**Wednesday, March 28, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Isaiah calls on us to remember:

“...O Lord, you are our Father; we are the clay, and you are the potter; we are all the work of your hand.” (Isaiah 64:8)

Let us pray:

Dear God, today we ask that You guide each of us and our staff members as they seek to mold a South Carolina that will be more finely crafted than ever. Give them a vision of what is best for all of our people, not only for a few. And may the benefits these leaders fashion enrich our State for decades to come. Moreover, continue to provide Your blessing upon our women and men in uniform; may they know of Your unfailing care for them¸ always. And in all things, dear God, may the glory for all that is good be ultimately Yours. This we pray in Your loving name, Lord.

Amen.

**Point of Quorum**

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

**Call of the Senate**

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

Alexander Bright Bryant

Campsen Coleman Courson

Davis Gregory Hayes

Knotts Land Leatherman

*Martin, Larry Martin, Shane* Matthews

Nicholson Peeler Rankin

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators CAMPBELL, GROOMS, MASSEY, McGILL, PINCKNEY, ELLIOTT, O’DELL, HUTTO, CLEARY, MALLOY, LOURIE and FORD recorded their presence subsequent to the Call of the Senate.

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

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4181

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

SUBJECT: Certification of Need for Health Facilities and Services

Received by Lieutenant Governor June 1, 2011

Referred to Medical Affairs Committee

Legislative Review Expiration May 7, 2012

Withdrawn and Resubmitted March 31, 2012

**Doctor of the Day**

Senators REESE and BRYANT introduced Dr. John Burrell of Anderson, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRIGHT, at 2:05 P.M., Senator VERDIN was granted a leave of absence from 2:00 - 3:30 P.M.

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator REESE rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 447 Sen. Campbell

S. 836 Sens. Larry Martin and Alexander

S. 1345 Sen. Larry Martin

S. 1376 Sens. Campbell and Land

**Motion to Ratify Adopted**

At 3:04 P.M., Senator COURSON asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at 11:30 A.M. on Thursday, March 29, 2012.

There was no objection and a message was sent to the House accordingly.

**Presentation**

On motion of Senator HAYES, and on behalf of the entire Senate, congratulations and appreciation were extended to the Honorable DAVID THOMAS, our colleague and friend, in recognition of his leadership, dedication and hard work on the tenth anniversary of the founding of Palmetto Pride, an organization dedicated to keeping our State litter-free and beautiful.

**RECALLED**

H. 4983 -- Reps. Pope, King, Norman, Simrill, Delleney, Long and D.C. Moss: A BILL TO AMEND SECTION 50‑11‑870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BIRD SANCTUARIES AND THE USE OF FIREARMS WITHIN THEIR BORDERS, SO AS TO REVISE THE BOUNDARIES OF CERTAIN BIRD SANCTUARIES IN YORK COUNTY.

Senator HAYES asked unanimous consent to make a motion to recall the Bill from the Committee on Fish, Game and Forestry.

The Bill was recalled from the Committee on Fish, Game and Forestry and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND COMMITTED**

H. 3256 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE LANDING AT BUCKINGHAM OFF FOUNDING ISLAND ROAD IN BEAUFORT COUNTY “WILLIAM F. MARSCHER II MEMORIAL LANDING” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LANDING THAT CONTAIN THE WORDS “WILLIAM F. MARSCHER II MEMORIAL LANDING”.

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

The Concurrent Resolution was recalled from the Committee on Transportation.

On motion of Senator GROOMS, with unanimous consent, the Concurrent Resolution was committed to the Committee on Fish, Game and Forestry.

**RECALLED**

H. 4689 -- Reps. Hiott, Skelton, Owens, Hixon, Loftis, Hodges, Knight, Dillard, Erickson, Crawford, Clyburn and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑143 SO AS TO PROVIDE HEALTH AND SANITARY REQUIREMENTS FOR HOME BASED FOOD PRODUCTION OPERATIONS, INCLUDING PROCEDURES FOR PROTECTING FOOD ITEMS PREPARED FOR SALE BY THESE OPERATIONS, AND FOOD ITEM PACKAGING AND LABELING REQUIREMENTS; TO PROVIDE THAT THESE OPERATIONS MAY NOT SELL FOOD ITEMS AT WHOLESALE; TO PROVIDE THAT THESE OPERATIONS ARE NOT RETAIL FOOD ESTABLISHMENTS; AND TO PROVIDE A PROCESS WHEREBY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY INVESTIGATE COMPLAINTS.

Senator MASSEY asked unanimous consent to make a motion to recall the Bill from the Committee on Medical Affairs.

The Bill was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1378 -- Senators Nicholson and O'Dell: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE LANDER UNIVERSITY WOMEN’S BASKETBALL TEAM FOR A HIGHLY SUCCESSFUL SEASON AND TO COMMEND ITS OUTSTANDING PLAYERS AND COACHES FOR EARNING A BERTH IN THE ELITE 8 OF THE 2012 NCAA DIVISION II TOURNAMENT.

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The Senate Resolution was adopted.

S. 1379 -- Senator L. Martin: A SENATE RESOLUTION TO CONGRATULATE MR. DALE A. HAMPTON UPON HIS RETIREMENT FROM THE FORT HILL NATURAL GAS AUTHORITY AND TO WISH HIM ALL THE BEST IN HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1380 -- Senators Matthews, Courson, Setzler, Hayes, Scott, Williams, Nicholson, Anderson and Jackson: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO, AMONG OTHER PROVISIONS, ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT, AND TO REVISE VARIOUS OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS.

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

S. 1381 -- Senator Massey: A BILL TO AMEND SECTION 61-6-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IN A COUNTY OR MUNICIPALITY UPON A FAVORABLE REFERENDUM VOTE, SO AS TO FURTHER PROVIDE FOR THOSE ELECTIONS WHICH CONSTITUTE GENERAL ELECTIONS FOR PURPOSES OF THE REFERENDUMS REQUIRED UNDER THIS SECTION.

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

S. 1382 -- Senator Reese: A BILL TO AMEND CHAPTER 1, TITLE 26, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTARIES PUBLIC, SO AS TO PROVIDE FOR DEFINITIONS, QUALIFICATIONS FOR A NOTARIAL COMMISSION, SPECIFIC POWERS AND LIMITS ON POWERS OF A NOTARY, DISCLOSURE BY A NONATTORNEY NOTARY AND PROHIBITION OF A NONATTORNEY NOTARY ACTING IN THE UNAUTHORIZED PRACTICE OF LAW, PROHIBITION OF A NOTARY EXECUTING A CERTIFICATE IN A LANGUAGE OTHER THAN ENGLISH, CHARGING OF SPECIFIC FEES FOR SPECIFIC NOTARIAL ACTS, REQUIRED CIRCUMSTANCES UNDER WHICH A NOTARIAL CERTIFICATE MAY BE MADE OR GIVEN BY A NOTARY, MAINTENANCE OF A JOURNAL OF THE NOTARY’S NOTARIAL ACTS, FORMS AND PROCESSES FOR REPORTING CHANGES IN A NOTARY’S STATUS, PROHIBITION OF CERTAIN ACTS BY A NOTARY AND CRIMINAL AND ADMINISTRATIVE PENALTIES FOR A VIOLATION; AND PROCEDURES FOR THE ISSUANCE OF A CERTIFICATE OF AUTHORITY OR APOSTILLE BY THE SECRETARY OF STATE.

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

S. 1383 -- Senators McGill and O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-19-220 SO AS TO REQUIRE A CRIMINAL BACKGROUND CHECK FOR LICENSURE TO PRACTICE FUNERAL SERVICES, AND TO MAKE A CRIMINAL BACKGROUND CHECK OPTIONAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION WHEN CONDUCTING AN INVESTIGATION IN CONNECTION WITH A DISCIPLINARY PROCEEDING AGAINST A PERSON LICENSED TO CONDUCT FUNERAL SERVICES; BY ADDING SECTION 40-19-267 SO AS TO REQUIRE A POSITIVE IDENTIFICATION OF A BODY BEFORE THE BODY MAY BE CREMATED, AND TO SPECIFY BY WHAT MEANS THIS POSITIVE IDENTIFICATION MAY BE MADE; TO AMEND SECTION 40-19-20, RELATING TO DEFINITIONS RELEVANT TO THE LICENSURE OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO DEFINE ADDITIONAL TERMS; TO AMEND SECTION 40-19-200, RELATING TO PENALTIES FOR A VIOLATION, SO AS TO ELIMINATE A CRIMINAL PENALTY AND INCREASE THE MAXIMUM FINE; TO AMEND SECTION 40-19-235, RELATING TO LICENSURE REQUIREMENTS OF AN APPLICANT FOR LICENSURE AS AN EMBALMER OR FUNERAL DIRECTOR WHO HOLDS A VALID LICENSE FROM ANOTHER STATE, SO AS TO ALTER THE EXAMINATION REQUIREMENTS; TO AMEND SECTION 40-19-240, RELATING TO THE CERTIFICATION OF AN APPRENTICE AS AN EMBALMER OR FUNERAL DIRECTOR, SO AS TO ALTER THE REQUIREMENTS FOR EMPLOYMENT STATUS AND WORK REPORTING REQUIREMENTS, TO REQUIRE SPECIFIC TASKS TO MEET THE MANDATORY CASE WORK REQUIREMENTS, AND TO REQUIRE THE PRESENCE OF AN APPRENTICE BY A PRECEPTOR ON THE PREMISES WHERE AN APPRENTICE IS CONDUCTING AN EMBALMING OR FUNERAL SERVICE WHEN HE PERFORMS THOSE SERVICES; TO AMEND SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO INCREASE THE ANNUAL REQUIREMENT OF CONTINUING EDUCATION HOURS, TO IMPOSE A MAINTENANCE OF RECORDS OF HOURS COMPLETED, AND TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE MAY RANDOMLY AUDIT THESE RECORDS; AND TO AMEND SECTION 40-19-265, RELATING TO PERMIT REQUIREMENTS FOR FUNERAL HOMES, SO AS TO PROVIDE A CREMATORY MUST MAINTAIN ADEQUATE REFRIGERATION FOR THE RETENTION OF BODIES.

