**Tuesday, May 1, 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:

We read that Job’s friend, Zophar, tells him that:

“You will be secure, because there is hope; you will look about you and take your rest in safety.” (Job 11:18)

Join me as we bow in prayer:

Holy God, on this Holocaust Remembrance Day, we reflect upon the enormity of what took place decades ago, as well as upon other examples of human cruelty and selfishness. We find ourselves determined to see that no such events ever occur again. Help this Senate itself, Lord, to be a body dedicated to the well-being of all people here in South Carolina and thoughout this land. May each Senator and every staff person be always counted among Your servants who genuinely love and care. In Your precious name we ask this, dear Lord.

Amen.

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:

**Statewide Appointment**

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2010, and to expire June 30, 2014

Association of Supervised Lenders:

Howard H. Wright, Jr., 1047 Eagle Dr., Rock Hill, SC 29732 *VICE* Johnathan Foster

Referred to the Committee on Banking and Insurance.

**Point of Quorum**

At 11:06 A.M., Senator BRYANT made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Anderson Bright

Bryant Campbell Cleary

Courson Cromer Davis

Fair Hayes Knotts

Land Leatherman *Martin, Larry*

*Martin, Shane* Massey Nicholson

Peeler Pinckney Rose

Ryberg Setzler Thomas

Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators McGILL, O’DELL, ELLIOTT, SHEHEEN, CAMPSEN, GROOMS, LEVENTIS, LOURIE and MATTHEWS recorded their presence subsequent to the Call of the Senate.

**Doctor of the Day**

Senator HAYES introduced Dr. Keith D. Shealy of Lancaster, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SHANE MARTIN, at 11:05 A.M., Senator REESE was granted a leave of absence until 12:30 P.M.

**Leave of Absence**

On motion of Senator DAVIS, at 11:05 A.M., Senator SHOOPMAN was granted a leave of absence until 1:30 P.M.

**Leave of Absence**

On motion of Senator BRYANT, at 11:05 A.M., Senator GROOMS was granted a leave of absence until 11:45 A.M.

**Leave of Absence**

At 1:15 P.M., Senator KNOTTS requested a leave of absence until 1:30 P.M.

**Leave of Absence**

At 1:45 P.M., Senator SHANE MARTIN requested a leave of absence for Thursday.

**Leave of Absence**

At 1:45 P.M., Senator HAYES requested a leave of absence for tomorrow and Thursday.

**Leave of Absence**

At 1:45 P.M., Senator PINCKNEY requested a leave of absence for the week of May 7 and the week of May 14, 2012.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1494 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-130 SO AS TO PROHIBIT A DEPARTMENT, DIVISION, AGENCY, BOARD, OR OTHER INSTRUMENTALITY OR POLITICAL SUBDIVISION OF THE STATE, ITS OFFICERS OR EMPLOYEES, INCLUDING MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD OR STATE MILITIA, FROM ASSISTING THE ARMED FORCES OF THE UNITED STATES, OR AN AGENCY OF IT, IN THE INVESTIGATION, PROSECUTION, OR DETAINMENT OF A UNITED STATES CITIZEN IN VIOLATION OF THE CONSTITUTION OF THIS STATE.

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Senator THOMAS spoke on the Bill.

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

S. 1495 -- Senator Knotts: A BILL TO AMEND SECTION 40-59-260, SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO ELIMINATE THE EXCEPTION FOR STRUCTURES INTENDED FOR THE OWNER’S OCCUPANCY THAT ARE NOT INTENDED FOR SALE OR RENT.

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

S. 1496 -- Senator Thomas: A SENATE RESOLUTION TO RECOGNIZE THE PALMETTO PRIDEWAY PROGRAM AND ITS PARTNERS, WHO TOGETHER HAVE HELPED TO REDUCE LITTER BY FIFTY-NINE PERCENT IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1497 -- Senator Fair: A SENATE RESOLUTION TO EXPRESS THE SOUTH CAROLINA SENATE’S STRONG SUPPORT FOR MAKING 2011 THE YEAR OF DISCOVERY FOR TAX RELIEF PURPOSES TO THE VICTIMS OF THE ALLEGED “PONZI” SCHEMES OPERATED BY RONNIE G. WILSON THROUGH ATLANTIC BULLION AND COIN AND TO URGE THE UNITED STATES INTERNAL REVENUE SERVICE, THE SOUTH CAROLINA DEPARTMENT OF REVENUE, AND THE COURT APPOINTED RECEIVER/CONSERVATOR TO USE 2011 AS THE YEAR OF DISCOVERY OF THIS PONZI SCHEME.

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Senator FAIR spoke on the Resolution.

The Senate Resolution was adopted.

S. 1498 -- Senators Fair, Bryant and L. Martin: A BILL TO AMEND SECTION 12-6-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SECTIONS OF THE INTERNAL REVENUE CODE NOT ADOPTED BY THIS STATE, SO AS TO DELETE SECTION 172(b)(1) OF THE INTERNAL REVENUE CODE PERTAINING TO NET OPERATING LOSS CARRYBACKS THEREBY MAKING ITS PROVISIONS APPLICABLE IN SOUTH CAROLINA FOR STATE INCOME TAX PURPOSES; AND TO PROVIDE THAT THE DELETION OF THIS INTERNAL REVENUE CODE SECTION IS APPLICABLE FOR THE YEAR 2011 AND THEREAFTER.

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

S. 1499 -- Senator Pinckney: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF DEVIN MICHAEL ROACH OF JASPER COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1500 -- Senators Land and Leventis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF FOXWORTH MILL ROAD AND UNITED STATES HIGHWAY 15 IN SUMTER COUNTY “MOZINGO CROSSROADS” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “MOZINGO CROSSROADS”.

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

S. 1501 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY FROM ITS INTERSECTION WITH DOUGLAS ROAD TO ITS INTERSECTION WITH CLARKE BRIDGE ROAD "EDWARD L. STEVENSON, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “EDWARD L. STEVENSON, JR. MEMORIAL HIGHWAY”.

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

S. 1502 -- Senators Williams and Elliott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES UNITED STATES HIGHWAY 501 IN MARION COUNTY ALONG SOUTH CAROLINA HIGHWAY 41 “EBBIE JAMES ‘E.J.’ ATKINSON BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “EBBIE JAMES ‘E.J.’ ATKINSON BRIDGE”.

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

S. 1503 -- Senator Elliott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 57 IN HORRY COUNTY “STALVEY BELLAMY INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “STALVEY BELLAMY INTERSECTION”.

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

S. 1504 -- Senator Pinckney: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

S. 1505 -- Senator McGill: A BILL TO AMEND SECTION 50‑11‑520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WILD TURKEY HUNTING SEASONS, SO AS TO PROVIDE THAT THE SEASON FOR HUNTING AND TAKING A MALE WILD TURKEY IN GAME ZONE 5 IS MARCH 15 THROUGH MAY 1 INCLUSIVE.

