**Tuesday, April 10, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The Psalmist writes:

“O Lord, our Lord, how majestic is your name in all the earth. You have set your glory above the heavens.” (Psalm 8:1)

Let us pray:

Holy God, Easter weekend has now concluded, Passover is currently unfolding for many of our friends, and we continue to find ourselves surrounded by the incredible beauty of late Springtime here in South Carolina. How truly blessed all of us are, and how thankful, Lord, are we to You for Your rich gifts. Yet we know that Your glory transcends all other blessings. So we ask that, in Your mercy, You enable each member and every staff person of this Senate to honor You by the work that is done here in this place. In Your loving name we pray, O Lord. Amen.

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

**Point of Quorum**

At 12:04 P.M., Senator THOMAS made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Anderson Campbell

Campsen Courson Cromer

Hayes Hutto Knotts

Leatherman Leventis *Martin, Larry*

*Martin, Shane* Nicholson Peeler

Rose Scott Setzler

Sheheen Shoopman Thomas

A quorum was not present.

**Call of the Senate**

At 12:09 P.M., Senator LARRY MARTIN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Hayes

Hutto Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Nicholson Peeler Rose

Scott Setzler Sheheen

Shoopman Thomas Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators COLEMAN, MATTHEWS, PINCKNEY, RYBERG, McGILL, LAND, FAIR, REESE, GREGORY and CLEARY recorded their presence subsequent to the Call of the Senate.

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4257

Agency: State Board of Financial Institutions - Consumer Finance Division

Chapter: 15

Statutory Authority: 1976 Code Sections 37-22-110 et seq., particularly Section 37-22-260

SUBJECT: Mortgage Lending

Received by Lieutenant Governor February 2, 2012

Referred to Banking and Insurance Committee

Legislative Review Expiration June 1, 2012

Withdrawn and Resubmitted March 30, 2012

**Doctor of the Day**

Senator SHOOPMAN introduced Dr. Jay Motley of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRYANT, at 12:00 P.M., Senator DAVIS was granted a leave of absence until 1:00 P.M.

**Leave of Absence**

On motion of Senator BRYANT, at 12:00 P.M., Senator VERDIN was granted a leave of absence until 3:00 P.M.

**Leave of Absence**

On motion of Senator CAMPBELL, at 12:00 P.M., Senator GROOMS was granted a leave of absence until 1:30 P.M.

**Leave of Absence**

At 12:05 P.M., Senator SHANE MARTIN requested a leave of absence beginning on Thursday, April 12, 2012, and lasting until 3:00 P.M. on Tuesday, April 17, 2012.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 1220 Sen. Ford

S. 1260 Sen. Ford

S. 1307 Sen. Ford

S. 1361 Sen. Ford

S. 1376 Sens. Cromer, Coleman, Setzler

S. 1386 Sen. Ford

**CO-SPONSOR REMOVED**

The following co-sponsor was removed as a sponsor of the respective Bill:

S. 1380 Sen. Anderson

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1400 -- Senators Campsen, Courson, McGill, Cromer, Alexander, Anderson, Bright, Bryant, Campbell, Cleary, Coleman, Davis, Elliott, Fair, Ford, Grooms, Gregory, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CHRISTINA MARIE MCGREGOR FOR HER DEDICATION TO PROTECTING AND PRESERVING THE NATURAL RESOURCES OF THE PALMETTO STATE THROUGH HER ADVOCACY BEFORE THE GENERAL ASSEMBLY.

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The Senate Resolution was adopted.

S. 1401 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ERIC L. FOWLER OF WEST COLUMBIA FOR HIS OUTSTANDING COMMUNITY AND PUBLIC SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1402 -- Senator Hutto: A SENATE RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA HONORS COLLEGE AT THE UNIVERSITY OF SOUTH CAROLINA ON BEING NAMED THE TOP HONORS PROGRAM IN AMERICA IN A REVIEW OF FIFTY PUBLIC UNIVERSITY HONORS PROGRAMS AND TO COMMEND THE COLLEGE ON ITS CONTINUED ENVIRONMENT OF EXCELLENCE.

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The Senate Resolution was adopted.

