**Thursday, April 12, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In the writings of the prophet, Habakkuk, we read:

“The Sovereign Lord is my strength...” (Habakkuk 3:19a)

Bow in prayer with me, if you will:

Holy God, as this Senate has now entered into its fourth month of deliberation and debate, it is understandable that a measure of weariness and fatigue take something of a toll. We ask You today, Lord, to continue to energize and motivate these leaders and their staff members so that even more worthwhile benefits will result for the people of South Carolina. Give these servants the strength they need to carry on. In Your loving name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Richard Arlen Brooks, 21 Cedar Point Drive, Beaufort, SC 29907 *VICE* Judge Darlene Smith

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Joe Tisdale, 1236 Sumter Hwy., Kingstree, SC 29556

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Sharon Denise Washington, 188 Greenlee Street, Kingstree, SC 29556

**Doctor of the Day**

Senator LAND introduced Dr. Sharon Eden of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRYANT, at 11:05 A.M., Senator SHOOPMAN was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator CAMPBELL, at 11:05 A.M., Senator CAMPSEN was granted a leave of absence for the balance of the day.

**Leave of Absence**

At 1:00 P.M., Senator THOMAS requested a leave of absence until 1:25 P.M.

**Leave of Absence**

At 11:30 A.M., Senator ANDERSON requested a leave of absence from 2:00 - 8:00 P.M.

**Expression of Personal Interest**

Senator DAVIS 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 KNOTTS rose for an Expression of Personal Interest.

**Expression of Personal Privilege**

Senator RYBERG rose for an Expression of Personal Privilege.

**RECALLED AND READ THE SECOND TIME**

H. 5042 -- Rep. Funderburk: A BILL TO AMEND SECTION 7‑7‑340, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN KERSHAW COUNTY, SO AS TO CONSOLIDATE THE “CAMDEN NO. 3” AND THE “CAMDEN NO. 4” PRECINCTS INTO THE “HOBKIRK’S HILL” PRECINCT, TO ADD THE “ELGIN NO. 6” PRECINCT, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

Senator SHEHEEN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary.

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

There was no objection.

The question was the second reading of the Bill.

On motion of Senator SHEHEEN, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

**RECALLED**

S. 1362 -- Senator Ford: 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 PROVIDE THAT THE CURRENT TERM OF ANY PRESENT MEMBER OF THE BOARD ELECTED BY THE GENERAL ASSEMBLY WHO HAS SERVED MORE THAN ONE FULL FOUR‑YEAR TERM ON THE BOARD IS TERMINATED ON THE EFFECTIVE DATE OF THIS PROVISION AND HIS SUCCESSOR MUST BE SELECTED IN THE MANNER PRESCRIBED BY LAW, AND TO PROVIDE THAT ANY PRESENT MEMBER OF THE BOARD ELECTED BY THE GENERAL ASSEMBLY WHOSE CURRENT TERM IS CURTAILED BY THIS PROVISION IS ELIGIBLE FOR REELECTION TO THE BOARD.

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

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

**RECALLED**

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”.

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 and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1433 -- Senator Sheheen: A JOINT RESOLUTION TO ESTABLISH A DEED OF TRUST STUDY COMMITTEE TO DETERMINE THE EFFICACY AND FEASIBILITY OF UTILIZING A DEED OF TRUST RATHER THAN A MORTGAGE FOR A FORECLOSURE SECURITY INSTRUMENT, AND TO PROVIDE FOR THE DUTIES AND MEMBERSHIP OF THE STUDY COMMITTEE.

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

S. 1434 -- Senators Alexander, L. Martin, Matthews, Peeler and Verdin: A CONCURRENT RESOLUTION TO CONGRATULATE THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES, THE AMERICAN PEOPLE AND THE CITIZENS OF SOUTH CAROLINA ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE PASSAGE OF THE MORRILL ACT LEGISLATION, WHICH PROVIDED STATES WITH INCENTIVES TO BUILD A SYSTEM OF HIGHER EDUCATIONAL OPPORTUNITIES AND TO BUILD AMERICAN RESEARCH CAPACITY BY HARNESSING THE NATION’S RESERVOIR OF INTELLECTUAL CAPITAL.

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

S. 1435 -- Senators Land, Setzler, Pinckney, Massey, Cromer and Nicholson: A BILL TO AMEND SECTION 12-10-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO RURAL INFRASTRUCTURE FUND GRANTS, SO AS TO PROVIDE THAT GRANTS ALSO MAY BE AWARDED TO COUNTIES, AND MUNICIPALITIES LOCATED WITHIN COUNTIES, WITH A POPULATION OF LESS THAN FORTY THOUSAND.

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

S. 1436 -- Senator Knotts: A BILL TO AMEND SECTION 61-6-20, RELATING TO THE ALCOHOLIC BEVERAGE CONTROL ACT, TO ADD THE DEFINITION OF “TAVERN” OR “BAR”; TO ADD SECTION 61-6-1615 TO REQUIRE FOOD SERVICE ESTABLISHMENTS AND TAVERNS OR BARS TO SUBMIT TO THE DEPARTMENT OF REVENUE A STATEMENT OF THE PERCENTAGE OF INCOME FROM FOOD SERVICE AND FROM ALCOHOL SALES; TO ADD SECTION 61-6-1617 TO REQUIRE THE POSTING OF APPROPRIATE SIGNAGE PROHIBITING THE CARRYING OF A WEAPON INTO A TAVERN OR BAR; AND TO AMEND SECTION 16-23-465, RELATING TO THE ADDITIONAL PENALTY FOR THE UNLAWFUL CARRYING OF A WEAPON ONTO THE PREMISES OF A BUSINESS SELLING ALCOHOL FOR ON-PREMISES CONSUMPTION, TO PROVIDE THAT IS NOT UNLAWFUL FOR A PERSON WITH A CONCEALED WEAPONS PERMIT TO CARRY A CONCEALED WEAPON INTO A FOOD SERVICE ESTABLISHMENT.