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

S. 1384 -- Senator Hayes: A BILL TO AMEND ACT 469 OF 2000, AS AMENDED, RELATING TO YORK COUNTY SCHOOL DISTRICT 1, SO AS TO REAPPORTION THE FIVE SPECIFIC ELECTION DISTRICTS FROM WHICH CERTAIN MEMBERS OF THE GOVERNING BODY OF THE YORK COUNTY SCHOOL DISTRICT 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS, AND MAKE NECESSARY CONFORMING CHANGES.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1385 -- Senators Jackson, Pinckney, Malloy, Williams and Scott: A SENATE RESOLUTION TO HONOR DR. PAMELA M. WILSON ON THE OCCASION OF HER INAUGURATION AS THE TWENTY-FOURTH PRESIDENT OF ALLEN UNIVERSITY.

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The Senate Resolution was adopted.

S. 1386 -- Senators Cleary and Grooms: A JOINT RESOLUTION TO PROVIDE FOR THE TRANSITION OF MEMBERSHIP ON THE DEPARTMENT OF TRANSPORTATION COMMISSION REGARDING THE ADDITION OF THE SEVENTH CONGRESSIONAL DISTRICT, AND TO PROVIDE FOR NOTICE OF VACANCIES ON THE COMMISSION.

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Senator GROOMS spoke on the Resolution.

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

S. 1387 -- Senator Hutto: A SENATE RESOLUTION TO CONGRATULATE ELWOOD J. LACKEY OF ORANGEBURG COUNTY ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED GOOD HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 1388 -- Senator Cleary: A BILL TO AMEND SECTION 44-7-150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IN THE ADMINISTRATION OF THE CERTIFICATE OF NEED (CON) PROGRAM, INCLUDING THE ASSESSMENT AND COLLECTION OF FEES, SO AS TO ESTABLISH CON APPLICATION, FILING, AND ISSUANCE FEES.

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Read the first time and referred to the Committee on Medical Affairs.

S. 1389 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE C. EARL HUNTER, FORMER COMMISSIONER OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR THIRTY-TWO YEARS OF DEDICATED SERVICE TO THE CITIZENS OF THIS GREAT STATE, AND TO WISH HIM CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 4494 -- Reps. Huggins, Long, Pitts, G. R. Smith and Bedingfield: A BILL TO AMEND SECTION 23-31-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASE OF RIFLES OR SHOTGUNS IN CONTIGUOUS STATES, SO AS TO REMOVE THE REQUIREMENT THAT THE PURCHASE BE MADE FROM A CONTIGUOUS STATE.

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

H. 4572 -- Rep. Rutherford: A BILL TO AMEND SECTION 38-53-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SURETY RELIEVED ON BOND AND SURRENDER OF A DEFENDANT, SO AS TO DELETE LANGUAGE PROVIDING A PROCEDURE THROUGH WHICH A SURETY MAY BE RELIEVED OF LIABILITY FOR A BAIL BOND UPON FILING OF AN AFFIDAVIT STATING CERTAIN INFORMATION WHEN THE DEFENDANT IS INCARCERATED BY THE SURETY OR A LAW ENFORCEMENT AGENCY AS A RESULT OF A BENCH WARRANT.

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

H. 4786 -- Reps. Sandifer and D. C. Moss: A BILL TO AMEND SECTION 41-35-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, SO AS TO EXTEND CERTAIN PROVISIONS OF THIS SECTION TO SERVICES PROVIDED BY AN INSTITUTION FOR AN EDUCATIONAL INSTITUTION WHILE EMPLOYED BY A PRIVATE EMPLOYER HOLDING A CONTRACTUAL RELATIONSHIP WITH THE EDUCATIONAL INSTITUTION.

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

H. 4915 -- Reps. McCoy, Harrell and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 19-11-50 RELATING TO THE PROHIBITION AGAINST THE TESTIMONY OF A DEFENDANT BEING USED AGAINST HIM IN ANOTHER CRIMINAL CASE.

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

H. 4919 -- Reps. McCoy, Harrell and Tallon: A BILL TO AMEND SECTION 16-3-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUNISHMENT AND SENTENCING FOR MURDER, SO AS TO PROVIDE FOR MANDATORY LIFE IMPRISONMENT WHEN THE STATE SEEKS A LIFE SENTENCE FOR A MURDER COMMITTED WITH CERTAIN OTHER DESIGNATED OFFENSES OR UNDER CERTAIN FURTHER DELINEATED CIRCUMSTANCES.

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

H. 4939 -- Reps. Quinn, Weeks and Rutherford: A BILL TO AMEND SECTION 61-6-1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS THE SOLE RESPONSIBILITY OF THE RETAIL DEALER.

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

H. 5041 -- Reps. White, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, 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, Tribble, Vick, Viers, Weeks, Whipper, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SENATOR DAVID L. THOMAS OF GREENVILLE FOR HIS LEADERSHIP IN FOUNDING PALMETTOPRIDE, THE DEDICATED LABORS OF WHICH HAVE HAD SUCH A REGENERATIVE AND BEAUTIFYING EFFECT ON SOUTH CAROLINA’S ROADWAYS, AND TO CONGRATULATE SENATOR THOMAS AND PALMETTOPRIDE ON THE ORGANIZATION'S TENTH ANNIVERSARY.

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

H. 5083 -- Rep. D. C. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SOUTH CAROLINA HIGHWAY PATROL SENIOR TROOPER ANTHONY B. FOX OF FLORENCE COUNTY, UPON BEING NAMED THE 2012 TROOP FIVE TROOPER OF THE YEAR, AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

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

H. 5091 -- Reps. G. R. Smith, Allen, Bannister, Bedingfield, Bikas, Corbin, Dillard, Hamilton, Henderson, Loftis, Nanney, Stringer and Willis: A CONCURRENT RESOLUTION TO RECOGNIZE HABITAT FOR HUMANITY OF GREENVILLE COUNTY ON THE CONSTRUCTION OF ITS THREE HUNDREDTH HOME, AND TO HONOR THE ORGANIZATION FOR CONTINUING TO FOSTER STRONGER FAMILIES AND NEIGHBORHOODS IN GREENVILLE COUNTY.

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

H. 5096 -- Rep. Barfield: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF HIS HOLINESS POPE SHENOUDA III OF ALEXANDRIA, EGYPT, AND TO EXTEND THE DEEPEST SYMPATHY TO THE COPTIC ORTHODOX CHURCH OF ALEXANDRIA.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 148 -- Senators Campsen, Rose, Verdin, McConnell and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “HOME INVASION PROTECTION ACT”, BY ADDING SECTION 16‑11‑320 TO ESTABLISH THE OFFENSE OF HOME INVASION, AND TO PROVIDE A PENALTY; TO AMEND SECTION 16‑1‑60, AS AMENDED, RELATING TO VIOLENT OFFENSES, SO AS TO INCLUDE HOME INVASION; AND TO AMEND SECTION 16‑3‑20, AS AMENDED, RELATING TO THE PUNISHMENT FOR MURDER, SO AS TO INCLUDE AS A SEPARATE STATUTORY AGGRAVATING CIRCUMSTANCE WHICH MAY BE CONSIDERED IN THE DETERMINATION OF WHETHER THE DEATH PENALTY SHOULD BE IMPOSED, A MURDER COMMITTED WHILE IN THE COMMISSION OF THE OFFENSE OF HOME INVASION.

Ordered for consideration tomorrow.

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

S. 744 -- Senators L. Martin and Ford: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 16 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑605, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO IMPEDE THE NORMAL BREATHING OR BLOOD CIRCULATION OF ANOTHER PERSON WITHOUT CONSENT BY INTENTIONALLY APPLYING PRESSURE TO THE OTHER PERSON’S THROAT OR NECK OR OBSTRUCTING THE OTHER PERSON’S NOSE OR MOUTH; AND TO AMEND SECTION 16‑25‑65 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO PROVIDE THAT A PERSON WHO VIOLATES SECTION 16‑25‑20(A) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, IS GUILTY OF THE OFFENSE OF CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE WHEN THE PERSON COMMITS A VIOLATION OF SECTION 16‑3‑605.

Ordered for consideration tomorrow.

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

S. 1004 -- Senators Cromer and Ford: A BILL TO AMEND SECTION 16‑17‑445 OF THE 1976 CODE, RELATING TO THE REGULATION OF UNSOLICITED CONSUMER TELEPHONE CALLS, TO PROVIDE THAT TELEPHONE SOLICITORS MUST INCLUDE ACCURATE IDENTIFYING INFORMATION ON CALLER IDENTIFICATION DISPLAYS.

Ordered for consideration tomorrow.

