**Wednesday, June 5, 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:

As we recall, the man and the woman hid themselves in the garden.

“But the Lord God called to the man, ‘Where are you?’ ”

(Genesis 3:9)

Let us pray:

Here at the midpoint of this first week of June it is appropriate, O God, to ask: “Where are we?” Where, indeed? These Senators have accomplished much, to be sure, yet there are still many matters which continue to be unresolved here near the end of this year’s Session. So Lord, we pray that You will lead these dedicated servants in order that they might yet attain some of those remaining goals which are important to them and to the people of South Carolina. Grant every Senator all the necessary stamina and wisdom they need to bring about significant good for our State. In Your loving name we ask this, Lord. Amen.

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

**Doctor of the Day**

Senators LOURIE and JACKSON introduced Dr. Patricia Witherspoon, of Columbia, S.C., along with Dr. Danesh Ghiassi, 2nd year Medical Resident, and Marissa Barmine, rising senior and medical student from USC, Doctor of the Day.

**Leave of Absence**

On motion of Senator JOHNSON, at 10:32 A.M., Senator McELVEEN was granted a leave of absence until 2:00 P.M.

**Leave of Absence**

At 3:15 P.M., Senator O’DELL requested a leave of absence until 10:00 A.M. in the morning.

**Leave of Absence**

At 6:30 P.M., Senator CROMER requested a leave of absence beginning at 7:00 P.M. and lasting until 10:00 P.M. this evening.

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator PEELER rose for an Expression of Personal Interest.

**Motion Adopted**

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

The motion was adopted.

**CO-SPONSORS ADDED**

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

S. 185 Sens. Young, Turner

**RECESS**

At 11:55 A.M., on motion of Senator COURSON, the Senate receded from business for the purpose of attending the Joint Assembly.

**Joint Assembly**

The PRESIDENT announced that elections were in order to elect successors to Boards of Trustees of State Colleges and Universities.

**Election to the Board of Trustees for the**

**Coastal Carolina University, 5th Congressional District, Seat #5**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, 5th Congressional District, Seat #5.

Senator PEELER, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Charles E. Lewis had been screened and found qualified to serve and placed his name in nomination.

Senator PEELER moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Charles E. Lewis was elected to a position on the Board of Trustees for Coastal Carolina University, 5th Congressional District, Seat #5 for the term prescribed by law.

**Medical University of South Carolina**

**6th Congressional District, Lay Member Position**

The PRESIDENT announced that nominations were in order to elect to the lay position on the Board of Trustees for the Medical University of South Carolina, 6th Congressional District.

Senator PEELER, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ms. Barbara Johnson-Williams had been screened and found qualified to serve and placed her name in nomination.

Senator PEELER moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Barbara Johnson-Williams was elected to the lay position on the Board of Trustees for Medical University of South Carolina, 6th Congressional District for the term prescribed by law.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

**RECESS**

At 12:06 P.M, on motion of Senator COURSON, with unanimous consent, the Senate receded from business until 1:30 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:39 P.M. and was called to order by the PRESIDENT.

**Motion Adopted**

On motion of Senator ALEXANDER, with unanimous consent, Senators MASSEY, SHEHEEN and ALEXANDER were granted leave to attend a meeting and were granted leave to vote from the balcony.

**RECALLED**

H. 3998 -- Rep. Mitchell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNION STREET IN SPARTANBURG COUNTY FROM ITS INTERSECTION WITH CEDAR SPRINGS ROAD TO ITS INTERSECTION WITH SOUTHPORT ROAD “SCHP PATROLMAN NORRIS NETTLES MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS STREET THAT CONTAIN THE WORDS “SCHP PATROLMAN NORRIS NETTLES MEMORIAL HIGHWAY”.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 774 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CAYCE UNITED METHODIST CHURCH FOR ITS MINISTRY IN THE COMMUNITY AND TO CONGRATULATE THE PASTOR AND THE CONGREGATION UPON THE CHURCH’S CENTENNIAL ANNIVERSARY.

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The Senate Resolution was adopted.

S. 775 -- Senators Turner, Allen, Fair, L. Martin, Verdin and Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 85 AND INTERSTATE HIGHWAY 385 IN GREENVILLE COUNTY “LT. GOVERNOR NICK AND EMILIE THEODORE INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “LT. GOVERNOR NICK AND EMILIE THEODORE INTERCHANGE”.

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

S. 776 -- Senator Sheheen: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF LEONARD PRICE OF KERSHAW AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

S. 777 -- Senators Shealy, Hembree and Bennett: A BILL TO AMEND SECTION 16-27-80 OF THE 1976 CODE, RELATING TO THE EXEMPTIONS OF CERTAIN ACTIVITIES FROM THE ANIMAL FIGHTING AND BAITING ACT, TO DELETE THE EXEMPTION OF “BEAR-BAYING”; AND TO AMEND SECTION 50-11-430, RELATING TO BEAR HUNTING AND UNLAWFUL ACTS IN REGARD TO BEARS INCLUDING A PROVISION THAT IT IS UNLAWFUL TO POSSESS A CAPTIVE BEAR EXCEPT BY PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES, TO PROVIDE THAT A CAPTIVE BEAR FOR WHICH A PERMIT HAS BEEN ISSUED AND WHICH UPON INFORMATION AND BELIEF OF THE DEPARTMENT HAS BEEN OR IS BEING USED FOR THE PURPOSE OF “BEAR-BAYING” MUST BE TAKEN INTO CUSTODY BY THE DEPARTMENT, AND TO PROVIDE THAT THE DEPARTMENT SHALL MAKE EVERY EFFORT TO PLACE THESE BEARS IN A SUITABLE ENVIRONMENT, INCLUDING ZOOS OR ANIMAL PARKS WITHIN OR OUTSIDE THIS STATE.

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

S. 778 -- Senator Hembree: A BILL TO AMEND SECTION 56-5-2953(A), THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VIDEO RECORDING OF A PERSON WHO VIOLATES SECTION 56-5-2930, 56-5-2922, OR 56-5-2945, SO AS TO PROVIDE THAT A VIDEO RECORDING AT A BREATH TEST SITE DOES NOT HAVE TO INCLUDE A PERSON’S CONDUCT DURING THE REQUIRED TWENTY-MINUTE PRE-TEST WAITING PERIOD IF THE PERSON REFUSES TO TAKE THE TEST.

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

S. 779 -- Senator Davis: A BILL TO AMEND CHAPTER 19, TITLE 16 OF THE 1976 CODE, RELATING TO GAMBLING AND LOTTERIES, BY ADDING SECTION 16-19-60, TO PROVIDE THAT CERTAIN SOCIAL CARD AND DICE GAMES ARE NOT UNLAWFUL.

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

S. 780 -- Senator Nicholson: A SENATE RESOLUTION TO PROCLAIM THE MONTH OF JUNE AS THE SALVATION ARMY OF GREENWOOD MONTH IN RECOGNITION OF THE CORPS’ SEVENTY-FIFTH YEAR OF SERVICE TO THE COMMUNITY.

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The Senate Resolution was adopted.

S. 781 -- Senator Pinckney: A SENATE RESOLUTION TO CONGRATULATE QUINCY PRUITT KNIGHTON OF BEAUFORT COUNTY, UPON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 782 -- Senators Malloy and McElveen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 120 ALONG UNITED STATES HIGHWAY 20 IN LEE COUNTY “STATE REPRESENTATIVE GRADY A. BROWN INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS EXIT THAT CONTAIN THE WORDS “STATE REPRESENTATIVE GRADY A. BROWN INTERCHANGE”.

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

S. 783 -- Senator McElveen: A SENATE RESOLUTION TO CONGRATULATE ANGELINE LONEY OF SUMTER COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

**Message from the House**

Columbia, S.C., June 4, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the reappointment:

**Master-in-Equity Reappointment**

Reappointment, Georgetown County Master-in-Equity, with the term to commence December 31, 2013, and to expire December 31, 2019

Joe M. Crosby, 405 Dozier Street, Georgetown, SC 29440

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 5, 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. 484 -- Senator Setzler: A BILL TO AMEND SECTION 9‑11‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISABILITY RETIREMENT FOR MEMBERS OF THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE REQUIREMENT THAT CERTAIN MEMBERS BE ELIGIBLE FOR, AND PROVIDE PROOF OF, SOCIAL SECURITY BENEFITS TO CONTINUE TO RECEIVE A DISABILITY BENEFIT.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., June 5, 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. 308 -- Senators Bennett, Shealy, Grooms, Hembree, L. Martin, Massey, Campbell, Turner, Thurmond, Bryant, Verdin, S. Martin, Davis, Bright, Corbin, Campsen, Fair and Cromer: A BILL TO AMEND SECTION 16‑23‑465 OF THE 1976 CODE, RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES, TO PERMIT THE POSSESSION OF A WEAPON UNLESS NOTICE OF A PROHIBITION IS PROVIDED BY THE BUSINESS, TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BUSINESS BY SOMEONE CARRYING A FIREARM, AND TO REDUCE THE PENALTIES FOR VIOLATIONS.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., June 5, 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. 463 -- Senators Hayes and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑53‑95 SO AS TO REQUIRE THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PROFESSIONAL SURETY BONDSMAN OR RUNNER MUST PROVIDE HIS BUSINESS, MAILING, RESIDENTIAL, AND EMAIL ADDRESSES WITH THE APPLICATION, TO PROVIDE HE MUST NOTIFY THE DEPARTMENT OF A CHANGE OF ANY OF THESE ADDRESSES OR A LEGAL NAME CHANGE WITHIN THIRTY DAYS, AND TO PROVIDE A PENALTY FOR A VIOLATION; TO AMEND SECTION 38‑43‑107, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN INSURANCE PRODUCER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑47‑15, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑48‑30, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PUBLIC ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; AND TO AMEND SECTION 38‑49‑25, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., June 5, 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. 584 -- Senators Campsen and Rankin: A BILL TO AMEND CHAPTER 9, TITLE 50 OF THE 1976 CODE, RELATING TO HUNTING AND FISHING LICENSES, BY ADDING SECTION 50‑9‑15 TO DEFINE “LICENSE SALES VENDOR” AND “LICENSE YEAR”; TO AMEND SECTION 50‑9‑20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE FOR THE DURATION OF LICENSES FOR RECREATIONAL AND COMMERCIAL USE, AND PERMITS THE DEPARTMENT TO ISSUE A LICENSE THAT EXPIRES ON THE DAY BEFORE THE ANNIVERSARY OF ITS ISSUANCE; TO AMEND SECTION 50‑9‑30, RELATING TO RESIDENCY REQUIREMENTS FOR LICENSES, TO REVISE THE REQUIREMENTS; TO AMEND SECTION 50‑9‑350, RELATING TO APPRENTICE HUNTING LICENSES, TO PROVIDE THAT THE HOLDER OF AN APPRENTICE HUNTING LICENSE WHO OBTAINS A CERTIFICATE OF COMPLETION PRIOR TO THE EXPIRATION DATE OF HIS APPRENTICE HUNTING LICENSE WILL USE HIS APPRENTICE HUNTING LICENSE AS HIS STATEWIDE HUNTING LICENSE, PROVIDED THE LICENSEE MUST HAVE THE CERTIFICATE OF COMPLETION IN HIS POSSESSION WHILE HUNTING; TO AMEND SECTION 50‑9‑510, RELATING TO LICENSES FOR PURCHASE FOR THE PRIVILEGE OF HUNTING, TO REMOVE THE HUNTING LICENSE VALID ONLY IN A SINGLE COUNTY, TO REMOVE RESTRICTIONS ON THE THREE YEAR LICENSE PURCHASE, TO CLARIFY REQUIREMENTS FOR MIGRATORY WATERFOWL PERMITS, AND TO PROVIDE FOR THE RETAINED VENDOR FEE; TO AMEND SECTION 50‑9‑530, RELATING TO CATAWBA LICENSES, TO PROVIDE THERE IS NO COST TO A CATAWBA HUNTING AND FISHING LICENSEE FOR ANY OTHER TAGS REQUIRED BY LAW FOR RECREATIONAL HUNTING AND FISHING EXCEPT FOR THOSE DEPARTMENT HUNTING AND FISHING ACTIVITIES CONTROLLED BY LOTTERY; TO AMEND SECTION 50‑9‑540, RELATING TO RECREATIONAL LICENSES, TO PROVIDE THAT RESIDENTS AND NONRESIDENTS MUST PURCHASE ANY OTHER LICENSE THAT GRANTS FISHING PRIVILEGE, TO DELETE THE LAKES AND RESERVOIRS PERMIT, AND TO CHANGE THE TEMPORARY NONRESIDENT FISHING LICENSE FROM SEVEN TO FOURTEEN DAYS; TO AMEND SECTION 50‑9‑610, RELATING TO ADDITIONAL REQUIREMENTS FOR TAKING NONGAME FRESHWATER FISH, TO PROVIDE THAT TAGS MUST BE ATTACHED AS PRESCRIBED; TO AMEND SECTION 50‑9‑665, RELATING TO BEAR TAGS, TO PROVIDE FOR THE REQUIREMENT FOR BEAR TAGS; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO MAKE CONFORMING CHANGES AND TO PROVIDE FOR LICENSE REVENUE DISTRIBUTION; TO AMEND SECTION 50‑9‑950, RELATING TO THE FISH AND WILDLIFE PROTECTION FUND, TO PROVIDE FUND ASSETS AND USES; TO AMEND SECTION 50‑9‑955, RELATING TO THE FISH AND WILDLIFE DEFERRED LICENSE FUND, TO PROVIDE FOR THE ANNUAL TRANSFER OF FUNDS; TO AMEND SECTION 50‑9‑960, RELATING TO THE MARINE RESOURCES FUND, TO PROVIDE FUND ASSETS AND USES; TO AMEND SECTION 50‑9‑965, RELATING TO THE MARINE RESOURCES DEFERRED LICENSE FUND, TO PROVIDE FOR THE ANNUAL TRANSFER OF FUNDS; AND TO REPEAL SECTION 50‑15‑65(E).

