**Thursday, April 19, 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 his Prayer of Dedication King Solomon declared:

“ ‘O Lord... there is no God like you in heaven or on the earth below -- you who keep your covenant of love with your servants who continue wholeheartedly in your way’.”

(I Kings 8:23)

Join me as we bow in prayer, please:

O Blessed and Loving God, we concur with Solomon, and we thereby join in giving You our praise for Your faithfulness to us, as we strive to be faithful to You. May each of these Senators honor You by their own lives and by their service to the people of South Carolina. And grant that the results of their labors prove to be beneficial to the citizens of our State. In addition, Lord, continue to embrace in Your care and Your safekeeping our women and men in uniform, wherever they serve. All this we pray in Your holy name, O Lord.

Amen.

**Point of Quorum**

At 11:02 A.M., Senator LARRY MARTIN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bryant Campbell

Campsen Courson Cromer

Elliott Grooms Hayes

Hutto Knotts Leatherman

Leventis *Martin, Larry Martin, Shane*

McGill Nicholson O'Dell

Peeler Ryberg Setzler

Sheheen Verdin

**Recorded Presence**

Senators ROSE, THOMAS, ANDERSON, MALLOY, SHOOPMAN, WILLIAMS. BRIGHT, COLEMAN, FAIR, FORD, GREGORY, JACKSON, LAND, LOURIE, MASSEY, MATTHEWS, RANKIN, REESE, SCOTT and PINCKNEY recorded their presence subsequent to the Call of the Senate.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointment**

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

Charles Moorer Gavin, 119 Glenwood Drive, Manning, SC 29102 *VICE* Moses Levy (resigned)

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4231

Agency: Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists

Chapter: 36

Statutory Authority: 1976 Code Sections 40-1-40, 40-1-70, and 40-75-60

SUBJECT: Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists

Received by Lieutenant Governor February 6, 2012

Referred to Medial Affairs Committee

Legislative Review Expiration June 5, 2012

Withdrawn and Resubmitted April 19, 2012

Document No. 4233

Agency: Board of Registration for Professional Engineers and Surveyors

Chapter: 49

Statutory Authority: 1976 Code Sections 40-1-70, 40-22-60, and 40-22-130

SUBJECT: Requirements of Licensure for Engineers and Surveyors

Received by Lieutenant Governor February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Withdrawn and Resubmitted April 19, 2012

**Leave of Absence**

On motion of Senator WILLIAMS, at 11:05 A.M., Senator DAVIS was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator CROMER, at 11:05 A.M., Senator CLEARY was granted a leave of absence for today, as well as, next Tuesday, April 24, 2012.

**Leave of Absence**

At 1:05 P.M., Senator CAMPBELL requested a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator WILLIAMS, at 11:30 A.M., Senator PINCKNEY was granted a leave of absence until 2:30 P.M.

**Doctor of the Day**

Senator LARRY MARTIN introduced Dr. Larry Winn of Easley, S.C., Doctor of the Day.

**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. 1108 Sen. Hayes

S. 1267 Sen. Knotts

S. 1340 Sen. Knotts

S. 1408 Sens. Verdin, Shane Martin

S. 1419 Sen. Hayes

S. 1464 Sen. Rose

**Motion Adopted**

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

**RECALLED**

H. 4787 -- Reps. Brady and Sandifer: 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.

Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Banking and Insurance.

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

**OBJECTION**

S. 1353 -- Senator Rose: A BILL TO AMEND SECTION 8‑13‑1140 OF THE 1976 CODE, RELATING TO THE DISCLOSURE OF ECONOMIC INTERESTS BY PUBLIC OFFICERS AND EMPLOYEES, TO REQUIRE A PERSON THAT IS REQUIRED TO FILE THE STATEMENT TO FILE FOR ANY YEAR IN WHICH THAT PERSON HOLDS OFFICE FOR ANY PORTION OF THE YEAR.

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

Senator KNOTTS objected.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1462 -- Senator McGill: A SENATE RESOLUTION TO CONGRATULATE MRS. MAYBELL LANGLEY DAVIS ON THE OCCASION OF HER NINETY-NINTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 1463 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-860 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION AND THE CITY OF ROCK HILL MAY MOW AND MAINTAIN ROADSIDE VEGETATION THIRTY FEET FROM THE PAVEMENT ON INTERSTATE 77 AT CERTAIN INTERCHANGES.

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

S. 1464 -- Senators L. Martin, Grooms and Rose: A BILL TO AMEND SECTION 56-5-1535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, SO AS TO DELETE THIS PROVISION AND PROVIDE A DEFINITION FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”, TO CREATE THE OFFENSES OF “ENDANGERMENT OF A HIGHWAY WORKER” AND “AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER”, AND TO PROVIDE PENALTIES FOR BOTH OFFENSES; TO AMEND SECTION 56-1-720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, SO AS TO PROVIDE THAT “ENDANGERMENT OF A HIGHWAY WORKER” AND “AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER” ARE TWO POINT VIOLATIONS; AND TO REPEAL SECTION 56-5-1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

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

S. 1465 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF REGISTRATION FOR FORESTERS, RELATING TO REQUIREMENTS OF LICENSURE FOR FORESTERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4234, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1466 -- Senator Ryberg: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD WEEK IN APRIL 2012 AS “SHAKEN BABY SYNDROME AWARENESS WEEK” TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

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

S. 1467 -- Senators Hutto, Campbell and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-1-43, SO AS TO PROVIDE THAT THE ISSUANCE OF A LICENSE, ALONE, BY THE DIVISION OF PROFESSIONAL AND OCCUPATIONAL LICENSING OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION DOES NOT CREATE A COMMON LAW DUTY OF DUE CARE FOR THE LICENSE HOLDER, AND TO PROVIDE THAT THE LICENSE HOLDER CANNOT BE HELD PERSONALLY LIABLE IN TORT SOLELY BY REASON OF BEING A LICENSE HOLDER.

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On motion of Senator HUTTO, with unanimous consent, read the first time and referred to the Committee on Judiciary.

S. 1468 -- Senator Hayes: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE OUTSTANDING SCHOOL LEADERSHIP OF DENISE KHAALID, ASSISTANT PRINCIPAL AT SOUTH POINTE HIGH SCHOOL, AND TO CONGRATULATE HER UPON BEING NAMED THE 2012 NATIONAL NASSP/VIRCO ASSISTANT PRINCIPAL OF THE YEAR.

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The Senate Resolution was adopted.

S. 1469 -- Senator Malloy: A BILL TO AMEND ACT 748 OF 1978, AS AMENDED, RELATING TO THE BOARD OF EDUCATION OF DARLINGTON COUNTY, TO RESTRICT THE AUTHORITY OF THE BOARD TO INCREASE THE TAX LEVY WITHOUT THE APPROVAL OF A VOTE OF THE COUNTY ELECTORATE.

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

**REPORTS OF STANDING COMMITTEES**

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 1375 -- Senators Campsen and Hutto: A BILL TO AMEND SECTION 56‑5‑3860 OF THE 1976 CODE, RELATING TO THE PROHIBITION OF ANIMALS AND CERTAIN VEHICLES ON CONTROLLED ACCESS HIGHWAYS, TO PROVIDE FOR AN EXEMPTION FOR BICYCLES AND PEDESTRIANS UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 1376 -- Senators Grooms, Campbell, Land, Peeler, Cleary, Cromer, Coleman, Setzler, McGill, Verdin, Nicholson and Shoopman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑15‑315 SO AS TO PROVIDE FOR OFF‑SITE DISPLAYS OF AUTOMOBILES AND CERTAIN TRUCKS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION.

Ordered for consideration tomorrow.

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

S. 1429 -- Senator Alexander: A BILL TO AMEND SECTION 44‑36‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT BY THE GOVERNOR OF MEMBERS TO THE ALZHEIMER’S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER ADVISORY COUNCIL, SO AS TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL APPOINT MEMBERS TO THE COUNCIL.