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

S. 1167 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31‑6‑85 SO AS TO ALLOW A MUNICIPALITY AND ONE OR MORE TAXING DISTRICTS TO PROVIDE BY INTERGOVERNMENTAL AGREEMENT FOR PARTIAL OR MODIFIED PARTICIPATION IN A REDEVELOPMENT PROJECT; AND TO AMEND SECTION 31‑6‑80, SO AS TO CLARIFY AN AMENDMENT TO THE TAX INCREMENT FINANCING LAW.

Ordered for consideration tomorrow.

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

S. 1307 -- Senators Courson, Setzler, Matthews and Hayes: A BILL TO AMEND THE 1976 CODE, RELATING TO STATUTES CREATING CERTAIN EDUCATIONAL BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, TO AMEND SECTION 59‑7‑10, RELATING TO THE SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑47‑10, RELATING TO THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND BLIND BOARD OF COMMISSIONERS, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑48‑20, RELATING TO THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS BOARD OF TRUSTEES, TO ADD A BOARD MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO ELIMINATE THE SEAT HELD BY THE CHAIRMAN OF THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE STATE’S PUBLIC EDUCATION SYSTEM; TO AMEND SECTION 59‑50‑20, RELATING TO THE SOUTH CAROLINA GOVERNOR’S SCHOOL FOR ARTS AND HUMANITIES BOARD OF DIRECTORS, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑53‑10, RELATING TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, TO ADD A BOARD MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑103‑10, RELATING TO THE STATE COMMISSION ON HIGHER EDUCATION, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑123‑40, RELATING TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, TO ADD TWO MEMBERS TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑125‑20, RELATING TO THE WINTHROP UNIVERSITY BOARD OF TRUSTEES, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑125‑30, TO DESIGNATE THE SEAT NUMBER FOR THE NEWLY ESTABLISHED BOARD MEMBER FROM THE SEVENTH CONGRESSIONAL DISTRICT FOR THE WINTHROP UNIVERSITY BOARD OF TRUSTEES AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑127‑20, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT, TO REMOVE AN AT-LARGE MEMBER, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑130‑10, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, TO ADD TWO MEMBERS TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑133‑10, RELATING TO THE FRANCIS MARION COLLEGE BOARD OF TRUSTEES, TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT-LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑135‑10, RELATING TO THE LANDER UNIVERSITY BOARD OF TRUSTEES, TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT-LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑136‑110, RELATING TO THE COASTAL CAROLINA UNIVERSITY BOARD OF TRUSTEES, TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT-LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 60‑1‑10, RELATING TO THE SOUTH CAROLINA STATE LIBRARY BOARD, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT AND TO ELIMINATE ONE AT-LARGE SEAT; TO AMEND SECTION 60‑13‑10, TO INCREASE THE NUMBER OF COMMISSION MEMBERS FOR THE SOUTH CAROLINA MUSEUM COMMISSION, BY ADDING A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT; TO PROVIDE THAT ANY PERSON ELECTED OR APPOINTED TO SERVE, OR SERVING, AS A MEMBER OF ANY BOARD OR COMMISSION TO REPRESENT A CONGRESSIONAL DISTRICT, WHOSE RESIDENCY IS TRANSFERRED TO ANOTHER DISTRICT BY A CHANGE IN THE COMPOSITION OF THE DISTRICT, MAY CONTINUE TO SERVE THE TERM OF OFFICE FOR WHICH HE WAS ELECTED OR APPOINTED; TO PROVIDE THAT THE APPOINTING OR ELECTING AUTHORITY SHALL APPOINT OR ELECT AN ADDITIONAL MEMBER ON THAT BOARD OR COMMISSION FROM THE DISTRICT WHICH LOSES A RESIDENT MEMBER AS A RESULT OF THE TRANSFER TO SERVE UNTIL THE TERM OF THE TRANSFERRED MEMBER EXPIRES; AND TO REQUIRE THAT WHEN A VACANCY OCCURS IN THE DISTRICT TO WHICH A MEMBER HAS BEEN TRANSFERRED, THE VACANCY MUST NOT BE FILLED UNTIL THE FULL TERM OF THE TRANSFERRED MEMBER EXPIRES.

Ordered for consideration tomorrow.

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

H. 3508 -- Reps. Gambrell, Sandifer, Harrell, Erickson, Limehouse, Weeks, H.B. Brown, Agnew, Allison, Anthony, Bales, Bannister, Bedingfield, Bingham, Brady, Brannon, G.A. Brown, Cole, Crosby, Forrester, Hardwick, Harrison, Hayes, Hiott, Hixon, Horne, Lowe, Lucas, McCoy, D.C. Moss, Owens, Parker, Pinson, Pitts, Skelton, J.E. Smith, J.R. Smith, Sottile, Tallon, Vick, White, Taylor, Hamilton, Battle, Allen, Dillard, Alexander, Cooper, Mack and Bowen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO RETITLE ARTICLE 23, CHAPTER 9, TITLE 58, RELATING TO GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS AS “GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDERS”; BY ADDING SECTION 58‑9‑2660 SO AS TO PROVIDE A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER MAY PETITION THE PUBLIC SERVICE COMMISSION TO DESIGNATE ONE OR MORE AREAS AS AN “UNSERVED AREA”, TO SPECIFY THE PROCEDURE FOR MAKING AND PROTESTING THIS PETITION, TO PROVIDE FOR A HEARING OF A PROTEST TO A PETITION, TO PROVIDE FOR THE APPLICATION OF CERTAIN PROVISIONS OF LAW TO AN UNSERVED AREA, AND TO PROVIDE A PROCESS FOR PETITIONING FOR A DETERMINATION THAT AN AREA HAS CEASED TO BE AN UNSERVED AREA; TO AMEND SECTION 58‑9‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING TELEPHONE COMPANIES, SO AS TO MODIFY THE DEFINITION OF “BROADBAND SERVICE”; TO AMEND SECTION 58‑9‑2600, RELATING TO THE PURPOSE OF ARTICLE 23, CHAPTER 9, TITLE 58, SO AS TO MAKE CONFORMING CHANGES AND CLARIFY THE SCOPE OF THE ARTICLE; TO AMEND SECTION 58‑9‑2610, RELATING TO DEFINITIONS CONCERNING GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 58‑9‑2620, AS AMENDED, RELATING TO DUTIES, RESTRICTIONS, RATE COMPUTATIONS, AND ACCOUNTING REQUIREMENTS OF GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES, TO GIVE THE OFFICE OF REGULATORY STAFF JURISDICTION TO INVESTIGATE THE COMPLIANCE OF A GOVERNMENT‑OWNED COMMUNICATIONS PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, TO PROVIDE THE COMMISSION MAY ENFORCE THE COMPLIANCE OF A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, AND TO CLARIFY THAT THIS SECTION DOES NOT EXPAND OR LIMIT THE JURISDICTION OF THE COMMISSION OR OFFICE OF REGULATORY STAFF WITH RESPECT TO ANY SERVICE PROVIDER OTHER THAN A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER; TO AMEND SECTION 58‑9‑2630, RELATING TO CERTAIN TAX COLLECTIONS AND PAYMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 58‑9‑2650, AS AMENDED, RELATING TO LIABILITY INSURANCE RATES FOR COMMUNICATIONS OPERATIONS, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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

H. 4061 -- Rep. Harrison: A BILL TO AMEND SECTION 62‑2‑612, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROBATE PROCEEDINGS TO DETERMINE A DECEDENT’S INTENT REGARDING THE APPLICATION OF CERTAIN FEDERAL TAX FORMULAS, SO AS TO IMPOSE CERTAIN TIME LIMITS ON THE AVAILABILITY OF THESE PROCEEDINGS.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 1355 -- Senator Courson: A CONCURRENT RESOLUTION TO CONGRATULATE TRINITY EPISCOPAL CATHEDRAL OF COLUMBIA ON THE OCCASION OF THE CHURCH’S BICENTENNIAL CELEBRATION DURING 2012, AND TO EXTEND THE APPRECIATION OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR THE CHURCH’S SIGNIFICANT ROLE IN SHAPING THE LIVES OF SO MANY CITIZENS OF THIS GREAT STATE.

Returned with concurrence.

Received as information.

S. 1356 -- Senators Campbell, L. Martin, Knotts, Grooms and Ford: A CONCURRENT RESOLUTION TO URGE MEMBERS OF THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REAUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR AN ADDITIONAL FOUR YEARS; FAILURE TO DO SO WOULD CREATE AN ADVERSE IMPACT ON THE FUTURE ECONOMIC GROWTH OF SOUTH CAROLINA AND THE UNITED STATES OF AMERICA.

Returned with concurrence.

Received as information.