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

H. 3209 -- Reps. Cobb-Hunter, Long, Brady and Knight: A BILL TO AMEND SECTION 20-4-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE THAT THE COURT MAY PROHIBIT HARM OR HARASSMENT TO A PET ANIMAL OWNED, POSSESSED, KEPT, OR HELD BY THE PETITIONER AND TO PROVIDE THAT IN ORDERING TEMPORARY POSSESSION OF PERSONAL PROPERTY, THE COURT MAY ORDER THE TEMPORARY POSSESSION OF PET ANIMALS.

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

H. 3710 -- Reps. J. E. Smith, Hayes, D. C. Moss and Sandifer: 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.

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

H. 4082 -- Reps. Vick, Edge, Hiott, Hayes, R. L. Brown, Jefferson, Bowers, Anthony, Skelton, Williams, McLeod, G. M. Smith, Weeks, Gilliard, Agnew, Horne, Funderburk, Tribble, Pinson, Clemmons and Neilson: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF THE INSURANCE PREMIUM TAX, SO AS TO PROVIDE THAT SEVEN PERCENT OF THE ANNUAL REVENUE OF THIS TAX MUST BE TRANSFERRED TO THE SOUTH CAROLINA FORESTRY COMMISSION AND USED BY IT FOR FIREFIGHTING AND FIREFIGHTING EQUIPMENT REPLACEMENT AND FOREST INDUSTRY ECONOMIC ENHANCEMENT.

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

H. 4128 -- Reps. Pitts, Atwater, Toole, Chumley, Delleney, Hosey, D. C. Moss, G. R. Smith, Williams, Willis, Huggins, Bingham, Quinn and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE THAT GOLD OR SILVER COIN, OR BOTH SHALL BE LEGAL TENDER IN THIS STATE FOR PAYMENT OF CERTAIN DEBTS; AND BY ADDING ARTICLE 26 TO CHAPTER 1, TITLE 1 SO AS TO ESTABLISH A JOINT COMMITTEE FOR THE ADOPTION OF AN ALTERNATE FORM OF CURRENCY.

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

H. 4484 -- Reps. Ballentine, Clyburn, Atwater and Huggins: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATIONS FOR ASSESSMENT RATIOS, SO AS TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, A TAXPAYER MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO FOR TWO RESIDENTIAL PROPERTIES LOCATED IN THE STATE SO LONG AS THE TAXPAYER IS ATTEMPTING TO SELL THE FIRST ACQUIRED RESIDENCE.

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

H. 4497 -- Reps. Sellers, Johnson, Brady, Gilliard, Jefferson and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-29-187 SO AS TO ENACT THE “CERVICAL CANCER PREVENTION ACT”; TO PROVIDE THAT BEGINNING WITH THE 2012-2013 SCHOOL YEAR, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL OFFER AS AN OPTION THE CERVICAL CANCER VACCINE SERIES TO FEMALE STUDENTS ENROLLING IN THE SEVENTH GRADE; TO PROVIDE THE STUDENT MAY ONLY RECEIVE THESE VACCINATIONS AT THE OPTION OF THE PARENT OR GUARDIAN OF THE CHILD; TO PROVIDE A PROCEDURE THROUGH WHICH A PARENT OR GUARDIAN MAY EXERCISE THE OPTION FOR THEIR CHILD TO RECEIVE THESE VACCINATIONS; TO REQUIRE A RELATED EDUCATION PROGRAM; AND TO PROVIDE THAT IMPLEMENTATION OF THIS SECTION IS CONTINGENT UPON STATE AND FEDERAL FUNDING.

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

H. 4637 -- Reps. Clyburn, Brantley, Sabb, Johnson, King, Williams, Hodges, Hosey, Gilliard, Bowers, Brannon, G. A. Brown, R. L. Brown, Butler Garrick, Daning, Dillard, Edge, Herbkersman, Jefferson, Mack, G. R. Smith and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-25-110 SO AS TO REQUIRE REGIONAL TRANSPORTATION AUTHORITIES TO DEVELOP AND IMPLEMENT PROGRAMS WITHIN THEIR SERVICE AREAS THAT MAKE PUBLIC TRANSPORTATION AVAILABLE AT NO CHARGE FOR CERTAIN QUALIFYING VETERANS.

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

H. 4640 -- Reps. Anthony, Bingham, Ott, Harrell, White, Bowers, Whipper and R. L. Brown: A BILL TO AMEND SECTION 11-35-1524, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESIDENT VENDOR PREFERENCES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO REVISE THE RESIDENT VENDOR PREFERENCES AND THE MANNER AND PROCEDURES UNDER WHICH THEY ARE COMPUTED.

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

H. 4672 -- Rep. H. B. Brown: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELIGIBILITY TO HOLD A POPULARLY ELECTED OFFICE IN THIS STATE, SO AS TO ELIMINATE THE EXCEPTION THAT ALLOWS A PERSON TO HOLD ELECTIVE OFFICE IF A PERSON’S CONVICTION HAS BEEN PARDONED UNDER STATE OR FEDERAL LAW, OR IF IT HAS BEEN FIFTEEN OR MORE YEARS AFTER THE COMPLETION DATE OF THE PERSON'S SENTENCE, INCLUDING PROBATION AND PAROLE TIME.

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

H. 4675 -- Reps. Henderson, G. M. Smith, J. R. Smith, Parker, Barfield, Allison, Atwater, Bowen, Corbin, Delleney, Forrester, Hamilton, Lowe, Lucas, Owens, Putnam, Simrill, G. R. Smith, Stringer, Toole, Tribble, Willis, Funderburk, Nanney and Quinn: A BILL TO AMEND SECTION 61-2-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710; AND TO AMEND SECTION 61-4-580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO CLARIFY THAT THIS ITEM DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710.

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

H. 4697 -- Reps. Harrison, Limehouse, J. E. Smith, Stavrinakis, Brady, Sellers, Sottile, Gilliard, McCoy, Daning, Crosby, Munnerlyn, Gambrell, Agnew, Bowen, Erickson, Horne, Govan, Funderburk, Whipper, R. L. Brown and Neilson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 60-15-100 AND 60-15-110 SO AS TO PROVIDE AN ANNUAL TRANSFER TO THE SOUTH CAROLINA ARTS COMMISSION OF AN AMOUNT EQUAL TO FIFTEEN PERCENT OF THE GENERAL FUND PORTION OF STATE ADMISSIONS TAX REVENUES IN THE PREVIOUS YEAR AFTER OTHER TRANSFERS REQUIRED FROM THE REVENUE AND TO REQUIRE THE COMMISSION TO EXPEND AT LEAST SEVENTY PERCENT OF ITS STATE APPROPRIATED FUNDS ON GRANTS FOR CHILDREN’S AND COMMUNITY PROGRAMS.

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

H. 4766 -- Reps. Stringer, Weeks and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 33 SO AS TO ENACT THE “SOUTH CAROLINA BENEFIT CORPORATION ACT” WHICH PERMITS A CORPORATION TO ELECT AS A CORPORATE PURPOSE THE PROVIDING OF CERTAIN PUBLIC BENEFITS WITHOUT SUBJECTING THE CORPORATION OR ITS DIRECTORS TO LIABILITY OR DERIVATIVE SUIT EXCEPT FOR SPECIFIED REASONS.