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

S. 1437 -- Senators Lourie, Land, L. Martin, Setzler and Thomas: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LLOYD I. HENDRICKS OF COLUMBIA, PRESIDENT AND CEO OF THE SOUTH CAROLINA BANKERS ASSOCIATION, UPON THE OCCASION OF HIS RETIREMENT AND TO WISH HIM CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

S. 1438 -- Senators Lourie, Alexander, Sheheen, Courson, Nicholson and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 84 TO TITLE 44 SO AS TO CREATE THE COMMISSION ON HUNGER WITHIN AND STAFFED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES.

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Senator LOURIE spoke on the Bill.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 1221 -- Senators O’Dell and Ford: A BILL TO AMEND SECTION 29‑5‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISSOLUTION OF A MECHANIC’S LIEN UPON THE FAILURE OF A CERTAIN EVENT TO OCCUR WITHIN A SPECIFIC TIME PERIOD, SO AS TO ADD A BASIS FOR BEGINNING THE RUNNING OF THIS TIME PERIOD, AND TO CORRECT ARCHAIC LANGUAGE.

Ordered for consideration tomorrow.

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

S. 1319 -- Senators L. Martin, Matthews, Hayes and Ford: A BILL TO AMEND ARTICLE 11, CHAPTER 75, TITLE 38 OF THE 1976 CODE, BY ADDING SECTION 38-75-1010, TO PROVIDE THAT A TITLE INSURER MAY ISSUE CLOSING OR SETTLEMENT INSURANCE, TO PROVIDE FOR LOSS AGAINST WHICH THIS INSURANCE MAY INDEMNIFY AN INSURED, AND TO PROVIDE THAT A PREMIUM CHARGED PURSUANT TO THIS SECTION MUST BE APPROVED BY THE DEPARTMENT AND MUST NOT BE SUBJECT TO ANY AGREEMENT REQUIRING A DIVISION OF FEES OR PREMIUMS COLLECTED ON BEHALF OF THE TITLE INSURER.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

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.

Ordered for consideration tomorrow.

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

S. 1419 -- Senators Thomas and Ford: 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.

Ordered for consideration tomorrow.

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

S. 1392 -- Senators Campbell and Ford: A BILL TO AMEND SECTION 34‑13‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TOTAL LIABILITIES OF ANY ONE BORROWER TO A BANK, SO AS TO DEFINE “TOTAL LIABILITIES” WHICH SHALL INCLUDE “DERIVATIVE TRANSACTIONS” AND TO ALSO DEFINE “DERIVATIVE TRANSACTIONS” FOR THIS PURPOSE; AND TO AMEND SECTION 34‑13‑70, RELATING TO THE MAXIMUM AMOUNT OF LOANS BY A STATE BANK TO A BORROWER, SO AS TO DEFINE “LOAN” WHICH SHALL INCLUDE “DERIVATIVE TRANSACTIONS”, AND TO ALSO DEFINE “DERIVATIVE TRANSACTIONS” FOR THIS PURPOSE.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 1395 -- Senators Lourie, Cleary, Bryant, S. Martin and Knotts: A BILL TO AMEND SECTION 40-1-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN THE OVERSIGHT AND ADMINISTRATION OF PROFESSIONAL AND OCCUPATIONAL BOARDS, INCLUDING THE PROCESS WHEREBY THESE BOARDS ESTABLISH FEE SCHEDULES, SO AS TO DELETE THESE PROVISIONS CONCERNING BOARDS ESTABLISHING FEES AND TO REQUIRE THAT ALL SUCH FEES MUST BE ESTABLISHED BY LEGISLATIVE ENACTMENT IN THE GENERAL AND PERMANENT LAW OF THE STATE.

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out H. 3921 favorable:

H. 3921 -- Rep. Hardwick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 25 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE UNCLAIMED CREMATED REMAINS OF A VETERAN MAY BE INTERRED WITHOUT LIABILITY TO THE FUNERAL DIRECTOR, UNDERTAKER, FUNERAL HOME, OR OTHERS INVOLVED IN THE INTERMENT.

**Poll of the General Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Alexander O’Dell *Martin, Larry*

Knotts Ford Sheheen

Reese Lourie Bryant

Bright Cleary Coleman

Cromer Hayes Jackson

Scott Shoopman

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D.C. Moss, V.S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48‑1‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48‑1‑130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER AND TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 48‑1‑250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 5028 -- Reps. G.M. Smith and White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2012‑2013 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.

Ordered for consideration tomorrow.

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

**AMENDED, READ THE THIRD TIME**

**ORDERED ENROLLED FOR RATIFICATION**

H. 4905 -- Reps. Bingham, Allison and Anthony: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2012‑2013 SCHOOL YEAR BY MAY 15, 2012; TO PROVIDE THAT A CONTINUING‑CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator RYBERG proposed the following amendment (4905R002.WGR), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 13 and inserting:

/ salary schedule for the 2012‑2013 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive program. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

There being no further amendments, and having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification.

**THIRD READING BILLS**

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

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.

S. 1059 -- Senators Cromer and Elliott: A BILL TO AMEND SECTION 48‑4‑30 OF THE 1976 CODE, RELATING TO THE COMPOSITION OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, TO INCREASE THE NUMBER OF BOARD MEMBERS TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT, AND TO DESIGNATE THE AT‑LARGE BOARD MEMBER AS CHAIRMAN.

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.

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.

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.

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.

**S. 1394--Recorded Vote**

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

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.