S. 1403 -- Senator Rose: A BILL TO AMEND SECTION 59-19-117 OF THE 1976 CODE, RELATING TO SCHOOL TRUSTEES AND EMPLOYEES, TO REQUIRE ATHLETIC OFFICIALS, REFEREES, AND COACHES TO UNDERGO A CRIMINAL BACKGROUND CHECK PRIOR TO WORKING WITH STUDENTS.

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

S. 1404 -- Senator Rose: A BILL TO AMEND SECTION 12-43-215 OF THE 1976 CODE, RELATING TO THE APPEAL OF A PROPERTY ASSESSMENT VALUE, TO PROVIDE THAT THE APPEAL MUST BE BASED ON THE MARKET VALUES AS OF DECEMBER THIRTY-FIRST OF THE TAX YEAR UNDER APPEAL; TO AMEND SECTION 12-60-2510, RELATING TO A PROPERTY TAX ASSESSMENT NOTICE, TO PROVIDE THAT WHEN AN ASSESSABLE TRANSFER OF INTEREST OCCURS DUE TO A CONVEYANCE, IF THE ASSESSOR DETERMINES THAT FAIR MARKET VALUE IS MORE THAN THE PURCHASE PRICE, THE ASSESSOR SHALL STATE WITH PARTICULARITY THE BASIS FOR THE ASSESSMENT, TO PROVIDE THAT THE TAXPAYER HAS AT MINIMUM THIRTY DAYS OF RECEIPT OF THE TAX NOTICE TO APPEAL, AND TO REQUIRE THE ASSESSOR TO INCLUDE A PROPERTY TAX REFUND ASSIGNMENT CONTRACT IN CERTAIN CASES; TO AMEND SECTION 12-60-2530, RELATING TO AN APPEAL TO THE COUNTY BOARD OF ASSESSMENT APPEALS, TO PROVIDE THAT IN THE CASE OF A TIE VOTE, THE ASSESSOR'S DETERMINATION IS OVERTURNED; TO ADD SECTION 12-60-2570 TO PROVIDE THAT THE COUNTY ASSESSOR SHALL HAVE THE BURDEN OF PROOF IN A PROPERTY TAX APPEAL; AND TO ADD SECTION 12-60-2580 TO ALLOW A TAXPAYER TO APPEAL ONCE EVERY FIVE YEARS AND TO PROVIDE EXCEPTIONS.

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

S. 1405 -- Senator Sheheen: A BILL TO AMEND TITLE 33 OF THE 1976 CODE, RELATING TO CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS, BY ADDING CHAPTER 38 TO ENACT THE “SOUTH CAROLINA BENEFIT CORPORATION ACT” WHICH PERMITS A CORPORATION TO ELECT AS A CORPORATE PURPOSE THE PROVIDING OF CERTAIN PUBLIC BENEFITS WITHOUT SUBJECTING THE CORPORATION OR ITS DIRECTORS TO LIABILITY OR DERIVATIVE SUIT EXCEPT FOR SPECIFIED REASONS AND TO PROVIDE FOR THE POWERS, DUTIES, RESPONSIBILITIES, REPORTING REQUIREMENTS, AND OBLIGATIONS OF BENEFIT CORPORATIONS.

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

S. 1406 -- Senator Massey: A BILL TO AMEND CHAPTER 67, TITLE 15 OF THE 1976 CODE, RELATING TO THE RECOVERY OF REAL PROPERTY, BY ADDING ARTICLE 4 TO ABOLISH THE DOCTRINE OF ADVERSE POSSESSION; AND TO REPEAL SECTIONS 15-67-210 THROUGH 15-67-260 AND ARTICLE 3, CHAPTER 3 OF TITLE 15.

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

S. 1407 -- Senators Bright, Davis, Ryberg, Verdin, Rose, Shoopman, Hutto, Knotts, Fair, Thomas, Campsen and Gregory: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 43-35-14 SO AS TO PROVIDE THAT A FACILITY CONSIDERING THE ADMITTANCE OF A PERSON AS A RESIDENT OF THE FACILITY SHALL DETERMINE WHETHER THE PERSON IS A REGISTERED SEX OFFENDER BY FOLLOWING CERTAIN PROCEDURES, AND THAT IF THE FACILITY DETERMINES THE PERSON IS A REGISTERED SEX OFFENDER IT MUST PROVIDE CERTAIN NOTICE TO THE OTHER RESIDENTS OF THE FACILITY OR, IF APPLICABLE, THEIR LEGAL GUARDIANS, AND THAT FAILURE TO COMPLY WITH EITHER OF THESE REQUIREMENTS CONSTITUTES A KNOWING AND WILFUL NEGLECT OF THE SAFETY OF THE VULNERABLE ADULTS RESIDING IN THE FACILITY; AND TO AMEND SECTION 43-35-85, AS AMENDED, RELATING TO PENALTIES FOR VIOLATIONS RELATING TO THE PROTECTION OF VULNERABLE ADULTS, SO AS TO INCLUDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS OF THE REQUIREMENTS OF SECTION 43-35-14.