Ordered for consideration tomorrow.

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

S. 1438 -- Senators Lourie, Alexander, Sheheen, Courson, Nicholson, Hutto and Cleary: 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.

Ordered for consideration tomorrow.

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

H. 4008 -- Reps. Harrison, H.B. Brown, G.R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D.C. Moss, Patrick, Pinson, Sandifer, G.M. Smith, J.R. Smith, Stringer, Toole, Willis, Bingham and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44‑7‑392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER’S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THAT PERSON; BY ADDING SECTION 44‑7‑394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40‑71‑10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

Ordered for consideration tomorrow.

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

H. 4513 -- Rep. Harrison: A BILL TO AMEND SECTION 43‑35‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE MEMBERSHIP AND MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 43‑35‑330, RELATING TO THE DUTIES OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE DUTIES OF THE COUNCIL AND ADD THE REQUIREMENT THAT THE COUNCIL ANNUALLY PREPARE AND DISTRIBUTE TO THE MEMBERSHIP AND THE MEMBERS OF THE GENERAL ASSEMBLY A REPORT OF THE COUNCIL’S ACTIVITIES AND ACCOMPLISHMENTS FOR THE CALENDAR YEAR.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 1432 -- 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 CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS ALONG THE EAST AND WEST BOUND LANES OF INTERSTATE HIGHWAY 20 AT MILE MARKER 49 THAT CONTAIN THE WORDS “SCHP PATROLMAN BEN W. STRICKLAND MEMORIAL HIGHWAY”.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

S. 1439 -- Senator Pinckney: A CONCURRENT RESOLUTION TO CONGRATULATE AND COMMEND THE HONORABLE MCKINLEY WASHINGTON, JR., ON THE OCCASION OF HIS RETIREMENT AFTER FIFTY YEARS OF FAITHFUL SERVICE AS PASTOR OF EDISTO PRESBYTERIAN CHURCH (U.S.A.) AND TO WISH HIM CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 19, 2012, at 1:46 P.M. and the following Acts and Joint Resolutions were ratified:

(R166, S. 710) -- Senators Knotts, O’Dell, Ford, Alexander, Bryant and Setzler: AN ACT TO AMEND SECTION 56‑1‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER’S LICENSE, SO AS TO, UPON THE LICENSEE’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER’S LICENSE; TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD; BY ADDING SECTION 56‑1‑205 SO AS TO PROVIDE THAT, UPON PROOF OF ELIGIBILITY, AN APPLICANT FOR A SOUTH CAROLINA DRIVER’S LICENSE MAY HAVE A NOTATION PLACED ON HIS DRIVER’S LICENSE THAT THE APPLICANT IS HEARING IMPAIRED; AND BY ADDING SECTION 56‑3‑1920 SO AS TO PROVIDE THAT, UPON PROOF OF ELIGIBILITY, A HEARING IMPAIRED DRIVER MAY APPLY TO THE DEPARTMENT OF MOTOR VEHICLES FOR A HEARING IMPAIRED IDENTIFICATION PLACARD.

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(R167, H. 4595) -- Reps. Bingham, Allison, Anthony and White: AN ACT 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 FURTHER PROVIDING FOR THE DOLLAR AMOUNT OF THE TRANSFER AND FOR OTHER TERMS AND CONDITIONS OF THE TRANSFER; AND TO PROVIDE THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SCHOOL DISTRICTS UNIFORMLY MAY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2012‑2013 SCHOOL YEAR FOR RETIRED TEACHERS.

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(R168, H. 4632) -- Rep. Battle: AN ACT 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.

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(R169, H. 4664) -- Rep. Clyburn: AN ACT TO AMEND SECTION 11‑50‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO FURTHER PROVIDE FOR THE APPOINTMENT OF CERTAIN MEMBERS OF THE GOVERNING BOARD OF THE AUTHORITY; AND BY ADDING SECTION 11-50-55 SO AS TO PROVIDE THAT THE AUTHORITY, BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS, MAY HIRE A DIRECTOR FOR THE AUTHORITY, SO LONG AS AT LEAST ONE OF THE GUBERNATORIAL APPOINTEES AND AT LEAST THREE OF THE LEGISLATIVE APPOINTEES VOTE IN FAVOR OF THE HIRING.

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(R170, H. 4983) -- Reps. Pope, King, Norman, Simrill, Delleney, Long and D.C. Moss: AN ACT 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.

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(R171, H. 5042) -- Rep. Funderburk: AN ACT 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.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 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.

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.

**HOUSE BILL RETURNED**

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

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

**THIRD READING BILLS**

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

S. 1122 -- Senator Gregory: A BILL TO AMEND SECTION 7‑7‑350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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.

**S. 1319--Recorded Vote**

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

S. 1321 -- Senators Malloy, McConnell, Knotts and Ford: A BILL TO AMEND THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16‑11‑110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16‑23‑500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22‑3‑560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22‑5‑920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS’ RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24‑19‑10, RELATING TO THE DEFINITION OF A “YOUTHFUL OFFENDER”, SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16‑11‑312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE‑YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24‑21‑5 AND SECTION 24‑21‑100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24‑21‑280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY‑DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44‑53‑370 AND SECTION 44‑53‑375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44‑53‑470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56‑1‑396, RELATING TO THE DRIVERS LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑1‑460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON’S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945; AND BY AMENDING SECTION 56‑1‑460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON’S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

S. 1328 -- Senator Verdin: A BILL TO AMEND ARTICLE 11, CHAPTER 9, TITLE 48 OF THE 1976 CODE, RELATING TO SOIL AND WATER CONSERVATION DISTRICT COMMISSIONERS AND THE POWERS OF THE COMMISSIONERS AND THE DISTRICTS, BY ADDING SECTION 48‑9‑1330 TO PROVIDE FOR AN EXEMPTION FOR APPOINTED COMMISSIONERS FROM FINANCIAL DISCLOSURE REQUIREMENTS CONTAINED IN ARTICLE 11, CHAPTER 13, TITLE 8.

S. 1340 -- Senators Malloy and Knotts: A BILL TO AMEND SECTION 41‑15‑520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES OF EMPLOYEES ALLEGING DISCRIMINATION, SO AS TO PROVIDE PROCEDURES THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL FOLLOW UPON RECEIPT OF A COMPLAINT ALLEGING SUCH DISCRIMINATION.

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.

Senator HAYES explained the Bill.

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.

On motion of Senator PEELER

S. 1419 -- Senators Thomas, Ford and Hayes: 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.

**SECOND READING BILL**

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

S. 1460 -- Senators Hayes and Gregory: A BILL TO AMEND ACT 270 OF 1981, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 IN YORK COUNTY, SO AS TO PROVIDE FOR THE EXPIRATION DATE OF THE TERMS OF CERTAIN MEMBERS OF THE BOARD IN ORDER TO HAVE ALL MEMBERS OF THE BOARD ELECTED IN NOVEMBER OF EVEN‑NUMBERED YEARS.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

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.

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

Senator GROOMS proposed the following amendment (566R002.LKG), which was adopted:

Amend the committee amendment, as and if amended, page [566-2], by striking lines 11 - 14 and inserting:

/ / When appropriate, the principal, or his designee, shall inform the parents or guardians of all students involved in the alleged incident, as appropriate and with consideration of the victim’s privacy, and may discuss, as appropriate, the availability of supportive counseling. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the perfecting amendment to the committee amendment.

The perfecting amendment was adopted.

