption of the amendment.

**Amendment No. 163**

Senator SHEHEEN proposed the following amendment (DAD 118.17 EXCESS EOC), 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 $300,000 to the Education Oversight Committee for the School District Efficiency Review Pilot Program.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the adoption of the amendment.

**Amendment No. 164**

Senator SHEHEEN proposed the following amendment (3710 VSEFFICREVIEW.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 91, LEGISLATIVE DEPARTMENT, page 470, proviso 91.26, by striking the proviso in its entirety, and inserting:

/ *Funds appropriated to the Education Oversight Committee for the School District Efficiency Review Pilot Program shall be used to review certain school districts’ central operations with a focus on non-instructional expenditures so as to identify opportunities to improve operational efficiencies and reduce costs for the district.  The Education Oversight Committee shall make the school districts aware of the pilot program, and accept applications to participate in the program.  In the current fiscal year, the Education Oversight Committee shall select at least three applicant school districts to participate.  The Education Oversight Committee may contract with an independent entity to perform the review.  The review shall include, but not be limited to, examinations of (i) overhead, (ii) human resources, (iii) procurement, (iv) facilities use and management, (v) financial management, (vi) transportation, (vii) technology planning, and (viii) energy management.  The review shall not address the effectiveness of the educational services being delivered by the district.  The review shall be completed no later than June 30, 2014.  Upon completion, the Education Oversight Committee shall submit a report to the Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Chairman of the House Ways and Means Committee, Chairman of the House Education and Public Works Committee, and the Governor detailing the findings of the review including the estimated savings that could be achieved, the manner in which the savings could be achieved, and the districts’ plan for implementation of the recommendations.  Unexpended funds appropriated for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment

The amendment was adopted.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the adoption of the amendment.

**Amendment No. 165**

Senators MALLOY and SHEHEEN proposed the following amendment (DAD 118.17 EXCESS AID CNTY LIBR), 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 $2,000,000 to the State Library for the Aid to County Libraries.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the adoption of the amendment.

**Amendment No. 162**

Senator GREGORY proposed the following amendment (DAD 50.17 REGIONAL ECO DEV), which was adopted:

Amend the bill, as and if amended, Part IA, Section 50, DEPARTMENT OF COMMERCE, page 176, line 14, opposite LOCAL ECO. DEVEL ALLIANCES by:

COLUMN 7 COLUMN 8

/ STRIKING: 5,000,000 5,000,000

and

INSERTING: 5,100,000 5,100,000/

Amend the bill further, as and if amended, Part IB, Section 50, DEPARTMENT OF COMMERCE, page 432, paragraph 50.17, line 27, by striking /$5,000,000/ and inserting /*$5,100,000*/

Amend the bill further, as and if amended, Part IB, Section 50, DEPARTMENT OF COMMERCE, page 433, paragraph 50.17, line 12, by striking /*$375,000*/ and inserting /*$475,000*/

Amend the bill further, as and if amended, Part IB, Section 50, DEPARTMENT OF COMMERCE, page 433, paragraph 50.17, line 13, after “Sumter County, $150,000” by inserting / *Lancaster County, $100,000,*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the adoption of the amendment.

**Motion to Reconsider Withdrawn**

On motion of Senator MALLOY, with unanimous consent, the motion to reconsider the vote whereby Amendment No. 122 was adopted on May 21, 2013 was withdrawn.

Senator MALLOY spoke on the Bill.

Senator SETZLER spoke on the Bill.

The question then was the second reading of the Bill.

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

**Ayes 31; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Cromer Fair Ford

Gregory Grooms Hayes

Hembree Jackson Johnson

Leatherman Lourie *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson Peeler

Scott Setzler Shealy

Sheheen Turner Williams

Young

**Total--31**

**NAYS**

Bright Corbin Davis

Malloy *Martin, Shane* Thurmond

**Total--6**

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

**OBJECTION**

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.

Senator LEATHERMAN asked unanimous consent to make a motion to give the Joint Resolution a second reading, carrying over all amendments to third reading, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

Senator BRIGHT objected.

**THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MADE SPECIAL ORDER**

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.

Senator PEELER moved to make the Joint Resolution a Special Order.

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

**Ayes 34; Nays 3**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hembree Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson Peeler Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--34**

**NAYS**

Bright Corbin *Martin, Shane*

**Total--3**

The Joint Resolution was made a Special Order.

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Gloria “Glo” Elias Clark. She was a loving wife of 47 years to William Hunter Clark, devoted mother and “baseball mom” to her children and was a doting grandmother.

**ADJOURNMENT**

At 11:10 P.M., on motion of Senator SETZLER, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

\* \* \*