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., June 5, 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. 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.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., June 5, 2013

Mr. President and Senators:

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

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

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., June 5, 2013

Mr. President and Senators:

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

H. 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.

Respectfully submitted,

Speaker of the House

Received as information.

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

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills and Joint Resolution were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

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.

H. 3099 -- Reps. Nanney and Long: A BILL TO AMEND SECTION 63‑17‑2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES REQUIRED TO PROVIDE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSE OF ESTABLISHING, MODIFYING, AND ENFORCING CHILD SUPPORT OBLIGATIONS, SO AS TO ALSO REQUIRE THESE ENTITIES TO PROVIDE THIS INFORMATION TO CLERKS OF COURT FOR THE SAME PURPOSE IN CASES NOT BEING ADMINISTERED PURSUANT TO TITLE IV‑D OF THE SOCIAL SECURITY ACT BY THE DEPARTMENT OF SOCIAL SERVICES; AND TO MAKE TECHNICAL CORRECTIONS.

Senator MASSEY explained the Bill.

H. 3378 -- Reps. Sandifer, Whitmire and Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑90 SO AS TO ENACT THE “VOLUNTEER SERVICE PERSONNEL APPRECIATION ACT” AND TO ALLOW THE GOVERNING BODY OF A LOCAL GOVERNMENT TO AUTHORIZE THE DISTRIBUTION OF CERTAIN REWARDS TO THREE ENUMERATED CATEGORIES OF VOLUNTEER SERVICE PERSONNEL SO LONG AS ALL PERSONNEL IN A RESPECTIVE CATEGORY ARE TREATED EQUALLY.

H. 3502 -- Reps. Murphy, Vick, Goldfinch, K.R. Crawford, Harrell, Horne, M.S. McLeod and Owens: A BILL TO AMEND SECTION 59‑121‑55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD, SO AS TO REMOVE A LIMIT ON THE AMOUNT OF FUNDS OR PROPERTY THAT THE BOARD MAY TRANSFER TO THE CORPORATION.

H. 3752 -- Rep. Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “EXPANDED VIRTUAL LEARNING ACT”; TO AMEND SECTION 59‑16‑15, RELATING TO THE SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, SO AS TO RESTYLE THE PROGRAM AS A VIRTUAL EDUCATION PROGRAM AND TO REMOVE LIMITS ON THE NUMBER OF ONLINE CREDITS A STUDENT MAY BE AWARDED UNDER THE PROGRAM; AND TO AMEND SECTION 59‑40‑65, RELATING TO ENROLLMENT OF CHARTER SCHOOL STUDENTS IN THE SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, SO AS TO MAKE A CONFORMING CHANGE.

Senator HAYES explained the Bill.

H. 3870 -- Reps. Gambrell, Bowen, D.C. Moss, Gagnon, Putnam, Sandifer and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑49‑65 SO AS TO PROVIDE IN THE “FIREFIGHTER MOBILIZATION ACT OF 2000” THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) HAS SPECIFIC AND EXCLUSIVE JURISDICTION ON BEHALF OF THE STATE IN MATTERS PERTAINING TO THE RESPONSE TO AND CRISIS MANAGEMENT OF ACTS OF TERRORISM AND EMERGENCY EVENT MANAGEMENT OF EXPLOSIVE DEVICES; TO AMEND SECTION 23‑49‑20, RELATING TO THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION OVERSIGHT COMMITTEE, SO AS TO ADD THE CHIEF OF SLED TO THE COMMITTEE AND TO CORRECT OBSOLETE REFERENCES; TO AMEND SECTION 23‑49‑50, RELATING TO THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION PLAN, SO AS TO RENAME THE COMMITTEE AS THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION AND EMERGENCY RESPONSE TASK FORCE PLAN, TO ADD THE TASK FORCE TO THOSE RESOURCES THAT THE PLAN IS INTENDED TO OFFER, AND TO PROVIDE THE PLAN IS OPERATIONAL WHEN THE CHIEF OF SLED DIRECTS A RESPONSE TO A TERRORIST OR EXPLOSIVE DEVICE EVENT; TO AMEND SECTION 23‑49‑60, RELATING TO THE DUTIES OF THE COMMITTEE, SO AS TO PROVIDE THE COMMITTEE SHALL DEVELOP GUIDELINES FOR USING RESOURCES ALLOCATED TO THE TASK FORCE AT THE STATE AND REGIONAL LEVEL; TO AMEND SECTION 23‑49‑70, RELATING TO STATE AND REGIONAL COORDINATORS APPOINTED BY THE COMMITTEE TO EXECUTE THE PLAN, SO AS TO MAKE A CONFORMING CHANGE TO THE NAME OF THE PLAN, TO REQUIRE THE OFFICE OF STATE FIRE MARSHAL TO PROVIDE ADMINISTRATIVE SUPPORT AS REQUIRED BY THE COMMITTEE TO PERFORM ITS PRESCRIBED FUNCTIONS, AND TO PROVIDE THAT THE STATE COORDINATOR APPOINTED BY THE COMMITTEE SHALL REPORT TO THE STATE FIRE MARSHAL AND PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMITTEE; TO AMEND SECTION 23‑49‑80, RELATING TO INFORMATION REQUIRED OF THE SOUTH CAROLINA STATE FIREMEN’S ASSOCIATION, SO AS TO CORRECT OBSOLETE LANGUAGE; AND TO AMEND SECTION 23‑49‑110, RELATING TO DEFINITIONS, SO AS TO DEFINE ADDITIONAL TERMS.

H. 3956 -- Reps. Horne and Whipper: A BILL TO AMEND SECTION 61‑6‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO REVISE THE DEFINITION OF “FURNISHING LODGING” TO PROVIDE FOR AT LEAST EIGHTEEN INSTEAD OF TWENTY ROOMS THAT A BUSINESS MUST OFFER FOR ACCOMMODATIONS ON A REGULAR BASIS.

Senator CAMPBELL explained the Bill.

H. 4204 -- Rep. Delleney: A BILL TO AMEND SECTION 7‑7‑170, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN CHESTER COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

H. 3557 -- Reps. Cobb‑Hunter, White, Bannister, Rutherford, Harrell, Merrill, Simrill, Stavrinakis, Loftis, Horne, Weeks, Mitchell, Ott, Sellers, Hodges and Whipper: A BILL TO AMEND SECTION 12‑6‑3375, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR PORT CARGO VOLUME INCREASE, SO AS TO EXPAND THE TYPES OF BUSINESSES THAT QUALIFY FOR THE CREDIT, TO GIVE THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT DISCRETION IN AWARDING CREDITS, TO FURTHER DEFINE TERMS, TO PROVIDE THAT TAXPAYERS ENGAGED IN THE MOVEMENT OF GOODS IMPORTED OR EXPORTED THROUGH SOUTH CAROLINA’S PORT FACILITIES MAY BE ELIGIBLE FOR THE CREDIT IF THE CARGO SUPPORTS A PRESENCE IN THE STATE AND MEETS OTHER JOB AND CAPITAL INVESTMENT REQUIREMENTS, AND TO PROVIDE THAT A TAXPAYER THAT FAILS TO MEET THE REQUIREMENTS OF THE CREDIT MUST REPAY A PRO RATA PORTION OF THE CREDIT.

Senator O’DELL explained the Bill.

H. 3944 -- Reps. Goldfinch, Hardwick and H.A. Crawford: A BILL TO AMEND SECTION 4‑23‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF FIRE CONTROL FOR THE MURRELL’S INLET ‑ GARDEN CITY FIRE DISTRICT IN GEORGETOWN AND HORRY COUNTIES, SO AS TO PROVIDE THAT THE MEMBERS OF THAT BOARD REPRESENTING GEORGETOWN COUNTY MUST BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF A MAJORITY OF THE GEORGETOWN COUNTY LEGISLATIVE DELEGATION NOTWITHSTANDING THE PROVISIONS OF ACT 515 OF 1996 DEVOLVING THAT APPOINTMENT AUTHORITY ON THE GOVERNING BODY OF GEORGETOWN COUNTY AND TO DELETE OBSOLETE LANGUAGE.

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.

Senator CLEARY explained the Joint Resolution.

**HOUSE BILLS RETURNED**

The following House Bills were read the third time and ordered returned to the House with amendments:

H. 3847 -- Reps. Hiott and Hardwick: A BILL TO AMEND SECTION 48‑60‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR TERMS USED IN THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT OF 2010, SO AS TO ADD, AMONG OTHER DEFINITIONS, TERMS RELATED TO COMPUTER MONITORS; TO AMEND SECTION 48‑60‑30, RELATING TO REQUIREMENTS OF CERTAIN MANUFACTURERS TO PROVIDE LABELS ON DEVICES INDICATING THE BRAND, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; TO AMEND SECTION 48‑60‑50, RELATING TO THE REQUIREMENT FOR TELEVISION MANUFACTURERS TO PROVIDE A RECOVERY PROGRAM FOR RECYCLING TELEVISIONS, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; BY ADDING SECTION 48‑60‑55 SO AS TO PROVIDE FOR THE CREATION AND OPERATION OF STATEWIDE CONSUMER ELECTRONIC DEVICE STEWARDSHIP PROGRAMS AND THE DEVELOPMENT AND IMPLEMENTATION OF RELATED RECOVERY PLANS, INCLUDING REQUIREMENTS FOR APPROVAL OF PLANS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO ESTABLISH OTHER RESPONSIBILITIES AND AUTHORITY OF THE DEPARTMENT AND REQUIREMENTS OF REGULATED MANUFACTURERS; TO AMEND SECTION 48‑60‑60, RELATING TO PROTECTION FROM LIABILITY FOR CERTAIN DAMAGES, SO AS TO APPLY TO COMPUTER MONITOR MANUFACTURERS; TO AMEND SECTION 48‑60‑70, RELATING TO RETAILER SALE REQUIREMENTS, SO AS TO PROHIBIT RETAILERS FROM SELLING DEVICES MADE BY MANUFACTURERS WHO DO NOT COMPLY WITH THE REQUIREMENTS OF SECTION 48‑60‑55; TO AMEND SECTION 48‑60‑90, RELATING TO DISCARDING OR PLACING COVERED DEVICES IN A WASTE STREAM, TO PROHIBIT COMPONENTS OF COVERED DEVICES; TO AMEND SECTION 48‑60‑100, RELATING TO RECOVERY PROCESS FEES, SO AS TO LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO CHARGE CERTAIN FEES; TO AMEND SECTION 48‑60‑140, RELATING TO REQUIREMENTS THAT RECOVERY PROCESSES COMPLY WITH STATE AND FEDERAL LAW, SO AS TO REQUIRE RECYCLING OR REUSE FACILITIES TO MAINTAIN CERTIFICATION, TO IDENTIFY APPROVED CERTIFICATION PROGRAMS, AND TO REQUIRE MANUFACTURERS AND GOVERNMENTS ONLY TO USE FACILITIES THAT HAVE APPROPRIATE CERTIFICATION; TO AMEND SECTION 48‑60‑150, RELATING TO THE DEPARTMENT’S PROMULGATION OF REGULATIONS, SO AS TO ELIMINATE THE RIGHT TO CHARGE CERTAIN FEES TO MANUFACTURERS; BY ADDING SECTION 48‑60‑160 SO AS TO PROVIDE FOR CERTAIN FEES AND PENALTIES; BY ADDING SECTION 48‑60‑170 SO AS TO SET FORTH THE PURPOSES OF THE CHAPTER AND CERTAIN LIMITATIONS ON LIABILITY; TO PROVIDE EXPIRATION DATES FOR REGULATIONS PROMULGATED PURSUANT TO THIS CHAPTER, AND TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTION 48-60-50 JUNE 30, 2014, AND CERTAIN OTHER PROVISIONS JUNE 30, 2020.

Senator VERDIN explained the Bill.

**H. 3847--Recorded Vote**

Senators BRIGHT, CORBIN, DAVIS and SHANE MARTIN desired to be recorded as voting against the third reading of the Bill.

H. 3033 -- Rep. G.M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3 OF TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL LICENSE PLATES TO RECIPIENTS OF THE DISTINGUISHED FLYING CROSS.