The Education Committee proposed the following amendment (DKA\3986SD12), which was adopted:

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

/ SECTION \_\_. The General Assembly finds that there is no acceptable reason to bully another person. /

Amend further, as and if amended, by striking item (1) of Section 59‑63‑120 of the 1976 Code as contained in SECTION 1 and inserting:

/ (1) ‘Harassment, intimidation, or bullying’ means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of:

(a) harming a student physically or emotionally or damaging a student’s property, or placing a student in reasonable fear of personal harm or property damage; or

(b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school~~.~~; or

(c) being motivated by any differentiating characteristic real, perceived, or implied, or being motivated by association with a person who has one or more of these characteristics. /

Amend further, as and if amended, Section 59‑63‑140(B)(5) of the 1976 Code, as contained in SECTION 2, page 3, beginning on line 10, by striking / The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. /

and inserting:

/ The principal shall inform the parents or guardians of all students involved in the alleged incident, as appropriate and with consideration of the victim’s privacy, and may discuss, as appropriate, the availability of supportive counseling. /

Amend further, as and if amended, by adding a new section to be appropriately numbered to read:

/ SECTION \_\_. Section 59‑18‑900 of the 1976 Code, as last amended by Act 282 of 2008, is further amended by adding at the end a new subsection to read:

“(H) The annual report card for each elementary, middle, and high school of this State and each school district prepared as provided in this section shall not include the school’s and district’s progress and success in complying with the provisions of the Safe Schools Climate Act as contained in Article 2, Chapter 63, Title 59.” /

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.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Cromer Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright

**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**

S. 1137 -- Senator Shoopman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 40‑3‑325 AND 40‑22‑295 SO AS TO ENACT THE “ARCHITECTS’ AND ENGINEERS’ VOLUNTEER ACT” WHICH PROVIDES IMMUNITY FOR A REGISTERED ARCHITECT OR ENGINEER WHO PROVIDES CERTAIN ARCHITECTURAL OR ENGINEERING SERVICES AT THE SCENE OF A DECLARED EMERGENCY.

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

The Committee on Labor, Commerce and Industry proposed the following amendment (1137R001.WGR), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 28-30 and inserting:

/ “Section 40‑3‑325. A licensed architect under the provisions of this chapter, or a licensed contractor or subcontractor as defined by Section 40-11-20, is immune from liability for volunteer architectural or volunteer construction services during an emergency in the same manner as a licensed /

Amend the bill further, as and if amended, page 2, by striking lines 11-20 and inserting:

/ (B) A licensed engineer, architect, contractor, or subcontractor who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering, architectural, or construction services at the scene of a declared national, state, or local emergency at the request of a public official, law enforcement official, public safety official, or building inspection official acting in an official capacity, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the licensed engineer’s, architect’s, contractor’s, or subcontractor’s acts, errors, or omissions in /

Amend the bill further, as and if amended, page 2, by striking lines 24-31 and inserting:

/ (C)(1) Any licensed architect, engineer, contractor, or subcontractor appointed pursuant to this section must not be held liable for any civil damages as a result of the providing of requested architectural, engineering, or construction services unless the damages result from providing, or failing to provide, architectural, engineering, or construction services in reckless disregard for the consequences of the services provided.

(2) This section applies if the architect, engineer, contractor, or subcontractor does not receive payment from the State other than as allowed in Section 8-25-40 for the appointed services and prescribed duties. However, if the architect or engineer is an employee of the State, the architect or engineer may continue to receive compensation from his employer.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT 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 Campsen

Coleman Courson Cromer

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman 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.

**READ THE SECOND TIME**

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.

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

Senator SHANE MARTIN proposed the following amendment (3083R002.SRM), which was withdrawn:

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

/ SECTION \_\_. Section 48-59-75 of the 1976 Code is amended to read:

“Section 48-59-75. In a fiscal year when the General Assembly in the annual general appropriations act provides less appropriations than what was provided for the previous year to at least one‑half of the state agencies or departments contained therein the act or in any year when the Budget and Control Board orders across the board cuts to state agencies and departments in the manner provided by law, ~~no further transfer of deed recording fees or~~ ten cents of the one dollar thirty-cent state deed recording fee must be credited to the South Carolina Conservation Bank Trust Fund and no other appropriated funds, state or local, may be credited to the trust fund for the fiscal year or balance of the fiscal year, but existing balances in the trust fund may be used as provided by Chapter 59 of Title 48 of the 1976 Code.” /

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

/ SECTION \_\_. Section 48-59-70(O) of the 1976 Code is amended to read.

“(O)(1) Trust funds may not be used to acquire interest in land downzoned within three years of the application unless the interest is sold for the predownzoning value or current value, whichever is greater. However, this requirement is waived if the owner of the downzoned property agrees to accept a lesser amount.

(2) If the owner of an interest in land which is the subject of an application for acquisition with trust funds proves to the satisfaction of the board that intentional and improper acts of planning, zoning, or other regulatory officials resulted in substantial delay or denial of a lawful permit or permission to develop the interest in land and the permit or permission was requested by the owner before the application, then the value of the interest in land is deemed to be its value as if those permits or permissions were granted unless the owner of the interest agrees to a lesser value in writing. An owner aggrieved by the decision of the board with respect to this item may appeal to the Administrative Law Judge Division where the matter must be heard as a contested case.

(3) State funds may not be used for any project or group associated with the implementation or promotion of the United Nations Agenda 21.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN asked unanimous consent to withdraw the previously proposed amendment.

There was no objection and the amendment was withdrawn.

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

Senator SHANE MARTIN proposed the following amendment (3083R005.SRM), which was tabled:

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

/ SECTION \_\_. Section 48-59-75 of the 1976 Code is amended to read:

“Section 48-59-75. In a fiscal year when the General Assembly in the annual general appropriations act provides less appropriations than what was provided for the previous year to at least one‑half of the state agencies or departments contained therein the act or in any year when the Budget and Control Board orders across the board cuts to state agencies and departments in the manner provided by law, ~~no further transfer of deed recording fees or~~ ten cents of the one dollar thirty-cent state deed recording fee must be credited to the South Carolina Conservation Bank Trust Fund and no other appropriated funds, state or local, may be credited to the trust fund for the fiscal year or balance of the fiscal year, but existing balances in the trust fund may be used as provided by Chapter 59 of Title 48 of the 1976 Code.” /

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

/ SECTION \_\_. Section 48-59-70(O) of the 1976 Code is amended to read.

“(O)(1) Trust funds may not be used to acquire interest in land downzoned within three years of the application unless the interest is sold for the predownzoning value or current value, whichever is greater. However, this requirement is waived if the owner of the downzoned property agrees to accept a lesser amount.

(2) If the owner of an interest in land which is the subject of an application for acquisition with trust funds proves to the satisfaction of the board that intentional and improper acts of planning, zoning, or other regulatory officials resulted in substantial delay or denial of a lawful permit or permission to develop the interest in land and the permit or permission was requested by the owner before the application, then the value of the interest in land is deemed to be its value as if those permits or permissions were granted unless the owner of the interest agrees to a lesser value in writing. An owner aggrieved by the decision of the board with respect to this item may appeal to the Administrative Law Judge Division where the matter must be heard as a contested case.

(3) The Conservation Bank is not subject to the authority of the United Nations or United Nations Agenda 21.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

Senator COURSON spoke on the amendment.

Senator COURSON moved to lay Amendment No. 4 on the table.

The amendment was laid on the table.

**H. 3083--Recorded Vote**

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

Senator CAMPSEN spoke on the Bill.

**Remarks by Senator CAMPSEN**

Thank you, Mr. PRESIDENT.

I think H. 3083, which reauthorizes the Conservation Bank, is about to pass. Nevertheless, I’m going to risk violating the cardinal rule that when you've won, sit down and shut up. I’m going to risk violating that cardinal rule because there needs to be a clearing of the air about what the Conservation Bank is, why it was created, how it functions, and why we should support it.

I can speak authoritatively to these issues because I authored the Conservation Bank when I was in the House. I proposed the Conservation Bank because I was fed up with the typical regulatory approach to conservation. Regulatory approaches to conservation -- where the government tells property owners what they can and can’t do with their property -- are at times in derogation of property rights. Regulatory approaches to conservation require that hapless property owners bear all the cost of conservation, while the public gets all the conservation it wants for free.