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Senator BRIGHT spoke on the Bill.

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

S. 1408 -- Senators Bryant and Bright: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2012”, TO AMEND SECTION 16-23-20, RELATING TO OFFENSES INVOLVING WEAPONS, TO CHANGE THE OFFENSE OF UNLAWFULLY CARRYING A HANDGUN TO CARRYING A HANDGUN WITH INTENT TO COMMIT A CRIME; TO REPEAL SECTION 16-22-460, RELATING TO THE OFFENSE OF CARRYING A CONCEALED WEAPON; TO AMEND SECTION 23-31-220, RELATING TO SIGNS AND THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES, TO REMOVE REFERENCES TO CONCEALED WEAPONS PERMITS AND TO ALLOW A PRIVATE EMPLOYER OR OWNER TO ALLOW OR PROHIBIT ANYONE FROM CARRYING A WEAPON UPON HIS PREMISES BY PROVIDING NOTICE WITH A SIGN; TO AMEND SECTION 23-31-225, RELATING TO CARRYING CONCEALED WEAPONS INTO RESIDENCES OR DWELLINGS, TO REMOVE REFERENCES TO CONCEALED WEAPONS PERMITS AND TO PROHIBIT ANY PERSON FROM ENTERING A RESIDENCE OR DWELLING OF ANOTHER WITH A WEAPON WITHOUT PERMISSION; AND TO AMEND SECTION 23-31-240, RELATING TO PERSONS WHO ARE ALLOWED TO CARRY A WEAPON ANYWHERE IN THE STATE WHILE ON DUTY, TO INCLUDE LAW ENFORCEMENT OFFICERS.

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Senator BRYANT spoke on the Bill.

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

S. 1409 -- Senator Alexander: A BILL TO AMEND SECTION 6-34-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX CREDITS FOR REHABILITATION EXPENSES, SO AS TO CLARIFY THAT THE CREDIT MAY BE TAKEN AGAINST FRANCHISE TAXES ON BANKS; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO ALLOW THE DEPARTMENT TO GRANT RELIEF PERIODS GRANTED BY THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 12-6-50, AS AMENDED, RELATING TO INTERNAL REVENUE CODE SECTIONS SPECIFICALLY NOT ADOPTED, SO AS TO NOT ADOPT SECTION 7508; TO AMEND SECTION 12-6-590, RELATING TO THE TREATMENT OF “S” CORPORATIONS FOR TAX PURPOSES, SO AS TO IMPOSE A TAX ON CERTAIN INCOME IF THE INTERNAL REVENUE CODE IMPOSES A SIMILAR TAX; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOBS TAX CREDIT, SO AS TO AMEND THE DEFINITION OF “NEW JOB”; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO THE INCOME TAX CREDIT FOR REHABILITATION EXPENSES, SO AS TO CLARIFY THAT THE CREDIT MAY BE TAKEN AGAINST FRANCHISE TAXES ON BANKS; TO AMEND SECTION 12-6-3630, RELATING TO INCOME TAX CREDITS FOR HYDROGEN RESEARCH CONTRIBUTIONS, SO AS TO CLARIFY THAT THE CREDIT MAY BE TAKEN AGAINST FRANCHISE TAXES ON BANKS; TO AMEND SECTION 12-6-4910, AS AMENDED, RELATING TO THE REQUIREMENT TO FILE AN INCOME TAX RETURN, SO AS TO INCREASE THE STANDARD DEDUCTION FOR INDIVIDUALS OVER SIXTY-FIVE AS PROVIDED IN THE INTERNAL REVENUE CODE; TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO CORRECT A CROSS-REFERENCE; TO AMEND SECTION 12-43-260, RELATING TO COUNTIES WILFUL FAILURE TO COMPLY WITH THE ASSESSMENT PROGRAM, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE A DETERMINATION THAT IS SUBJECT TO REVIEW BY THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 12-44-110, AS AMENDED, RELATING TO FEE IN LIEU OF TAX, SO AS TO UPDATE A TERM; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO THE DISCLOSURE OF RECORDS FILED WITH THE DEPARTMENT, SO AS TO PROVIDE THAT IN ORDER FOR A CONVICTION FOR UNLAWFULLY DIVULGING RECORDS, A PERSON MUST WILFULLY DIVULGE, AND TO PROVIDE THAT PRIOR TO DISMISSING AN EMPLOYEE FOR A VIOLATION, THE EMPLOYEE MUST BE CONVICTED; TO AMEND SECTION 12-60-50, AS AMENDED, RELATING TO THE OCCURRENCE OF A FILING PERIOD ENDING ON A HOLIDAY, SO AS TO RECOGNIZE A HOLIDAY RECOGNIZED BY THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 12-60-90, AS AMENDED, RELATING TO THE ADMINISTRATIVE TAX PROCESS, SO AS TO CORRECT CROSS-REFERENCES AND FURTHER DEFINE TERMS; TO AMEND SECTION 12-65-30, AS AMENDED, RELATING TO THE CREDIT FOR EXPENSES RELATED TO THE REHABILITATION OF A TEXTILE MILL, SO AS TO CLARIFY THAT THE CREDIT MAY BE TAKEN AGAINST FRANCHISE TAXES ON BANKS; AND TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATIVE EXPENSES FOR DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A CROSS-REFERENCE.