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

H. 4802 -- Reps. J. E. Smith, Quinn, Munnerlyn, Williams, Jefferson, Johnson, McEachern, Brannon, Dillard, McLeod, Stavrinakis, Sellers, Sabb, Brady, Ott, Vick, H. B. Brown, Branham, Bingham, Bowers, Cobb-Hunter, Erickson, Harrison, Hart, Hayes, Herbkersman, Merrill, J. H. Neal, Pitts, G. M. Smith, Whipper and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE “SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT” WHICH PROVIDES THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING MAY AT HIS OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

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

H. 4824 -- Rep. Rutherford: A JOINT RESOLUTION TO PROVIDE THAT THE DRIVER’S LICENSE OF A PERSON IS REINSTATED ON THIS ACT’S EFFECTIVE DATE IF THE PERSON’S DRIVER’S LICENSE WAS SUSPENDED PURSUANT TO FORMER SECTION 56-1-745 OF THE 1976 CODE DUE TO A CONTROLLED SUBSTANCE VIOLATION AND CHARGE PRIOR TO APRIL 12, 2011, AND A CONVICTION ON OR AFTER APRIL 12, 2011, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MUST NOT REIMBURSE SUCH PERSON WHOSE DRIVER’S LICENSE SUSPENSION ENDED AND HE PAID A REINSTATEMENT FEE BEFORE THIS ACT’S EFFECTIVE DATE.

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

H. 4956 -- Reps. Putnam, Loftis, Thayer, G. R. Smith, Norman, Quinn, Parker, Long, Brannon, J. R. Smith, Erickson, Hiott, Patrick, Huggins, Southard, Nanney, Whitmire, Tribble, Allison, Atwater, Bannister, Barfield, Bingham, Bowen, Chumley, Clemmons, Corbin, Delleney, Forrester, Frye, Gambrell, Hamilton, Henderson, Herbkersman, Hixon, Lowe, Lucas, D. C. Moss, V. S. Moss, Murphy, Owens, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, Spires, Stringer, Tallon, Taylor, Toole, White and Willis: A JOINT RESOLUTION TO REQUEST THE PRESIDENT OF THE UNITED STATES OF AMERICA, BARACK OBAMA, OPEN OUR ABUNDANT OIL AND NATURAL GAS RESOURCES THROUGHOUT OUR COUNTRY AND ISSUE AN EXECUTIVE ORDER TO THE DEPARTMENT OF INTERIOR TO LIFT THE 2010 BAN ON ALL OFFSHORE DRILLING EXPLORATION WITHIN THE OUTER CONTINENTAL SHELF LANDS, AND TO REQUEST THE PRESIDENT ALSO TO DIRECT THE DEPARTMENT OF ENERGY, ENVIRONMENTAL PROTECTION AGENCY, AND ANY BODY OF THE FEDERAL GOVERNMENT THAT REGULATES OR SIMILARLY IS CONCERNED WITH THE EXPLORATION OF OIL AND NATURAL GAS TO EXPEDITE ALL PERMITTING REQUIREMENTS FOR THE DEVELOPMENT OF THESE ENERGY RESOURCES.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 5025 -- Reps. Govan, Cobb-Hunter, King, Limehouse, J. H. Neal, Ott, R. L. Brown, Gilliard and House Ways and Means: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

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

H. 5029 -- Reps. Thayer, Owens, Simrill, Brantley, Murphy, Gambrell, McCoy, Stavrinakis, Brannon, J. M. Neal, Agnew, Atwater, Daning, Long, Putnam, Erickson, Herbkersman, Patrick, Stringer, Ryan, Hamilton, Bedingfield, Anderson, Forrester, Sellers, Brady, Bowen, G. A. Brown, Clemmons and Toole: 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.

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

H. 5049 -- Reps. Merrill, Brannon and Clemmons: A BILL TO AMEND SECTION 12-43-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A PROPERTY ASSESSMENT VALUE, SO AS TO PROVIDE THAT THE APPEAL MUST BE BASED ON THE MARKET VALUES OF REAL PROPERTY AS OF DECEMBER THIRTY-FIRST OF THE TAX YEAR UNDER APPEAL; TO AMEND SECTION 12-60-2510, RELATING TO A PROPERTY TAX ASSESSMENT NOTICE, SO AS TO PROVIDE THAT IN A YEAR IN WHICH AN ASSESSABLE TRANSFER OF INTEREST OCCURS DUE TO A CONVEYANCE, IF THE ASSESSOR DETERMINES THAT FAIR MARKET VALUE IS MORE THAN THE PURCHASE PRICE, THE ASSESSOR SHALL STATE WITH PARTICULARITY, THE BASIS FOR THE INCREASE IN FAIR MARKET VALUE, TO PROVIDE THAT THE TAXPAYER AT LEAST HAS THIRTY DAYS OF RECEIPT OF THE TAX NOTICE TO APPEAL, AND TO REQUIRE THE ASSESSOR TO INCLUDE A PROPERTY TAX REFUND ASSIGNMENT CONTRACT IN CERTAIN CASES; TO AMEND SECTION 12-60-2530, RELATING TO AN APPEAL TO THE COUNTY BOARD OF ASSESSMENT APPEALS, SO AS TO PROVIDE THAT IN THE CASE OF A TIE VOTE, THE ASSESSOR’S DETERMINATION IS OVERTURNED; BY ADDING SECTION 12-60-2570 SO AS TO PROVIDE THAT THE COUNTY ASSESSOR SHALL HAVE THE BURDEN OF PROOF IN A PROPERTY TAX APPEAL; AND BY ADDING SECTION 12-60-2580 SO AS TO ALLOW A TAXPAYER TO APPEAL THE VALUE ONCE EVERY FIVE YEARS AND TO PROVIDE EXCEPTIONS.

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

H. 5051 -- Reps. Limehouse, Barfield, Tribble, Sabb, Hosey, Southard, J. H. Neal, Crawford, Parker, Brantley, Neilson, Erickson, Clemmons, Hearn, Hardwick, Loftis, Murphy, Ryan, McCoy, Anderson, Butler Garrick, Whitmire, Williams, Sottile, Alexander, Allen, Bowen, Pinson, Brannon, Johnson, Huggins, Spires, Sellers, Agnew, Anthony, Atwater, Bales, Bannister, Battle, Bedingfield, Bingham, Bowers, Branham, G. A. Brown, H. B. Brown, R. L. Brown, Chumley, Clyburn, Cobb-Hunter, Cole, Corbin, Crosby, Daning, Delleney, Dillard, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Howard, Jefferson, King, Long, Lowe, Lucas, Mack, McEachern, McLeod, D. C. Moss, V. S. Moss, Munnerlyn, J. M. Neal, Norman, Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Stringer, Tallon, Taylor, Toole, Vick, Weeks, Whipper, White and Willis: A BILL TO AMEND SECTION 59-103-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HIGHER EDUCATION MISSION AND GOALS FOR ALL PUBLIC HIGHER EDUCATION INSTITUTIONS IN THIS STATE, SO AS TO INCLUDE IN THE MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES UNIQUE DOCTORAL DEGREE PROGRAMS THAT ARE NOT DUPLICATIVE OF ANY RESEARCH UNIVERSITY DOCTORAL PROGRAMS IN THAT REGION, AND TO DEFINE “THAT REGION”.