I conceived the Conservation Bank as a pro-property rights way to accomplish conservation. It is conservation by negotiation and compensation to the property owner -- not regulation, which is the typical approach. Essentially the Conservation Bank puts a pricing mechanism into conservation. It creates a funding mechanism for the purchase of conservation easements from willing sellers. A conservation easement is a legal instrument whereby a property owner essentially sells his development rights, on terms he agrees with, and is compensated for it. This pricing mechanism helps establish what all pricing mechanisms obtain -- equilibrium. In this instance its equilibrium between supply of conservation and demand for conservation. It is free-market economics applied to conservation.

The ACE Basin is a great example of property owners protecting an entire ecosystem through conservation easements -- willingly, effectively, and efficiently -- with the help of the Conservation Bank. A regulatory approach to conservation could never approach this magnitude of conservation. But by working with property owners instead of lording it over them, the Conservation Bank and conservation easements enable us to preserve an ecosystem as vast as the ACE Basin.

I care about conservation because I’m an avid hunter, fisherman and surfer. My entire family spends all of our recreational time in the Great Outdoors. I confess. I love the outdoors.

However, I contend the value of our natural resources is not relative to what you may or may not enjoy doing. As an outdoorsman, I want to conserve and preserve areas where I grew up hunting, fishing and surfing. I want my children and my grandchildren to experience the same joy I have experienced in the Great Outdoors. I want them to touch, know, feel and enjoy South Carolina’s abundant natural resources.

Yet your duty to support conservation is not contingent upon whether or not you’re an outdoorsman or outdoorswoman. It is not predicated upon you loving the Great Outdoors the way I love the Great Outdoors. What is my authority for this assertion that you have a duty to support conservation whether you enjoy the outdoors or not, you ask? It is none other than the South Carolina Constitution.

Article 12 of our Constitution is entitled “Functions of Government”. Section 1 establishes a constitutional mandate for conservation. It states, “The health, welfare and safety of the lives and property of the people this State and the conservation of its natural resources are matters of public concern. The General Assembly shall provide appropriate agencies to function in these areas of public concern.”

Time and again I’ve heard elected officials say conservation is not a core function of government. Well, you know what I say to them? Read your Constitution! If you want to know what the core functions of government are, read the Constitution. Conservation is a core function of government because the Constitution says it is. I could go into why it says this, but I will reserve that commentary for a later date. The point I am driving home today is that conservation is not a matter of personal preference. It is a constitutional mandate, and will remain a constitutional mandate until Article XII, Section 1 of the South Carolina Constitution is repealed -- which I dare say will never happen. It won’t happen because the people support conservation of our natural resources.

This constitutional mandate reflects the principle of stewardship we find in Judeo-Christian theology. In the Judeo-Christian worldview God created the world and gave us a stewardship responsibility over it. The concept of stewardship is that we are to protect, preserve and sustain creation while also utilizing its resources. It is a perfect balance between utilization and conservation of resources for future generations.

How do we fulfill this constitutional duty to do conservation? We do it in many ways. DNR, DHEC, the Heritage Trust Program and the Conservation Bank are all ways we fulfill that constitutional mandate. The particular beauty of the Conservation Bank is that it accomplishes the mandate most efficiently and effectively. Over 152,000 acres has been protected by the Conservation Bank at an average cost of $534/acre since 2003. This has been accomplished by negotiating with and compensating property owners.

Nothing could be more respectful of property rights -- or effective for conservation.

Thank you.

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

The question then was second reading of the Bill.

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

**Ayes 38; Nays 2**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Cromer Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

Bright Fair

**Total--2**

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

**Statement by Senator McGILL**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of the second reading of H. 3083.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1231 -- Senator Gregory: A BILL TO AMEND SECTION 50‑1‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VARIOUS CLASSIFICATIONS OF BIRDS, GAME ANIMALS, AND FISH, SO AS TO CLASSIFY COBIA RACHYCENTRON CANADUM AS A SALTWATER GAME FISH.

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

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\5267CM12), which was adopted:

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

/ SECTION 1. Section 50‑1‑30(7) of the 1976 Code, as last amended by Act 200 of 2010, is further amended to read:

“(7) Saltwater game fish: Cobia Rachycentron canadum; spotted seatrout (winter trout) Cynoscion nebulosus~~,~~; red drum (channel bass) Sciaenops ocellatus; tarpon Megalops atlanticus~~,~~; and any species of billfish of the Family Istiophoridae.”

SECTION 2. Section 50‑5‑1700 of the 1976 Code is amended to read:

“Section 50‑5‑1700. (A) It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter saltwater gamefish in this State regardless of where taken except as provided in this chapter.

(B) It is unlawful to take or attempt to take saltwater gamefish in the waters of this State, except by:

(1) hand‑held hook and line which includes rod and reel and pole; or

(2) gigging during legal periods.

Any saltwater gamefish taken by any other means must be returned immediately to the water.

(C) It is unlawful for a person to have in possession a saltwater gamefish while fishing or transporting a seine or a gill net or other commercial fishing equipment. A saltwater gamefish caught in the net or commercial fishing equipment must be returned to the water immediately.

(D) A wholesale or retail seafood dealer or other business may import cobia, red drum, or spotted seatrout from another state or country where the taking and sale of the fish is lawful. A copy of the bill of sale, bill of lading, or other proof of origin for each lot or shipment of the fish must accompany any fish resold and must be in the possession of the person or business offering imported cobia, red drum, or spotted seatrout for sale until it is sold to the ultimate consumer and must be retained by any seller for a period of one year.

(E) It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter cobia taken from state waters.

SECTION 3. Section 50‑5‑32 of the 1976 Code is amended to read:

Section 50‑5‑32. (A) The department has the authority to close any commercial or recreational fishing season, area, or activity in the salt waters of this State when ~~an emergency exists. For the purposes of this section an emergency is an unusual, sudden, and unexpected~~ a natural or man‑induced emergency ~~situation or occurrence which~~ threatens the future or present well‑being of a fishery resource or its habitat in a part of or in all of the salt waters of this State.

(B) The department must use all reasonable means to give notice to the public or an emergency closure issued pursuant to subsection (A) as soon as practicable. An emergency closure notice must specify the cause of the emergency and the fishing season, area, or activity closed, and, if known, the duration of the closure.

(C) When taking emergency action under this section, the department must notify the appropriate standing committees of the Senate and the House of Representatives of its actions as soon as practicable. Supporting resource assessments, scientific documentation, and notice of action taken must be provided to the committees.

(D) During the first three days of an emergency closure instituted under this section, the department must issue only warnings for first offense, noncommercial violations of the closure.

(E) The department must monitor the situation or occurrence under which the emergency arose and must reopen the closed season, area, or activity as soon as, but only when, the threat to the resource or its habitat no longer exists.

(F) It is unlawful to ~~take or attempt to take~~ possess specified saltwater fish in violation of an emergency closure. A person violating an emergency closure is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days.”

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

Renumber sections to conform.

Amend title to conform.

Senator McGILL 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 34; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Coleman

Courson Cromer Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1247 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND SECTION 58‑3‑250 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, TO ALLOW THE PUBLIC SERVICE COMMISSION TO SERVE A FINAL ORDER OR DECISION BY ELECTRONIC SERVICE, REGISTERED MAIL, OR CERTIFIED MAIL.

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

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

**Ayes 34; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Coleman

Courson Cromer Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

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 second reading of the Bill.