H. 3184 -- Reps. Pope, R.L. Brown, M.S. McLeod, Weeks, Bales, Gilliard, Whipper, W.J. McLeod and Mitchell: A BILL TO AMEND SECTION 22‑5‑910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO PROVIDE THAT A PERSON MAY BE ELIGIBLE FOR EXPUNGEMENT OF A FIRST OFFENSE CRIME WHICH CARRIES A FINE OF ONE THOUSAND DOLLARS RATHER THAN FIVE HUNDRED DOLLARS.

Senator MASSEY explained the Bill.

H. 3632 -- Reps. G.M. Smith, White, Sandifer, J.R. Smith, Bannister and Lucas: A BILL TO AMEND SECTION 42‑5‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAINTENANCE TAX IMPOSED BY THE WORKERS’ COMPENSATION COMMISSION ON SELF INSURERS, SO AS TO PROVIDE THAT THE COMMISSION SHALL RETAIN A PORTION OF THE ANNUAL MAINTENANCE TAX REVENUE TO PAY THE SALARIES AND EXPENSES OF THE COMMISSION AND TO PROVIDE THAT THE COMMISSION SHALL RETAIN ONE-HALF OF THE INTEREST CHARGED ON DELINQUENT MAINTENANCE TAX FOR THE SAME PURPOSE.

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

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

**Recorded Vote**

Senators ALLEN, COLEMAN, DAVIS, HAYES, HUTTO, MALLOY, MASSEY, McELVEEN, RANKIN, SETZLER, SHEHEEN and YOUNG wished the Journal to reflect that they abstained from consideration of and voting on H. 3632.

H. 3962 -- Reps. Pitts, Parks and Riley: A BILL TO AMEND SECTION 7‑7‑290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO ADD CERTAIN PRECINCTS AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

H. 4192 -- Reps. Merrill, Crosby, Daning, Jefferson, Rivers and Southard: A BILL TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO ADD FOUR PRECINCTS AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

H. 3093 -- Reps. J.E. Smith, W.J. McLeod and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE “SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT”, TO PROVIDE THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING BASED ON THE POPULATION OF THE POLITICAL SUBDIVISION IN WHICH THE BUILDING IS LOCATED MAY AT THE TAXPAYER’S OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

H. 3505 -- Reps. Loftis, Bannister, Harrell, J.R. Smith, Brannon, Huggins, Kennedy, Ballentine, Cole, Hixon, McCoy, G.R. Smith, Hamilton, Tallon, Henderson, Forrester, Whipper and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE “HIGH GROWTH SMALL BUSINESS ACCESS TO CAPITAL ACT OF 2013” BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, TO MAKE THE CREDIT TRANSFERABLE, AND TO PROVIDE FOR CERTAIN ADJUSTED NET CAPITAL GAIN AND LOSS COMPUTATIONS FOR INVESTOR TAXPAYERS WHO RECOGNIZE SUCH A GAIN OR LOSS ON THE SALE OF CREDIT ASSETS AS DEFINED IN THIS CHAPTER.

H. 3974 -- Reps. Loftis, Brannon, Burns, Erickson, Bannister, Barfield, Hamilton, Harrell, Henderson, Hosey, Murphy, G.M. Smith, G.R. Smith and J.R. Smith: A BILL TO AMEND SECTION 12‑54‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCLOSURE OF RECORDS AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO ALLOW THE DISCLOSURE OF CERTAIN INFORMATION TO THE SECRETARY OF STATE ABOUT A TAXPAYER WHO FILED AN INITIAL OR FINAL CORPORATE RETURN; AND BY ADDING SECTION 12‑58‑165 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO EXPUNGE THE RECORDING OF A LIEN ONCE THE LIEN IS FULLY PAID AND SATISFIED.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

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.

Senator LEATHERMAN 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 third reading of the Bill.

**Motion Under Rule 26B**

Senator LEATHERMAN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator LEATHERMAN proposed the following amendment (NBD\3360C002.NBD.VR13), which was adopted:

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

/SECTION \_\_. Section 11-43-165 of the 1976 Code, as added by this act, takes effect July 1, 2013. Implementation of Section 11-43-165 is contingent upon fifty million dollars being appropriated to the South Carolina Department of Transportation in the 2013-2014 general appropriations act for the purposes provided for in Section 11-43-165./

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

The question then was the third reading of the Bill.

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

**Ayes 39; Nays 4**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

Bright Bryant Corbin

*Martin, Shane*

**Total--4**

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3464 -- Reps. Allison, Brannon, Erickson, Bedingfield, Taylor, Kennedy, Clyburn, Anderson, G.A. Brown, Clemmons, H.A. Crawford, Douglas, Forrester, Goldfinch, Hamilton, Hardwick, Hixon, Horne, Hosey, Nanney, Pope, Powers Norrell, G.R. Smith, J.R. Smith, Stringer, Wood, Felder, Cobb‑Hunter and Gilliard: A BILL TO AMEND SECTION 63‑7‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPEDITED RELATIVE PLACEMENTS OF CHILDREN AT THE PROBABLE CAUSE HEARING, SO AS TO ENCOURAGE PLACEMENT OF THE CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE UNDER CERTAIN CIRCUMSTANCES; TO SET FORTH CRITERIA FOR THE COURT TO CONSIDER WHEN DECIDING WHETHER TO PLACE A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING, THE INDIVIDUAL MUST BE ADDED AS A PARTY TO THE ACTION FOR THE DURATION OF THE CASE OR UNTIL FURTHER ORDER OF THE COURT.

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

**Motion Under Rule 26B**

Senator BRYANT asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senators LARRY MARTIN, MALLOY, COLEMAN and SHEALY proposed the following amendment (JUD3464.001), which was adopted:

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

/ SECTION 1. Section 63‑7‑730 of the 1976 Code is amended to read:

“Section 63‑7‑730. (A) If the court ~~orders the child to remain in the legal custody of the department at the probable cause hearing~~ finds at the probable cause hearing that the department made reasonable efforts to prevent removal of the child and that continuation of the child in the home would be contrary to the welfare of the child, the ~~family~~ court may order expedited placement of the child with a grandparent or other relative of the first or second degree. In making this expedited placement decision, the court shall consider the totality of the circumstances including, but not limited to, the individual’s suitability, fitness, and willingness to serve as a placement for the child. A parent who complies with these requirements must be the first relative considered by the court for expedited placement. The court shall require the department to check the names of all adults in the home against the Central Registry of Child Abuse and Neglect, other relevant records of the department, county sex abuse registers, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the person resides and, to the extent reasonably possible, jurisdictions in which the person has resided during that period. The court may hold open the record of the probable cause hearing for up to twenty‑four hours to receive ~~the~~ these reports ~~and based on these reports and other information introduced at the probable cause hearing, the court may order expedited placement of the child in the home of the relative~~. Nothing in this section precludes the department from requesting or the court from ordering pursuant to the department’s request either a full study of the individual’s home before placement or the licensing or approval of the individual’s home before placement.

(B) If the court orders expedited placement of the child with a grandparent or other relative of the first or second degree, the individual may be added as a party to the action for the duration of the case or until further order of the court.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

The amendment was adopted.

The question then was the third reading of the Bill.

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

**Ayes 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3602 -- Reps. Weeks, Cobb‑Hunter, Clemmons, Pope, Kennedy, M.S. McLeod, Tallon, Murphy, Crosby, McCoy, Dillard, Long, Bowen, Munnerlyn, Sellers, Limehouse, Brannon, Gilliard, Bales, Barfield, Bowers, Branham, G.A. Brown, R.L. Brown, Daning, Delleney, Edge, Funderburk, Henderson, Horne, Howard, Huggins, Jefferson, Loftis, Lowe, W.J. McLeod, Merrill, D.C. Moss, Norman, Powers Norrell, Quinn, Sandifer, Simrill, G.M. Smith, Spires, Taylor, Wells, Whipper, Wood, Newton, Riley, Anderson and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑13‑131 SO AS TO CREATE AN OFFENSE RELATING TO STEALING GOODS OR MERCHANDISE FROM A MERCHANT BY AFFIXING A PRODUCT CODE AND TO PROVIDE A PENALTY; BY ADDING SECTION 16‑13‑135 SO AS TO DEFINE NECESSARY TERMS, CREATE AN OFFENSE RELATING TO RETAIL THEFT, AND TO PROVIDE A PENALTY; TO AMEND SECTION 16‑13‑440, RELATING TO THE USE OF A FALSE OR FICTITIOUS NAME OR ADDRESS TO OBTAIN A REFUND FROM A BUSINESS ESTABLISHMENT FOR MERCHANDISE, SO AS TO INCLUDE USING A FALSE OR ALTERED IDENTIFICATION CARD TO COMMIT CERTAIN RETAIL THEFT OFFENSES; TO AMEND SECTION 16‑13‑180, AS AMENDED, RELATING TO RECEIVING STOLEN GOODS, SO AS TO INCLUDE RECEIVING OR POSSESSING STOLEN GOODS WHEN THE PERSON IS ON NOTICE BY LAW ENFORCEMENT THAT THE GOODS ARE STOLEN; TO AMEND SECTION 17‑25‑323, RELATING TO DEFAULT ON COURT‑ORDERED PAYMENTS INCLUDING RESTITUTION BY PERSONS ON PROBATION OR PAROLE AND CIVIL JUDGMENTS AND LIENS, SO AS TO INCLUDE DEFENDANTS WHO DEFAULT ON THE VARIOUS MAGISTRATES COURT OR MUNICIPAL COURT‑ORDERED PAYMENTS INCLUDING RESTITUTION IN THE PURVIEW OF THE STATUTE AND TO PROVIDE THAT A FILING FEE OR OTHER FEE MAY NOT BE REQUIRED WHEN SEEKING A CIVIL JUDGMENT; TO AMEND SECTION 14‑25‑65, AS AMENDED, RELATING TO PENALTIES THE MAGISTRATES COURT MAY IMPOSE, RESTITUTION, AND CONTEMPT, SO AS TO ALLOW A MAGISTRATE TO CONVERT CERTAIN UNPAID COURT‑ORDERED PAYMENTS TO A CIVIL JUDGMENT; AND TO AMEND SECTION 22‑3‑550, AS AMENDED, RELATING TO THE JURISDICTION OF THE MAGISTRATES COURT OVER MINOR OFFENSES, RESTITUTION, AND CONTEMPT, SO AS TO ALLOW A MAGISTRATE TO CONVERT CERTAIN UNPAID COURT‑ORDERED PAYMENTS TO A CIVIL JUDGMENT AND TO INCLUDE VIOLATIONS OF SECTIONS 16‑13‑180 AND 16‑13‑440 IN THOSE OFFENSES FOR WHICH A MAGISTRATE HAS THE POWER TO SENTENCE A PERSON TO CONSECUTIVE TERMS OF IMPRISONMENT TOTALING MORE THAN NINETY DAYS.

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

Senator MALLOY proposed the following amendment (JUD3602.002), which was adopted:

Amend the bill, as and if amended, page 7, by striking lines 24-36, and inserting:

/ (B) ~~However, a~~ A magistrate ~~shall~~ does not have the power to sentence ~~any~~ a person to consecutive terms of imprisonment totaling more than ~~ninety~~ thirty days ~~except for convictions resulting from violations of Chapter 11 of Title 34, pertaining to fraudulent checks, or violations of Section 16‑13‑110(B)(1), relating to shoplifting~~. ~~Further, a~~ A magistrate ~~must~~ shall specify an amount of restitution in damages at the time of sentencing as an alternative to any imprisonment of more than ~~ninety~~ thirty days which is lawfully imposed. The provisions of this subsection do not affect the transfer of criminal matters from the general sessions court made pursuant to Section 22‑3‑545.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question then was the third reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3735 -- Reps. Goldfinch, Hardwick, H.A. Crawford, Huggins, Hardee, Clemmons, Vick, Finlay, Chumley, Hamilton, Herbkersman, Hiott, Hixon, V.S. Moss, Owens, Pitts, Sottile, Wells, Wood, Powers Norrell, Knight and McCoy: A BILL TO AMEND SECTION 50‑5‑2730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE’S ADOPTION OF CERTAIN FEDERAL LAWS AND REGULATIONS THAT REGULATE THE TAKING OF FISH IN STATE WATERS, SO AS TO PROVIDE THAT LAWS AND REGULATIONS DO NOT APPLY TO BLACK SEA BASS (CENTROPRIATES STRIATA), TO PROVIDE A LAWFUL CATCH LIMIT AND SIZE FOR THIS SPECIES OF FISH, AND TO PROVIDE THAT THERE IS NO CLOSED SEASON ON THE CATCHING OF BLACK SEA BASS (CENTROPRIATES STRIATA).

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

**Motion Under Rule 26B**

Senator CAMPSEN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator CAMPSEN proposed the following amendment (NBD\  
3735C001.NBD.VR13), which was adopted:

Amend the bill, as and if amended, by deleting Section 50‑5‑2730(B) and inserting:

/ (B) This provision does not apply to Black Sea Bass (Centropristis striata) whose lawful catch limit is five fish per person per day or the same as the federal limit for Black Sea Bass, whichever is higher. The lawful minimum size is thirteen inches total length. Additionally, there is no closed season on the catching of Black Sea Bass (Centropristis striata). /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was the third reading of the Bill.