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

H. 5098 -- Reps. Hixon, Clyburn, Harrison, Taylor and Young: A BILL TO AMEND SECTION 61-6-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IN A COUNTY OR MUNICIPALITY UPON A FAVORABLE REFERENDUM VOTE, SO AS TO FURTHER PROVIDE FOR THOSE ELECTIONS WHICH CONSTITUTE GENERAL ELECTIONS FOR PURPOSES OF THE REFERENDUMS REQUIRED UNDER THIS SECTION.

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

H. 5150 -- Reps. Harrell, Harrison, Sandifer, Lucas, Hardwick, Howard, Clemmons, Ott, Crawford, Bingham, Owens, White and Funderburk: A BILL TO REENACT SECTION 33-44-303, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIABILITY OF MEMBERS AND MANAGERS OF LIMITED LIABILITY COMPANIES, AND TO EXPRESS THAT IT IS THE CLEAR AND UNAMBIGUOUS INTENT OF THE GENERAL ASSEMBLY TO SHIELD A MEMBER OF A LIMITED LIABILITY COMPANY FROM PERSONAL LIABILITY FOR ACTIONS TAKEN IN THE ORDINARY COURSE OF THE LIMITED LIABILITY COMPANY'S BUSINESS.

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

H. 5166 -- Reps. Willis, Pitts and Tribble: A BILL TO AMEND SECTION 7-7-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LAURENS COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, 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.

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

H. 5167 -- Rep. Frye: A BILL TO REAPPORTION THE SEVEN SPECIFIC ELECTION DISTRICTS FROM WHICH CERTAIN MEMBERS OF THE GOVERNING BODY OF THE SALUDA COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS, AND MAKE NECESSARY CONFORMING CHANGES.

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

H. 5168 -- Reps. Limehouse, Daning, Sottile, Gilliard, Stavrinakis, Harrell, R. L. Brown, Crosby, Horne, Mack, McCoy, Merrill, Murphy, Ryan and Whipper: A CONCURRENT RESOLUTION TO REQUEST THAT, NOTWITHSTANDING THE PROVISION CONTAINED IN ACT 624 OF 1986, THE DEPARTMENT OF TRANSPORTATION SHALL NOT CLOSE THE UNPAVED PORTION OF HARBORTOWNE ROAD IN CHARLESTON COUNTY.

Introduced and on motion of Senator CAMPSEN, with unanimous consent, referred to the Charleston County Delegation.

H. 5177 -- Reps. Herbkersman, Patrick, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE DEPARTMENT'S REPLACEMENT BRIDGE LOCATED ALONG SPANISH WELLS ROAD ON HILTON HEAD ISLAND “CHARLIE SIMMONS, SR. MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “CHARLIE SIMMONS, SR. MEMORIAL BRIDGE”.

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

H. 5180 -- Reps. J. H. Neal, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE OUTSTANDING COLLABORATIVE EFFORTS OF THE WORLD DEVELOPMENT ALLIANCE AND THE SOUTH CAROLINA LEGISLATOR EXCHANGE TO ASSIST OTHER LEGISLATORS FROM A MYRIAD OF INTERNATIONAL LOCATIONS IN THEIR EFFORTS TO MEET THE NEEDS OF THEIR CITIZENS.

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

H. 5184 -- Reps. Delleney, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE GREAT FALLS HIGH SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON AND TO COMMEND ITS OUTSTANDING PLAYERS AND COACH FOR CAPTURING THE 2012 CLASS A STATE CHAMPIONSHIP TITLE.

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

**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. 3558 -- Reps. J.E. Smith, Govan and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑2270 SO AS TO REQUIRE ALL STATE INSTITUTIONS OF HIGHER EDUCATION TO ALLOW STUDENTS TO COMPLETE ASSIGNMENTS OR TAKE MAKE‑UP EXAMINATIONS WHEN AN ABSENCE IS CAUSED BY ATTENDING OR PARTICIPATING IN MILITARY SERVICE, DUTY, TRAINING, OR DISASTER RELIEF EFFORTS.

H. 3923 -- Rep. Parker: A BILL TO AMEND SECTION 7‑7‑490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO RENAME THE INMAN MILLS BAPTIST VOTING PRECINCT THE GREATER ST. JAMES VOTING PRECINCT AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

**HOUSE BILLS RETURNED**

The following House Bill and Joint Resolution were read the third time and ordered returned to the House with amendments:

H. 4906 -- Rep. J.E. Smith: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE VETERANS’ ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM JANUARY 31, 2012, TO JANUARY 31, 2013.

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.

**THIRD READING BILLS**

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

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.

S. 427 -- Senators Hayes, Hutto, Grooms, Land, O’Dell, Ford and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑45‑17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12‑59‑85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; AND TO AMEND SECTIONS 12‑51‑50, AS AMENDED, AND 12‑51‑70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO ONE THOUSAND DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE.

S. 1471 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - DIVISION OF LABOR, RELATING TO LICENSING AND PERMITTING FEES; LICENSING REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4238, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1349 -- Senators Alexander, McGill, Cromer and Sheheen: A JOINT RESOLUTION TO PROVIDE THAT THE STATE BUDGET AND CONTROL BOARD, THROUGH ITS OFFICE OF INSURANCE SERVICES, IN STATE FISCAL YEAR 2012‑2013, MAY OFFER TORT LIABILITY INSURANCE COVERAGE TO AN AGING ENTITY AND ITS EMPLOYEES SERVING CLIENTS COUNTYWIDE WHICH PREVIOUSLY HAS OBTAINED ITS TORT LIABILITY INSURANCE COVERAGE THROUGH THE BOARD.

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

**AMENDED, READ THE THIRD TIME**

S. 428 -- Senators Hayes, Hutto, Grooms, Land, O’Dell, Alexander and Knotts: A BILL TO AMEND SECTION 12‑37‑251, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CALCULATION OF ROLLBACK MILLAGE USED IN THE YEAR OF IMPLEMENTATION OF A COUNTYWIDE REASSESSMENT PROGRAM, SO AS TO REVISE THE METHOD OF CALCULATING ROLLBACK MILLAGE AND TO PROVIDE FOR THE IMPOSITION OF AN “EQUIVALENT MILLAGE” FOR MUNICIPAL PROPERTY TAX WHEN MUNICIPAL BOUNDARIES EXTEND INTO MULTIPLE COUNTIES ON DIFFERENT REASSESSMENT SCHEDULES.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator ALEXANDER proposed the following amendment (NBD\12398DG12), which was adopted:

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

/ SECTION 1. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑195. A local government body must prominently display notice of the property tax exemption for a newly constructed detached single family home offered for sale by a residential builder or developer pursuant to Section 12‑37‑220(B)(51) in a conspicuous place at its office where a person applies for a certificate of occupancy. If the certificate of occupancy is granted, written notification of the exemption must accompany the certificate.”