Senators MATTHEWS, SCOTT, NICHOLSON and ANDERSON proposed the following amendment (1307R003.JWM), which was adopted:

Amend the bill, as and if amended, page 12, by striking lines 21-31 and inserting:

/ Thirteen. ~~Of the three present members of the board who reside in the sixth congressional district, the member with the longest remaining current term shall be the resident member selected from that congressional district occupying Seat 6. The two remaining members not determined to be the resident member from the sixth congressional district shall be considered at‑large members of the board occupying Seats 8 and 12, respectively. The terms of each of these three members shall not be affected by the provisions of this paragraph.~~ Effective July 1, 2012, the member from former Seat Seven is transferred to Seat Eight, the member from former Seat Eight is transferred to Seat Nine, the member from former Seat Nine is transferred to Seat Ten, the member from former Seat Ten is transferred to Seat Eleven, and the member from former Seat Eleven is transferred to Seat Twelve. /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS 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 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews Nicholson O'Dell

Peeler Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 1395 -- Senators Lourie, Cleary, Bryant, S. Martin, Knotts and Bright: 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.

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

**Amendment No. 1**

Senators BRIGHT and GROOMS proposed the following amendment (1395R001.LB), which was ruled out of order:

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

/A BILL

TO REPEAL ARTICLE 3, CHAPTER 7 OF TITLE 44 OF THE 1976 CODE, RELATING TO THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT.

SECTION 1. Article 3, Chapter 7 of Title 24 of the 1976 Code, relating to the State Certification of need and Health Facility Licensure Act, is repealed.

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

**Point of Order**

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

Senator BRIGHT spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Senators LEVENTIS and LOURIE proposed the following amendment (S-1395-3), which was adopted:

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

/ approved by the General Assembly as provided by legislative enactment in the general and permanent law of the State. /

Renumber sections to conform.

Amend title to conform.

Senator LOURIE 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 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman 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.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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

The Committee on Medical Affairs proposed the following amendment (H-5028), which was adopted:

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

/ SECTION 1. (A) In order to meet appropriations for Medicaid nursing home service for Fiscal Year 2012‑2013, the Department of Health and Environmental Control must not:

(1) penalize or fine a nursing home facility, as defined by Section 44‑7‑80 of the 1976 Code, that has provided fewer Medicaid patient days than allowable under the Medicaid Nursing Home Permit Program provided in Section 44-7-84 of the 1976 Code.

(2) transfer or add additional Medicaid patient days to an individual facility except as provided in this joint resolution.

(B) If the Department of Health and Human Services decreases the number of Medicaid patient days available to the Department of Health and Environmental Control, the Department of Health and Environmental Control shall proportionately decrease the authorized Medicaid patient days for each nursing home. If additional Medicaid patient days are authorized, they must be restored proportionately to each nursing home in accordance with subsection (D).

(C) Notwithstanding the provisions of Section 44-7-90, after June 30, 2012, a nursing home that exceeds its Medicaid patient days stated in its permit must be fined based on the number of Medicaid patient days exceeding the permit days multiplied by its daily Medicaid per diem. A facility must be fined incrementally for exceeding its Medicaid permit. Violations above five and up to ten percent of the stated permit must be fined at thirty percent of its Medicaid per diem rate times the number of excess Medicaid permit days. A facility must be fined an additional twenty percent or fifty percent of its Medicaid per diem rate for each excess day above ten and up to fifteen percent of its stated Medicaid permit. A facility must be fined an additional twenty percent or seventy percent of its Medicaid per diem rate for each day in excess of fifteen percent of its stated Medicaid permit. A facility may appeal a fine based on circumstances relating to a patient converting from Medicare to Medicaid and a facility’s inability to discharge residents based on federal mandates.

(D) The allocation of additional Medicaid permit days must be based on the average number of fully eligible Medicaid nursing facility applicants by county in the Community Long Term Care nursing facility awaiting placement reports for the quarter ending June 30, 2012. The Department of Health and Human Services shall provide this information to the Department of Health and Environmental Control no later than July 15, 2012. The Medicaid permit days must be proportionally allocated to each facility within the county that currently holds a Medicaid permit and is currently in compliance with its Medicaid permit. A facility is deemed to be in compliance if it has not exceeded its stated Medicaid permit plus five percent. If a facility currently holding a Medicaid permit declines additional Medicaid permit days, those facilities within the county currently holding a Medicaid permit who are in compliance with their Medicaid permit will be proportionally allocated the additional days. No permit days may be issued to a facility that does not currently have a Medicaid permit. At no time may a facility be issued more permit days than the number of days on its permit for Fiscal Year 2010‑2011.

(E) In the event of a voluntary or involuntary discontinuation of participation of a nursing facility in the Medicaid program, the State must ensure that the facility provides for patient safety and freedom of choice. The Department of Health and Environmental Control (DHEC) and the Department of Health and Human Services (DHHS) must determine the availability of existing patient days statewide for the purpose of relocating these patients. Based upon this determination, DHEC, at its discretion, may reallocate the patient days from a facility discontinuing its Medicaid participation to a facility that participates in the Medicaid program and agrees to accept the residents from the facility that is discontinuing Medicaid participation. In the allocation of patient days from the facility discontinuing Medicaid participation, DHEC must give first priority to restoring a county’s allocation where a facility holding a permit closes, or discontinues participation in Medicaid.

(F) Effective July 1, 2012, all nursing facility providers will be required to report their daily Medicaid resident census information to the South Carolina Department of Health and Human Services or its contractor for the purpose of maintaining a statewide bed locator and permit day tracking system.

SECTION 2. (A) For Fiscal Year 2012‑2013, a nursing home must:

(1) provide a minimum of one and sixty-three hundredths (1.63) hours of direct care per resident per day from the nonlicensed nursing staff; and

(2) maintain at least one licensed nurse per shift for each staff work area.

(B) All other staffing standards and nonstaffing standards established in Standards for Licensing Nursing Homes: R. 61‑17, Code of State Regulations, must be enforced.

(C) The Department of Health and Environmental Control regularly shall report to the chairmen of the Finance and Medical Affairs Committees of the Senate and the chairmen of the Ways and Means and Medical, Military and Municipal Affairs Committees of the House of Representatives changes in nursing home performance. These changes must also be posted on the department’s Medicare Nursing Home Compare website.

SECTION 3. This joint resolution takes effect upon approval by the Governor and applies to Fiscal Year 2012‑2013 only. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Joint Resolution.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

**Total--36**

**NAYS**

**Total--0**

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

**H. 5028--Objection to Third Reading**

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.

Senator SHEHEEN asked unanimous consent to give the Resolution a third reading on Friday, April 20, 2012.

Senator GROOMS objected.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 1044 -- Senators Knotts, Cromer and Ford: A BILL TO AMEND SECTION 38‑59‑250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE REQUIREMENTS FOR THE INITIATION OF OVERPAYMENT RECOVERY EFFORTS PURSUANT TO THE SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT, SO AS TO ADD REQUIREMENTS CONCERNING AN APPEAL.

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

Senator THOMAS proposed the following amendment (AGM\  
19561AB12), which was adopted:

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

/ SECTION 1. Section 38‑59‑250(A)(2) of the 1976 Code, as added by Act 356 of 2008, is amended to read:

“(2) The written notice required by this section shall include:

(a) the patient’s name;

(b) the service date;

(c) the payment amount received by the provider; ~~and~~

(d) a reasonably specific explanation of the change in payment; and

(e) if the claim is submitted pursuant to a provider contract that includes an appeals process, the telephone number or a mailing address through which the provider may initiate an appeal, and the deadline by which an appeal must be received.”

SECTION 2. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the perfecting amendment.

The amendment was adopted.

The Committee on Banking and Insurance proposed the following amendment (AGM\19548AB12), which was adopted:

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

/ SECTION 1. Section 38‑59‑250(A)(2) of the 1976 Code, as added by Act 356 of 2008, is amended to read:

“(2) The written notice required by this section shall include:

(a) the patient’s name;

(b) the service date;

(c) the payment amount received by the provider; ~~and~~

(d) a reasonably specific explanation of the change in payment; and

(e) the deadline by which an appeal must be received.”