**Message from the House**

Columbia, S.C., March 28, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. J.M. Neal, Owens and Patrick to the Committee of Conference on the part of the House on:

H. 3241 -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59‑40‑175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59‑40‑20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59‑40‑40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59‑40‑190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59‑40‑230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59‑40‑130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator HAYES, with unanimous consent, Senators FAIR, MATTHEWS and HAYES were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

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

**THIRD READING BILLS**

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

S. 1367 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4271, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1368 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ADULT EDUCATION PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4199, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56‑5‑2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56‑5‑2930, 56‑5‑2935, OR 56‑5‑2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56‑5‑2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

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

Senator HUTTO proposed the following amendment (JUD0263.004), which was adopted:

Amend the committee report, as and if amended, page [263-1], by striking lines 28-42, and page [263-2], by striking lines 1-43, and inserting:

/ “Section 56‑5‑2905. A person who while driving a motor vehicle does any act forbidden by law in the driving of the motor vehicle, except a violation of Section 56‑5‑2930, Section 56‑5‑2935, or Section 56‑5‑2945, which proximately causes the death of another person, is guilty of the misdemeanor offense of vehicular homicide, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days. This section does not apply if the person who dies does any act forbidden by law while driving a motor vehicle or as a pedestrian which contributes to the person’s own death.” /

Amend the committee report further, as and if amended, page [263-3], by striking lines 3-18, and inserting:

/ “Section 56-5-2910. (A) When the death of a person ensues within three years as a proximate result of injury received by the driving of a vehicle in reckless disregard of the safety of others, the person operating the vehicle is guilty of reckless vehicular homicide. A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned not more than ten years, or both. The Department of Motor Vehicles ~~must~~ shall revoke for five years the driver’s license of a person convicted of reckless vehicular homicide. /

Amend the committee report further, as and if amended, page [263-4], by striking lines 17-28, and inserting:

/ “Section 56‑5‑2946. (A) Notwithstanding any other provision of law, a person must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol and drugs if:

(1) there is probable cause to believe that the person, while driving a motor vehicle, did any act forbidden by law in the driving of the motor vehicle and while so driving caused a motor vehicle incident resulting in the death of another person; or

(2) there is probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the perfecting amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0263.001), which was adopted:

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

/ SECTION 1. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2905. (A) A person who while driving a motor vehicle does any act forbidden by law in the driving of the motor vehicle, except a violation of Section 56‑5‑2930, Section 56‑5‑2935, or Section 56‑5‑2945, which unintentionally and proximately causes the death of another person, is guilty of the misdemeanor offense of vehicular homicide, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(B) This section does not apply if the person who dies does any act forbidden by law while driving a motor vehicle or as a pedestrian which contributes to the person’s own death.

(C)(1) The Department of Motor Vehicles shall suspend the driver’s license of a person who is convicted of, or pleads guilty or nolo contendere to, vehicular homicide for a period to include incarceration, if any, plus one year. The period of incarceration, if any, must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision. For suspension purposes of this section, convictions arising out of a single incident must run concurrently.

(2)(a) After ninety days from the date of suspension, the person may petition the circuit court in the county of the person’s residence for reinstatement of the driver’s license. The person shall serve a copy of the petition upon the solicitor of the county. The solicitor shall notify the representative of the victim of the vehicular homicide of the person’s intent to seek reinstatement of the driver’s license.

(b) The solicitor or the solicitor’s designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or the solicitor’s designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner.

(c) The court may order the reinstatement of the person’s driver’s license upon the following conditions:

(1) intoxicating alcohol, beer, wine, drugs, or narcotics were not involved in the incident that resulted in the vehicular homicide conviction or plea;

(2) the person has served the term of imprisonment, if any, or paid the fine, assessment, and restitution, if any, in full, or both; and

(3) the person’s overall driving record, attitude, habits, character, and driving ability would make it safe to reinstate the privilege of driving a motor vehicle.

The circuit court may order the reinstatement of the driver’s license before the completion of the full one‑year suspension period, or the judge may order the granting of a route restricted license for the remainder of the one‑year suspension period to allow the person to drive to and from employment or school, or the judge may place other restrictions on the driver’s license reinstatement.

(d) The order of the judge must be transmitted to the Department of Motor Vehicles within ten days.

(e) If the person’s privilege to drive a motor vehicle is reinstated, a subsequent violation of the motor vehicle laws for any moving violation requires the automatic suspension of the person’s driver’s license and imposition of the full period of suspension for the vehicular homicide violation.”

SECTION 2. Section 56-5-2910 of the 1976 Code is amended to read:

“Section 56-5-2910. (A) When the death of a person ensues within three years as a proximate result of injury received by the driving of a vehicle in reckless disregard of the safety of others, the person operating the vehicle is guilty of reckless vehicular homicide. A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned not more than ten years, or both. The Department of Motor Vehicles ~~must~~ shall revoke for a period to include incarceration, if any, plus five years the driver’s license of a person convicted of reckless vehicular homicide. The period of incarceration, if any, must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision. For suspension purposes of this section, convictions arising out of a single incident must run concurrently.

(B) After one year from the date of revocation, the person ~~whose driver’s license has been revoked for five years pursuant to Subsection (A)~~ may petition the circuit court in the county of ~~his~~ the person’s residence for reinstatement of ~~his~~ the person’s driver’s license. ~~He~~The person shall serve a copy of the petition upon the solicitor of the county ~~and~~. The solicitor shall notify the representative of the victim of the reckless homicide of ~~his~~ the person’s intent to seek reinstatement of ~~his~~ the person’s driver’s license. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person’s driver’s license upon the following conditions:

(1) intoxicating alcohol, beer, wine, drugs, or narcotics were not involved in the vehicular accident which resulted in the reckless homicide conviction or plea;

(2) the petitioner has served ~~his~~ the term of imprisonment or paid ~~his~~ the fine, assessment, and restitution in full, or both; and

(3) the person’s overall driving record, attitude, habits, character, and driving ability would make it safe to reinstate the privilege of operating a motor vehicle.

The circuit court may order the reinstatement of the driver’s license before the completion of the full five‑year revocation period, or the judge may order the granting of a ~~provisional~~ route restricted license for the remainder of the five‑year period to allow the person to drive to and from employment or school, or the judge may place other restrictions on the driver’s license reinstatement. The order of the judge must be transmitted to the Department of Motor Vehicles within ten days.

(C) If the person’s privilege to operate a motor vehicle is reinstated ~~pursuant to subsection (B)~~, a subsequent violation of the motor vehicle laws for any moving violation requires the automatic cancellation of the person’s driver’s license and imposition of the full period of revocation for the reckless vehicular homicide violation.”

SECTION 3. Section 56‑5‑2946 of the 1976 Code is amended to read:

“Section 56‑5‑2946. (A) Notwithstanding any other provision of law, a person must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol and drugs if:

(1) there is probable cause to believe that the person, while driving a motor vehicle, did any act forbidden by law in the driving of the motor vehicle which there is probable cause to believe caused a motor vehicle incident resulting in the death of another person; or

(2) there is probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945.

(B) The tests must be administered at the direction of a law enforcement officer ~~who has probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945~~. The administration of one test does not preclude the administration of other tests. The resistance, obstruction, or opposition to testing pursuant to this section is evidence admissible at the trial of the offense which precipitated the requirement for testing. A person who is tested or gives samples for testing may have a qualified person of his choice conduct additional tests at his expense and must be notified of that right. A person’s request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial.

(C) The provisions of Section 56‑5‑2950, relating to the administration of tests to determine a person’s alcohol concentration, additional tests at the person’s expense, the availability of other evidence on the question of whether or not the person was under the influence of alcohol, drugs, or a combination of them, availability of test information to the person or his attorney, and the liability of medical institutions and persons administering the tests are applicable to this section and also extend to the officer requesting the test, the State or its political subdivisions, or governmental agency, or entity which employs the officer making the request, and the agency, institution, or employer, either governmental or private, of persons administering the tests. Notwithstanding any other provision of state law pertaining to confidentiality of hospital records or other medical records, information regarding tests performed pursuant to this section must be released, upon subpoena, to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of Section 56‑5‑2945.”

SECTION 4. This act takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted, as amended.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 3**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Williams

**Total--39**

**NAYS**

Malloy Massey Sheheen

**Total--3**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4664 -- Rep. Clyburn: A BILL TO AMEND SECTION 11‑50‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO PROVIDE FOR THE APPOINTMENT OF CERTAIN MEMBERS OF THE GOVERNING BOARD OF THE AUTHORITY.

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

The Committee on Finance proposed the following amendment (NBD\12238DG12), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 36 and 37 and inserting:

/ appointed pursuant to this item (1) by the President Pro Tempore of the Senate, Speaker of the House of Representatives, Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means /

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

/ SECTION \_\_\_. Chapter 50, Title 11 of the 1976 Code is amended by adding:

“Section 11-50-55. The authority, by a majority vote of the board of directors, may hire a director for the authority, so long as at least one of the gubernatorial appointees and at least three of the legislative appointees vote in favor of the hiring.” /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant

**Total--2**

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

**READ THE SECOND TIME**

S. 1035 -- Senators Massey, L. Martin and Verdin: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, BY ADDING SECTION 44‑1‑143 TO PROVIDE FOR HOME‑BASED FOOD PRODUCTION OPERATIONS, TO PROVIDE FOR THE PROTECTION OF FOOD ITEMS PREPARED BY HOME‑BASED FOOD PRODUCTION OPERATIONS FOR SALE, TO PROVIDE HEALTH AND SANITARY REQUIREMENTS, TO PROVIDE FOR PACKAGING AND LABELS OF FOOD ITEMS, TO PROVIDE THAT HOME‑BASED FOOD PRODUCTION OPERATIONS MAY NOT SELL ITEMS PREPARED BY THE OPERATION AT WHOLESALE, TO PROVIDE THAT HOME‑BASED FOOD PRODUCTION OPERATIONS ARE NOT RETAIL FOOD ESTABLISHMENTS, TO PROVIDE FOR A PROCESS THROUGH WHICH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY INVESTIGATE COMPLAINTS, AND TO DEFINE NECESSARY TERMS.