By prior motion of Senator GROOMS, the Bill was given a third reading and sent to the House.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1158 -- Senator Verdin: A BILL TO AMEND SECTION 6-19-30 OF THE 1976 CODE, RELATING TO WATER AND SEWER AUTHORITIES, DISTRICTS, OR SYSTEMS, TO INCREASE THE NUMBER OF MEMBERS ON THE ADVISORY COMMITTEE TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT; TO AMEND SECTION 48-39-40, RELATING TO THE COASTAL ZONE MANAGEMENT APPELLATE PANEL, TO INCREASE THE NUMBER OF MEMBERS TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT; TO AMEND SECTION 48-59-40, RELATING TO THE SOUTH CAROLINA CONSERVATION BANK, TO ADD TWO SEATS TO THE BANK’S BOARD, ONE MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, AND ONE MEMBER FROM THE STATE AT LARGE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND TO AMEND SECTION 40-69-10, RELATING TO THE STATE BOARD OF VETERINARY EXAMINERS, TO INCREASE THE NUMBER OF MEMBERS TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT.

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.

The Committee on Agriculture and Natural Resources proposed the following amendment (1158R001.DBV), which was adopted:

Amend the bill, as and if amended, page 4, by striking SECTION 5 and inserting:

/ SECTION 5. Section 48-39-45(A) of the 1976 Code is amended to read:

“(A)(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of ~~fourteen~~ fifteen members, which shall act as an advisory council to the department's Office of Ocean and Coastal Resources Management.

(2) The members of the council must be constituted as follows:

(a) eight members, one from each coastal zone county, to be elected by a majority vote of the members of the House of Representatives and a majority vote of the Senate members representing the county from three nominees submitted by the governing body of each coastal zone county, each House or Senate member to have one vote; and

(b) ~~six~~ seven members, one from each of the congressional districts of the State, to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in that district, each House or Senate member to have one vote.

(3) The council shall elect a chairman, vice chairman, and other officers it considers necessary.”

SECTION 6. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Courson Cromer Davis

Fair Gregory Grooms

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 Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**Motion Adopted**

On motion of Senator O’DELL, with unanimous consent, Senators PEELER, FAIR, REESE and O’DELL were granted leave to attend a meeting and were granted leave to vote from the balcony.

**READ THE SECOND TIME**

S. 1134 -- Senator McGill: A BILL TO AMEND ACT 1377 OF 1968, AS AMENDED, RELATING TO CAPITAL IMPROVEMENT BOND AUTHORIZATIONS, SO AS TO REVISE THE PURPOSE FOR WHICH CAPITAL IMPROVEMENT BOND AUTHORIZATIONS MAY BE USED AT WILLIAMSBURG TECHNICAL COLLEGE.

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

Senator COURSON explained the Bill.

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

**Ayes 33; Nays 2**

**AYES**

Alexander Anderson Bryant

Campbell Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy Massey McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Verdin Williams

**Total--33**

**NAYS**

Bright Thomas

**Total--2**

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

**READ THE SECOND TIME**

S. 788 -- Senator Verdin: A BILL TO AMEND CHAPTER 21, TITLE 47 OF THE 1976 CODE, RELATING TO THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT, BY AMENDING SECTION 47‑21‑70 TO PROVIDE ADDITIONAL LIABILITY EXEMPTIONS TO VETERINARIANS AND PEOPLE WHO HOLD A SUPERIOR INTEREST IN THE PROPERTY; BY ADDING SECTION 47‑21‑90 TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR A PERSON THAT SUFFERS DAMAGES AS A RESULT OF VIOLATIONS OF CHAPTER 21 RELATING TO ANIMAL FACILITY OPERATIONS; AND BY ADDING ARTICLE 5 TO PROVIDE THAT IT IS UNLAWFUL TO TAMPER WITH CROP OPERATIONS, TO INTERFERE WITH THE OPERATIONS OF A CROP OPERATION, TO FRAUDULENTLY GAIN ACCESS TO A CROP OPERATION, AND TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR VIOLATIONS OF THIS ACT RELATED TO CROP OPERATIONS, TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT, TO DEFINE NECESSARY TERMS, AND TO MAKE TECHNICAL CORRECTIONS.

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

Senator VERDIN explained the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McGill

Nicholson O'Dell Peeler

Pinckney Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3059 -- Reps. Merrill, Stavrinakis, J.E. Smith and Whipper: A BILL TO AMEND SECTION 12‑6‑3376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INCOME TAX CREDIT FOR PLUG‑IN HYBRID VEHICLES, SO AS TO REVISE THE DEFINITION OF “PLUG‑IN HYBRID VEHICLE”, TO RAISE THE AGGREGATE AMOUNT OF THE CREDIT AVAILABLE EACH FISCAL YEAR AND DELETE ITS EXPIRATION DATE, AND TO PROVIDE THAT THE CREDIT MUST BE ALLOCATED TO ELIGIBLE CLAIMANTS DURING A FISCAL YEAR ON A FIRST‑COME, FIRST‑SERVE BASIS.

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

Senator CAMPBELL explained the Bill.

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

**Ayes 27; Nays 9**

**AYES**

Alexander Anderson Campbell

Cleary Courson Cromer

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy Matthews

McGill Nicholson O'Dell

Pinckney Ryberg Scott

Setzler Sheheen Williams

**Total--27**

**NAYS**

Bright Bryant Davis

Fair *Martin, Larry* Massey

Peeler Rose Thomas

**Total--9**

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

**READ THE SECOND TIME**

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.

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

Senator CAMPBELL explained the Bill.

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

**Ayes 35; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Courson Cromer Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Verdin Williams

**Total--35**

**NAYS**

Davis

**Total--1**

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. 4205 -- Reps. Funderburk, G.A. Brown and Lucas: A BILL TO AMEND ARTICLE 8, CHAPTER 36, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CORPORATIONS NOT‑FOR‑PROFIT PROVIDING WATER SERVICE FINANCED BY FEDERAL OR STATE LOANS BEING PERMITTED TO CONVERT TO A PUBLIC SERVICE DISTRICT, BY ADDING SECTION 33‑36‑1315, SO AS TO PROVIDE FOR ADDITIONAL CONVERSION PROVISIONS, TERMS, AND LIMITATIONS FOR NONPROFIT CORPORATIONS OF A CERTAIN SIZE THAT PROVIDE WATER SERVICE IN TWO OR MORE COUNTIES; AND TO AMEND SECTION 33‑36‑1330, RELATING TO THE GOVERNING BOARD AND STRUCTURE OF A CORPORATION WHICH HAS BEEN CONVERTED TO A PUBLIC SERVICE DISTRICT, SO AS TO PROVIDE FOR THE GOVERNING STRUCTURE OF A PUBLIC SERVICE DISTRICT OF A CERTAIN SIZE THAT PROVIDES SERVICE IN TWO OR MORE COUNTIES.