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

Amend the bill further, by striking all before the enacting words and inserting a new title to read:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑195 SO AS TO REQUIRE A LOCAL GOVERNMENT BODY TO DISPLAY NOTICE OF THE PROPERTY TAX EXEMPTION FOR A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME OFFERED FOR SALE BY A RESIDENTIAL BUILDER OR DEVELOPER IN A CONSPICUOUS PLACE AT ITS OFFICE WHERE A PERSON APPLIES FOR A CERTIFICATE OF OCCUPANCY, AND TO REQUIRE THE NOTICE TO ACCOMPANY A CERTIFICATE OF OCCUPANCY. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

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

**AMENDED, READ THE THIRD TIME**

S. 1246 -- Senators Lourie and McConnell: A BILL TO AMEND SECTION 47‑1‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRUELTY TO ANIMALS, SO AS TO REVISE CERTAIN CRIMINAL PENALTIES.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator MALLOY proposed the following amendment (JUD1246.002), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 22-37, and inserting:

/ “Section 47‑1‑40.(A) ~~Whoever~~ A person who knowingly or intentionally overloads, overdrives, overworks, or ill‑treats ~~any~~ an animal, deprives ~~any~~ an animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon ~~any~~ an animal, or by omission or commission knowingly or intentionally causes these ~~things~~ acts to be done, ~~for every offense~~ is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ~~sixty~~ ninety days or by a fine of not less than one hundred dollars nor more than ~~five hundred~~ one thousand dollars, or both, for a first offense; ~~by imprisonment not exceeding ninety days or by a fine not exceeding eight hundred dollars, or both, for a second offense;~~ or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a ~~third~~ second or subsequent offense. Notwithstanding any other provision of law, ~~a first~~ an offense under this subsection ~~shall~~ must be tried in magistrate’s or municipal court. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill, as amended.

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

**Ayes 38; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Ford Gregory Grooms

Hayes Hutto Jackson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Thomas

Verdin Williams

**Total--38**

**NAYS**

Fair

**Total--1**

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

**READ THE SECOND TIME**

S. 1472 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR COSMETOLOGISTS, ESTHETICIANS, AND NAIL TECHNICIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4230, 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 MASSEY explained the Joint Resolution.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Grooms Hayes Knotts

Land Leatherman Leventis

Lourie *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rose Ryberg Setzler

Sheheen Thomas Williams

**Total--33**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDMENT PROPOSED**

**CARRIED OVER**

H. 3934 -- Reps. Bingham, Lowe, Atwater, Huggins, Bales, Pinson, Toole, Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D.C. Moss, J.R. Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V.S. Moss, Horne, Neilson, Edge, Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine, Bannister, Butler Garrick, J.E. Smith, Brannon, Bowen and Mitchell: A BILL TO AMEND SECTION 12‑43‑224, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, AND TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE COMES AFTER MAY FIRST BUT BEFORE JUNE FIRST, THE OWNER SHALL RECEIVE THE DISCOUNTED RATE BUT THE DISCOUNT SHALL BE REDUCED; AND TO AMEND SECTION 12‑43‑225, AS AMENDED, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATES COMES AT A CERTAIN TIME AFTER MAY FIRST, THE ASSESSOR STILL SHALL GRANT THE DISCOUNT IF ALL OTHER REQUIREMENTS ARE MET, TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR, AND TO TOLL TIME LIMITATIONS FOR CERTAIN PROPERTY.

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

The Committee on Finance proposed the following amendment (NBD\12352DG12), which was adopted:

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

/ SECTION 1. A. Section 12‑43‑225 of the 1976 Code, as last amended by Act 89 of 2001, is further amended to read:

“Section 12‑43‑225. (A) For subdivision lots in a plat recorded on or after January 1, 2001, ~~and notwithstanding the provisions of Section 12‑43‑224,~~ a subdivision lot discount is allowed in the valuation of the platted lots only as provided in subsection (B) of this section, and this discounted value applies for five property tax years or until the lot is sold or a certificate of occupancy is issued for the improvement on the lot, or the improvement is occupied, whichever of them elapses or occurs first. When the discount allowed by this section no longer applies, the lots must be individually valued as provided by law.

(B) To be eligible for a subdivision lot discount, the recorded plat must contain at least ten building lots. The owner shall apply for the discount by means of a written application to the assessor on or before May first of the year for which the discount is initially claimed. After initially qualifying for the discount provided in this section, no further application is required, unless ownership of the property changes. A property owner may make a late application for the discount provided in this section until the thirtieth day following the mailing of the property tax bill for the year in which his discount is claimed provided the application is in writing and accompanied by a one hundred dollar late application penalty, payable to the county treasurer for deposit to the county general fund. The value of each platted building lot is calculated~~:~~

~~(1)~~ by dividing the total number of platted building lots into the value of the entire parcel as undeveloped real property~~; and~~

~~(2)~~ ~~as provided in Section 12‑43‑224 and the difference between the two calculations determined.~~

~~The value of a lot as determined under Section 12‑43‑224 is reduced as follows:~~

~~For lots in plats recorded in 2001, the value is reduced by thirty percent of the difference.~~

~~For lots in plats recorded in 2002, the value is reduced by sixty percent.~~

~~For lots in plats recorded after 2002, the value is reduced by one hundred percent of the difference~~.

(C) If a lot allowed the discount provided by this section is sold to the holder of a residential homebuilder’s license or general contractor’s license, the licensee shall receive the discount ~~continues~~ through the first tax year which ends twelve months from the date of sale if the purchaser files a written application for the discount with the county assessor ~~by May first of the year for which the applicant is claiming the discount~~ within sixty days of the date of sale.

(D)(1) For lots which received the discount provided in subsection (B) on December 31, 2011, there is granted an additional three years of eligibility for that discount in property tax years 2012, 2013, and 2014, in addition to any remaining period provided for in subsection (B). If ten or more lots receiving the discount under this section are sold to a new owner primarily in the business of real estate development, the new owner may make written application within sixty days of the date of sale to the assessor for the remaining eligibility period under this section.

(2) For lots which received the discount provided in subsection (C) after December 31, 2008, and before January 1, 2012, upon written application to the assessor no later than thirty days after mailing of the property tax bill, there is granted an additional three years of eligibility for that discount in property tax years 2012, 2013, and 2014. If a lot receiving the additional eligibility under this item is transferred to a new owner primarily in the business of residential development or residential construction during its eligibility period, the new owner may apply to the county assessor for the discount allowed by this item for the remaining period of eligibility, which must be allowed if the new owner applied for the discount within thirty days of the mailing of the tax bill and meets the other requirements of this section.”

B. No refund is allowed due to the amendments to Section 12-43-225 of the 1976 Code, as contained in this SECTION.

SECTION 2. Section 12‑43‑224 of the 1976 Code is amended by adding an undesignated paragraph at the end to read:

“No lots platted and recorded not receiving the discount provided in this section on December 31, 2011, may receive the discount provided in this section.”