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 34; Nays 0; Present 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Davis Elliott

Ford Gregory Grooms

Hayes Hutto Jackson

Land Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Rankin Reese

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--34**

**NAYS**

**Total--0**

**PRESENT**

Knotts

**Total--1**

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

**READ THE SECOND TIME**

S. 1211 -- Senator Alexander: A BILL TO AMEND SECTION 43‑31‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE STATE AGENCY OF VOCATIONAL REHABILITATION, SO AS TO INCLUDE IN THE AGENCY’S MEMBERSHIP THE APPOINTMENT OF A MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT, TO ELIMINATE THE AT-LARGE AGENCY MEMBER, AND TO FURTHER PROVIDE FOR THE AGENCY’S TRANSITION FROM SIX TO SEVEN CONGRESSIONAL DISTRICT MEMBERS.

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 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Rankin Reese

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1212 -- Senator Alexander: A BILL TO AMEND SECTION 43‑25‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND MEMBERSHIP OF THE COMMISSION OF THE BLIND, SO AS TO INCLUDE IN THE COMMISSION’S MEMBERSHIP THE APPOINTMENT OF A MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT, TO ELIMINATE THE STATE AT LARGE COMMISSION MEMBER, AND TO FURTHER PROVIDE FOR THE COMMISSION’S TRANSITION FROM SIX TO SEVEN CONGRESSIONAL DISTRICT MEMBERS.

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**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1377 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF NURSING, RELATING TO FEES AND APRNS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4272, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator CLEARY explained the Joint Resolution.

The question then was second reading of the Resolution.

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

**Ayes 35; Nays 5**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Coleman

Courson Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright Ford Knotts

McGill Setzler

**Total--5**

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

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms, Peeler and Shoopman: A BILL TO AMEND SECTION 41‑35‑120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment (1125R002.WGR).

Senator RYBERG asked unanimous consent to withdraw the previously proposed amendment as follows:

There was no objection.

Senator RYBERG proposed the following amendment (1125R002.WGR), which was withdrawn:

Amend the committee amendment, as and if amended, page [1125-1], by striking lines 30-41 and inserting:

/ employment~~. If~~ when the department finds that he has been discharged for ~~cause~~ misconduct connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing ~~not less than five nor more than~~ for the next twenty‑~~six~~ weeks, in addition to the waiting period~~, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge~~. A ~~charge~~ finding of /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

The question then was adoption of the amendment proposed by the Committee on Labor, Commerce and Industry.

Senators SCOTT and BRYANT proposed the following amendment (1125R011.KLB), which was adopted:

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

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

/ SECTION 1. Section 41‑35‑120(2) of the 1976 Code is amended to read:

“(2) Discharge for ~~cause~~ misconduct connected with the employment. If the department finds that he has been discharged for ~~cause~~ misconduct connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing ~~not less than five nor more than the next~~ twenty~~‑six~~ weeks~~, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge~~. A ~~charge~~ finding of discharge for ~~cause connected with the employment~~ misconduct may not be made for ~~failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty~~ discharge resulting from circumstances related to an extreme hardship, emergency, sickness, or other extraordinary circumstance. ~~‘Cause connected with the employment’ as used in this item requires more than a failure in good performance of the employee as the result of inability or incapacity.~~ For the purposes of this item, ‘misconduct’ is limited to conduct evincing such wilfull and wanton disregard of an employer’s interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer’s interest or of the employee’s duties and obligations to his employer. However, mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies, or ordinary negligence in isolated instances, or good-faith errors in judgment or discretion are not misconduct for the purposes of this item.”

SECTION 2. Section 41-35-130 is amended by adding a new subsection to read:

“(M)(1) For the purposes of this subsection, ‘most recent bona fide employer’ means the work or employer from which an individual was discharged regardless of work subsequent to his discharge in which he earned less than eight times his weekly benefit amount.

(2) A benefit paid to a claimant must not be charged against the account of an employer if the department determines that the claimant’s most recent bona fide employer discharged him for misconduct connected with his employment.”

SECTION 3. Section 41-41-40 of the 1976 Code is amended by adding a new subsection to read:

“(D) Upon the determination of fraudulent overpayments by the department, an employer from whose account the overpayment was debited must be credited for the amount of the overpayment regardless of the outcome of the action for recoupment or recovery of the overpayment.”

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

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the perfecting amendment.

The amendment was adopted.

The Committee on Labor, Commerce and Industry proposed the following amendment (1125R001.WGR), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 25-40 and inserting:

/ “(2) Discharge for ~~cause~~ misconduct connected with the employment. If the department finds that he has been discharged for ~~cause~~ misconduct connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing ~~not less than five nor more than~~ for the next twenty‑~~six~~ weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. ~~The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge.~~ A ~~charge~~ finding of discharge for ~~cause connected with the employment~~ misconduct may not be made for ~~failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty~~ discharge resulting from circumstances related to an extreme hardship, emergency, or other extraordinary circumstance. ‘~~Cause~~ Misconduct connected /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

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

**MINORITY REPORT REMOVED**

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**CARRIED OVER AS AMENDED**

S. 168 -- Senators Shoopman, Verdin and Leventis: A BILL TO AMEND SECTION 16‑11‑580, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR CUTTING, REMOVING, OR TRANSPORTING TIMBER PRODUCTS WITHOUT THE CONSENT OF THE LANDOWNER, SO AS TO INCREASE THE PENALTY FROM FIVE HUNDRED DOLLARS TO FIFTEEN HUNDRED DOLLARS IF THE VALUE OF THE TIMBER IS ONE THOUSAND DOLLARS OR LESS AND TO ESTABLISH MINIMUM AND MAXIMUM PENALTIES FOR TIMBER PRODUCTS VALUED AT MORE THAN ONE THOUSAND DOLLARS BUT LESS THAN FIVE THOUSAND DOLLARS AND FOR TIMBER PRODUCTS VALUED AT FIVE THOUSAND DOLLARS OR MORE.

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

Senator HUTTO asked unanimous consent to to remove the minority report from the Bill.

There was no objection.

The question then was adoption of the amendment proposed by the Committee on Agriculture and Natural Resources.

Senators HUTTO and SHOOPMAN proposed the following amendment (JUD0168.001), which was adopted:

Amend the committee report, as and if amended, page [168-1], by striking lines 27-42, and page [168-2], by striking lines 1-16, and inserting:

/ (B) If the value of the forest products is one thousand dollars or less, a person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not more than ~~five~~ fifteen hundred dollars or imprisoned for not more than thirty days~~.~~, or both; and

(2) for a second or subsequent offense, must be fined not less than two thousand dollars and not more than five thousand dollars or imprisoned for not more than sixty days, or both.

(C) If the value of the forest products is more than one thousand dollars but less than five thousand dollars, a person who violates the provisions of subsection (A):

(1) for a first offense, is guilty of a ~~felony~~ misdemeanor and, upon conviction, must be~~:~~

~~(1)~~ fined ~~in the discretion of the court~~ not less than five thousand dollars and not more than ten thousand dollars or imprisoned for not more than five years, or both ~~if the value of the forest products is more than one thousand dollars but less than five thousand dollars~~; ~~or~~ and

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years.

(D) If the value of the forest products is five thousand dollars or more, a person who violates the provisions of subsection (A):

~~(2)~~(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined ~~in the discretion of the court~~ not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years, or both ~~if the value of the forest products is five thousand dollars or more~~; and

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years.

~~(D)~~(E) As used in this section, ‘forest products’ include, but are not limited to, timber, trees, logs, lumber, or pine straw or any other products in the forest, whether merchantable or nonmerchantable, and which are located on any land in this State, whether publicly or privately owned.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the perfecting amendment.

The amendment was adopted.

The Committee on Agriculture and Natural Resources proposed the following amendment (168R001.DBV), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 1 - 22 and inserting:

/ (B) If the value of the forest products is one thousand dollars or less, a person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not more than ~~five~~ fifteen hundred dollars or imprisoned for not more than thirty days~~.~~; and

(2) for a second or subsequent offense, must be fined not less than two thousand dollars and not more than five thousand dollars or imprisoned for not more than sixty days.

(C) If the value of the forest products is more than one thousand dollars, a person who violates the provisions of subsection (A) is guilty of a felony and, upon conviction:

(1) for a first offense, must be:

~~(1)~~(a) fined ~~in the discretion of the court~~ not less than five thousand dollars and not more than ten thousand dollars or imprisoned for not more than five years if the value of the forest products is more than one thousand dollars but less than five thousand dollars; or

~~(2)~~(b) fined ~~in the discretion of the court~~ not less than ten thousand dollars and not more than twenty thousand dollars or imprisoned for not more than ten years if the value of the forest products is five thousand dollars or more~~.~~; and

(2) for a second or subsequent offense, must be fined not less than two thousand dollars and not more than five thousand dollars or imprisoned for not more than sixty days.

(D) As used in this section, ‘forest products’ include, but are not limited to, timber, trees, logs, lumber, or pine straw or any other products in the forest, whether merchantable or nonmerchantable, and which are located on any land in this State, whether publicly or privately owned.

(E) No part of the mandatory sentences required for violations of this section may be suspended.” /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted, as amended.

The question then was second reading of the Bill.