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

S. 1410 -- Senator Grooms: A JOINT RESOLUTION TO CLARIFY AND AFFIRM THAT THE SAVANNAH RIVER MARITIME COMMISSION IS THE SOLE AUTHORITY THAT MAY TAKE ANY ACTION PERTAINING TO THE NAVIGABILITY, DEPTH, DREDGING, WASTEWATER AND SLUDGE DISPOSAL, AND RELATED COLLATERAL ISSUES OF THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER AND CONCERNING THE SAVANNAH HARBOR EXPANSION PROJECT; TO ESTABLISH VOTING REQUIREMENTS FOR THE SOUTH CAROLINA DELEGATION TO THE JOINT PROJECT OFFICE; TO PROVIDE THAT SOUTH CAROLINA APPOINTEES TO THE JOINT PROJECT OFFICE ARE SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE; AND TO PROVIDE THAT ANY EXPENDITURE OF STATE FUNDS THROUGH THE JOINT PROJECT OFFICE MUST BE UPON THE APPROVAL OF A MAJORITY OF THE SOUTH CAROLINA REPRESENTATIVES ON THE JOINT PROJECT OFFICE.

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Senator GROOMS spoke on the Joint Resolution.

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

S. 1411 -- Senators L. Martin, Knotts and Nicholson: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 23, 2012, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2016; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE ELEVENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019.

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

S. 1412 -- Senators Grooms, Campbell and Campsen: A BILL TO AMEND ACT 518 OF 1982, RELATING TO BERKELEY COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF BERKELEY COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BERKELEY COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

S. 1413 -- Senator Peeler: A BILL TO AMEND ACT 587 OF 1992, AS AMENDED, RELATING TO CHEROKEE COUNTY SCHOOL DISTRICT 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF CHEROKEE 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.

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

S. 1414 -- Senator Thomas: A CONCURRENT RESOLUTION TO RECOGNIZE THE MONTH OF APRIL 2012 AS “ZERO TOLERANCE FOR LITTER MONTH” IN SOUTH CAROLINA, AND TO ASK ALL OF OUR CITIZENS AND LAW ENFORCEMENT OFFICERS TO WORK TOGETHER THIS MONTH AND THROUGHOUT THE YEAR FOR A CLEANER COMMUNITY, THUS PRESERVING THE NATURAL BEAUTY OF OUR COMMUNITY, OUR STATE, AND OUR COUNTRY.