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

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Coleman

Courson Cromer Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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**

S. 947 -- Senators Malloy and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 49, SO AS TO CREATE THE LAKE PAUL A. WALLACE AUTHORITY.

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

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\5266CM12), which was adopted:

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

/ SECTION 1. Title 49 of the 1976 Code is amended by adding:

“CHAPTER 33

Lake Paul A. Wallace Authority

Section 49‑33‑10. As used in this chapter, unless the context otherwise requires:

(1) ‘Authority’ means the Lake Paul A. Wallace Authority, a body corporate and politic created to receive, manage, maintain, and operate the property known as Lake Paul A. Wallace located in Marlboro County;

(2) ‘Department’ means the Department of Natural Resources; and

(3) ‘Lake’ means Lake Paul A. Wallace.

Section 49‑33‑20. (A) There is hereby created a body corporate and politic to be known as the Lake Paul A. Wallace Authority.

(B) The function of the authority is to:

(1) be the body politic and corporate to manage, maintain, and operate the Lake Paul A. Wallace;

(2) ensure that the primary purpose of the lake is for public fishing in compliance with the federal law under which the lake was established; and

(3) as long as the following functions do not contravene the function in item (2):

(a) provide that the wildlife habitat remain a protected area; and

(b) contract to sell water from the lake, provided that the proceeds from the sale must be used to manage, maintain, and operate Lake Paul A. Wallace.

Section 49‑33‑30. (A) The authority shall be composed of seven members appointed by the Marlboro County Legislative Delegation, as follows:

(1) two members nominated by the city council of Bennettsville;

(2) two members nominated by the county council of Marlboro County; and

(3) three members at‑large who reside near or have a demonstrable history of recreational use of Lake Paul A. Wallace.

(B) The members shall serve for terms of four years, except that of the members first appointed, one nominated by city council, one nominated by county council, and one at‑large member will serve for terms of two years for their initial appointment.

(C) One of the at‑large members must be designated by the Marlboro County Legislative Delegation to serve as the chairman of the authority.

(D) A vacancy must be filled in the same manner as the appointment for the vacant position is made, and the successor appointed to fill the vacancy shall hold office for the remainder of the unexpired term.

(E) The following shall serve ex officio as a non‑voting member: the Director of the Department of Natural Resources or his designee.

Section 49‑33‑40. (A) The members of the authority, at the discretion of the city, county, or authority may receive such per diem and mileage as is provided by law for members of boards, commissions, and committees.

(B) The city council of Bennettsville, the county council of Marlboro, and the authority may provide the per diem, mileage, and staff for the authority.

Section 49‑33‑50. The authority shall convene upon the call of the chairman and organize by electing a vice‑chairman, a secretary, and a treasurer, whose terms of office shall be for such period as the authority shall determine in its bylaws.

Section 49‑33‑60. The secretary of the authority shall file in the offices of the clerk of court for Marlboro County and the Secretary of State appropriate certificates, showing the personnel of the authority and the duration of the terms of the respective members.

Section 49‑33‑70. The authority has the following powers to:

(1) have perpetual succession;

(2) sue and be sued;

(3) adopt, use, and alter a corporate seal;

(4) define a quorum for its meetings;

(5) maintain a principal office, which shall be located in Bennettsville;

(6) make bylaws for the management and regulation of its affairs;

(7) acquire, hold, and manage real estate;

(8) sell water from the lake, as provided in Section 49‑33‑20(B)(3)(6);

(9) make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the authority; and

(10) do all other acts and things necessary or convenient to carry out any function or power committed or granted to the authority.

Section 49‑33‑80. The authority is empowered to receive and spend any funding available through (1) the department, (2) the municipal, county, state, or federal government, or (3) any other source in order to finance the management, maintenance, and operation of the lake that is in compliance with federal and state law.”

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 chapter, 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 shall take effect July 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN 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 Bryant

Campbell Campsen Coleman

Courson Cromer Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Williams

**Total--32**

**NAYS**

Bright Fair Thomas

**Total--3**

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

**READ THE SECOND TIME**

S. 1364 -- Senator Cromer: A BILL TO AMEND SECTIONS 50-5-1705 AND 50-5-1710, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LAWFUL SIZE AND CATCH LIMITS FOR CERTAIN FISH, SO AS TO PROVIDE LAWFUL SIZE AND CATCH LIMITS FOR SHEEPSHEAD (ARCHOSARGUS PROBATOCEPHALUS).

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 35; Nays 1**

**AYES**

Alexander Anderson Bryant

Campsen Coleman Courson

Cromer Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

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.

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

Senator LAND explained the Bill.

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

**Ayes 29; Nays 4; Abstain 1**

**AYES**

Alexander Bryant Campsen

Coleman Courson Cromer

Fair Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry* Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--29**

**NAYS**

Bright Grooms Massey

Rose

**Total--4**

**ABSTAIN**

*Martin, Shane*

**Total--1**

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

**READ THE SECOND TIME**

S. 1445 -- Senator Land: A JOINT RESOLUTION TO PROVIDE THAT CERTAIN NONRESIDENTS MAY OBTAIN A LIFETIME COMBINATION LICENSE FROM THE DEPARTMENT OF NATURAL RESOURCES UNDER CERTAIN CONDITIONS WHICH GRANTS THE SAME PRIVILEGES AS A STATEWIDE COMBINATION LICENSE DURING A SPECIFIED PERIOD.

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

Senator LAND explained the Joint Resolution.

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

**Ayes 34; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Coleman Courson

Cromer Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4463 -- Reps. Harrison, Clyburn, Murphy, McLeod and Weeks: A BILL TO AMEND SECTION 22‑3‑545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF CERTAIN CRIMINAL CASES FROM GENERAL SESSIONS COURT TO MAGISTRATES OR MUNICIPAL COURT, SO AS TO CLARIFY THE TYPES OF CASES THAT MAY BE TRANSFERRED INCLUDES CRIMINAL CASES ORIGINALLY CHARGED AND THOSE IN WHICH THE CHARGES ARE REDUCED FOR PURPOSES OF A GUILTY PLEA, TO ALLOW DEFENDANTS TO WAIVE CERTAIN RIGHTS, AND TO REQUIRE THE APPROVAL OF A CIRCUIT COURT JUDGE REGARDING TERMS OF COURT OF THE MAGISTRATES AND MUNICIPAL COURTS FOR THE DISPOSITION OF TRANSFERRED CASES.

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

Senator MALLOY explained the Bill.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Coleman Courson

Cromer Fair Grooms

Hayes Hutto Knotts

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4733 -- Rep. Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN GEORGETOWN COUNTY AS THE PLANTERSVILLE SCENIC BYWAY, AND TO MAKE IT SUBJECT TO REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

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 35; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Coleman Courson

Cromer Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4761 -- Reps. Hiott, D.C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J.R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V.S. Moss, Pitts, Putnam, Taylor, White and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑225 SO AS TO DEFINE THE TERM “FARM TRUCK”; BY ADDING SECTION 56‑5‑363 SO AS TO PROVIDE THAT CERTAIN COMMERCIAL MOTOR VEHICLES AND FARM TRUCKS ARE EXEMPT FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY LAWS AND REGULATIONS; TO AMEND SECTION 56‑3‑670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO REVISE THE WEIGHT REQUIREMENTS FOR FARM TRUCKS THAT MAY BE USED FOR DOMESTIC PURPOSES AND GENERAL TRANSPORTATION BUT MAY NOT BE USED TO TRANSPORT PERSONS OR PROPERTY FOR HIRE; TO AMEND SECTION 56‑5‑4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS; AND TO AMEND SECTION 56‑5‑4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN “FARM TRUCKS” ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

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

Senator GROOMS explained the Bill.