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

The Committee on Judiciary proposed the following amendment (JUD4205.002), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND ARTICLE 8, CHAPTER 36, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CORPORATIONS NOT‑FOR‑PROFIT PROVIDING WATER SERVICE FINANCED BY FEDERAL OR STATE LOANS BEING PERMITTED TO CONVERT TO A PUBLIC SERVICE DISTRICT, BY ADDING SECTION 33‑36‑1315, SO AS TO PROVIDE FOR ADDITIONAL CONVERSION PROVISIONS, TERMS, AND LIMITATIONS FOR NONPROFIT CORPORATIONS OF A CERTAIN SIZE THAT PROVIDE WATER SERVICE IN TWO OR MORE COUNTIES; AND TO AMEND SECTION 33‑36‑1330, RELATING TO THE GOVERNING BOARD AND STRUCTURE OF A CORPORATION WHICH HAS BEEN CONVERTED TO A PUBLIC SERVICE DISTRICT, SO AS TO PROVIDE FOR THE GOVERNING STRUCTURE OF A PUBLIC SERVICE DISTRICT OF A CERTAIN SIZE THAT PROVIDES SERVICE IN TWO OR MORE COUNTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 8, Chapter 36, Title 33 of the 1976 Code is amended by adding:

“Section 33-36-1315. (A) Corporations not-for-profit incorporated for the purposes of providing water service which, pursuant to the provisions of this chapter, serve a population of at least twenty thousand persons as shown in the most recent sanitary survey of the South Carolina Department of Health and Environmental Control, and provide water service in two or more counties within the State, may determine, by resolution adopted by the board of directors of the corporation and subject to the additional conditions provided in this section, to become a public service district, a public body politic and corporate. The resolution shall make findings as to: (1) whether the corporation owns assets, including, but not limited to, reserves, that are not reasonably required to continue its operations following its conversion to a public service district and, if so, the amount of the assets; and (2) whether the assets of the corporation have appreciated in value over their original cost and, if so, the amount of the value appreciation. The procedures provided in this section are valid, complete, and sufficient to effect the conversion notwithstanding any contrary provisions of law or the corporation's organizational documents or bylaws.

(B) Notice of the meeting of the board of directors at which the resolution to become a public service district is to be considered must be given by regular mail to each member of the corporation, addressed to the last known address of the member, and mailed not less than ten days before the meeting. Notice is effective upon mailing. The secretary of the corporation shall certify the date of mailing as to each member. The notice shall state the purpose, time, and place of the meeting. At the meeting, the board of directors shall afford any members in attendance an opportunity to speak and be heard in support of or in opposition to the conversion of the corporation to a public service district.

(C) Promptly after adoption by the board of directors of a resolution to become a public service district, the board of directors shall cause notice of the adoption to be mailed by regular mail to each member of the corporation, addressed to the last known address of the member. In addition, the board of directors, not earlier than the mailing required above, also shall cause the notice of adoption to be published at least once in one or more newspapers of general circulation in the counties in which the corporation provides service. The mailed and published notices shall include the name of the corporation, a statement that the board of directors has determined by resolution that the corporation shall be converted to a public service district, the date of the adoption of the resolution, and a statement that the resolution shall become effective and not subject to further review unless a petition signed by not less than fifteen percent of the membership of the corporation is filed as provided in this section. Within sixty days after the publication of the last notice required by this subsection, a petition signed by the members of the corporation equal in number to at least fifteen percent of the total membership may be filed with the clerk of court for the counties in which the corporation provides service calling for a vote of the membership on the question of whether the corporation shall become a public service district.

(D) Except for a petition being duly and timely filed in accordance with subsection (C), no action whatsoever may be commenced to challenge on any grounds the conversion of the corporation to a public service district more than ninety days after the date of the last publication required by subsection (C).

(E) If a petition is duly and timely filed in accordance with subsection (C), then the board of directors shall call a meeting of the members of the corporation to submit the question of whether the corporation shall become a public service district. Notice of this meeting must be given by regular mail to each member of the corporation, addressed to the last known address of the member, and mailed not less than ten days before the meeting. Notice is effective upon mailing. The secretary of the corporation shall certify the date of mailing as to each member. The notice shall state the purpose, time, and place of the meeting. The question shall be determined upon a majority vote of the members present in person at the meeting and voting. Action taken at the meeting is effective only if a quorum of the members of the corporation is present in person. For purposes of this subsection, a quorum consists of at least fifteen percent of the members of the corporation upon admission to the meeting.

(F) If the membership vote results in a determination to become a public service district, then the corporation shall promptly cause notice of the result to be mailed by regular mail to each member, addressed to the last known address of each member. In addition, the corporation, not earlier than the date of the mailing required above, also shall cause notice of the result to be published once in a newspaper or newspapers of general circulation in each county in which the corporation provides service. The mailed and published notices shall include the name of the corporation, a statement that the corporation has determined by membership vote to become a public service district, and a statement that no action may be commenced on account of the meeting or the conversion of the corporation to a public service district more than twenty days after the date of the final publication. No action whatsoever may be commenced to challenge on any grounds the conversion of the corporation to a public service district more than twenty days after the date of the final publication as provided in this subsection.