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

S. 1415 -- Senator Ford: A BILL TO AMEND SECTION 16-11-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF DEADLY FORCE AGAINST ANOTHER PERSON WHO UNLAWFULLY ENTERS A RESIDENCE, OCCUPIED VEHICLE, OR PLACE OF BUSINESS, SO AS TO DELETE THE REFERENCE TO THE AUTHORIZED USE OF DEADLY FORCE IN ANOTHER LOCATION, INCLUDING A PLACE OF BUSINESS.

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

S. 1416 -- Senators L. Martin and Campbell: A JOINT RESOLUTION TO RECODIFY SECTION 33-44-303 OF THE 1976 CODE, RELATING TO THE LIABILITY OF MEMBERS AND MANAGERS OF LIMITED LIABILITY COMPANIES, AND TO EXPRESS THAT IT IS THE CLEAR AND UNAMBIGUOUS INTENT OF THE GENERAL ASSEMBLY TO SHIELD A MEMBER OF A LIMITED LIABILITY COMPANY FROM PERSONAL LIABILITY FOR ACTIONS TAKEN IN THE ORDINARY COURSE OF THE LIMITED LIABILITY COMPANY’S BUSINESS.

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Senator LARRY MARTIN spoke on the Resolution.

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

S. 1417 -- Senator Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF “SOUTH CAROLINA TENNIS PATRONS FOUNDATION” SPECIAL LICENSE PLATES.

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

S. 1418 -- Senator Ford: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF UNITED STATES HIGHWAY 17 AND MAGNOLIA ROAD IN CHARLESTON COUNTY “JAMES J. FRENCH INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “JAMES J. FRENCH INTERSECTION”.

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

S. 1419 -- Senator Thomas: A BILL TO AMEND CHAPTER 45, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE BROKERS AND SURPLUS LINES INSURANCE, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE REVENUE COLLECTED FROM THE BROKER’S PREMIUM TAX RATE MUST BE CREDITED TO A SPECIAL EARMARKED FUND, TO PROVIDE THE MANNER IN WHICH THE FUND MAY BE USED AND DISBURSED, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO CONDUCT EXAMINATIONS OF BROKER RECORDS, TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THE CHAPTER, TO PROVIDE THE MANNER IN WHICH THE NONADMITTED AND REINSURANCE REFORM ACT OF 2010 MAY BE IMPLEMENTED; AND TO AMEND SECTION 38-7-160, RELATING TO MUNICIPAL LICENSE FEES AND TAXES, SO AS TO DISALLOW A MUNICIPALITY FROM CHARGING AN ADDITIONAL LICENSE FEE OR TAX BASED UPON A PERCENTAGE OF PREMIUMS FOR PURPOSES OF SURPLUS LINES INSURANCE.

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

S. 1420 -- Senator Lourie: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JACK SMYSER FOLLINE OF RICHLAND COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1421 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, 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 COMMEND AND CONGRATULATE THE IRMO POLICE DEPARTMENT ON BEING CERTIFIED BY THE SOUTH CAROLINA LAW ENFORCEMENT ACCREDITATION, INC.

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The Senate Resolution was adopted.

S. 1422 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, 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 COMMEND AND CONGRATULATE THE LEXINGTON POLICE DEPARTMENT ON BEING RECERTIFIED BY THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC.

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The Senate Resolution was adopted.

S. 1423 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, 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 COMMEND AND CONGRATULATE THE LEXINGTON COUNTY COMMUNICATIONS CENTER ON BEING CERTIFIED BY THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC.

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The Senate Resolution was adopted.

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

**THIRD READING BILLS**

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

S. 1329 -- Senator Fair: A BILL TO AMEND SECTION 24‑21‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, AND THE MEMBERS OF THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT THE MEMBER OF THE BOARD WHO IS APPOINTED ON AN AT‑LARGE BASIS MUST BE SELECTED FROM ONE OF THE CONGRESSIONAL DISTRICTS AND AT LEAST ONE APPOINTEE SHALL POSSESS THE QUALIFICATIONS THAT THE AT‑LARGE APPOINTEE FORMERLY MET.

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.

S. 1354 -- Senators Bryant, Thomas, Rose, Bright, Cromer, Fair, Ford and L. Martin: 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.

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.

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.