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

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**CARRIED OVER AS AMENDED**

S. 781 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 97 TO TITLE 38 SO AS TO ENACT THE “PORTABLE ELECTRONICS INSURANCE ACT”, TO PROVIDE CERTAIN DEFINITIONS RELATED TO PORTABLE ELECTRONICS INSURANCE, TO PROVIDE REQUIREMENTS RELATING TO THE SALE OF PORTABLE ELECTRONICS INSURANCE, TO PROVIDE CERTAIN DISCLOSURE REQUIREMENTS OF A VENDOR OF PORTABLE ELECTRONICS INSURANCE TO THE PROSPECTIVE CONSUMER OF THIS INSURANCE, TO PROVIDE PENALTIES FOR A VIOLATION, AND TO PROVIDE LICENSURE FEES AND SURCHARGES.

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

The Committee on Banking and Insurance proposed the following amendment (AGM\19500AB12), which was adopted:

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

/ SECTION 1. Title 38 of the 1976 Code is amended by adding:

“CHAPTER 97

Portable Electronics Insurance

Section 38‑97‑10. This chapter may be cited as the ‘Portable Electronics Insurance Act’.

Section 38‑97‑20. For the purposes of this section:

(1) ‘Customer’ means a person who purchases portable electronics or related services.

(2) ‘Enrolled customer’ means a customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics.

(3) ‘Location’ means any physical location in this State or any website, call center site, or similar location directed to residents of this State.

(4) ‘Portable electronics’ means electronic devices that are portable in nature, their accessories, and services related to the use of the device.

(5) ‘Portable electronics insurance’ means insurance covering the repair or replacement of portable electronics. This insurance may provide coverage for portable electronics against loss, theft, and inoperability due to mechanical failure, malfunction, damage, and other similar loss. Portable electronics insurance does not include:

(a) a service contract governed by Section 38‑78‑20(12);

(b) an insurance policy covering the obligation of a seller or manufacturer under a warranty; and

(c) a homeowners’, renters’, private passenger automobile, commercial multiperil, or similar policies.

(6) ‘Portable electronics transaction’ means:

(a) the sale or lease of portable electronics by a vendor to a customer; and

(b) the sale of a service related to the use of portable electronics by a vendor to a customer.

(7) ‘Supervising entity’ means a business entity licensed as a property and casualty insurer or insurance producer with a property and casualty line of authority.

(8) ‘Vendor’ means a person directly or indirectly engaged in the business of portable electronics transactions.

Section 38‑97‑30. (A) A vendor must hold a portable electronics insurance license to sell or offer coverage under a policy of portable electronics insurance.

(B) A portable electronics insurance license issued under this section authorizes any employee or authorized representative of the vendor to sell or offer coverage under a policy of portable electronics insurance to a customer at each location at which the vendor engages in portable electronics transactions. Both an employee and an authorized representative of a vendor must have completed the training required by Section 38‑97‑50.

(C) The supervising entity shall maintain a registry of vendor locations which are authorized to sell or solicit portable electronics insurance coverage in this State. Upon request by the director or his designee and with ten days’ notice to the supervising entity, the registry must be open to inspection and examination by the director or his designee during regular business hours of the supervising entity.

(D) Notwithstanding another provision of law, a license issued pursuant to this section authorizes the licensee and its employees or authorized representatives to engage in those activities that are permitted in this section.

Section 38‑97‑40. (A) A vendor of portable electronics insurance must make certain brochures or other written materials available to its customers in a location where the vendor sells this insurance. The brochures or written materials must:

(1) disclose that portable electronics insurance may provide a duplication of coverage already provided by a homeowner’s policy, renter’s insurance policy, or other source of insurance coverage of the customer;

(2) state that the enrollment in a portable electronics insurance program is not required for the customer to purchase or lease portable electronics or services from the vendor; and

(3) summarize the material terms of the insurance coverage, including:

(a) the identity of the insurer;

(b) the identity of the supervising entity;

(c) the amount of any applicable deductible and how this deductible must be paid;

(d) benefits of the coverage;

(e) key terms and conditions of coverage such as whether portable electronics may be repaired or replaced with similar make and model, reconditioned or nonoriginal manufacturer parts or equipment;

(f) a summary of the process for filing a claim under the policy, including a description of how to return portable electronics and the maximum fee applicable if an enrolled customer fails to comply with an equipment return requirement; and

(g) a statement that an enrolled customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and the person who pays the premium must receive a refund of any applicable unearned premium.

(B) Portable electronics insurance may be offered on a month‑to‑month or other periodic basis as a group or master commercial inland marine policy issued to a vendor of portable electronics for its enrolled customers.

(C) Eligibility and underwriting standards for customers electing to enroll in coverage must be established for each portable electronics insurance program.

Section 38‑97‑50. (A) The employees and authorized representatives of a vendor may sell or offer portable electronics insurance to customers and may not be subject to licensure as an insurance producer under this title if:

(1) the vendor obtains a portable electronics insurance license to authorize its employees or authorized representatives to sell or offer portable electronics insurance pursuant to this section;

(2) the employee or authorized representative of a vendor of public electronics does not advertise, represent, or otherwise hold himself out as a non‑portable electronics insurance licensed insurance producer; and

(3) the insurer issuing the portable electronics insurance either directly supervises or appoints a supervising entity to supervise the administration of the program, including development of a training program for employees and authorized representatives of the vendor. An outline of the training materials required by this section must be maintained by the supervising entity and provided to the department upon request. The training may be provided in electronic form. However, if conducted in an electronic form the supervising entity shall implement a supplemental education program regarding the portable electronics insurance product that is conducted and overseen by licensed employees of the supervising entity. Training required by this item must:

(a) be delivered to employees and authorized representatives of a vendor who are directly engaged in the activity of selling or offering portable electronics insurance; and

(b) include basic instruction to each employee and authorized representative about the portable electronics insurance offered and the disclosures required under Section 38‑97‑40.

(B) The charges for portable electronics insurance coverage may be billed and collected by a vendor of portable electronics. A charge to the enrolled customer for coverage that is not included in the cost associated with the purchase or lease of portable electronics or related services must be separately itemized on the enrolled customer’s bill. If the portable electronics insurance coverage is included with the purchase or lease of portable electronics or related services, the vendor shall clearly and conspicuously disclose to the enrolled customer that the portable electronics insurance coverage is included with the purchase of the portable electronics or related services. Vendors billing and collecting these charges must not be required to maintain such funds in a segregated account if the vendor is authorized by the insurer to hold these funds in an alternative manner and remits these amounts to the supervising entity within sixty days following receipt of these amounts. Funds received by a vendor from an enrolled customer for the sale of portable electronics must be considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer. A vendor may receive compensation for billing and collection services provided by it.

Section 38‑97‑60. (A) A vendor of portable electronics, its employee, or its authorized representative who violates a provision of this chapter may after proper notice and an opportunity for a hearing be subject by the department to:

(1) administrative penalties as provided in Section 38‑2‑10. However, administrative penalties shall not exceed $30,000 in the aggregate for violations of a similar nature; and

(2) other penalties the department considers necessary and reasonable to effectuate the purposes of this chapter, including:

(a) suspending the privilege of transacting portable electronics insurance pursuant to this chapter at specific locations where a violation has occurred;

(b) suspending or revoking the ability of an individual employee or authorized representative to act under the license; and

(c) suspending or revoking the license of the vendor.

Section 38‑97‑70. (A) Notwithstanding another provision of law, an insurer may terminate coverage or otherwise change the terms and conditions of a policy of portable electronics insurance only as provided in the policy between the insurer and the policyholder and enrolled customers and only upon providing the policyholder and enrolled customers with at least thirty days’ notice.

(B) If an insurer changes these terms and conditions, the insurer shall provide:

(1) the vendor with a revised policy or endorsement; and

(2) each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes made.

(C) Notwithstanding subsection (A) of this section, an insurer may:

(1) terminate a customer’s enrollment under a portable electronics insurance policy upon fifteen days’ notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim under the coverage; and

(2) immediately terminate a customer’s enrollment under a portable electronics insurance policy:

(a) for nonpayment of premium;

(b) if the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(c) if an enrolled customer exhausts the individual aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the enrolled customer within thirty days after the exhaustion of this limit. If this notice is not timely sent, enrollment must continue regardless of the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer.

(D) When a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the enrolled customer of the termination of the policy and the effective date of termination. This written notice must be mailed or delivered to the enrolled customer at least thirty days before termination.

(E) Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this section or is otherwise required by law, this notice or correspondence must be in writing. Notwithstanding any other provision of law, notices and correspondence may be sent either by mail or by electronic means as set forth in this section. If the notice or correspondence is mailed, it must be sent to the vendor of portable electronics at the vendor’s mailing address specified for such purpose and to its affected enrolled customers’ last known mailing addresses on file with the insurer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service or other commercial mail delivery service. If the notice or correspondence is sent by electronic means, it must be sent to the vendor of portable electronics at the vendor’s electronic mail address specified for such purpose and to its affected enrolled customers’ last known electronic mail address as provided by each enrolled customer to the insurer or vendor of portable electronics, as the case may be. For purposes of this subsection, an enrolled customer’s provision of an electronic mail address to the insurer or vendor of portable electronics, as the case may be, must be considered consent to receive notices and correspondence by electronic means. An insurer or vendor of portable electronics shall maintain proof that the notice or correspondence was sent.

(F) Notice or correspondence required by this section or otherwise required by law may be sent on behalf of an insurer or vendor by the supervising entity appointed by the insurer.