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

**Ayes 33; Nays 1**

**AYES**

Alexander Bright Campsen

Coleman Courson Cromer

Fair Ford Grooms

Hayes Hutto Knotts

Land Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

Bryant

**Total--1**

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

**READ THE SECOND TIME**

S. 1457 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO GRADUATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4261, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator HAYES explained the Joint Resolution.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Coleman Courson

Cromer Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1459 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSIONERS OF PILOTAGE, RELATING TO REQUIREMENTS OF LICENSURE FOR PILOTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4249, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator GROOMS explained the Joint Resolution.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Coleman Courson

Cromer Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1461 -- Senator McGill: A BILL TO AMEND SECTION 7‑7‑520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN WILLIAMSBURG COUNTY, SO AS 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.

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 33; Nays 0**

**AYES**

Alexander Bright Campsen

Courson Cromer Fair

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3236 -- Reps. Daning and G.R. Smith: A BILL TO AMEND SECTION 59‑65‑10 AND SECTION 59‑65‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPULSORY EDUCATION FOR SOUTH CAROLINA SCHOOL CHILDREN AND THE EXCEPTION TO THE REQUIREMENT, RESPECTIVELY, SO AS TO INCLUDE THE SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS AS AN AUTHORIZER OF SCHOOLS THAT CHILDREN MAY ATTEND WITHIN THE COMPULSORY EDUCATION REQUIREMENT.

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

Senator HAYES explained the Bill.

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

**Ayes 32; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Courson Cromer

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**OBJECTION**

S. 1229 -- Senators O’Dell and Ford: A BILL TO AMEND SECTION 38‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSES REQUIRED FOR ADJUSTERS, SO AS TO ADD EXEMPTIONS FROM LICENSURE; AND TO AMEND SECTION 38‑47‑20, RELATING TO RECIPROCAL AGREEMENTS FOR LICENSING NONRESIDENT ADJUSTERS, SO AS TO PROVIDE WHERE A NONRECIPROCAL AGREEMENT EXISTS BETWEEN THIS STATE AND ANOTHER STATE, AN APPLICANT FOR A NONRESIDENT ADJUSTER’S LICENSE WHO HOLDS A LICENSE IN ANOTHER STATE MAY RESIDE IN THE UNITED STATES OR CANADA WITHOUT LOSING THE BENEFITS OF THE RECIPROCAL AGREEMENT IF HE COMPLIES WITH OTHER APPLICABLE LICENSURE REQUIREMENTS.

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

The Committee on Banking and Insurance proposed the following amendment (AGM\19547AB12), which was adopted:

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

/ SECTION 1. Section 38‑47‑10 of the 1976 Code is amended to read:

“Section 38‑47‑10. (A) ~~Every~~ An individual commonly called an adjuster, adjusting losses for an insurer licensed to do business in this State, must be licensed by the director or his designee. These individuals shall apply for a license on a form prescribed by the director or his designee. The director or his designee shall satisfy himself that each applicant for an adjuster’s license is an individual of good moral character, has not been convicted of a felony, has not been convicted of a crime of moral turpitude, has not had an adjuster’s license revoked by this State or another state within the past ten years, has sufficient knowledge of the insurance business and his duties as an adjuster, has not violated the insurance laws of the State, and is a fit and proper individual for the position. No license may be issued to a nonresident adjuster ~~who resides in a state refusing to license South Carolina adjusters~~ whose resident or designated home state refuses to license South Carolina adjusters.

(B) The following individuals are exempt from licensure as an adjuster:

(1) ~~Agents~~ A producer licensed under Chapter 43 ~~are~~ is not required to comply with this section.

(2) An individual who collects claim information from, or furnishes claim information to, insureds or claimants and who conducts data entry, including entering data into an automated claims adjudication system, provided that the individual is an employee of a licensed independent adjuster or its affiliate where no more than twenty‑five such persons are under the supervision of a licensed adjuster or a licensed producer who has met the requirements of subsection (C).

(C)(1) Notwithstanding another provision of law, a licensed producer may supervise up to twenty‑five individuals as provided in subsection (B)(2) if he is licensed as an insurance producer for property and casualty insurance and has completed a one‑time training course before supervision. The producer must also complete ongoing training every twenty‑four months after that time. The training must meet the requirements provided in this section.

(2) The training requirements of this section may be approved as continuing education courses under Section 38‑43‑106.

(3) The one‑time training required by this section must be no less than six hours and the ongoing training required by this section must be no less than three hours every biennial reporting period and must both consist of topics related to property and casualty insurance coverages, claims adjusting, and unfair claims practices including, but not limited to, state regulations and requirements on adjusting and claims practices.

(4) The training required by this section must be approved by the South Carolina Continuing Education Advisory Committee.

(D) An insurer subject to the provisions of this chapter must obtain verification that a producer receives training required by subsection (C) before a producer is permitted to supervise non‑licensed individuals entering claim data into an automated claims adjudication system pursuant to this chapter. Insurers must maintain records subject to the state’s record retention requirements, and make that verification available to the director upon request. An insurer, producer, or entity that employs a producer who violates the requirements of this section is subject to the penalties provided in Section 38‑2‑10.

(E) For purposes of this section, ‘automated claims resolutions system’ means a preprogrammed computer system designed for the collection, data entry, calculation, and final resolution of portable electronics insurance claims that:

(1) only may be used by a licensed adjuster, licensed producer, or supervised individuals operating pursuant to this paragraph;

(2) must comply with all claims payment requirements of the insurance code; and

(3) must be certified as compliant with this section by a licensed independent adjuster who is an officer of the entity or an affiliate of the entity that employs an individual operating pursuant to this section.

(F) If the insured’s claim is denied and the insured contests the denial, an individual licensed to adjust claims under this section must review the denial with the insured.”

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

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**OBJECTION**

S. 1108 -- Senators Leventis, Hutto, Williams, Elliott, Matthews, O’Dell, Ford and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37‑3‑414 SO AS TO PROVIDE THAT A VIOLATION OF FEDERAL LAW AS TO CERTAIN CONSUMER LOAN TRANSACTIONS IS A VIOLATION OF STATE LAW.

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

Senators HAYES and MASSEY spoke on the Bill.

Senators LARRY MARTIN and SHANE MARTIN objected to further consideration of the Bill.

**OBJECTIONS**

H. 3478 -- Reps. Young, D.C. Moss, Gambrell, Agnew, Bowen, H.B. Brown, Clyburn, Spires, Frye, Bingham, Cobb‑Hunter, Hardwick, Hayes, Herbkersman, Hixon, Horne, Hosey, Lucas, McEachern, Ott, Quinn, G.R. Smith, J.R. Smith, Taylor, Umphlett and White: A BILL TO AMEND SECTION 39‑41‑235, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETROLEUM PRODUCTS AND DIESEL FUEL SUITABLE FOR BLENDING, SALE OF UNBLENDED PRODUCTS WITHOUT NECESSARY ADDITIVES, RECORDKEEPING AND REGISTRATION, ENFORCEMENT, WHOLESALER RESPONSIBILITY, LIABILITY, AND NOTICE, SO AS TO PROVIDE THAT THESE REQUIREMENTS APPLY TO EVERY TERMINAL OPERATOR AND EVERY SUPPLIER.

Senator MALLOY objected to the Bill.

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

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

Senator LEATHERMAN objected.

**ADOPTED**

S. 1390 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SERTOMA UPON THE OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF ITS FOUNDING, AN ORGANIZATION WHICH EXISTS FOR THE HIGH AND NOBLE PURPOSE OF SERVICE TO MANKIND BY FACILITATING HUMAN PROGRESS IN HEARING AND SPEECH HEALTH, EDUCATION, FREEDOM, AND DEMOCRACY; AND TO PROCLAIM APRIL 11, 2012, “SERTOMA DAY” THROUGHOUT SOUTH CAROLINA.

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

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.

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

**RECOMMITTED**

S. 1110 -- Senators Alexander, Rankin, Hutto, Leventis, L. Martin, Courson and Nicholson: A BILL TO AMEND SECTION 6-10-30, SOUTH CAROLINA CODE OF LAWS, 1976, TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD.