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

**Ayes 40; Nays 1**

**AYES**

Allen Bennett Bryant

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Bright

**Total--1**

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**THIRD READING BILLS**

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

S. 699 -- Senator Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46‑25‑815 SO AS TO IMPOSE AN INSPECTION FEE OF ONE DOLLAR A TON ON THE DISTRIBUTION OR SALE OF COMMERCIAL FERTILIZER IN THIS STATE, TO PROVIDE THAT THIS FEE MUST BE REPORTED, PAID, AND ENFORCED IN THE SAME MANNER THAT THE EXISTING FIFTY CENTS A TON INSPECTION TAX ON THE SALE OF COMMERCIAL FERTILIZER IS REPORTED, PAID, AND ENFORCED, TO PROVIDE THAT THE REVENUES OF THIS INSPECTION FEE MUST BE RETAINED AND EXPENDED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS OF CLEMSON UNIVERSITY (CLEMSON PSA) FOR THE SUPPORT OF THE DIVISION’S PROGRAMS, AND TO PROVIDE THAT UNEXPENDED FEE REVENUES AT THE END OF A FISCAL YEAR CARRY FORWARD TO THE SUCCEEDING FISCAL YEAR AND MUST BE USED FOR THE SAME PURPOSES.

Senator VERDIN explained the Bill.

**S. 699--Recorded Vote**

Senators SHANE MARTIN and BRIGHT desired to be recorded as voting against the third reading of the Bill.

S. 437 -- Senators Cleary, Reese, Rankin, Campsen, Hembree, Davis, McGill, Thurmond, Campbell, Cromer and Ford: A BILL TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VALUATION AND CLASSIFICATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE THAT THE OWNER‑OCCUPANT OF RESIDENTIAL PROPERTY QUALIFIES FOR THE FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER‑OCCUPIED RESIDENTIAL PROPERTY, IF THE OWNER IS OTHERWISE QUALIFIED AND THE RESIDENCE IS NOT RENTED FOR MORE THAN ONE HUNDRED DAYS A YEAR, AND TO DELETE OTHER REFERENCES TO RENTAL OF THESE RESIDENCES; AND TO AMEND SECTION 12‑54‑240, RELATING TO DISCLOSURE OF RECORDS, REPORTS, AND RETURNS WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE VERIFICATION THAT THE FEDERAL SCHEDULE E CONFORMS WITH THE SAME DOCUMENT REQUIRED BY A COUNTY ASSESSOR IS NOT PROHIBITED.

S. 160 -- Senators Malloy, Cleary, Jackson, Shealy, Verdin, Fair, Alexander, L. Martin, Nicholson, Johnson, Lourie, Cromer, Reese, Thurmond, Massey, Rankin, Turner, Corbin, Setzler, Hayes and Hembree: A BILL TO AMEND CHAPTER 32, TITLE 59 OF THE 1976 CODE, RELATING TO THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, BY ADDING SECTION 59‑32‑35 TO REQUIRE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR TO ALL STUDENTS ENROLLED IN THE SCHOOL DISTRICT AS A REQUIREMENT FOR GRADUATION FROM HIGH SCHOOL.

Senator HAYES explained the Bill.

S. 671 -- Senator Massey: A BILL TO AMEND SECTION 7‑7‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN EDGEFIELD COUNTY, SO AS TO REVISE CERTAIN PRECINCTS AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

S. 474 -- Senator Setzler: A BILL TO AMEND SECTION 12‑21‑2420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE ADMISSIONS LICENSE TAX, SO AS TO EXEMPT ADMISSIONS CHARGED BY THE STATE MUSEUM.

S. 502 -- Senator O’Dell: A BILL TO AUTHORIZE THE STARR‑IVA WATER AND SEWER DISTRICT IN ANDERSON COUNTY TO PROVIDE WATER SERVICE TO A SPECIFIED AREA OF ABBEVILLE COUNTY, UPON THE CONSENT OF THE GOVERNING BODY OF ABBEVILLE COUNTY, TO SOLVE A CRITICAL WATER SERVICE PROBLEM.

**SECOND READING BILL**

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

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.

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

**Ayes 40; Nays 0; Present 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

**PRESENT**

Malloy

**Total--1**

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

**AMENDED, READ THE SECOND TIME**

H. 3717 -- Reps. Quinn, Bannister, Allison, Sandifer, Sellers, Clemmons, Ballentine, Atwater, Toole, Kennedy, Vick, Erickson, Long, Bernstein, Munnerlyn, Horne, Funderburk, Brannon, Henderson, Wood, Dillard, M.S. McLeod, Whipper and R.L. Brown: A BILL TO AMEND SECTION 16‑3‑1700, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE OFFENSES OF HARASSMENT AND STALKING, SO AS TO INCLUDE IN THE PURVIEW OF THE OFFENSES PERSONS WHO COMMIT THE OFFENSES WHILE SUBJECT TO THE TERMS OF A RESTRAINING ORDER ISSUED BY THE FAMILY COURT; AND TO AMEND SECTIONS 16‑3‑1710, 16‑3‑1720, AND 16‑3‑1730, ALL AS AMENDED, RELATING TO PENALTIES FOR HARASSMENT IN THE SECOND DEGREE, HARASSMENT IN THE FIRST DEGREE, AND STALKING, RESPECTIVELY, ALL SO AS TO INCLUDE PERSONS SUBJECT TO A RESTRAINING ORDER ISSUED BY THE FAMILY COURT.

Senator RANKIN 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 LARRY MARTIN proposed the following amendment (JUD3717.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 34-40, and inserting:

/ “( ) A person who commits the offense of harassment in any degree or stalking, as defined in this section, while subject to the terms of a restraining order issued by the family court may be charged with a violation of this article and, upon conviction, may be sentenced pursuant to the provisions of Section 16‑3‑1710, 16‑3‑1720, or 16‑3‑1730.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 3342 -- Reps. Hart and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑15‑175 SO AS TO PROVIDE THAT A JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UNLESS THE SOLICITOR OR CLERK OF COURT HAS PROVIDED NOTICE TO THE ATTORNEY OF RECORD BEFORE ISSUING THE BENCH WARRANT.

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

There was no objection.

Senators ALLEN and HEMBREE proposed the following amendment (JUD3342.003), which was adopted:

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

/ SECTION 1. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑175. After an initial appearance, a circuit court judge may not issue a general sessions court bench warrant for failure to appear in court upon motion by a solicitor, unless the solicitor has conspicuously posted a list of potential bench warrants at the appropriate courthouse and on the solicitor’s Internet website at least forty-eight hours before the bench warrant is requested. This section does not apply if the presiding judge sua sponte issues the bench warrant for failure to appear or the person has been personally served with an appearance date.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 4216 -- Reps. Bales, Ballentine and Neal: A BILL TO AMEND SECTION 7‑7‑465, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN RICHLAND COUNTY, SO AS TO REVISE AND ADD CERTAIN PRECINCTS, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, TO CORRECT REFERENCES, AND TO PROVIDE FOR ALTERNATE PRECINCT POLLING PLACES UNDER SPECIFIED CONDITIONS.

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

Senator SCOTT proposed the following amendment (MS\  
4216C001.MS.AHB13), which was adopted:

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

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

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**PREVIOUSLY PROPOSED AMENDMENT TABLED**

**AMENDED,** **READ THE SECOND TIME**

H. 3774 -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J.R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2017; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

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

Senator HUTTO proposed the following amendment (3774MW1), which was tabled:

Amend the joint resolution, as and if amended, page 4, by striking lines 41-42.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator VERDIN moved to lay the amendment on the table.

The amendment was laid on the table.

Senator VERDIN proposed the following amendment (3774R001.DBV), which was adopted:

Amend the joint resolution, as and if amended, page 4, by striking lines 41-42 and inserting:

/ (h) a coastal zone consistency certification issued by the department’s Office of Ocean and Coastal Resource Management;

(i) a critical area permit issued by the department’s Office of Ocean and Coastal Resource Management. /

Amend the joint resolution further, as and if amended, page 5, by striking lines 32-35 and inserting:

/ federal law or program;

(8) affect a Certificate of Need issued pursuant to Article 3, Chapter 7, Title 44 or a Demonstration of Need issued pursuant to Article 2, Chapter 96, Title 44; or

(9) affect SCDHEC-OCRM permits issued pursuant to R.30-12(N) Access to Coastal Islands. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

Senator VERDIN proposed the following amendment (3774R002.DBV), which was adopted:

Amend the joint resolution, as and if amended, page 5, by striking line 12 and inserting:

/ December 31, 2016. /

Amend the joint resolution, further, as and if amended, page 5, by striking line 27 and inserting:

/ of this joint resolution to December 31, 2016; /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Cromer Davis

Fair Grooms Hayes

Hembree Hutto Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDMENT PROPOSED**

**OBJECTION TO FURTHER CONSIDERATION OF THE BILL**

H. 3014 -- Reps. J.E. Smith, Bernstein, M.S. McLeod, McEachern, Weeks, Hart and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO ENACT THE “VETERANS TREATMENT COURT PROGRAM ACT”, TO REQUIRE THE CREATION AND ADMINISTRATION OF A VETERANS TREATMENT COURT PROGRAM IN EACH JUDICIAL CIRCUIT BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF A VETERANS TREATMENT COURT JUDGE, AND TO PROVIDE FOR REQUIREMENTS FOR AN OFFENDER TO QUALIFY FOR ADMISSION TO A VETERANS TREATMENT COURT PROGRAM.

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

Senator MASSEY proposed the following amendment (JUD3014.003), which was adopted:

Amend the committee report, as and if amended, by striking lines 36‑37 in their entirety, on page [3014-1] and inserting:

/ (7) receive training provided for this service through organizations which offer this type of training as determined by the solicitor's office; and /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the perfecting amendment.

The amendment was adopted.

The Judiciary Committee proposed the following amendment (JUD3014.002), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 29, in Section 14-29-30, as contained in SECTION 1, and inserting therein the following:

/ funds. Each circuit solicitor that accepts state funding for the /

Amend the bill further, as and if amended, page 3, by striking lines 6-8, in Section 14-29-40(B)(4) as contained in SECTION 1, and inserting therein the following:

/ (4) receive an allowance for mileage, subsistence, and per diem paid by the solicitor's office when engaged in the exercise of duties as a veterans treatment court judge; /

Amend the bill further, as and if amended, page 3, by striking line 15, in Section 14-29-40(B)(7) as contained in SECTION 1, and inserting therein the following:

/ (7) receive training provided for this service by organizations which offer this type of training; and /

Amend the bill further, as and if amended, page 3, by striking line 36, in Section 14-29-40(C)(5) as contained in SECTION 1, and inserting therein the following:

/ solicitor, a certified or licensed drug and alcohol counselor, a veterans affairs counselor, /

Amend the bill further, as and if amended, page 8, by striking lines 1-19, in Sections 14-29-70(A) and (B), as contained in SECTION 1, and inserting therein the following:

/ Section 14‑29‑70. (A) The transfer of an offender from the custody and jurisdiction of the circuit court to custody and jurisdiction of the veterans treatment court must be made by issue of a written order from the circuit court in response to the approval of the application by the veterans treatment court. This order must provide for the deferment of the offender’s sentence pending the conclusion of the veterans treatment court program. The veterans treatment court then shall control and be responsible for the custody of the offender upon entry of the circuit court’s order.

(B) Where a person fails to successfully complete the program and is consequently dismissed from the program, the veterans treatment court must transfer custody of the person to the circuit court for the imposition of the sentence. A court may not reduce a sentence for time spent participating in a veterans treatment court program and other conditions of the sentence. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee amendment was adopted.

Senator MASSEY proposed the following amendment (JUD3014.004):

Amend the bill, as and if amended, by striking Section 14-29-90 in its entirety, on page 8 and inserting:

/ Section 14-29-90. The General Assembly shall appropriate funds annually to an account to be maintained by the South Carolina Commission on Prosecution Coordination for the payment of mileage, subsistence, and per diem for veterans treatment court judges as provided by this chapter.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator HAYES objected to further consideration of the Bill, as amended.