SECTION 3. A. Section 12‑43‑220(c)(2)(ii) of the 1976 Code, as last amended by Act 76 of 2009, is further amended to read:

“(ii) This item does not apply unless the owner of the property or the owner’s agent applies for the four percent assessment ratio before the first penalty date for the payment of taxes for the tax year for which the owner first claims eligibility for this assessment ratio. In the application the owner or his agent ~~must~~ shall provide all information required in the application, and shall certify to the following statement:

‘Under penalty of perjury I certify that:

(A) the residence which is the subject of this application is my legal residence and where I am domiciled at the time of this application and that neither I, nor any member of my household, ~~do not~~ claim to be a legal resident of a jurisdiction other than South Carolina for any purpose; and

(B) that neither I, nor ~~any other~~ a member of my household, ~~is residing in or occupying any other residence which I or any member of my immediate family has qualified for~~ claim the special assessment ratio allowed by this section on another residence.’”

B. Section 12‑43‑220(c) of the 1976 Code, as last amended by Act 76 of 2009, is further amended by adding a subitem at the end to read:

“(8) For ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, when the individual claiming the special four percent assessment ratio allowed by this item has an ownership interest in the residence that is less than fifty percent ownership in fee simple, then the value of the residence allowed the special four percent assessment ratio is a percentage of that value equal to the individual’s ownership interest in the residence, but not less than the amount provided pursuant to subitem (4) of this item. This subitem (8) does not apply in the case of a residence otherwise eligible for the special four percent assessment ratio when occupied jointly by a married couple or which remains occupied by a spouse legally separated from a spouse who has abandoned the residence. If the special four percent assessment ratio allowed by this item applies to only a fraction of the value of residence, then the exemption allowed pursuant to Section 12‑37‑220(B)(47) applies only to value attributable to the taxpayer’s ownership interest.”

SECTION 4. Section 12‑37‑3150(B) of the 1976 Code, as last amended by Act 275 of 2010, is further amended by adding an appropriately numbered item at the end to read:

“( ) a transfer of a fractional interest between family members for zero monetary consideration, or a de minimis monetary consideration, whereby both the grantor and the grantee owned an interest in the property prior to the transfer. For purposes of this item, a family member includes, a spouse, parent, brother, sister, child, grandparent, or grandchild.”

SECTION 5. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2011./

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

Senator REESE proposed the following amendment (NBD\  
12388DG12), which was laid on the table:

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

/ SECTION \_\_\_. A. Section 12‑37‑220(B) of the 1976 Code, as last amended by Act 279 of 2010, is further amended by adding an appropriately numbered item at the end to read:

“( )(a) one hundred percent of the value of an improvement to real property consisting of a newly constructed condominium, townhouse, cottage, or other property devoted to residential use or occupancy by one or more persons for a definite or indefinite period, not including an apartment, offered for sale by a residential builder or developer through the earlier of:

(i) the property tax year in which the property is sold or otherwise occupied; or

(ii) the property tax year ending the sixth December thirty‑first after the improvement is completed and a certificate of occupancy, if required, is issued on it;

(b) The exemption is only applicable to the portions of the improvement that have not been sold or occupied.

(c) In lieu of other exemption application requirements, the owner of property eligible for the exemption allowed by this item shall obtain the exemption by notifying the county assessor and county auditor by written affidavit no later than thirty days after the certificate of occupancy is issued and no later than January thirty‑first in subsequent exemption eligibility years that the property is of the type eligible for the exemption and unoccupied and if found in order, the exemption is allowed for the applicable property tax year. If the unsold property is occupied at any time before eligibility for the exemption ends, the owner shall so notify the auditor and assessor and the exemption ends as provided in subitem (a)(i).”

B. This SECTION takes effect upon approval by the Governor and applies for eligible property completed and, if required, a certificate of occupancy issued after 2007. No refunds are allowed for property tax year 2008, 2009, 2010, or 2011 as a result of the exemption allowed pursuant to this act. /

Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

Senator HAYES moved to lay the amendment on the table.

The amendment was laid on the table.

Senator GROOMS proposed the following amendment (3934R001.LKG):

Amend the bill, as and if amended, by striking item (8) of Section 12-43-220(c) found in SECTION 3 B and inserting:

/ “(8)(a) For ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, when the individual claiming the special four percent assessment ratio allowed by this item has an ownership interest in the residence that is less than fifty percent ownership in fee simple, then the value of the residence allowed the special four percent assessment ratio is a percentage of that value equal to the individual’s ownership interest in the residence, but not less than the amount provided pursuant to subitem (4) of this item. This subitem (8) does not apply in the case of a residence otherwise eligible for the special four percent assessment ratio when occupied jointly by a married couple or which remains occupied by a spouse legally separated from a spouse who has abandoned the residence. If the special four percent assessment ratio allowed by this item applies to only a fraction of the value of residence, then the exemption allowed pursuant to Section 12‑37‑220(B)(47) applies only to value attributable to the taxpayer’s ownership interest.

(b) Notwithstanding item (a), for ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, an occupant may claim the full special four percent assessment ratio allowed by this item if the occupant shares an ownership interest in the residence with immediate family members and the occupant does not claim the four percent assessment ratio on another property.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

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

**CARRIED OVER**

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.

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

H. 4451 -- Reps. Bowen, Whipper, Bikas, Sottile, Herbkersman, D.C. Moss, Allison, Parker, Huggins, Bowers and Hearn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56‑5‑3890, 56‑5‑3895, AND 56‑5‑3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THESE PROVISIONS; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF IMPROPER USE OF AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE.

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

**OBJECTIONS**

S. 1473 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CONTACTORS’ LICENSING BOARD, RELATING TO REQUIREMENTS OF LICENSURE FOR CONTRACTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4229, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Joint Resolution.

**S. 1473--Objection**

Senator MASSEY asked unanimous consent to make a motion that the roll call vote taken on the second reading of S. 1472 be applied to the second reading of S. 1473.

Senator KNOTTS objected.

Senator MASSEY objected to the Resolution.

S. 1474 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF ACCOUNTANCY, RELATING TO REINSTATEMENT AND CONTINUING PROFESSIONAL EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4223, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY objected to the Resolution.

S. 1475 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF FUNERAL SERVICE, RELATING TO GENERAL LICENSING PROVISIONS FOR EMBALMERS AND FUNERAL DIRECTORS; PROVISIONS FOR ANNUAL RENEWAL OF LICENSES AND REACTIVATION OF EXPIRED LICENSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4235, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY objected to the Resolution.

S. 1476 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF REGISTRATION FOR GEOLOGISTS, RELATING TO GENERAL REGISTRATION PROVISIONS FOR GEOLOGISTS-IN-TRAINING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4236, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY objected to the Resolution.

S. 1477 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF BARBER EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE IN THE FIELD OF BARBERING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4225, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY objected to the Resolution.

**OBJECTION**

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

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

Senator JACKSON objected.

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

**MOTION TO MAKE THE BILL A SPECIAL ORDER FAILED**

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

Senator LARRY MARTIN moved that the Bill be made a Special Order.