**S. 1167--Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

**READ THE SECOND TIME**

H. 4632 -- Rep. Battle: A BILL TO FORM ALL SCHOOL DISTRICTS IN MARION COUNTY INTO A SINGLE SCHOOL DISTRICT ENTITLED THE “MARION COUNTY SCHOOL DISTRICT” ON JULY 1, 2012, TO PROVIDE THAT THERE MUST BE NO ELECTED COUNTY SUPERINTENDENT OF EDUCATION FOR MARION COUNTY WITH ALL POWERS AND DUTIES OF THIS OFFICE DEVOLVED UPON THE MARION COUNTY BOARD OF EDUCATION WHICH MUST BE THE GOVERNING BODY OF THE MARION SCHOOL DISTRICT, TO PROVIDE FOR THE MANAGERIAL AND OTHER ADMINISTRATIVE STAFF FOR THE DISTRICT, TO PROVIDE FOR THE MANNER IN WHICH CONTRACTS OF EMPLOYMENT FOR TEACHERS AND OTHER PROFESSIONAL PERSONNEL OF THE DISTRICT MUST BE OFFERED, TO PROVIDE FOR THE FISCAL AUTHORITY AND AFFAIRS OF THE DISTRICT, INCLUDING THE MANNER IN WHICH AD VALOREM TAXES FOR THE BENEFIT OF THE DISTRICT MUST BE LEVIED FOR OPERATING AND GENERAL OBLIGATION DEBT PURPOSES, AND TO PROVIDE FOR OTHER RELATED PROVISIONS TO EFFECTUATE THIS FORMATION ON JULY 1, 2012.

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

There was no objection.

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

**H. 4632--Ordered to a Third Reading**

On motion of Senator WILLIAMS, H. 4632 was ordered to receive a third reading on Wednesday, April 11, 2012.

**READ THE SECOND TIME**

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.

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 3**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--37**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1351 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑157 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE AND NUMBER OF PATRONS, A TYPE “A” PUBLIC SWIMMING POOL OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT AND TO PROVIDE PROCEDURES FOR APPLYING FOR A VARIANCE; AND TO REQUIRE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVAL OF LIFEGUARD COVERAGE PLANS FOR TYPE “E” PUBLIC SWIMMING POOLS.

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

There was no objection.

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

The Committee on Medical Affairs proposed the following amendment (S-1351-1) , which was adopted.

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

/ SECTION 1. Chapter 55, Title 44 of the 1976 Code is amended by adding:

“Section 44-55-2390. (A) As a condition of obtaining and maintaining an operating permit, all Type ‘A’ public swimming pools, as defined in Regulation 61‑51, shall provide lifeguards, as defined in Regulation 61‑51, in accordance with the following:

(1) A public swimming pool of three thousand square feet or fewer must have:

(a) one lifeguard for one through twenty‑five patrons;

(b) two lifeguards for twenty‑six through fifty patrons;

(c) three lifeguards for fifty‑one through one hundred fifty patrons;

(d) four lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(2) A public swimming pool of three thousand one square feet through six thousand square feet must have:

(a) two lifeguards for one through twenty‑five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) four lifeguards for fifty‑one through one hundred fifty patrons;

(d) five lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(3) A public swimming pool of six thousand one square feet through nine thousand square feet must have:

(a) two lifeguards for one through twenty‑five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) five lifeguards for fifty‑one through one hundred fifty patrons;

(d) six lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(4) A public swimming pool of greater than nine thousand square feet must have:

(a) three lifeguards for one through twenty‑five patrons;

(b) four lifeguards for twenty‑six through fifty patrons;

(c) six lifeguards for fifty‑one through one hundred fifty patrons;

(d) seven lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(B) All Type ‘E’ public swimming pools, as defined in Regulation 61‑51, shall submit to the Department of Health and Environmental Control a lifeguard coverage plan. Upon approval by the department, Type ‘E’ public swimming pools shall provide lifeguards in accordance with their approved plan.

(C) A public swimming pool, as defined in this chapter, required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.

(D) Any request for a variance from these provisions must be made in writing and must include a site‑specific evaluation that demonstrates proof of equivalency with these provisions. The Department of Health and Environmental Control will consider the variance request and will provide written notice of its decision.”

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

Renumber sections to conform.

Amend title to conform.