Section 38‑97‑80. (A) A sworn application for a license under this chapter must be made to and filed with the department on forms prescribed by the department.

(B) An application required under subsection (A) must provide the:

(1) location of the home office of the applicant; and

(2) name, residential address, and other information required by the department for:

(a) an employee or officer of the vendor who is designated by the applicant as the person responsible for the compliance of the vendor with the requirements of this chapter; and

(b) all of its officers, directors, and shareholders of record having a beneficial ownership of ten percent or more of any class of securities registered under federal securities law, but only if the vendor derives more than fifty percent of its revenue from the sale of portable electronics insurance.

(3) Any changes to information provided to the department under this section, must be provided to the department within 30 days of that change being made.

(C) Any vendor engaging in portable electronics insurance transactions on or before the effective date of this act must apply for licensure within ninety days after the application being made available by the department. Any applicant commencing operations after the effective date of this act must obtain a license prior to offering portable electronics insurance.

(D) A licensee must renew a license issued pursuant to this chapter biennially before August first of every odd‑numbered year.

(E)(1) A vendor of portable electronics insurance licensed under this chapter shall pay to the department a fee of one thousand dollars for an initial portable electronics insurance license and five hundred dollars for a renewal.

(2) The department shall retain any fee or surcharge imposed by this section to use for the administration of Title 38.

Section 38‑97‑90. The director of the department:

(1) may, by order, require policy forms, rates, and rules concerning portable electronics insurance be filed with, and approved by, the director or his designee before use if considered necessary for the protection of the public, notwithstanding another provision of law; and

(2) may promulgate regulations necessary to implement the provisions of this chapter.”

SECTION 2. The provisions of this act take effect January 1, 2013./ Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the committee amendment.

The committee amendment was adopted.

Senator THOMAS proposed the following amendment (AGM\  
19514AB12), which was adopted:

Amend the bill, as and if amended, Section 38‑97‑80(D), as contained in SECTION 1, page 7, line 22, by inserting / If a license is not renewed as required by this section, the license must be canceled. A licensee may reinstate the same license within six months after the compliance deadline by paying the renewal fee and a reinstatement fee equal to the renewal fee. / after / year. /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

The question then was second reading of the Bill.

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

**AMENDMENT PROPOSED, CARRIED OVER**

S. 1354 -- Senators Bryant, Thomas, Rose, Bright, Cromer and Fair: A BILL TO AMEND SECTION 35-1-604 OF THE 1976 CODE, RELATING TO SECURITIES VIOLATIONS, TO REQUIRE ALL CEASE AND DESIST ORDERS ISSUED BY THE SECURITIES COMMISSIONER TO BE PUBLIC DOCUMENTS AND TO REQUIRE PUBLICATION ON THE ATTORNEY GENERAL’S WEBSITE.

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

Senator BRYANT proposed the following amendment (1354R001.KLB):

Amend the bill, as and if amended, page 2, by striking line 31 and inserting:

/ in the same manner as a judgment of the court. A copy of a final order must be forwarded to the South Carolina Department of Revenue, the South Carolina Secretary of State’s Office, the United States Securities and Exchange Commission, the Internal Revenue Service, and the United States Attorney’s Office. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

On motion of Senator ROSE, with unanimous consent, the Bill was carried over.

**CARRIED OVER**

S. 163 -- Senators Shoopman, Rose, Verdin and Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑95 SO AS TO CREATE THE OFFENSES OF UNLAWFULLY PROVIDING BEER OR WINE TO A PERSON UNDER THE AGE OF TWENTY‑ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY‑ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61‑6‑4083 SO AS TO CREATE THE OFFENSES OF UNLAWFULLY PROVIDING ALCOHOLIC LIQUORS TO A PERSON UNDER THE AGE OF TWENTY‑ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY‑ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES.

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

**CARRIED OVER**

H. 3083 -- Reps. Pitts, Daning, Toole, G.M. Smith, Clyburn, Bingham, J.R. Smith, Huggins, Young, Taylor, Long, H.B. Brown, Ryan, Whipper and R.L. Brown: A BILL TO ENACT THE “SOUTH CAROLINA CONSERVATION BANK REAUTHORIZATION ACT” BY AMENDING ACT 200 OF 2002, WHICH ENACTED THE “SOUTH CAROLINA CONSERVATION BANK ACT” AND PROVIDED FOR ITS FUNDING, SO AS TO DELETE THE SUNSETTING OF THAT ACT OTHERWISE EFFECTIVE JULY 1, 2013, AND TO MAKE VARIOUS SECTIONS OF THAT ACT PERMANENT LAW BY DESIGNATING SECTIONS 3, 5, 6, 8, 10, AND 11 OF ACT 200 OF 2002, RELATING RESPECTIVELY TO THE PORTION OF THE DEED RECORDING FEE DEDICATED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, THE SUSPENSION OF DEED RECORDING FEE REVENUE IN CERTAIN CIRCUMSTANCES, CONSERVATION EASEMENTS, BIENNIAL REPORTS TO THE GENERAL ASSEMBLY, USE OF CONSERVATION BANK FUNDS FOR BEACH CONSERVATION, AND USE OF CONSERVATION BANK FUNDS TO ACQUIRE LAND FOR STATE PARKS AS SECTIONS 12‑24‑96, 48‑59‑65, 27‑8‑37, 48‑59‑150, 48‑59‑160, AND 48‑59‑170, ALL OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

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

**OBJECTION**

H. 3730 -- Reps. Munnerlyn, Sabb, Vick, Hayes, Tribble and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑450 SO AS TO PROVIDE THAT A COMMERCIAL FUR LICENSE, IN ADDITION TO A STATE HUNTING LICENSE IS REQUIRED OF ALL PERSONS WHO SELL OR TAKE FURBEARING ANIMALS BY ANY MEANS, EXCEPT A PROCESSOR, MANUFACTURER, OR RETAILER, AND TO PROVIDE THAT A PERSON UNDER THE AGE OF SIXTEEN MAY PURCHASE A COMMERCIAL FUR LICENSE WITHOUT HAVING TO PURCHASE A STATE HUNTING LICENSE AFTER COMPLETING THE TRAPPERS EDUCATION COURSE; TO AMEND SECTION 50‑11‑40, RELATING TO THE UNLAWFUL USE OF RECORDED SOUNDS OR AMPLIFIED IMITATIONS OF CALLS OR SOUNDS BY A PERSON TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS, SO AS TO DELETE THE PROVISION THAT MAKES IT UNLAWFUL TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE HUNTING AND TAKING OF COYOTES; TO AMEND SECTION 50‑11‑1080, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES DECLARING OPEN SEASON ON COYOTES, SO AS TO PROVIDE THAT THERE IS NO CLOSED SEASON FOR HUNTING OR TAKING COYOTES WITH WEAPONS; TO AMEND SECTION 50‑11‑2400, RELATING TO DEFINITIONS OF CERTAIN TERMS THAT PERTAIN TO THE TRAPPING OF FURBEARING ANIMALS, SO AS TO REVISE THE DEFINITION OF THE TERMS “FURBEARING ANIMAL” AND “COMMERCIAL PURPOSES”, AND TO PROVIDE DEFINITIONS FOR THE TERMS “OWNER” AND “AGENT”; TO AMEND SECTION 50‑11‑2430, RELATING TO REQUIRING A FUR TRAPPER TO CARRY PROOF THAT HE IS THE OWNER OF THE PROPERTY ON WHICH HE SETS HIS TRAPS, OR HAS PERMISSION FROM THE OWNER OF THE PROPERTY UPON WHICH HIS TRAPS ARE SET, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50‑11‑2440, RELATING TO REQUIRING A TRAPPER TO VISIT HIS TRAPS DAILY, SO AS TO MODIFY THE FREQUENCY THAT A TRAPPER MUST VISIT HIS TRAPS; TO AMEND SECTION 50‑11‑2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE BY THE OWNERS OF TRAPS, SO AS TO ALLOW A TRAP OWNER’S DESIGNEE TO REMOVE WILDLIFE FROM HIS TRAPS, AND TO PROVIDE THAT A DESIGNEE MUST POSSESS WRITTEN PERMISSION FROM THE TRAP’S OWNER TO ACT ON HIS BEHALF AND MUST MEET ALL COMMERCIAL FUR LICENSING REQUIREMENTS OR BE LISTED ON A VALID DEPREDATION PERMIT; TO AMEND SECTION 50‑11‑2460, RELATING TO CERTAIN TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RESTRICTS THE TYPES OF TRAPS THAT ARE ALLOWED TO THOSE THAT ARE IN ACCORDANCE WITH APPROVED COMMERCIAL FUR LICENSES, TO ALLOW FOR THE USE OF LIVE TRAPS TO CAPTURE CERTAIN FERAL ANIMALS, TO REVISE THE SIZE OF FOOT‑HOLD TRAPS THAT ARE ALLOWABLE, TO PROVIDE THAT SMALL SNAP, BOX, AND OTHER TRAPS ARE ALLOWED FOR TRAPPING; TO AMEND SECTION 50‑11‑2475, RELATING TO THE ISSUANCE OF A FUR PROCESSOR’S LICENSE, SO AS TO REVISE THE COST OF THE LICENSE, TO REQUIRE A TAXIDERMIST TO KEEP A DAILY REGISTER OF THE NAME AND ADDRESS OF EACH PERSON FROM WHOM A FURBEARING ANIMAL IS RECEIVED ALONG WITH OTHER INFORMATION ABOUT THE ANIMAL, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTIONS 50‑11‑1060, 50‑11‑1070, AND 50-11-2420 RELATING TO THE ISSUANCE OF A COMMERCIAL FUR LICENSE, THE ISSUANCE OF A PERMIT TO POISON PREDATORY ANIMALS, AND THE KILLING OF BOBCATS.