(G) If any member of the corporation that becomes a public service district pursuant to this section has received or been credited in a specified amount any capital stock, revolving fund certificate, retain certificate, certificate of indebtedness, letter of advice, or other written notice from the corporation and the specified amount has been realized as gross income to such member for federal income tax purposes with respect to any period prior to the date of conversion to a public service district, but the corresponding amount of money has not been distributed to the member, then the member is considered to have contributed such amount to the public service district. The resolution of the board of directors provided for in subsection (B) must specify this information, if applicable. If the board of directors has specified in the resolution provided for in subsection (B) that the corporation owns assets in excess of that reasonably required to continue its operations following conversion to a public service district or that there has been appreciation in the value of the assets of the corporation over their original cost, then, prior to conversion to a public service district, the corporation shall cause the amount thereof, as reasonably determined by the board of directors, to be distributed to the members of the corporation on a cooperative basis.

(H) Upon a final, favorable determination, either by vote of the board of directors or by vote of the membership, in the event a petition has been duly and timely filed in accordance with subsection (C), to become a public service district, and upon the expiration of the limitation periods provided by this section, the chief executive officer of the corporation shall petition the Secretary of State to issue a new charter to convert and constitute the nonprofit corporation a public service district, a public body politic and corporate.”

SECTION 2. Section 33-36-1330 of the 1976 Code is amended to read:

"Section 33-36-1330. (A) For a corporation converted to a public service district pursuant to Section 33-36-1310, the existing board of directors and officers shall serve until the expiration of their present terms. Thereafter, and not less than forty-five days ~~prior to~~ before any expiration of the term of a board member, the board of directors shall submit to the county legislative delegation the name or names of a person or persons recommended for appointment or reappointment. A letter of recommendation by the board stating why the name or names are recommended shall accompany the submission. The county legislative delegation shall consider the recommendation of the board but are not limited to make a selection for its own recommendation from among those submitted. Upon recommendation of the county legislative delegation, members of the board must be appointed by the Governor for a term of four years. A vacancy may be filled by the board, if the remaining term is less than two years; if more than two years, then in the usual manner for the unexpired term.

(B) For a corporation converted to a public service district pursuant to Section 33-36-1315, the existing directors, who shall constitute the initial governing board of the district, and officers shall serve until the expiration of their current terms. Thereafter, the public service district must be governed by a board comprising the same number of members as the predecessor corporation had as directors; provided that the governing board shall comprise no fewer than five members and no more than nine members. The governing board, by resolution, may decrease the number of members to not less than five and may increase the number of members to not more than nine. The successor members must be recommended by the board and appointed by the respective county legislative delegations in accordance with the following procedures. Each county legislative delegation shall have the right to appoint a number of members who bear the same relationship to the total number of members as the number of customers of the district within the county bears to the total number of customers of the district. The number of customers within each county, and the total number of customers, must be determined by reference to the billing and customer records of the public service district. Not less than forty-five days before the expiration of the term of any member, the governing board shall submit to the county legislative delegation with the right to appoint the successor member the name of a person recommended for appointment or reappointment to the board. A letter of recommendation by the board stating why the name is recommended shall accompany the submission. The county legislative delegation shall consider the recommendation of the board, but is not limited to that person in making its appointment. Each member must be appointed for a term of four years and until his successor is appointed and qualifies, provided that the terms of the members must be staggered by a county legislative delegation in making its appointments such that approximately one-half of the total members appointed by that county legislative delegation must be appointed or reappointed every two years. No member may be appointed for more than two consecutive terms. A vacancy must be filled for the remainder of the unexpired term in the manner of original appointment.

(C) For a corporation converted to a public service district pursuant to Section 33-36-1310, the governing body of the district, by a resolution adopted by a two-thirds vote of all members of the governing body, may request that board members be elected in a nonpartisan general election. If adopted, a certified copy of the resolution and a map clearly setting out the lines of the boundaries of the district in the county or counties in which the district is situated must be presented to the county election commission ~~prior to~~ before August first of a general election held in an even numbered year for the election to be held at the general election in November of that year. The governing body must be elected from single member election districts.

~~(C)~~(D) Notice of the election must be published by the governing body of the district at least three times ~~prior to~~ before the election, including (i) not less than sixty days ~~prior to~~ before the date of the election, (ii) two weeks after the first date of publication, and (iii) a date not more than fifteen and not less than ten days before the date of the election. The notice must appear in a newspaper of general circulation within the district and contain at a minimum the following:

(1) the full name of the district and its governing body;

(2) the names, addresses, and telephone numbers of the members of the district's governing body;

(3) the existing means of appointment of members of the district's governing body;

(4) a brief description of the governmental services provided by the district;

(5) a map showing generally the boundaries of the district;

(6) a list of precincts and polling places in which ballots may be cast; and

(7) an explanation of the procedure to be followed for election of members of the district's governing body and State.”

SECTION 3. The provisions of this act are declared to be severable and if any one or more of the provisions are deemed to be invalid by a court of competent jurisdiction, then the remainder of the provisions are deemed to be of full force and effect and are a full and complete authorization to the extent of this intent. The enforceability and effectiveness of portions of this act not subject to preclearance under the Voting Rights Act of 1965 (42 U.S.C. Sections 1973, et seq.) shall not be subject to preclearance of any portions of this act, if any, that are subject to preclearance under said Voting Rights Act of 1965.

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN 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 32; Nays 3**

**AYES**

Alexander Anderson Campbell

Cleary Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry* McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Thomas

Verdin Williams

**Total--32**

**NAYS**

Bright Bryant Massey

**Total--3**

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

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**READ THE SECOND TIME**

H. 4595 -- Reps. Bingham, Allison, Anthony and White: A BILL TO AMEND ACT 73 OF 2011, RELATING TO THE 2011‑2012 GENERAL APPROPRIATIONS ACT, SO AS TO REVISE PARAGRAPH 1A.54, SECTION 1A, PART IB, DIRECTING THE DEPARTMENT OF EDUCATION TO TRANSFER CERTAIN FUNDS TO MEET MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY PROVIDING THAT THE DOLLAR AMOUNT DIRECTED TO BE TRANSFERRED MUST BE “UP TO” THAT AMOUNT AND NOT THE SPECIFIC AMOUNT STIPULATED.