**AMENDED, OBJECTION TO FURTHER CONSIDERATION**

S. 387 -- Senators O’Dell, Campbell, Cromer, Hembree, Setzler, McGill, Johnson and Ford: A BILL TO AMEND SECTION 12‑10‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO INCREASE THE CREDIT, TO SPECIFY ELIGIBLE EMPLOYEES AND PROGRAMS, TO PROVIDE THAT A BUSINESS MAY NOT CLAIM THE CREDIT IF THE EMPLOYEE IS REQUIRED TO REIMBURSE OR PAY FOR THE COSTS OF THE RETRAINING, TO INCREASE THE MATCH AMOUNT FOR THE BUSINESS, AND TO PROVIDE THE PROGRAMS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF REVENUE AND THE STATE BOARD OF TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 12‑10‑105, AS AMENDED, RELATING TO THE ANNUAL FEE FOR A BUSINESS CLAIMING THE CREDIT, SO AS TO PROVIDE THAT THE ANNUAL FEE IS NOT APPLICABLE TO THE RETRAINING CREDIT; AND TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO THE CREDIT AGAINST THE LICENSE TAX FOR CERTAIN INFRASTRUCTURE EXPENSES, SO AS TO PROVIDE THAT AN ELIGIBLE PROJECT MAY BE OWNED OR CONSTRUCTED BY A GOVERNMENTAL ENTITY IF THE PROJECT IS EXPECTED TO CONTRIBUTE TO THE ECONOMIC DEVELOPMENT OF THE GOVERNMENTAL ENTITY, TO FURTHER SPECIFY ELIGIBLE INFRASTRUCTURE, AND TO PROVIDE THAT A GOVERNMENTAL ENTITY MAY SELL THE PROJECT AFTER THE COMPANY PAYS FOR THE INFRASTRUCTURE.

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

**Motion Under Rule 26B**

Senator HEMBREE asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator HEMBREE proposed the following amendment (NBD\  
387C001.NBD.VR13), which was adopted:

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

/SECTION \_\_. A. Section 12‑20‑105(B) of the 1976 Code, as last amended by Act 290 of 2010, is further amended by adding a new item at the end to read:

“(3) In a county in which at least five million dollars in state accommodations tax imposed pursuant to Section 12‑36‑920 has been collected in at least one fiscal year, a county or municipality owned multiuse sports and recreational complex is considered an ‘eligible project’ promoting economic development for all purposes of the credit allowed pursuant to this section.”

B. Section 12‑20‑105 of the 1976 Code, as last amended by Act 187 of 2012, is further amended by adding a new subsection at the end to read:

“(I) For the purposes of this section, for a qualifying project pursuant to subsection (B)(3), infrastructure includes all applicable provisions of subsection (C) applying to the development and construction of the sports and recreational complex and further includes costs of land acquisition and preparation, construction of facilities and venues in the complex, improvements and upgrades to existing facilities and venues, and any other capital costs incurred in the acquisition, construction, and operation of the complex.”

C. This section takes effect upon approval by the Governor and applies for contributions made for a multiuse sports and recreational complex placed in service after 2011. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator BRYANT objected to further consideration of the Bill, as amended.

**OBJECTION**

H. 3412 -- Reps. Harrell, Lucas, Clemmons, Herbkersman, Loftis, Barfield, Huggins, Bowen, K.R. Crawford, Allison, Merrill, Ballentine, McCoy, Wood, Erickson, Putnam, Bannister, Branham, Taylor, Limehouse, Southard, Atwater, Bingham, Brannon, Chumley, Cole, Crosby, Daning, Delleney, Gagnon, Gambrell, Goldfinch, Henderson, Hiott, Hixon, Kennedy, Lowe, D.C. Moss, V.S. Moss, Murphy, Newton, Owens, Patrick, Pitts, Pope, Rivers, Ryhal, Sandifer, G.M. Smith, G.R. Smith, J.R. Smith, Sottile, Spires, Stringer, Tallon, Thayer, Toole, White, Whitmire, Willis, Hardwick, Quinn, Hamilton, Forrester and Edge: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑36‑2647 SO AS TO PROVIDE THAT THE SALES, USE, AND CASUAL EXCISE TAX REVENUES IN A FISCAL YEAR FROM THE SALE, USE, OR TITLING OF A VEHICLE REQUIRED TO BE REGISTERED AND LICENSED BY THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES MUST BE CREDITED TO THE STATE NON‑FEDERAL AID HIGHWAY FUND, AND TO PROVIDE FOR THE USE OF THESE REVENUES.

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

Senator HAYES objected.

**OBJECTION**

H. 3853 -- Reps. Owens, Patrick, Bedingfield, Loftis, Taylor, Allison, Anthony, Brannon, Southard, Bowen, Whitmire, Limehouse, Cole, Erickson, Forrester, Harrell, Herbkersman, Hixon, Lucas, D.C. Moss, Norman, Pitts, Pope, Putnam, Simrill, G.R. Smith, Sottile, Stringer, Wells and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑111 SO AS TO AUTHORIZE AN ALTERNATIVE EDUCATION CAMPUS (AEC) TO BE ESTABLISHED BY A CHARTER SCHOOL SPONSOR WHICH SHALL CONSTITUTE A CHARTER SCHOOL SERVING A SPECIFIC STUDENT POPULATION, AND TO PROVIDE THE CRITERIA FOR A CHARTER SCHOOL TO BE DESIGNATED AS AN AEC; TO AMEND SECTION 59‑40‑55, RELATING TO A CHARTER SCHOOL SPONSOR’S POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES INCLUDING THE ADOPTION OF NATIONAL INDUSTRY STANDARDS FOR THE SCHOOL, AND THE CLOSURE OF LOW PERFORMING SCHOOLS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO CHARTER SCHOOL APPLICATIONS AND THE FORMATION OF CHARTER SCHOOLS, SO AS TO PROVIDE THAT THE CHARTER SCHOOL APPLICATION MUST BE BASED ON AN APPLICATION TEMPLATE WITH COMPLIANCE GUIDELINES DEVELOPED BY THE DEPARTMENT OF EDUCATION, AND TO FURTHER PROVIDE FOR THE CONTENTS OF THE APPLICATION AND FOR LETTERS OF INTENT TO BE SUBMITTED BY AN APPLICANT AND A CHARTER COMMITTEE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE AND ITS DUTY TO REVIEW CHARTER SCHOOL APPLICATIONS, SO AS TO DELETE THE COMMITTEE, TO REVISE THE PROCEDURES REQUIRED OF A CHARTER SCHOOL APPLICANT IN REGARD TO A CHARTER SCHOOL APPLICATION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL PROVIDE GUIDANCE ON COMPLIANCE TO BOTH SPONSORS AND APPLICANTS, AND TO FURTHER PROVIDE FOR THE STANDARDS FOR A SCHOOL BOARD OF TRUSTEES OR AREA COMMISSION TO FOLLOW WHEN CONSIDERING THE DENIAL OF AN APPLICATION; TO AMEND SECTION 59‑40‑90, AS AMENDED, RELATING TO APPEAL OF FINAL DECISIONS OF A SCHOOL DISTRICT TO THE ADMINISTRATION LAW COURT, SO AS TO ALSO INCLUDE FINAL DECISIONS OF A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING SPONSOR; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER SCHOOL SPONSOR AND THE RENEWAL OR TERMINATION OF A CHARTER BY THE SPONSOR, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN A CHARTER SCHOOL SHALL AUTOMATICALLY AND PERMANENTLY CLOSE, TO REVISE THE CRITERIA TO CONSIDER WHEN REVOKING OR NOT RENEWING A CHARTER, TO PROVIDE FOR WHEN A SPONSOR SUMMARILY MAY REVOKE A CHARTER, AND TO PROVIDE FOR THE MANNER IN WHICH STAYS OF THE REVOCATION OR NONRENEWAL OF THE CHARTER TAKE EFFECT OR MAY BE GRANTED; TO AMEND SECTION 59‑40‑115, AS AMENDED, RELATING TO THE TERMINATION OF A CHARTER SCHOOL’S CONTRACT WITH A SPONSOR, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE; AND TO AMEND SECTION 59‑40‑180, AS AMENDED, RELATING TO REGULATIONS AND GUIDELINES PERTAINING TO CHARTER SCHOOLS, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE.

Senator MALLOY objected to the Bill.

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.

Senator CLEARY objected to the Bill.

**PREVIOUSLY PROPOSED AMENDMENT TABLED**

**AMENDMENT PROPOSED**

**OBJECTION TO FURTHER CONSIDERATION OF THE BILL**

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 adoption of the previously proposed amendment as follows.

Senator BRYANT proposed the following amendment (AGM\  
3161C003.AGM.AB13), which was tabled:

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 BRYANT explained the amendment.

Senator SETZLER moved to lay the amendment on the table.

The amendment was laid on the table.

Senator BRYANT proposed the following amendment (AGM\  
3161C001.AGM.AB13):

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

/ SECTION 2. Section 40‑43‑86(B)(4)(b) and (CC) of the 1976 Code is amended to read:

“(b) The pharmacist‑in‑charge shall develop and implement written policies and procedures to specify the duties to be performed by pharmacy technicians. The duties and responsibilities of these personnel ~~shall~~ must be consistent with their training and experience. These policies and procedures shall, at a minimum, specify that pharmacy technicians are to be personally supervised by a licensed pharmacist who has the ability to control and who is responsible for the activities of pharmacy technicians and that pharmacy technicians are not assigned duties that may be performed only by a licensed pharmacist. One pharmacist may not supervise more than three pharmacy technicians at a time~~; through June 30, 2006, at least one of these three technicians must be state‑certified, and after June 30, 2006, at least two of these three technicians must be state‑certified. If a pharmacist supervises only one or two pharmacy technicians, these technicians are not required to be state‑certified~~. Pharmacy technicians do not include personnel in the prescription area performing only clerical functions, including data entry up to the point of dispensing, as defined in Section 40‑43‑30(14).

(CC)(1) The provisions of this subsection only apply to the compounding of medication by pharmacies permitted in the State of South Carolina.

(2) The following are the minimum current good compounding practices for the preparation of medications by pharmacists licensed in the State for dispensing or administering, or both, to humans or animals:

(a) Pharmacists engaged in the compounding of drugs shall operate in conformance with applicable laws regulating the practice of pharmacy;

(b) Based on the existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription, or in anticipation of prescription medication orders based on routine, regularly observed prescribing patterns, pharmacists may compound, for an individual patient medications ~~that are commercially available in the market place~~ for which the components are commercially available;

(c) Pharmacists shall receive, store, or use drug substances for compounding that meet official compendia requirements, or of a chemical grade in one of the following categories: chemically pure (CP), analytical reagent (AR), American Chemical Society (ACS), or, if other than this, drug substances that meet the accepted standard of the practice of pharmacy;

(d) ~~Pharmacists may compound drugs before receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, for all such products compounded at the pharmacy as required by the Board of Pharmacy~~ A compounder shall first attempt to use components manufactured in an FDA‑registered facility. When components cannot be obtained from an FDA‑registered facility, a compounder shall use his professional judgment in selecting an acceptable and reliable source and shall establish purity and safety by reasonable means, to include Certificate of Analysis, manufacturer reputation, and reliability of source.

(e) For components that do not have expiration dates assigned by the manufacturer or supplier, a compounder shall label the container with the date of receipt and assign a conservative expiration date, not to exceed three years after receipt of the component based on the nature of the component and its degradation mechanism, the container in which it is packaged, and the storage conditions;

(~~e~~f) Pharmacists may not offer compounded medications to other pharmacies for resale; however, pharmacists may compound ~~products~~ preparations based on an order from a practitioner for ~~use by practitioners for patient use~~ administration to a patient in institutional or office settings~~. Compounding pharmacies/pharmacists may advertise or otherwise promote the fact that they provide prescription compounding services, e.g., chemicals, devices, and information, when requested; however, they may not solicit business by promoting to compound specific drug products, e.g., like a manufacturer~~;

(~~f~~g) The compounding of legend drugs in anticipation of receiving prescriptions without a historical basis or the distribution of compounded ~~products~~ preparations without a patient/practitioner/pharmacist relationship is considered manufacturing.

(h) Physicians who administer compounded medications in an office or licensed ambulatory surgical facility setting shall be allowed to order and purchase those medications from the compounding pharmacy, store them in the office for future use but not for resale, and administer those medications according to their usual physician/patient/pharmacy practice relationship. A prescription for an individual patient for each administration of the drug shall not be required.

(i) Institutional pharmacies may order and store compounded preparations, both sterile and nonsterile, from compounding pharmacies in anticipation of patient orders based on the existence of a pharmacist/patient/practitioner relationship for regularly observed prescribing patterns. A chart order from a practitioner will be required for administration in a institutional facility.

(3)(a) Pharmacists engaging in compounding shall maintain proficiency through current awareness and training. Continuing education shall include training in the art and science of compounding and the rules and regulations of compounding.

(b) Pharmacy technicians may assist the pharmacist in compounding. The pharmacist is responsible for training and monitoring the pharmacy technician. The pharmacy technician’s duties must be consistent with the training received. The pharmacist must perform the final check of the compound preparation to determine if the preparation is ready to dispense.

(c) Personnel engaged in the compounding of medications shall wear clean clothing appropriate to the operation being performed. Protective apparel~~, such as coats, jackets, aprons, gowns, hand or arm coverings, or masks~~ must be worn as necessary to protect personnel from chemical exposure and medication or chemical contamination.

(d) Only personnel authorized by the responsible pharmacist may be in the immediate vicinity of the drug compounding operation. A person shown at any time, either by medical examination or pharmacist determination, to have an apparent illness or open lesions that may adversely affect the safety or quality of a drug ~~product~~ preparation being compounded must be excluded from direct contact with components, medication containers, closures, in‑process materials, and medication ~~products~~ preparations until the condition is corrected or determined by competent medical personnel not to jeopardize the safety or quality of the ~~products~~ preparations being compounded. All personnel who assist the pharmacists in compounding procedures must be instructed to report to the pharmacist any health conditions that may have an adverse effect on drug ~~products~~ preparations.