Senator CLEARY 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 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O’Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Williams

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED**

**CARRIED OVER AS AMENDED**

S. 1269 -- Senators Peeler and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE THE RIGHTS OF A PHARMACY WHEN UNDERGOING AN AUDIT CONDUCTED BY A MANAGED CARE COMPANY, INSURANCE COMPANY, THIRD‑PARTY PAYER, OR AN ENTITY RESPONSIBLE FOR PAYMENT OF CLAIMS FOR HEALTH CARE SERVICES; TO REQUIRE THE AUDITING ENTITY TO ESTABLISH AN APPEALS PROCESS; AND TO PROVIDE FOR THE RECOUPMENT OF FUNDS UNDER CERTAIN CIRCUMSTANCES.

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

Senator BRYANT proposed the following amendment (S-1269-BRYANT), which was adopted:

Amend the committee amendment, as and if amended, page [1269-4], by striking lines 18-21 and inserting:

/ Section 38‑71‑1840. This article does not apply to an audit, review, or investigation that involves alleged insurance fraud, or other fraud or misrepresentation; and, this article does not apply to any audit, review, or investigation conducted by or on behalf of the state Medicaid agency in the performance of its duties under Titles XIX and XXI of the Social Security Act.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the perfecting amendment and the Bill.

The amendment was adopted.

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

**CARRIED OVER**

S. 781 -- Senators Thomas and Ford: 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.

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

S. 1042 -- Senator Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑29‑65 SO AS TO PROVIDE THAT BEGINNING WITH SCHOOL YEAR 2012‑2013, ALL MIDDLE AND HIGH SCHOOLS OF THIS STATE SHALL PROVIDE AT LEAST THREE HOURS OF INSTRUCTION EACH YEAR TO ITS STUDENTS IN EACH GRADE AT THE BEGINNING OF THE SCHOOL YEAR ABOUT CRIMINAL CONDUCT OR OTHER ACTIONS MOST COMMONLY COMMITTED BY OR INVOLVING SCHOOL‑AGED CHILDREN OR YOUNG ADULTS THAT COULD RESULT IN INCARCERATION IN A FEDERAL, STATE, OR LOCAL PRISON OR DETENTION FACILITY WHETHER THE CONDUCT OR ACTIONS ARE COMMITTED AS A JUVENILE OR AS AN ADULT, AND TO PROVIDE FOR PROCEDURES AND OTHER REQUIREMENTS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

S. 1210 -- Senators Hayes, Land and Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 60‑15‑100 AND 60‑15‑110 SO AS TO PROVIDE AN ANNUAL TRANSFER TO THE SOUTH CAROLINA ARTS COMMISSION OF AN AMOUNT EQUAL TO FIFTEEN PERCENT OF THE GENERAL FUND PORTION OF STATE ADMISSIONS TAX REVENUES IN THE PREVIOUS YEAR AFTER OTHER TRANSFERS REQUIRED FROM THE REVENUE AND TO REQUIRE THE COMMISSION TO EXPEND AT LEAST SEVENTY PERCENT OF ITS STATE APPROPRIATED FUNDS ON GRANTS FOR CHILDREN’S AND COMMUNITY PROGRAMS.

Senator HAYES explained the Bill.

On motion of Senator HAYES, the Bill was 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 LEATHERMAN, the Bill was carried over.

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND SECTION 56‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM “MOTOR VEHICLE” SO AS TO INCLUDE “MOPEDS” IN THE TERM’S DEFINITION.

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

S. 1220 -- Senators Campbell, Hayes and Ford: A BILL TO AMEND SECTION 48‑2‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR CERTAIN ENVIRONMENTAL PROGRAMS, INCLUDING THE SURFACE WATER WITHDRAWAL PROGRAM, WHICH ARE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND FOR ADMINISTRATION OF THESE PROGRAMS, SO AS TO ENUMERATE THE FEES FOR SURFACE WATER WITHDRAWAL APPLICATIONS AND PERMITS THAT WOULD OTHERWISE HAVE BEEN REPEALED JANUARY 1, 2013; BY ADDING SECTION 49‑4‑175 SO AS TO REIMPOSE THE FEES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY CHARGE FOR SURFACE WATER WITHDRAWAL AND APPLICATIONS AND PERMITS AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN THESE FEES TO IMPLEMENT AND OPERATE THE SURFACE WATER WITHDRAWAL PROGRAM; AND TO AMEND ACT 247 OF 2010, BY REPEALING PROVISIONS THAT PROSPECTIVELY REPEAL THE IMPOSITION OF SURFACE WATER WITHDRAWAL PERMIT FEES.