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\12311DG12), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking line 32 and inserting:

/ department shall direct ~~$45,481,854~~ $33,549,409 of the funds/

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The amendment was adopted.

Senator RYBERG proposed the following amendment (4595R001.WGR), which was adopted:

Amend the bill, as and if amended, page 2, after line 10, by adding a new SECTION to read:

/ SECTION \_\_\_. Notwithstanding another provision of law, school districts uniformly may negotiate salaries below the school district salary schedule for the 2012-2013 school year for retired teachers. /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

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

**H. 4595--Ordered to a Third Reading**

On motion of Senator HAYES, with unanimous consent, H. 4595 was ordered to receive a third reading on Friday, April 13, 2012.

**COMMITTEE AMENDMENT ADOPTED, AS 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.

The Committee on Medical Affairs proposed the following amendment (S-1269-1), which was adopted:

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

/ SECTION 1. Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Article 18

Pharmacy Audit Rights

Section 38‑71‑1810. (A) (1) ‘Insurer’ means an entity that provides health insurance coverage in this State as defined in Section 38-71-670(7) and Section 38-71-840(16).

(2) ‘Responsible party’ means the entity responsible for payment of claims for health care services other than:

(a) the individual to whom the health care services were rendered; or

(b) that individual’s guardian or legal representative.

(B) If a managed care organization, insurer, third‑party payer, or any entity that represents a responsible party conducts an audit of the records of a pharmacy, the pharmacy has a right to:

(1) have at least fourteen days’ advance notice of the initial on‑site audit for each audit cycle with no audit to be initiated or scheduled during the first five days of any month without the express consent of the pharmacy, which shall cooperate with the auditor to establish an alternate date if the audit would fall within the excluded days;

(2) have an audit that involves clinical judgment be conducted with a pharmacist who is licensed and employed by or working under contract with the auditing entity;

(3) not have clerical or record‑keeping errors, including typographical errors, scrivener’s errors, and computer errors, on a required document or record deemed fraudulent in the absence of any other evidence; this item does not prohibit recoupment of fraudulent payments;

(4) have, if required under the terms of the contract with the auditing entity, the auditing entity to provide the pharmacy, upon request, all records related to the audit in an electronic format or contained in digital media;

(5) have the properly documented records of a hospital or of a person authorized to prescribe controlled substances for the purpose of providing medical or pharmaceutical care for their patients transmitted by any means of communication approved by the auditing entity in order to validate a pharmacy record with respect to a prescription or refill for a controlled substance or narcotic drug pursuant to federal and state regulations;

(6) have a projection of an overpayment or underpayment based on either the number of patients served with a similar diagnosis or the number of similar prescription orders or refills for similar drugs; this item does not prohibit recoupments of actual overpayments, unless the projection for overpayment or underpayment is part of a settlement by the pharmacy;

(7) be free of recoupments based on either of the following unless defined within the billing, submission, or audit requirements set forth in the pharmacy provider manual not inconsistent with current State Board of Pharmacy Regulations, except for cases of Food and Drug Administration regulation or drug manufacturer safety programs in accordance with federal or state regulations:

(a) documentation requirements in addition to, or exceeding requirements for, creating or maintaining documentation prescribed by the State Board of Pharmacy;

(b) a requirement that a pharmacy or pharmacist perform a professional duty in addition to, or exceeding, professional duties prescribed by the State Board of Pharmacy unless otherwise agreed to by contract with the auditing entity;

(8) be subject, so long as a claim is made within the contractual claim submission time period, to recoupment only following the correction of a claim and to have recoupment limited to amounts paid in excess of amounts payable under the corrected claim unless a prescription error occurs. For purposes of this subsection, a prescription error, which includes, but is not limited to, wrong drug, wrong strength, wrong dose, or wrong patient;

(9) be subject to reversals of approval, except for Medicare claims, for drug, prescriber, or patient eligibility upon adjudication of a claim only in cases in which the pharmacy obtained the adjudication by fraud or misrepresentation of claim elements;

(10) be audited under the same standards and parameters as other similarly situated pharmacies audited by the same entity;

(11) have at least 30 days following receipt of the preliminary audit report to produce documentation to address any discrepancy found during an audit;

(12) have the period covered by an audit limited to twenty‑four months from the date a claim was submitted to, or adjudicated by, a managed care organization, an insurer, a third‑party payer, or an entity that represents responsible parties, unless a longer period is permitted by or under federal law;

(13) have the preliminary audit report delivered to the pharmacy within one hundred twenty days after conclusion of the audit;

(14) have a final audit report delivered to the pharmacy within ninety days after the end of the appeals period; and

(15) not have the accounting practice of extrapolation used in calculating recoupments or penalties for audits, unless otherwise required by federal requirements or federal plans.

(C) Notwithstanding Section 38-71-1840, the auditing entity shall provide the pharmacy, if requested, a masked list that provides a prescription number range the auditing entity is seeking to audit.

Section 38‑71‑1820. (A) Each entity that conducts an audit of a pharmacy shall establish an appeals process under which a pharmacy may appeal an unfavorable preliminary audit report to the entity.

(B) If, following the appeal, the entity finds that an unfavorable audit report or any portion of the unfavorable audit report is unsubstantiated, the entity shall dismiss the unsubstantiated portion of the audit report without any further proceedings.

(C) Each entity conducting an audit shall provide a copy, if required under the terms of the contract with the responsible party, of the audit findings to the plan sponsor after completion of any appeals process.

Section 38‑71‑1830. (A) Recoupments of any disputed funds must occur only after final internal disposition of an audit, including the appeals process as provided for in Section 38‑71‑1820, unless fraud or misrepresentation is reasonably suspected.

(B) Recoupment on an audit must be refunded to the responsible party as contractually agreed upon by the parties involved in the audit.