Senator LARRY MARTIN asked unanimous consent to recommit the Bill to the Committee on Judiciary.

There was no objection.

The Bill was recommitted to the Committee on Judiciary.

S. 1332 -- Senator Campsen: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY H.R. 3061, THE “FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT OF 2011” WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, REQUIRES BETTER INFORMATION TO BE CONSIDERED IN THE MANAGEMENT OF FEDERAL FISHERIES.

Senator CAMPSEN asked unanimous consent to recommit the Resolution to the Committee on Fish, Game and Forestry.

There was no objection.

The Resolution was recommitted to the Committee on Fish, Game and Forestry.

**CARRIED OVER**

S. 1107 -- Senators Leventis, Hayes, Rose and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑1‑77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

Senator MASSEY explained the Bill.

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

S. 1267 -- Senators Hayes, Matthews, Courson, Setzler, Jackson and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 59 SO AS TO ESTABLISH A SCHOOL DISTRICT CHOICE PROGRAM AND OPEN ENROLLMENT PROGRAM WITHIN THE PUBLIC SCHOOL SYSTEM OF THIS STATE, TO PROVIDE FOR A VOLUNTARY PILOT TESTING OF THE PROGRAM BEFORE FULL IMPLEMENTATION, TO DEFINE CERTAIN TERMS, TO PROVIDE FOR AN APPLICATION PROCESS FOR STUDENTS WISHING TO TRANSFER, TO PROVIDE RESPONSIBILITIES OF AND STANDARDS AND CRITERIA FOR SENDING AND RECEIVING SCHOOLS AND SCHOOL DISTRICTS, TO PROVIDE STANDARDS OF APPROVAL, PRIORITIES FOR ACCEPTING STUDENTS, AND CRITERIA FOR DENYING STUDENTS, TO PROVIDE THAT WITH CERTAIN EXCEPTIONS THE PARENT IS RESPONSIBLE FOR TRANSPORTING THE STUDENT TO SCHOOL, TO PROVIDE THAT DISTRICTS SHALL RECEIVE ONE HUNDRED PERCENT OF THE BASE STUDENT COST FROM THE STATE FOR NONRESIDENT STUDENTS ENROLLED PURSUANT TO THIS CHAPTER, TO PROVIDE THAT A STUDENT WITH EXCEPTIONS MAY NOT PARTICIPATE IN INTERSCHOLASTIC ATHLETIC CONTESTS AND COMPETITIONS FOR ONE YEAR AFTER HIS DATE OF ENROLLMENT, TO PROVIDE THAT A RECEIVING DISTRICT SHALL ACCEPT CERTAIN CREDITS TOWARD A STUDENT’S REQUIREMENTS FOR GRADUATION, TO PROVIDE THAT A SCHOOL DISTRICT MAY CONTRACT WITH CERTAIN ENTITIES FOR THE PROVISION OF SERVICES, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN REPORTS ON THE PROGRAM TO THE GENERAL ASSEMBLY, AND TO PROVIDE THAT IMPLEMENTATION OF THIS PROGRAM EACH FISCAL YEAR IS CONTINGENT UPON THE APPROPRIATION OF ADEQUATE FUNDING BY THE GENERAL ASSEMBLY.

Senator HAYES explained the Bill.

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

H. 4678 -- Reps. Nanney, Brantley, Clemmons, Toole, Parker, Long, Allison, Limehouse, J.R. Smith, Bedingfield, Bowen, Corbin, Hamilton, Henderson, Hixon, Stringer and Willis: A BILL TO AMEND SECTION 29‑3‑330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORDS, SO AS TO PROVIDE THAT The mortgagee of record, the owner or holder of the debt instrument secured by the mortgage, the trustee or beneficiary of a deed of trust, or the legal representative or attorney‑in‑fact of any of those parties may execute a mortgage satisfaction or deed of trust release, AND TO PROVIDE A PROCEDURE AND FORM FOR USE IN THIS EXECUTION.

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

H. 4984 -- Reps. Pitts, White, Funderburk and Harrell: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY H.R. 3061, THE “FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT OF 2011” WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, REQUIRES BETTER INFORMATION TO BE CONSIDERED IN THE MANAGEMENT OF FEDERAL FISHERIES.

Senator CAMPSEN explained the Concurrent Resolution.

On motion of Senator SHEHEEN, the Resolution 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 THE INTERRUPTED DEBATE.**

**DEBATE INTERRUPTED**

H. 3152 -- Reps. Young, Daning, Harrison, Allison, G.R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of Amendment P1 (3152MW4) proposed by Senator HUTTO and previously printed in the Journal of Wednesday, April 18, 2012.

Senator LARRY MARTIN explained the Joint Resolution.

Senator LAND spoke on the Joint Resolution.

On motion of Senator HUTTO, with unanimous consent, Amendment No. P1 was withdrawn.

**Amendment No. P2A**

Senator HUTTO proposed the following Amendment No. P2A (3152MW9), which was ruled out of order:

Amend the committee amendment, as and if amended, page [3152-2], by striking lines 19-30 and inserting the following:

/ (B) Beginning with the general election of 2014, a person seeking the office of Governor in any manner that a person’s name may appear on the ballot as a candidate for that office, and before that person’s name is certified to appear on the ballot for the general election, shall select a qualified elector to serve as Lieutenant Governor and Superintendent of Education.

(C) All candidates for the offices of Governor, Lieutenant Governor and Superintendent of Education must be elected jointly in a manner prescribed by law so that each voter casts a single vote to elect a candidate for the office of Governor, Lieutenant Governor and Superintendent of Education.

(D) The General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor and Superintendent of Education are selected.” /

Further amend the committee amendment, as and if amended [page 3152-4], by striking lines 5-17 and inserting the following:

/ “Must Section 8 of Article IV of the Constitution of this State be amended so as to provide that the Lieutenant Governor and Superintendent of Education must be elected jointly with the Governor in a manner prescribed by law; and upon the joint election to add Section 37 to Article III of the Constitution of this State so as to provide that the Senate shall elect from among the members thereof a President to preside over the Senate and to perform other duties as provided by law; to delete Sections 9 and 10 of Article IV of the Constitution of this State containing inconsistent provisions providing that the Lieutenant Governor is President of the Senate, ex officio, and while presiding in the Senate, has no vote, unless the Senate is equally divided; and to amend Section 12 of Article IV of the Constitution of this State to conform appropriate references? /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

**Point of Order**

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

Senator LARRY MARTIN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. P3**

Senators RANKIN and HUTTO proposed the following Amendment No. P3 (JUD3152.003), which was withdrawn:

Amend the committee report, as and if amended, page [3152-4], after line 27, by inserting the following SECTIONS to read:

/ SECTION 3. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Director of the Department of Insurance serving in office on the date of the ratification of the provisions of this paragraph, the appointed position of the Director of the Department of Insurance is abolished and the duties of the Director of the Department of Insurances are devolved upon a Commissioner of Insurance to be elected by the qualified electors of the state in the General Election. The term of office must be for four years, coterminous with that of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Commissioner of Insurance may be removed from office.”

SECTION 4. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to add the Commissioner of Insurance to the list of state officers which the Constitution requires to be elected; provide that upon the expiration of the term of the Director of Insurance serving in office on the date of the ratification of this provision, the duties of the Director of the Department of Insurance devolve upon the Commissioner of Insurance who must be elected by the qualified electors of the state in the General Election; and require the General Assembly to provide by law for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Commissioner of Insurance may be removed from office?

The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

On motion of Senator RANKIN, the amendment was withdrawn.

On motion of Senator COURSON, debate was interrupted by adjournment.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

Charles Moorer Gavin, 119 Glenwood Drive, Manning, SC 29102 *VICE* Moses Levy (resigned)

**ADJOURNMENT**

At 3:08 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**

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

\* \* \*