(4)(a) Pharmacists engaging in compounding shall have ~~a specifically designated and~~ an adequate area ~~(space)~~ for the ~~orderly~~ complexity level of compounding ~~of prescriptions~~ that is maintained ~~in a good state of repair~~ for the placement of material and equipment. Sterile compounding must be performed in a separate area in compliance with Section 40‑43‑88.

(b) Bulk medications and other chemicals or materials used in the compounding of medication must be stored in adequately labeled containers in a clean, dry, and temperature‑controlled area or, if required, under proper refrigeration.

(c) Adequate lighting and ventilation must be provided in all drug compounding areas. Potable water must be supplied under continuous positive pressure in a plumbing system free of defects that could contribute contamination to a compounded drug ~~product~~ preparation. Adequate washing facilities, easily accessible to the compounding areas of the pharmacy, must be provided. These facilities shall include, but are not limited to, hot and cold water, soap or detergent, and air‑dryers or single‑use towels.

(d) The area used for the compounding of drugs must be maintained in a clean and sanitary condition. It must be free of infestation by insects, rodents, and other vermin. Trash must be held and disposed of in a timely and sanitary manner. Sewage and other refuse in and from the pharmacy and immediate medication compounding areas must be disposed of in a safe and sanitary manner.

(e) If sterile ~~products~~ preparations are being compounded, the pharmacist shall comply with Section 40‑43‑88 as applicable to the procedure.

(f) If radiopharmaceuticals are being compounded, the pharmacist shall comply with Section 40‑43‑87 as applicable to the procedure.

(g) If drug products with special precautions for contamination, such as penicillin or hazardous drugs, are involved in a compounding procedure, appropriate measures, including either the dedication of equipment or meticulous cleaning of contaminated equipment before its use for the preparation of other drugs, must be utilized in order to prevent cross‑contamination.

(5)(a) Equipment and utensils used for compounding must be of appropriate design and capacity and stored in a manner to protect from contamination. In addition, all equipment and utensils must be cleaned and sanitized before use to prevent contamination that would alter the safety or quality of the drug ~~product~~ preparation beyond that desired. The pharmacist is responsible for determining suitability for use. In the case of sterile compounding, the pharmacist shall comply with Section 40‑43‑88 as applicable to equipment and utensils.

(b) Automatic, mechanical, electronic, or other equipment used in compounding must be routinely inspected, calibrated, if necessary, or checked to ensure proper performance.

(c) The pharmacist shall ensure that the proper container is selected to dispense the finished compounded prescription, whether sterile or nonsterile.

(6)(a) The pharmacist shall ensure that there are formulas and logs maintained either electronically or manually. Formulas must be comprehensive and include ingredients, amounts, methodology, and equipment, if needed, and special information regarding sterile compounding.

(b) The pharmacist shall ensure that components used in compounding are accurately weighed, measured, or subdivided as appropriate at each stage of the compounding procedure to conform to the formula being prepared. Any chemical transferred to a container from the original container must be labeled with the same information as on the original container and the date of transfer placed on the label.

(c) The pharmacist shall establish and conduct procedures so as to monitor the output of compounded prescriptions, i.e., capsule weight variation, adequacy of mixing, clarity, pH of solutions, and, where appropriate, procedures to prevent microbial contamination of medications purported to be sterile.

(7)(a) The pharmacist shall label any excess compounded ~~product~~ preparation so as to reference it to the formula used and the assigned control number and the ~~estimated~~ beyond‑use date based on ~~the pharmacist’s professional judgment,~~ appropriate testing~~,~~ or published data. In the absence of stability information applicable to the specific compound, the maximum BUD must be determined by:

(i) the type of formulation, such as nonaqueous, water containing, or topical; and

(ii) professional judgment.

(b) The ~~product~~ preparation must be stored appropriately.

(c) At the completion of compounding the prescription, the pharmacist shall examine the prescription for correct labeling.

(8) The pharmacist shall keep records of all compounded ~~products~~ preparations for a period of time as other prescriptions as required by the Board of Pharmacy. These records must be readily available for authorized inspection during the retention period at the establishment. These records are subject to duplication by photocopying or other means of reproduction as part of the inspection.

(9) All significant procedures performed in the compounding area must be covered in written policies and procedures. These procedures must be developed for the facility, equipment, personnel, preparation, packaging, and storage of compounded preparations and ingredients to ensure accountability, accuracy, quality safety, and uniformity in compounding as appropriate for the level of compounding performed at the facility.

(10) Material Data Safety should be readily accessible from an internet website or otherwise to all personnel working with drug substances or bulk chemicals located on the compounding facility premises, and personnel should be instructed on how to retrieve needed information.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT 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 20; Nays 23**

**AYES**

Allen Cleary Cromer

Gregory Hayes Hutto

Jackson Johnson Lourie

Matthews McElveen McGill

Nicholson Pinckney Rankin

Reese Scott Setzler

Sheheen Williams

**Total--20**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Corbin Courson Davis

Fair Grooms Hembree

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Peeler

Shealy Thurmond Turner

Verdin Young

**Total--23**

The Senate refused to lay the amendment on the table.

Senator SCOTT argued contra to the amendment.

Senator BRYANT objected to further consideration of the Bill.

**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 MASSEY, the Bill was 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.

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

**ADOPTED**

H. 3878 -- Reps. Murphy, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, H.A. Crawford, K.R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, 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 MEMORIALIZE THE FULL COMMITTEE OF THE INTERNATIONAL OLYMPIC COMMITTEE TO OPPOSE THE DECISION OF ITS EXECUTIVE BOARD AND REINSTATE WRESTLING AS A CORE SPORT OF THE SUMMER OLYMPIC GAMES.

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

H. 4149 -- Rep. Erickson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION AND BEAUFORT COUNTY ERECT APPROPRIATE SIGNS OR MARKERS ALONG UNITED STATES HIGHWAY 21 IN BEAUFORT COUNTY AS IT ENTERS ST. HELENA ISLAND FROM BOTH LADY’S ISLAND AND HUNTING ISLAND THAT CONTAIN THE WORDS “ST. HELENA ISLAND‑HOME OF THE 2013 AMERICAN IDOL WINNER CANDICE GLOVER”.

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 adopted, ordered returned to the House.

H. 4201 -- Reps. G.R. Smith, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, H.A. Crawford, K.R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, 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, 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 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 adopted, ordered returned to the House.

H. 4268 -- Reps. D.C. Moss, V.S. Moss, Pope and King: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 55 IN YORK COUNTY FROM ITS INTERSECTION WITH THE YORK/CHEROKEE COUNTY LINE TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 161 “STATE REPRESENTATIVE HUGH J. LOVE HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “STATE REPRESENTATIVE HUGH J. LOVE HIGHWAY”.

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

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

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**SUBSTITUTION OF SENATE CONFEREE**

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

On motion of Senator COURSON, with unanimous consent, the Senate appointed Senator PINCKNEY in lieu of Senator FORD on the Committee of Conference to H. 3638 and a message was sent to the House accordingly.

**S. 2--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

S. 2 -- Senators Campsen, L. Martin, Cromer, Hayes and Grooms: A BILL TO ESTABLISH THE “EQUAL ACCESS TO THE BALLOT ACT”, BY AMENDING SECTION 8‑13‑1356, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FILING OF A STATEMENT OF ECONOMIC INTERESTS BY A CANDIDATE, TO PROVIDE THAT A CANDIDATE WHO IS NOT A PUBLIC OFFICIAL AND A CANDIDATE WHO IS A PUBLIC OFFICIAL SHALL ELECTRONICALLY FILE OR UPDATE A STATEMENT OF ECONOMIC INTERESTS, AS APPLICABLE, PRIOR TO FILING A STATEMENT OF INTENTION OF CANDIDACY OR NOMINATION FOR PETITION; TO AMEND SECTION 7‑11‑15, TO PROVIDE THAT THE FILING PERIOD RUNS FROM MARCH TWENTY‑THIRD TO MARCH THIRTIETH, TO REQUIRE THAT THE PARTY EXECUTIVE COMMITTEE NOT ACCEPT A STATEMENT OF INTENTION OF CANDIDACY UNLESS THE COMMITTEE VERIFIES THAT THE CANDIDATE FILED AN ELECTRONIC STATEMENT OF ECONOMIC INTEREST, AND TO PROVIDE THAT INTENTIONS OF CANDIDACY ARE TO BE SUBMITTED TO THE APPROPRIATE ELECTION COMMISSION BY NOON ON THE FIFTH DAY AFTER THE FILING DEADLINE.

On motion of Senator CAMPSEN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CAMPSEN spoke on the report.

The question then was adoption of the Report of the Committee of Conference.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O’Dell Peeler

Pinckney Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--40**

**NAYS**

**Total--0**

The Report of the Conference Committee was adopted as follows:

**S. 2--Conference Report**

The General Assembly, Columbia, S.C., May 31, 2013

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 2 -- Senators Campsen, L. Martin, Cromer, Hayes and Grooms: A BILL TO ESTABLISH THE “EQUAL ACCESS TO THE BALLOT ACT”, BY AMENDING SECTION 8‑13‑1356, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FILING OF A STATEMENT OF ECONOMIC INTERESTS BY A CANDIDATE, TO PROVIDE THAT A CANDIDATE WHO IS NOT A PUBLIC OFFICIAL AND A CANDIDATE WHO IS A PUBLIC OFFICIAL SHALL ELECTRONICALLY FILE OR UPDATE A STATEMENT OF ECONOMIC INTERESTS, AS APPLICABLE, PRIOR TO FILING A STATEMENT OF INTENTION OF CANDIDACY OR NOMINATION FOR PETITION; TO AMEND SECTION 7‑11‑15, TO PROVIDE THAT THE FILING PERIOD RUNS FROM MARCH TWENTY‑THIRD TO MARCH THIRTIETH, TO REQUIRE THAT THE PARTY EXECUTIVE COMMITTEE NOT ACCEPT A STATEMENT OF INTENTION OF CANDIDACY UNLESS THE COMMITTEE VERIFIES THAT THE CANDIDATE FILED AN ELECTRONIC STATEMENT OF ECONOMIC INTEREST, AND TO PROVIDE THAT INTENTIONS OF CANDIDACY ARE TO BE SUBMITTED TO THE APPROPRIATE ELECTION COMMISSION BY NOON ON THE FIFTH DAY AFTER THE FILING DEADLINE.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 7‑11‑10 of the 1976 Code, as last amended by Act 419 of 1982, is further amended to read: “Section 7‑11‑10. Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention, or by petition; ~~provided~~ however, ~~no~~ a person who was defeated as a candidate for nomination to an office in a party primary or party convention shall not have his name placed on the ballot for the ensuing general or special election, except that this proviso ~~shall~~ does not prevent a defeated candidate from later becoming his party’s nominee for that office in that election if the candidate first selected as the party’s nominee dies, resigns, is disqualified, or otherwise ceases to become the party’s nominee for ~~such~~ that office before the election is held.”

SECTION 2. Section 7-11-15 of the 1976 Code is amended to read:

“Section 7-11-15. (A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy and party pledge and submit any filing fees between noon on March sixteenth and noon on March thirtieth as provided in this section.

(1) ~~Candidates~~ Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy, and party pledge and submit any filing fees with the ~~state executive committee of their respective party~~ State Election Commission.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy and party pledge and submit any filing fees with the county ~~executive committee of their respective party~~ election commission in the county of their residence. ~~The county committees must, within five days of the receipt of the statements, transmit the statements along with the applicable filing fees to the respective state executive committees. However, the county committees must report all filings to the state committees no later than five p.m. on March thirtieth.~~ The state executive committees must certify candidates pursuant to Section 7-13-40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy and party pledge and submit any filing fees with the county ~~executive committee of their respective party~~ election commission in the county of their residence.

(B) Except as provided herein, the ~~county executive committee of any political party~~ election commission with whom ~~statements of intention of candidacy~~ the documents in subsection (A) are filed must ~~file, in turn,~~ provide a copy of all statements of intention of candidacy, the party pledge, receipt ~~with the county election commission by noon on the tenth~~ and filing fees, to the appropriate political party executive committee within two days following the deadline for filing ~~statements by candidates~~. If the ~~tenth~~ second day falls on Saturday, Sunday, or a legal holiday, the ~~statements~~ statement of intention of candidacy, party pledge, and filing fee must be filed by noon the following day that is not a Saturday, Sunday, or legal holiday. ~~The state executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all the statements of intention of candidacy with the State Election Commission by noon on the tenth day following the deadline for filing statements by candidates. If the tenth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day.~~ No candidate’s name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy and party pledge has not been filed with the County Election Commission or State Election Commission, as the case may be, as well as any filing fee, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7-13-40 and 7-13-350, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy. An error or omission by a person seeking to qualify as a candidate pursuant to this section that is not directly related to a constitutional or statutory qualification for that office must be construed in a manner that favors the person’s access to the ballot.