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

There was no objection.

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

Senator CAMPBELL explained the Bill.

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

**OBJECTIONS**

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.

Senator SHEHEEN objected to the Bill.

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.

Senator REESE objected to the Bill.

S. 1168 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑37‑60 SO AS TO REQUIRE HOSPITALS TO PROVIDE PARENTS OF NEWBORNS, PRIOR TO DISCHARGE, EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE AND TO REQUIRE THIS INFORMATION TO INCLUDE THE CENTER FOR DISEASE CONTROL’S RECOMMENDATION THAT PARENTS RECEIVE THE TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINE DURING POST PARTUM TO PROTECT NEWBORNS FROM THE TRANSMISSION OF PERTUSSIS; AND TO PROVIDE THAT HOSPITALS ARE NOT REQUIRED TO PROVIDE OR PAY FOR A VACCINATION AGAINST PERTUSSIS.

Senator REESE objected to the Bill.

S. 1307 -- Senators Courson, Setzler, Matthews, Hayes and Ford: 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.

Senator REESE objected to the Bill.

S. 1324 -- Senator Ryberg: A BILL TO AMEND SECTION 40‑57‑40, RELATING TO THE SOUTH CAROLINA REAL ESTATE COMMISSION, TO ADD A COMMISSIONER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40‑59‑10, RELATING TO THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40‑81‑50, RELATING TO THE STATE ATHLETIC COMMISSION, TO ADD A COMMISSIONER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; AND TO AMEND SECTION 41‑43‑30, RELATING TO THE South Carolina Jobs Economic Development Authority, TO ADD A COMMISSIONER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT.

Senator REESE objected to the Bill.

S. 1380 -- Senators Matthews, Courson, Setzler, Hayes, Scott, Williams, Nicholson 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.

Senator ANDERSON objected to the Bill.

S. 1394 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CERTIFICATION OF NEED FOR HEALTH FACILITIES AND SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4181, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator REESE objected to the Resolution.

S. 1398 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4207, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator REESE objected to the Resolution.

S. 1399 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CREDENTIAL CLASSIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4206, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator REESE objected to the Resolution.

H. 3028 -- Reps. Clemmons, Taylor, Clyburn and Long: A BILL TO AMEND SECTION 59‑26‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUCTION, ANNUAL, AND CONTINUING CONTRACTS FOR TEACHERS, SO AS TO INCREASE THE INDUCTION CONTRACT PERIOD FROM ONE YEAR TO FIVE YEARS.

Senator REESE objected to the Bill.

H. 4690 -- Reps. Owens, J.M. Neal, Patrick, Willis, Daning, Erickson and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “JASON FLATT ACT” BY ADDING SECTION 59‑26‑110 SO AS TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL REQUIRE TWO HOURS OF TRAINING IN YOUTH SUICIDE AWARENESS AND PREVENTION AS A REQUIREMENT FOR THE RENEWAL OF CREDENTIALS FOR INDIVIDUALS EMPLOYED IN MIDDLE SCHOOLS AND HIGH SCHOOLS; TO REQUIRE THE DEPARTMENT TO DEVELOP GUIDELINES FOR TRAINING AND MATERIALS THAT MAY BE USED BY SCHOOLS AND SCHOOL DISTRICTS AND TO PROVIDE THAT SCHOOL DISTRICTS MAY APPROVE TRAINING MATERIALS FOR TRAINING THEIR EMPLOYEES; TO PROVIDE THAT THIS TRAINING REQUIREMENT MAY BE SATISFIED THROUGH SELF REVIEW OF SUICIDE PREVENTION MATERIALS; AND TO PROVIDE THAT NO CAUSE OF ACTION RESULTS FROM THE IMPLEMENTATION OF THIS ACT.

Senator REESE objected to the Bill.

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.

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

Senator HUTTO objected to consideration of the Bill.

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

Senator LEVENTIS objected to consideration of the Bill.

**ADOPTED**

S. 1260 -- Senators Alexander and Ford: A SENATE RESOLUTION TO DECLARE MAY 22, 2012, AS FREE CLINIC AWARENESS DAY IN SOUTH CAROLINA.

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

**ADJOURNMENT**

At 2:24 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 2:00 P.M.

**Recorded Vote**

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

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