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

**Ayes 22; Nays 16**

**AYES**

Alexander Bright Bryant

Campbell Cleary Courson

Cromer Fair Grooms

Hayes Knotts Leatherman

*Martin, Larry Martin, Shane* Massey

O'Dell Peeler Rose

Ryberg Setzler Thomas

Verdin

**Total--22**

**NAYS**

Anderson Campsen Coleman

Davis Elliott Hutto

Leventis Lourie Malloy

Matthews McGill Nicholson

Pinckney Scott Sheheen

Williams

**Total--16**

Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

**Statement by Senators DAVIS and CAMPSEN**

We voted today against setting H. 4654 for Special Order debate.  We have two primary concerns.  First, the Bill purports to be effective retroactively, which is unconstitutional.   Second, and more specifically, the Bill, if enacted into law, would undermine a currently viable means by which the State of South Carolina could contest the Georgia Ports Authority’s Savannah Harbor Expansion Project (SHEP) – a project that now calls for dumping dredged waste on the Jasper port site until the year 2060 (thus rendering that economic project stillborn) and inflicting irreversible environmental damage on the Savannah River and the surrounding ecosystem.    H. 4654 has merit, but the negative impact of the SHEP on both the existing Port of Charleston and the future Port of Jasper is simply too high to now discard a viable means of challenging it.   Our concerns would be addressed if the retroactive language in the Bill is deleted.

**MOTION ADOPTED**

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**H. 3241--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

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

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

Senator HAYES spoke on the report.

The question was the adoption of the report.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

**Statement by Senator KNOTTS**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of the adoption of the Report of the Committee of Conference.

The Report of the Committee of Conference was adopted as follows:

**H. 3241--Conference Report**

The General Assembly, Columbia, S.C., May 1, 2012

The COMMITTEE OF CONFERENCE, to whom was referred:

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

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

That the same do pass with the following amendments:

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

/ SECTION 1.Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59‑40‑55. (A) A charter school sponsor shall:

(1) approve charter applications that meet the requirements specified in Sections 59‑40‑50 and 59‑40‑60;

(2) decline to approve charter applications according to Section 59‑40‑70(C);

(3) negotiate and execute sound charter contracts with each approved charter school;

(4) monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools to include collecting and analyzing data to support ongoing evaluation according to the charter contract;

(5) conduct or require oversight activities that enable the sponsor to fulfill its responsibilities outlined in this chapter, including conducting appropriate inquiries and investigations, only if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contact, and do not unduly inhibit the autonomy granted to public charter schools;

(6) collect, in accordance with Section 59‑40‑140(H), an annual report from each of its sponsored charter schools and submit the reports to the Department of Education;

(7) notify the charter school of perceived problems if its performance or legal compliance appears to be unsatisfactory and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation and revocation timeframes apply;

(8) take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include requiring a school to develop and execute a corrective action plan within a specified timeframe;

(9) determine whether each charter contract merits renewal, nonrenewal, or revocation; and

(10) provide to parents and the general public information about charter schools authorized by the sponsor as an enrollment option within the district in which the charter school is located to the same extent and through the same means as the district in which the charter school is located provides and publicizes information about all public schools in the district. A charter school shall notify its sponsor of its enrollment procedures and dates of its enrollment period no less than sixty days prior to the first day of its enrollment period.

(B) The South Carolina Public Charter School District may retain no more than two percent of the total state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. The sponsor’s administrative fee does not include costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor’s fee is not applicable to federal money or grants received by the charter school. The sponsor shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling sponsor obligations in accordance with this chapter.”

SECTION 2. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59‑40‑175. There is created in the state treasury the Charter School Facility Revolving Loan Program. This loan program is comprised of federal funds obtained by the state for charter school facilities, other funds appropriated or transferred to the fund by the state, and privately donated funds. Funds deposited to the Charter School Facility Revolving Loan Program must remain available for the purposes of the program until appropriated or reverted by the General Assembly. The State Treasurer may approve loans from monies in the Charter School Revolving Loan Program to a charter school, upon application by the charter school. Money loaned to a charter school pursuant to this section must be used for construction, purchase, renovation, and maintenance of public charter school facilities. The State Treasurer shall establish guidelines and procedures for application, approval, allocation, and repayment regarding loans from these monies. The Office of State Treasurer may be reimbursed from the program for costs associated with the administration of these loans.”

SECTION 3. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59‑40‑235. The geographical boundaries from which a charter school sponsored by a public or independent institution of higher learning may accept students are the same as the boundaries of the State of South Carolina.”

SECTION 4. Section 59‑40‑20 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑20. This chapter is enacted to:

(1) improve student learning;

(2) increase learning opportunities for students;

(3) encourage the use of a variety of productive teaching methods;

(4) establish new forms of accountability for schools;

(5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; ~~and~~

(6) assist South Carolina in reaching academic excellence~~.~~; and

(7) create new, innovative, and more flexible ways of educating children within the public school system, with the goal of closing achievement gaps between low performing student groups and high performing student groups.”

SECTION 5. Section 59‑40‑40 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑40. As used in this chapter:

(1) A ‘charter school’ means a public, nonreligious, nonhome‑based, nonprofit corporation forming a school that operates ~~within~~ by sponsorship of a public school district ~~or~~, the South Carolina Public Charter School District, or a public or independent institution of higher learning, but is accountable to the ~~school~~ board of trustees ~~of that district~~, or in the case of technical colleges, the area commission, of the sponsor which grants its charter. Nothing in this chapter prohibits charter schools from offering virtual services pursuant to state law and subsequent regulations defining virtual schools.

(2) A charter school:

(a) is, for purposes of state law and the state constitution, considered a public school and part of the South Carolina Public Charter School District ~~or~~, the local school district in which it is located ~~for the purposes of state law and the state constitution~~, or is sponsored by a public or independent institution of higher learning;

(b) is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services; however, an applicant may seek to form a single gender charter school without regard to the gender makeup of that proposed charter school;

(c) must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the sponsor, the governing body to be selected~~,~~ as provided in Section 59‑40‑50(B)(9);

(d) may not charge tuition or other charges pursuant to Section 59‑19‑90(8) except as may be allowed by the sponsor and is comparable to the charges of the local school district in which the charter school is located~~.~~;

(e) is subject to the same fixed asset inventory requirements as are traditional public schools.

(3) ‘Applicant’ means the person who or nonprofit corporate entity that desires to form a charter school and files the necessary application with the South Carolina Public Charter School District Board of Trustees ~~or~~, the local school board of trustees in which the charter school is to be located, or the board of trustees or area commission of a public or independent institution of higher learning. The applicant also must be the person who or the nonprofit corporate entity that applies to the Secretary of State to organize the charter school as a nonprofit corporation.