(C) The entity conducting the audit may charge or assess the responsible party, directly or indirectly, based on amounts recouped if both of the following conditions are met:

(1) the responsible party or payor and the entity conducting the audit have entered into a contract that explicitly states the percentage charge or assessment to the responsible party; and

(2) a commission or other payment to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped.

Section 38‑71‑1840. This article does not apply to an audit, review, or investigation that involves alleged Medicaid fraud, Medicaid abuse, insurance fraud or abuse, or other fraud or misrepresentation.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect January 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

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

**Statement by Senator BRYANT**

    I recused myself from the consideration of and voting on matters pertaining to S. 1269.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER AS AMENDED**

S. 1307 -- Senators Courson, Setzler, Matthews, Hayes and Ford: A BILL TO AMEND THE 1976 CODE, RELATING TO CERTAIN BOARDS AND COMMISSIONS TO AMEND CERTAIN EDUCATIONAL BOARDS OR COMMISSIONS, BOARDS FOR INSTITUTIONS OF HIGHER EDUCATION, THE SC EDUCATIONAL TELEVISION COMMISSION, AND THE SC MUSEUM COMMISSION TO ADJUST MEMBERSHIP TO ACCOUNT FOR THE SEVENTH CONGRESSIONAL DISTRICT, AND TO PROVIDE FOR THE CONTINUATION OF A MEMBER WHOSE RESIDENCY IS TRANSFERED. *(ABBREVIATED TITLE)*

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

The Committee on Education proposed the following amendment (1307R001.JEC), which was adopted:

Amend the bill, as and if amended, page 12, by striking lines 27-35 and inserting:

/ ~~A person who, as of July 1, 1988, is serving as president of the State College Board of Trustees or is serving on the Planning Committee for the College of Charleston within the State College Board of Trustees has the option of serving as a trustee on the board of trustees for the College of Charleston for an appropriate two‑year term expiring June 30, 1990. This option must be exercised on the first day of the filing period. If two such members file for the same seat, the General Assembly shall elect the board member from those filing.~~ /

Amend the bill further, as and if amended, page 4, by striking line 33 and inserting:

/ SECTION 3. Section 59‑48‑20 of the 1976 Code is amended /

Amend the bill further, as and if amended, by adding an appropriately numbered section:

/ SECTION \_\_. Section 59-123-50 of the 1976 Code is amended to read:

“Section 59-123-50. The present members of the board of trustees shall continue to serve until July 1, 1966, at which time their terms shall terminate and the members of the board to succeed the present members, and to fill the additional membership provided in Section 59‑123‑40, must be elected at a joint session of the General Assembly on the following dates: On the first Wednesday in February 1966, members representing the medical profession (medical doctor, dentist, registered nurse, or licensed pharmacist) and on the second Wednesday in February 1966, lay members or nonmedical members. One member of the medical profession from each congressional district and one layman or member of a nonmedical profession from each congressional district must be elected. The terms of all members elected commence on July 1, 1966. Of those first elected, the member who represents the medical profession from the first, second, and third congressional districts and lay members or members of the nonmedical profession from the fourth, fifth, and sixth congressional districts must be elected for terms of four years or until their successors are elected and qualify. The member of the board of trustees who represents the medical profession from the fourth, fifth, and sixth congressional districts and the members who are laymen or members of nonmedical professions from the first, second, and third congressional districts must be elected for terms of two years or until their successors are elected and qualify. Effective July 1, 2012, the member who represents the medical profession from the seventh congressional district must be elected to a term of four years and the lay member or member of the nonmedical profession from the seventh congressional district must be elected for an initial term of two years. Their successors must be elected for terms of four years or until their successors are elected and qualify. After its 1984 session, the General Assembly shall elect successors to those members it elects not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to succeed the member expires on the last day of June of the year in which the term of the former member would have expired. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

The term of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. Any vacancy in the office of the member appointed by the Governor must be filled by appointment for the unexpired term in the same manner of original appointment. If the Governor chooses to designate a member to serve in his stead, as permitted by Section 59‑123‑40, the appointment is effective upon certification to the Secretary of State and shall continue, at the pleasure of the Governor making the appointment, so long as he continues to hold the specified office. /

Amend the bill further, as and if amended, page 12 by striking line 42 and inserting:

/ terms beginning July 1, 1990, and expiring June 30, 1994. Effective July 1, 2012, the member elected to Seat 13 on the board must be elected for a two-year term beginning July 1, 2012, and expiring June 30, 2014, and the member elected to Seat 14 on the board must be elected to fill a four-year term beginning July 1, 2012, and expiring June 30, 2016. The /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**AMENDMENT PROPOSED, CARRIED OVER**

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.

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

Senator MALLOY proposed the following amendment (MS\  
7757AHB12):

Amend the bill, as and if amended, by deleting Section 59-26-110(C) in its entirety, as contained in SECTION 2, page 2, lines 11 through 17.

Renumber sections to conform.

Amend title to conform.

Senators MALLOY and THOMAS spoke on the amendment.

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

**H. 4690--Amendment Withdrawn, Objection 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.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the proposed amendment by Senator MALLOY, as printed above.

Senator MALLOY asked unanimous consent to withdraw his proposed amendment.

There was no objection and the amendment was withdrawn.

Senator SETZLER objected to further consideration of the Bill and the Bill was ordered returned to the Second Reading Calendar.

**MINORITY REPORT REMOVED**

**OBJECTION TO THE BILL**

S. 149 -- Senators Campsen, Rose, McConnell, Ryberg, Fair, Massey, Leventis, Bryant, Davis and Shoopman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “EQUAL ACCESS TO INTERSCHOLASTIC ACTIVITIES ACT” BY ADDING SECTION 59‑63‑100 SO AS TO PERMIT HOME SCHOOL STUDENTS, GOVERNOR’S SCHOOL STUDENTS, AND CHARTER SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES OF THE SCHOOL DISTRICT IN WHICH THE STUDENT RESIDES PURSUANT TO CERTAIN CONDITIONS.

Senator ANDERSON asked unanimous consent to remove the minority report on the Bill.