Senator SHEHEEN objected to the Bill.

**OBJECTION**

H. 3720 -- Reps. Cooper, Henderson and Patrick: A BILL TO AMEND SECTION 12‑6‑3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE JOBS TAX CREDIT, SO AS TO REVISE THE REQUIREMENTS OF A QUALIFYING SERVICE‑RELATED FACILITY AND A TECHNOLOGY INTENSIVE FACILITY; BY ADDING SECTION 12‑6‑3411 SO AS TO PROVIDE THAT A CORPORATION ESTABLISHING A NATIONAL CORPORATE HEADQUARTERS OR EXPANDING OR ADDING TO AN EXISTING NATIONAL CORPORATE HEADQUARTERS IN THIS STATE, WHICH IN CONNECTION THEREWITH ADDS AT LEAST FIFTY NEW FULL‑TIME JOBS SHALL BE EXEMPT FROM PAYING STATE CORPORATE INCOME TAXES FOR A PERIOD OF TEN YEARS; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO TAX CREDITS FOR PROVIDING INFRASTRUCTURE, SO AS TO INCREASE THE MAXIMUM AGGREGATE CREDIT TO FOUR HUNDRED THOUSAND DOLLARS ANNUALLY; TO AMEND SECTIONS 4‑12‑30, 4‑29‑67, AND 12‑44‑90, ALL AS AMENDED, RELATING TO FEE IN LIEU OF TAXES, SO AS TO PROVIDE THAT A COUNTY AUDITOR OR COUNTY ASSESSOR MAY REQUEST AND OBTAIN ANY FINANCIAL BOOKS AND RECORDS FROM A SPONSOR THAT SUPPORT THE SPONSOR’S TAX FORM OR RETURN TO VERIFY THE CALCULATIONS OF THE FEE IN LIEU OF TAXES TAX FORM OR RETURN; AND TO AMEND SECTION 12‑36‑2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT COMPUTERS, COMPUTER EQUIPMENT, COMPUTER HARDWARE AND SOFTWARE PURCHASES FOR A DATACENTER AND ELECTRICITY USED BY A DATACENTER.

Senator O’DELL explained the Bill.

Senator KNOTTS spoke on the Bill.

Senator MALLOY objected to the Bill.

**OBJECTION**

S. 954 -- Senators S. Martin, Rose, Cleary, Bright, Lourie, Campsen, Courson, Malloy, Bryant, Fair, Nicholson, Land, Peeler, Sheheen, Anderson, Verdin, Hayes, Davis, Massey, Shoopman, Gregory and Thomas: A BILL TO AMEND CHAPTER 2, TITLE 12 OF THE 1976 CODE, BY ADDING SECTION 12-2-110 TO PROVIDE THAT LEGISLATION PROVIDING TAX INCENTIVES OR SUBSIDIES MAY NOT RECEIVE SECOND READING IN EITHER HOUSE WITHOUT AN ECONOMIC ANALYSIS REPORT BY THE DEPARTMENT OF COMMERCE AND TO DETAIL THE REQUIREMENTS OF THE REPORT.

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

Senator LEATHERMAN objected.

**ADOPTED**

H. 3117 -- Rep. King: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF CONSTITUTION BOULEVARD IN THE CITY OF ROCK HILL “DR. MARTIN LUTHER KING, JR. MEMORIAL BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “DR. MARTIN LUTHER KING, JR. MEMORIAL BOULEVARD”.

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

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

**MOTION ADOPTED**

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**CARRIED OVER**

(R135, H4723) -- Reps. Loftis, Corbin, Allen, Dillard, Hamilton, Henderson, Nanney, G.R. Smith, Stringer, Willis and Bannister: AN ACT TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

The veto of the Governor was taken up for immediate consideration.

On motion of Senator SHOOPMAN, the veto was carried over.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

S. 321 -- Senators O’Dell and Nicholson: A BILL TO AMEND ACT 595 OF 1994, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF GREENWOOD SCHOOL DISTRICT 50 IN GREENWOOD COUNTY, SO AS TO PROVIDE THAT IF THE NUMBER OF CANDIDATES FOR THE BOARD OF TRUSTEES IS EQUAL TO OR LESS THAN THE NUMBER OF POSITIONS TO BE FILLED, THE COUNTY ELECTION COMMISSION SHALL DECLARE THOSE CANDIDATES ELECTED.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

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

**Ayes 2; Nays 0**

**AYES**

Nicholson O'Dell

**Total--2**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CARRIED OVER**

S. 710 -- Senators Knotts, O’Dell, Ford, Alexander, Bryant and Setzler: A BILL TO AMEND SECTION 56‑1‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER’S LICENSE, SO AS TO, UPON THE LICENSEE’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER’S LICENSE; AND TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

The House returned the Bill with amendments.

Senator CAMPBELL explained the amendments.

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

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

**READ THE SECOND TIME**

**RETURNED TO THE STATUS OF SPECIAL ORDER**

S. 836 -- Senators Grooms, Verdin, Knotts, Bright, Bryant, Courson, Campsen, McConnell, Cleary, Rose, Hayes, Shoopman, Massey, Campbell, Fair, Gregory, Cromer, L. Martin and Alexander: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 10 TO ENACT THE INTERSTATE HEALTHCARE COMPACT, TO PROVIDE THAT COMPACT MEMBERS MUST TAKE ACTION TO OBTAIN CONGRESSIONAL CONSENT TO THE COMPACT, TO PROVIDE THAT THE LEGISLATURE IS VESTED WITH THE RESPONSIBILITY TO REGULATE HEALTHCARE DELIVERED IN THEIR STATE, TO PROVIDE FOR HEALTHCARE FUNDING, TO ESTABLISH THE INTERSTATE ADVISORY HEALTH CARE COMMISSION AND TO PROVIDE ITS COMPOSITION, POWERS, DUTIES, AND AUTHORITY, TO PROVIDE THE EFFECTIVE DATE OF THE COMPACT, TO PROVIDE FOR AMENDING THE COMPACT, TO PROVIDE FOR THE MANNER OF WITHDRAWAL FROM THE COMPACT, AND TO PROVIDE NECESSARY DEFINITIONS.

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

Senator ROSE explained the Bill.

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

**Ayes 25; Nays 13**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Davis Elliott

Fair Grooms Hayes

Knotts Leatherman *Martin, Larry*

*Martin, Shane* Massey O'Dell

Peeler Rose Ryberg

Setzler Shoopman Thomas

Verdin

**Total--25**

**NAYS**

Coleman Hutto Land

Lourie Malloy Matthews

McGill Nicholson Pinckney

Reese Scott Sheheen

Williams

**Total--13**

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

The Bill was returned to the status of Special Order.

**Statement by Senator GREGORY**

I was in a meeting outside of the Chamber when the roll was called today on S. 836. Had I been in the Chamber, I would have voted for the Bill.

**MOTION ADOPTED**

Senator COURSON moved that, when the Senate adjourns on Thursday, March 29, 2012, the Senate would stand adjourned to meet on Friday, March 30, 2012, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up; and, further, that when the Senate stands adjourned on Friday, March 30, 2012, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Tuesday, April 3, 2012;

and, further, when the Senate stands adjourned on Tuesday, April 3, 2012, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Wednesday, April 4, 2012;

and, further, when the Senate stands adjourned on Wednesday, April 4, 2012, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Thursday, April 5, 2012;

and, further, when the Senate stands adjourned on Thursday, April 5, 2012, the Senate would stand adjourned to meet on Monday, April 9, 2012, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up;

and, further, when the Senate stands adjourned on Monday, April 9, 2012, the Senate would stand adjourned to meet on Tuesday, April 10, 2012 in Statewide Session.

The motion was adopted.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHOOPMAN desired to be recorded as voting against the motion under Rule 1B.

**Statement by Senator SHOOPMAN**

 I voted against taking a week off because until we get our work done we should stay and work.  With opposition to Spending Caps, Regulatory Reform, the fiscal fitness agenda,  Governor and Lt. Governor on a joint ticket, and Retirement Reform still awaiting action we need to stay until we get these bills up for a vote.  Taking a week off when there are few weeks left and with the state budget still awaiting action makes enacting conservative reform harder and less likely. If we can get our work done, then we should take time off to save taxpayer dollars.

**OBJECTION**

S. 710 -- Senators Knotts, O’Dell, Ford, Alexander, Bryant and Setzler: A BILL TO AMEND SECTION 56‑1‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER’S LICENSE, SO AS TO, UPON THE LICENSEE’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER’S LICENSE; AND TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

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

Senator HUTTO objected.

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Alva Stephen “Bubba” Williamson, 75, of Kingstree, S.C., husband of Davyne Kelly Williamson. Mr. Williamson passed away on March 20, 2012.

and

**MOTION ADOPTED**

On motion of Senator BRYANT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Mary Frances Nixon McGarity of Anderson, S.C., beloved mother and devoted grandmother.

**ADJOURNMENT**

At 4:34 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the motion to adjourn.

\* \* \*