(C) The statement of intention of candidacy required in this section and in Section 7-13-190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. ~~It must be filed in triplicate by the candidate~~ The candidate must file three signed copies and the ~~political party committee~~ election commission with whom it is filed must stamp ~~it~~ each copy with the date and time received, ~~sign it,~~ keep one copy, return one copy to the candidate, and send one copy to ~~either the county election commission or the State Election Commission, as the case may be~~ the appropriate political party executive committee.

(D) The candidate must file three signed copies of the party pledge, as required pursuant to Section 7-11-210, and the election commission with whom it is filed must stamp each copy with the date and time received, return one copy to the candidate, and send one copy to the appropriate political party executive committee.

(E) The candidate must sign a receipt for the filing fee, and the election commission with whom it is filed must stamp the receipt with the date and time the filing fee was received, provide one copy to the candidate and provide one copy to the appropriate political executive party. The filing fee must be made payable to the appropriate political party.

(F) If, after the closing of the time for filing ~~statements of intention of candidacy~~ the documents required pursuant to this section, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.

(G) The county chairman of a political party and the chairman of the state executive committee of a political party may designate a person to observe the filings made at the election commission pursuant to this section.

(H) The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.”

SECTION 3. Section 7‑11‑30 of the 1976 Code, as last amended by Act 403 of 1984, is further amended to read:

“Section 7‑11‑30. ~~If a party nominates candidates by conventions, the state convention shall nominate the party’s candidate for Governor, Lieutenant Governor, and all other statewide officers and United States Senators, members of Congress, and circuit solicitors, and the county conventions shall nominate the party’s candidates for all county offices. No convention shall make nominations for candidates for offices unless the decision to use the convention method is reached by a three‑fourths vote of the total membership of the convention, except the office of state Senator and of member of the House of Representatives. The nomination of the party’s candidates for the office of the state Senator and of member of the House of Representatives must be made in the manner determined by the state committee. If a party determines that nomination for the office of state Senator and of member of the House of Representatives must be by convention, these nominations must be made by the state convention. No convention shall make nominations for one or more offices at the convention and order primaries for other offices to be filled during the same election year. Conventions for political parties not nominating candidates in primaries may be called by state and county committees on other dates than those given in this title for conventions after three weeks’ published notices of the calls. Any political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.~~

(A) A party may choose to nominate candidates for all offices, including but not limited to Governor, Lieutenant Governor, United States Senator, United States House of Representatives, circuit solicitor, state Senator, and members of the state House of Representatives if:

(1) there is a three‑fourths vote of the total membership of the convention to use the convention nomination process; and

(2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.

(B) A party may not choose to nominate by party convention for an election cycle in which the filing period for candidates has begun.

(C) A political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the time for certifying candidates to the authority charged by law with preparing ballots for the general or special election.”

SECTION 4. Section 7-11-210 of the 1976 Code is amended to read:

“Section 7-11-210. Every candidate for selection as a nominee of any political party for any state office, United States Senator, member of Congress, or solicitor, to be voted for in any party primary election or political party convention, shall file with and place in the possession of the ~~treasurer of the state committee~~ appropriate election commission, pursuant to Section 7-11-15 by twelve o’clock noon on March thirtieth a ~~notice or~~ party pledge in the following form, the blanks being properly filled in and the ~~notice or~~ party pledge signed by the candidate: ‘I hereby file my notice as a candidate for the nomination as \_\_\_\_\_\_\_\_\_\_ in the primary election or convention to be held on \_\_\_\_\_\_\_\_\_\_. I affiliate with the \_\_\_\_\_\_\_\_\_\_ Party, and I hereby pledge myself to abide by the results of the primary or convention. I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write-in candidate for this office or any other office for which the party has a nominee. I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election. I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office’.

Every candidate for selection in a primary election as the nominee of any political party for member of the Senate, member of the House of Representatives, and all county and township offices shall file with and place in the possession of the county ~~chairman~~ election commission of the county in which they reside ~~or other officer as may be named by the county committee of the county in which they reside~~ by twelve o’clock noon on March thirtieth a like ~~notice and~~ party pledge.

The ~~notice of candidacy~~ party pledge required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and the signature of the candidate must be signed in the presence of ~~the county chairman~~ ~~or other officer as may be named by the county committee with whom the candidate is filing, or a candidate must have his signature on the notice of the candidacy acknowledged and certified by any officer authorized to administer an oath~~ an individual authorized by the election commission director. Any ~~notice of candidacy~~ party pledge of any candidate signed by an agent in behalf of a candidate shall not be valid.

In the event that a person who was defeated as a candidate for nomination to an office in a party’s primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the state chairman of the party which held the primary (if the office involved is one voted for in the general election by the electors of more than one county), or the county chairman of the party which held the primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining the person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of these facts to issue an order.”

SECTION 5. Section 7-13-40 of the 1976 Code is amended to read:

“Section 7-13-40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county election commissions on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county election commission, whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on April ~~ninth~~ fifth, or if April ~~ninth~~ fifth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. ~~Political parties must not accept the filing of~~ A political party must not certify any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate ~~desires to file~~ has filed, and such candidate’s name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.”

SECTION 6. Section 7-13-45 of the 1976 Code is amended to read:

“Section 7-13-45. (A) In every general election year, the ~~county chairman~~ executive director of the State Election Commission and the director of each county election commission shall:

~~(1)~~ ~~designate a specified place other than a private residence where~~ ~~persons may file a statement of intention of candidacy;~~

~~(2)~~ ~~designate a specified place other than a private residence where persons may file as candidates;~~

~~(3)~~(1) establish regular hours of not less than four hours a day during the final seventy-two hours of the filing period in which ~~he~~ the director or some person he designates must be present ~~at the designated place~~ to accept filings as required by Section 7-11-15;

~~(4)~~(2) place an advertisement to appear two weeks before the filing period begins in a newspaper of general circulation in the county at least five by seven inches in size that notifies the public of the dates of the filing periods, the offices which may be filed for, the place and street address where filings may be made, and the hours that an authorized person will be present to receive filings.”

SECTION 7. Section 8-13-365 of the 1976 Code is amended to read:

“Section 8-13-365. ~~(A)~~ The commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8, and Chapter 17, Title 2 ~~from all persons and entities subject to its jurisdiction~~ except for forms and reports required pursuant to Article 9, Chapter 13, Title 8. These disclosures and reports must be filed using an Internet-based filing system as prescribed by the commission. ~~Reports and disclosures filed with the Ethics Committees of the Senate and House of Representatives for legislative offices must be in a format such that these filings can be forwarded to the State Ethics Commission using an Internet-based system~~. The information contained in the reports and disclosure forms, with the exception of social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable.

~~(B)~~ ~~The Ethics Commission must submit to the General Assembly a report no later than one year after implementation of subsection (A), concerning the effectiveness of mandatory electronic filing, and must make recommendations as to the implementation of mandatory filing for all other candidates and entities.~~”

SECTION 8. Section 8-13-1140 of the 1976 Code is amended to read:

“Section 8-13-1140. A person required to file a statement of economic interests under this chapter shall annually file, pursuant to Section 8-13-365, an updated statement for the previous calendar year ~~with the appropriate supervisory office~~ ~~annually~~, no later than ~~April fifteenth~~ noon on March thirtieth of each calendar year~~, listing any addition, deletion, or change in his economic status with respect to which information is required to be supplied under this article~~. If the person has filed the description by name, amount, and schedule of payments of a continuing arrangement relating to an item required to be reported under this article, an updating statement need not be filed for each payment under the continuing arrangement, but only if the arrangement is terminated or altered.”

SECTION 9. Section 8-13-1356 of the 1976 Code is amended to read:

“Section 8-13-1356. (A) ~~This section does not apply to a public official who has a current disclosure statement on file with the appropriate supervisory office pursuant to Sections 8-13-1110 or 8-13-1140.~~

~~(B)~~A person who becomes a candidate by filing a statement of intention of candidacy seeking nomination by political party primary or political party convention must electronically file a statement of economic interests for the preceding calendar year ~~at the same time and with the same official with whom the candidate files~~ pursuant to Section 8-13-365 prior to the close of filing for the particular office ~~a~~ ~~declaration of candidacy~~ ~~or petition for nomination~~.

(B) A person who becomes a candidate by filing a petition for nomination must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8-13-365 within fifteen days of submitting the petition pursuant to Section 7-11-70 or 7-11-71.

(C) A person who becomes a write-in candidate must electronically file a statement of economic interests for the preceding calendar year within twenty-four hours of filing an initial campaign finance report pursuant to Section 8-13-1308(A) or before taking the oath of office, whichever occurs earlier.

~~(C)~~ ~~The official with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after candidacy books close, must file a copy of the statement with the appropriate supervisory office.~~

~~(D)~~ ~~An individual who becomes a candidate other than by filing must, no later than fifteen business days after becoming a candidate, file a statement of economic interests for the preceding calendar year with the appropriate supervisory office~~.

~~(E)~~ ~~An officer authorized to receive declarations of candidacy and petitions for nominations under the provisions of Chapter 11 of Title 7 may not accept a declaration of candidacy or petition for nomination unless the declaration or petition is accompanied by a statement of economic interests. If the candidate’s name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election.~~

~~(F)~~ ~~If the candidate files for office before January first of the year in which the election is held, he must file a supplementary statement covering the preceding calendar year no later than April first of the year in which the election is held.~~

~~(G)~~(D) A candidate who is not a public official otherwise filing a statement has the same disclosure requirements as a public official with the exception of reporting gifts.

~~(H)~~ ~~The State Ethics Commission must furnish to each clerk of court in the State forms on which the statement of economic interests shall be filed.~~

(E) The appropriate supervisory office shall access a civil penalty pursuant to Section 8-13-1510 against a candidate who fails to timely file a statement of economic interests as required by this section.”

SECTION 10. Section 7‑11‑220 of the 1976 Code is repealed.

SECTION 11. In order to educate various parties regarding the provisions contained in this act, the following notifications must be made:

(1) The State Election Commission must notify each county election commission of the provisions of this act.

(2) The State Election Commission must post the provisions of this act on its website.

(3) Each state party executive committee must notify their respective county executive parties of the provisions of this act.

SECTION 12. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 13. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. /

Amend title to conform.

/s/Sen. George E. Campsen III /s/Rep. F. Gregory Delleney, Jr.

/s/Sen. John L. Scott, Jr. /s/Rep. Alan D. Clemmons

/s/Sen. Paul Thurmond /s/Rep. J. David Weeks

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

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

The House returned the Bill with amendments.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order under Rule 24A that the House amendments were out of order inasmuch as they were not germane to the Bill.

The PRESIDENT overruled the Point of Order.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order under Rule 32C that the House amendments contained matter that was not germane to the Bill and, therefore, the Bill should be referred to the Committee on Labor, Commerce and Industry.

The PRESIDENT overruled the Point of Order.

Senator PEELER spoke on the Bill.

Senator ALEXANDER spoke on the Bill.

Senator MALLOY spoke on the Bill.

Senator PEELER moved to carry over the Bill.

Senator MALLOY moved to table the motion to carry over.

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

**Ayes 14; Nays 26**

**AYES**

Allen Hutto Jackson

Johnson Malloy Matthews

McElveen McGill Nicholson

Pinckney Reese Scott

Setzler Williams

**Total--14**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

The Senate refused to table the motion to carry over. The question then was the motion to carry over.

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

**Ayes 29; Nays 14**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Leatherman

*Martin, Larry Martin, Shane* Massey

Peeler Rankin Shealy

Sheheen Thurmond Turner

Verdin Young

**Total--29**

**NAYS**

Allen Hutto Jackson

Johnson Malloy Matthews

McElveen McGill Nicholson

Pinckney Reese Scott

Setzler Williams

**Total--14**

The Bill was carried over.

**CARRIED OVER**

S. 127 -- Senators Alexander and Ford: A BILL TO AMEND CHAPTER 38, TITLE 44 OF THE 1976 CODE, RELATING TO HEAD AND SPINAL CORD INJURIES, BY ADDING ARTICLE 6 TO CREATE THE SOUTH CAROLINA BRAIN INJURY LEADERSHIP COUNCIL, TO PROVIDE FOR THE RESPONSIBILITIES AND DUTIES OF THE COUNCIL, TO PROVIDE FOR THE COMPOSITION AND APPOINTMENT OF THE COUNCIL, AND TO PROVIDE FOR THE POWERS AND AUTHORITY OF THE COUNCIL.

The House returned the Bill with amendments.

Senator PEELER moved to carry over the Bill.

Senator MALLOY moved to table the motion to carry over.

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

**Ayes 15; Nays 28**

**AYES**

Allen Coleman Hutto

Jackson Johnson Malloy

Matthews McElveen McGill

Nicholson Pinckney Reese

Scott Setzler Williams

**Total--15**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Leatherman *Martin, Larry*

*Martin, Shane* Massey Peeler

Rankin Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--28**

The Senate refused to table the motion to carry over. The question then was the motion to carry over.