There was no objection and the minority report was removed and a notation was made on the Bill.

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

Senator MALLOY objected to further consideration of the Bill.

**OBJECTION**

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2905 TO INCLUDE MOPEDS IN THE DEFINITION OF MOTOR VEHICLES FOR THE PURPOSES OF THE ARTICLE.

Senator HUTTO objected.

**CARRIED OVER**

S. 566 -- Senators Leventis, Ford, Elliott, Reese, Ryberg, Setzler and Land: A BILL TO AMEND SECTION 59‑63‑120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE SAFE SCHOOL CLIMATE ACT, SO AS TO AMEND THE DEFINITION OF HARASSMENT TO INCLUDE MOTIVATIONS; TO AMEND SECTION 59‑63‑140, RELATING TO LOCAL DISTRICT POLICIES PROHIBITING HARASSMENT, SO AS TO INCLUDE PROCEDURES AND REPORTING REQUIREMENTS FOR ACTS OF HARASSMENT, AND TO REQUIRE LOCAL DISTRICTS TO POST A LINK TO THE POLICY ON THEIR WEBSITES; TO AMEND SECTION 59‑63‑150, RELATING TO AVAILABILITY OF CIVIL OR CRIMINAL REDRESS, SO AS TO INCLUDE PROVISIONS REGARDING THE CONSTRUCTION OF THE ARTICLE; AND BY ADDING SECTION 59‑63‑160 SO AS TO PROVIDE PROCEDURES FOR THE FILING OF REPORTS, NOTIFICATION TO THE DISTRICT SUPERINTENDENT AND TO THE DISTRICT BOARD OF TRUSTEES, TO PROVIDE A PROCESS FOR GRADING SCHOOLS AND DISTRICTS WITH REGARD TO HARASSMENT, INTIMIDATION, AND BULLYING, AND TO PROVIDE FOR PUBLICATION OF THE SCHOOL AND DISTRICT GRADE ON ITS WEBSITE.

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

S. 1176 -- Senators Courson and Land: A BILL TO AMEND TITLE 12 RELATING TO TAXATION, AND COUNTY TAX OFFICIALS TO AMEND THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE, THE COUNTY ASSESSORS, AUDITORS, TREASURERS, AND TAX COLLECTORS AND MAKE TECHNICAL CHANGES TO THE TAX CODE. *(ABBREVIATED TITLE)*

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

S. 1210 -- Senators Hayes, Land, Lourie and Ford: 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.

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

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

**MOTION ADOPTED**

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

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

**VETO 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 FAIR, the veto was carried over.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME, RETURNED TO THE**

**STATUS OF SPECIAL ORDER**

S. 1149 -- Senators Campsen, Campbell, Massey, Shoopman, Bright, Gregory, Alexander, Peeler, Grooms, Bryant, S. Martin, Davis, Knotts, L. Martin, Rose, Hayes and Thomas: A BILL TO ENACT THE “BORN ALIVE INFANT PROTECTION ACT” BY AMENDING SECTION 2‑7‑30 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF THE WORDS “PERSON” AND “PARTY” AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, TO PROVIDE FURTHER FOR THE CONSTRUCTION OF “PERSON”, “HUMAN BEING”, “CHILD”, AND “INDIVIDUAL”, SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE “BORN ALIVE”, TO PROHIBIT THE DEPRIVATION OF MEDICALLY APPROPRIATE AND REASONABLE MEDICAL CARE FOR AN INFANT, TO CLARIFY THE RIGHT OF A PARENT OR GUARDIAN TO REFUSE TREATMENT THAT IS NOT MEDICALLY APPROPRIATE OR REASONABLE, AND TO PROVIDE FOR THE SEVERABILITY AND ENFORCEABILITY OF THE PORTIONS OF THIS SECTION.

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

The Committee on Judiciary proposed the following amendment (JUD1149.001), which was adopted:

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

/ SECTION 1. This act may be referred to and cited as the “Born Alive Infant Protection Act”.

SECTION 2. Section 2‑7‑30 of the 1976 Code is amended to read:

“Section 2‑7‑30. (A) The words ‘person’ and ‘party’ and any other word importing the singular number used in any act or joint resolution shall be held to include the plural and to include firms, companies, associations, and corporations and all words in the plural shall apply also to the singular in all cases in which the spirit and intent of the act or joint resolution may require it. All words in an act or joint resolution importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males. And all words importing the present tense shall apply to the future also.

(B)(1) In determining the meaning of any act or joint resolution of the General Assembly or in a regulation promulgated pursuant to Article 1, Chapter 23, Title 1, unless otherwise defined in the act, joint resolution, or regulation, the words ‘person’, ‘human being’, ‘child’, and ‘individual’ must include every infant member of the species homo sapiens who is born alive at any stage of development.

(2) As used in this subsection, the term ‘born alive’, with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(3) Nothing in this subsection may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being born alive as defined in this subsection.”

SECTION 3. A provision of this act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be deemed severable here from and shall not affect the remainder hereof or the application of the provision to other persons not similarly situated or to other, dissimilar circumstances.

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

Senator LEVENTIS spoke on the Bill.

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

**Ayes 27; Nays 3**

**AYES**

Alexander Bright Bryant

Campbell Cleary Courson

Cromer Davis Fair

Grooms Hayes Jackson

Knotts Lourie Malloy

*Martin, Larry* Massey McGill

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Setzler Verdin

**Total--27**

**NAYS**

Ford Hutto Scott

**Total--3**

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

The Bill was returned to the status of Special Order.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Richard Arlen Brooks, 21 Cedar Point Drive, Beaufort, SC 29907 *VICE* Judge Darlene Smith

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Joe Tisdale, 1236 Sumter Hwy., Kingstree, SC 29556

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Sharon Denise Washington, 188 Greenlee Street, Kingstree, SC 29556

**ADJOURNMENT**

At 1:32 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senators BRIGHT and ROSE desired to be recorded as voting against the motion to adjourn.

\* \* \*