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

**Ayes 29; Nays 12**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Leatherman

*Martin, Larry Martin, Shane* Massey

Peeler Rankin Shealy

Sheheen Thurmond Turner

Verdin Young

**Total--29**

**NAYS**

Allen Johnson Malloy

Matthews McElveen McGill

Nicholson Pinckney Reese

Scott Setzler Williams

**Total--12**

The Bill was carried over.

**CARRIED OVER**

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

The House returned the Bill with amendments.

Senator PEELER moved to carry over the Bill.

Senator NICHOLSON moved to table the motion to carry over.

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

**Ayes 13; Nays 27**

**AYES**

Allen Coleman Hutto

Johnson Malloy Matthews

McGill Nicholson Pinckney

Reese Scott Setzler

Williams

**Total--13**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hembree

*Martin, Larry Martin, Shane* Massey

McElveen Peeler Rankin

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--27**

The Senate refused to table the motion to carry over. The question then was the motion to carry over.

The Bill was carried over.

**CARRIED OVER**

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

The House returned the Bill with amendments.

Senator PEELER moved to carry over the Bill.

Senator MATTHEWS moved to table the motion to carry over.

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

**Ayes 15; Nays 25**

**AYES**

Allen Bryant Coleman

Hutto Jackson Johnson

Malloy Matthews McGill

Nicholson Pinckney Reese

Scott Setzler Williams

**Total--15**

**NAYS**

Alexander Bennett Bright

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey McElveen Peeler

Rankin Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--25**

The Senate refused to table the motion to carry over. The question then was the motion to carry over.

The Bill was carried over.

**CARRIED OVER**

S. 590 -- Senator Campsen: A BILL TO AMEND SECTION 50‑5‑1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR POSSESS MORE THAN ONE TARPON IN ANY ONE DAY OR A TARPON OF LESS THAN SEVENTY‑SEVEN INCHES IN FORK LENGTH.

The House returned the Bill with amendments.

Senator PEELER moved to carry over the Bill.

Senator MATTHEWS moved to table the motion to carry over.

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

**Ayes 13; Nays 25**

**AYES**

Allen Coleman Hutto

Jackson Johnson Matthews

McGill Nicholson Pinckney

Reese Scott Setzler

Williams

**Total--13**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Fair Grooms

Hayes Hembree *Martin, Larry*

*Martin, Shane* Massey McElveen

Peeler Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--25**

The Senate refused to table the motion to carry over. The question then was the motion to carry over.

The Bill was carried over.

**NONCONCURRENCE**

H. 3710 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The House returned the Bill with amendments.

On motion of Senator LEATHERMAN, with unanimous consent, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**NONCONCURRENCE**

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.

The House returned the Joint Resolution with amendments.

On motion of Senator LEATHERMAN, with unanimous consent, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

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

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

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.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 1 (JUD3945.078) proposed by Senators CAMPSEN, MALLOY, HUTTO and MASSEY and printed in the Journal of June 4, 2013.

Senator CAMPSEN explained the amendment.

**ACTING PRESIDENT PRESIDES**

At 6:22 P.M., Senator LARRY MARTIN assumed the Chair.

Senator CAMPSEN explained the amendment.

Senator RANKIN spoke on the amendment.

**Remarks by Senator RANKIN**

Thank you, Mr. PRESIDENT.

I just wanted to take a few minutes to kindly share with you my perspective on where we are, and to tip my hat to those who feel compelled to vote for this Bill. Y’all know my experience, my education and my profession as a lawyer. I was trained at the University of South Carolina Law School, and you have heard me invoke that perhaps in talking about this Bill.

I say this with the perspective that, we sitting as a full subcommittee or full committee, sit like jurors. We must decide if a burden of proof has been established, that there is something wrong, something that needs to be fixed, or that the subject, Bill or amendment we are asked to consider fixes what is broken. In a sense, you’ve got to prove it. Don’t just tell me. Prove to me that something is wrong or something is broken. This applies to me in what I am called to do as one member of this Senate on anything I am asked to vote on. The question becomes, “Is it broken?” And, does what I am being asked to support fix or address what is broken?

We are told we have a crisis. I am using that term though it has probably not been stated by the main proponent of this Bill, but by those championing this Bill. Effectively, we are told we are on the cusp of dramatic reform, the likes of which if we fail to embrace this, will set our State back.

There was great work done by the commission assembled to take a look at this reform -- Attorneys General Medlock and McMaster, great work. I am sure you all have heard and read the report. They liken this to a job creator, an enhancement for our State. Selfishly we are told it will enhance our self esteem, because the public does not trust us.

I quipped with them, especially Attorney General McMaster, particularly at the initial presentation. If he is listening, I hope he is not offended. I like the way he sold it, as the next best thing to penicillin -- to the likes that cancer would be removed and the skies would be bluer if we pass this reform. He went on to say this is good for South Carolina. We have to do it. If we don’t, we will be held in low regard by the industry and by those who selfishly look at people like us as corrupt, distrustful, and out for myself.

The subcommittee got its work done, and got through the marathon full Judiciary Committee meeting, chaired by the Senator from Pickens, Senator LARRY MARTIN. Some strange things came in the wee hours of that effort. Ultimately, those with different backgrounds, and perhaps different perspectives, all said this is what we need.

My question to you as a juror is, “Is it broken?” Is it? Or has it been affected? What has happened since all of this broke out -- again Senator from Richland talked about the impetus of this. Has it been fixed? I would suggest to you that the real fix has been affected. In December, the House did what they should have done a long time ago and created an exact model for their committee. Between December and January they adopted rules for their committee do what our committee does.

I don’t have to remind everyone of the history. Again, we know why we are here. We know what was broken. Is the effort perhaps gubernatorial politics or is it the desire to have better, cleaner, and more transparent government with Rules that apply to everyone? With Rules that keep me from making my constituents think that I am in this for personal gain? Rule 4.16 in the House created a bipartisan committee that copied our Rule.

Senator from York, Senator WES HAYES, was the Chairman of Ethics when we changed our Rule, which made us able to do what we did last week. So is the system broken in the Senate? I think last week’s hearing is the perfect and best evidence to say to you, “No.” The Senate does not take care of their own. The Senate provided full disclosure, full eyes for anyone that wanted to see it in person, to watch it stream live on ETV, or read the complaint filed, answers received and every bit of evidence that will be made available tomorrow for all to see. We did it right.

Some have said, “Oh, we have been taken off the hook because there was a resignation.” Folks, had there not been a resignation, you would be sitting here as jurors of a member in which there was overwhelming, compelling, and competent evidence that violations had occurred. Does the Senate protect its own? I am looking to my right, at the Senators from Orangeburg and from Richland. You have heard the pain they had to endure. It wasn’t just a personal history they shared. I served with the Senator from Charleston for twenty years until last Friday. We all had a relationship here. But did that relationship skew their charge to do what had to justly be done?

“Love and mercy walk with thy God,” from Micah 6:8. I use it all of time. Last Thursday and Friday we held a member of this Senate to the standard that we weren’t going to take care of our own, or take us off the hard task of holding him in judgment. We did it, so now is the Senate broken? No. Is the House broken? I’m not a member over there. You can read the paper. You can see what allegations have been bandied about the paper. They have had a tough task over there.

I wasn’t aware of this, but according to today’s paper, twenty-three years ago was the last time a sitting member of the House was the subject of an Ethics Committee investigation, that came after an indictment, not before. So again, the House governs its own. You might say in the past they swept things under the rug until they changed their Rule to model ours. Maybe the outcome in several of the issues brought before them would have been dramatically different had they had what they have now under the Rule -- an equally divided membership with the same power, authority, latitude, and discretion afforded to the sitting committee.

I am looking forward. I have listened to the conversation and argument at the subcommittee and full committee level. Again, not to undo the work of those who want to see Super PACS register in South Carolina, that want to see that folks are not profiting from their companies for their positions on issues. I want to see some of the changes we have in this Bill as well -- for example, the Public Integrity Unit. The Attorney General’s office has called it the number one desire to have. Which by the way as of this past week, if not this week, it will go forward with a memorandum of understanding.

There is nothing that precludes the collaboration of all agencies of South Carolina from doing what they have done and what they are going to do outside of this law. So what is it that we really can point to here that is broken? Super PACS, clearly. A number of us have had untold hundreds of thousands of dollars poured into campaigns against us. I fortunately have not been the subject of that, but I have an idea and know that it isn’t right. If you are going to spend the money and try to defeat someone, then be man enough to tell who you are. Clearly this ought to be changed. Clearly this is broken and we should fix it.

So do we scrap a system in this Senate that has worked, just to satisfy the whim of proponents who want a Bill so they can check it off on their campaign to say look what we have done? To give the Governor credit? I don’t blame her for wanting to move past this so she can rightly say she has been exonerated, that she did nothing wrong, and that this was her change. That this was her epiphany, her road to Damascus; an event that says not that I was guilty, but the perception was that I was, so we need change right now. If we don’t fix this, not only will I or any other elected officeholder be held in low regard, but it will affect how we conduct business in this State. Is that reason enough, folks, to scrap our system in this Senate? Is it reason enough to scrap what their House has done by Rule?

Maybe they can change it when the tides turn and the cameras go off, but folks, people are not talking to me in Horry County about ethics reform, but about infrastructure and education. They are not talking to me about how industry is not coming to Horry County or the NISA region because our politicians look to be in it for themselves. They aren’t talking about this. They want to talk about jobs. The Chamber of Commerce wants to talk about jobs.

What does this satisfy to you as a juror sitting in judgment of this proposal? What does it fix? That is the question to me. So I say, Senator from York, change, fix, put into law the definition of the super PACs. Make them register. Let’s pass the substantial expenditure language. With regard to the Public Integrity Unit, we don’t need to do it, but let’s do it. Regarding the disclosure requirement, the Senator from Charleston wanted to cure the blackout period. I don’t think we can do that, but there a lot of things we do need to fix it. Creating a panel made up of eight members; two appointed by the Governor of his or her party, two by the other party, two by -- I almost want to start singing the song of Noah, trampling in the park two by two. But to do what? Make people trust them because they don’t trust us? That is what we are doing. We are passing it on, looking holier than thou. Are there blood and sins in this Chamber we don’t cure and we don’t right? Ya’ll have to decide that.

Thank you.

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

**PRESIDENT PRESIDES**

At 7:03 P.M., the PRESIDENT assumed the Chair.

Senator RANKIN spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator MALLOY spoke on the amendment.

**Objection**

With Senator MALLOY retaining the floor, Senator HUTTO asked unanimous consent to make a motion to carry over H. 3945, take up for immediate consideration H. 3101, proceed to a consideration of Amendment No. 1C to H. 3101 proposed by Senator DAVIS, then proceed to a vote on second reading on H. 3101, carrying over all remaining amendments to third reading.

Senator MASSEY objected.

Senator MALLOY spoke on the amendment.

**Objection**

Senator CROMER asked unanimous consent to make a motion, to give H. 3945 a second reading and to carry over all amendments to third reading.

Senator WILLIAMS objected.

**Objection**

Senator SHANE MARTIN asked unanimous consent to make a motion, to give H. 3945 and H. 3101 a second reading and to carry over all amendments to third reading.

Senator WILLIAMS objected.

Senator MALLOY made the motion to carry over H. 3945.

Senator LARRY MARTIN moved to lay the the motion to carry over H. 3945 on the table.

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

**Ayes 15; Nays 27**

**AYES**

Alexander Campbell Campsen

Courson Cromer Gregory

Hembree *Martin, Larry* Massey

Peeler Shealy Sheheen

Thurmond Turner Young

**Total--15**

**NAYS**

Allen Bennett Bright

Bryant Cleary Coleman

Corbin Davis Grooms

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Shane* Matthews McElveen

McGill Nicholson Pinckney

Rankin Reese Scott

Setzler Verdin Williams

**Total--27**

The Senate refused to table the motion to carry over. The question then was the motion to carry over.

At 9:08 P.M., Senator MASSEY moved that the Senate stand adjourned.

**Point of Order**

Senator MALLOY raised a Point of Order that the Senator was not at his seat when the motion was made.

The PRESIDENT sustained the Point of Order.

At 9:09 P.M., Senator COURSON moved that the Senate stand adjourned.

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

**Ayes 23; Nays 19**

**AYES**

Alexander Bennett Coleman

Courson Gregory Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Reese

Scott Williams

**Total--23**

**NAYS**

Allen Bright Bryant

Campbell Campsen Cleary

Corbin Cromer Davis

Grooms Malloy *Martin, Shane*

Rankin Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--19**

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Lt. Luther Conway “Skip” Shelton, Jr., USAAC, of Greenwood, S.C., beloved husband of Shirley Langley Shelton and devoted father and doting grandfather. Lt. Shelton was the chief pilot for Milliken Mills and Spartan Mills in 1956. He was a pilot for Stevens Aviation, U.S. Shelter Corp. and Greenwood Mills until his retirement in 1999, to become a full-time artist, opening the Skip Shelton Art Studio where he taught art to many students.

**ADJOURNMENT**

At 9:09 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 10:00 A .M.

\* \* \*