(4) ‘Sponsor’ means the South Carolina Public Charter School District Board of Trustees ~~or~~, the local school board of trustees in which the charter school is to be located, as provided by law, a public institution of higher learning as defined in Section 59‑103‑5, or an independent institution of higher learning as defined in Section 59‑113‑50, from which the charter school applicant requested its charter and which granted approval for the charter school’s existence. Only those public or independent institutions of higher learning, as defined in this subsection, who register with the South Carolina Department of Education may serve as charter school sponsors, and the department shall maintain a directory of those institutions. The sponsor of a charter school is the charter school’s Local Education Agency (LEA) and a charter school is a school within that LEA. The sponsor retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

(5) ‘Certified teacher’ means a person currently certified by the State of South Carolina to teach in a public elementary or secondary school or who currently meets the qualifications outlined in Sections 59‑27‑10 and 59‑25‑115.

(6) ‘Noncertified teacher’ means an individual considered appropriately qualified for the subject matter taught and who has completed at least one year of study at an accredited college or university and meets the qualifications outlined in Section 59‑25‑115.

(7) ‘Charter committee’ means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the election, the board of directors of the corporation must be organized as the governing body and the charter committee is dissolved.

(8) ‘Local school district’ means any school district in the State except the South Carolina Public Charter School District and does not include special school districts.

(9) ‘Charter school contract’ means a fixed term, renewable contract between a charter school and a sponsor that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(10) ‘Resident public school’ means the school, other than a charter school, within whose attendance boundaries the charter school student’s custodial parent or legal guardian resides.”

SECTION 6. Section 59‑40‑50 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59‑40‑50. (A) Except as otherwise provided in this chapter, a charter school is exempt from all provisions of law and regulations applicable to a public school, a school board, or a district, although a charter school may elect to comply with one or more of these provisions of law or regulations.

(B) A charter school must:

(1) adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located;

(2) meet, but may exceed, the same minimum student attendance requirements as are applied to public schools;

(3) adhere to the same financial audits, audit procedures, and audit requirements as are applied to public schools;

(4) be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or wilful racial discrimination by the governing body or employees of the charter school. Employees of charter schools must be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located are relieved;

(5) in its discretion hire noncertified teachers in a ratio of up to twenty‑five percent of its entire teacher staff; however, if it is a converted charter school, it shall hire in its discretion noncertified teachers in a ratio of up to ten percent of its entire teacher staff. However, in either a new or converted charter school, a teacher teaching in the core academic areas as defined by the federal No Child Left Behind law must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach. Part‑time noncertified teachers are considered pro rata in calculating this percentage based on the hours which they are expected to teach;

(6) hire or contract for, in its discretion, administrative staff to oversee the daily operation of the school. At least one of the administrative staff must be certified or experienced in the field of school administration;

(7) admit all children eligible to attend public school to a charter school, subject to space limitations, except in the case of an application to create a single gender charter school. However, it is required that the racial composition of the charter school enrollment reflect that of the local school district in which the charter school is located or that of the targeted student population of the local school district that the charter school proposes to serve, to be defined for the purposes of this chapter as differing by no more than twenty percent from that population. This requirement is also subject to the provisions of Section 59‑40‑70(D). If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor;

(8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single gender charter school, in which case gender may be the only reason to show preference or deny admission to the school; ~~however,~~ a charter school may give enrollment priority to a sibling of a pupil ~~already~~ currently enrolled ~~or previously enrolled,~~ and attending, or who, within the last six years, attended the school for at least one complete academic year. A charter school also may give priority to children of a charter school employee~~,~~ and children of the charter committee, if ~~such~~ priority enrollment for children of employees and of the charter committee does not constitute more than twenty percent of the enrollment of the charter school;

(9) ~~elect its~~ consist of a board of directors ~~annually~~ of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. A choice of the membership of the board must take place every two years. Fifty percent of the members of the board as specified by the bylaws must be individuals who have a background in K‑12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, at least fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the charter school. Parents or guardians shall have one vote for each student enrolled in the charter school. All members must be residents of the State of South Carolina. ~~All employees of the charter school and all parents or guardians of students enrolled in the charter school are eligible to participate in the election. Parents or guardians of a student shall have one vote for each student enrolled in the charter school.~~ A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K‑12 education or in business;

(10) be subject to the Freedom of Information Act, including the charter school and its governing body. A board of directors of a charter school shall notify its sponsor of any regular meeting of the board at least forty‑eight hours prior to the date on which it is to occur.

(C)(1) If a charter school denies admission to a student, the student may appeal the denial to the sponsor. The decision is binding on the student and the charter school.

(2) If a charter school suspends or expels a student, other charter schools or the local school district in which the charter school is located has the authority but not the obligation to refuse admission to the student.

(3) ~~The sponsor has no obligation to provide extracurricular activities or access to facilities of the school district for students enrolled in the charter school; however, the charter contract may include participation in agreed upon interscholastic activities at a designated school within the sponsor district. Notwithstanding another provision of law, the local school district has no obligation to provide charter schools, sponsored by the South Carolina Public Charter School District, extracurricular activities or access to facilities of the school district for students enrolled in charter schools unless the school district, by contract, has agreed to provide activities or access. Students participating under this agreement must be considered eligible to participate in league events if other eligibility requirements are met.~~

(a) A charter school is eligible for federally sponsored, state‑sponsored or district‑sponsored interscholastic leagues, competitions, awards, scholarships, grants, and recognition programs for students, educators, administrators, staff, and schools to the same extent as all other public schools.

(b) A charter school student is eligible to compete for, and if selected, participate in any extracurricular activities not offered by the student’s charter school which are offered at the resident public school he would otherwise attend. A charter school student is eligible to compete for, and if selected, participate in an activity governed by the South Carolina High School League offered at the resident public school he would otherwise attend if the league governed activity is not offered at the student’s charter school.

(c) A charter school student is eligible for extracurricular activities at the student’s resident public school consistent with eligibility standards as applied to full‑time students of the resident public school.

(d) A school district or resident public school may not impose additional requirements on a charter school student to participate in extracurricular activities that are not imposed on full‑time students of the resident public school.

(e) Charter school students shall pay the same fees as other students to participate in extracurricular activities.

(f) Charter school students shall be eligible for the same fee waivers for which other students are eligible.

(D) The State is not responsible for student transportation to a charter school unless the charter school is designated by the local school district as the only school selected within the local school district’s attendance area. However, a charter school may enter into a contract with a school district or a private provider to provide transportation to the charter school students.

(E) The South Carolina Public Charter School District Board of Trustees may not use program funding for transportation.”

SECTION 7. Section 59‑40‑60 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑60. (A) An approved charter application constitutes an agreement~~, and the terms must be the terms of a contract~~ between the charter school and the sponsor.

(B) ~~The~~ A contract between the charter school and the sponsor ~~shall~~ must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract. A contract must include the proposed enrollment procedures and dates of the enrollment period of the charter school. All agreements regarding the release of the charter school from school district policies must be contained in the contract. The Department of Education shall develop a contract template to be used by charter schools and the sponsor. The template must serve as a foundation for the development of a contract between the charter school and the sponsor.

(C) A material revision of the terms of the contract between the charter school and the sponsor may be made only with the approval of both parties.

(D) Except as provided in subsection (F), an applicant who wishes to form a charter school shall:

(1) organize the charter school as a nonprofit corporation pursuant to the laws of this State;

(2) form a charter committee for the charter school which includes one or more teachers;

(3) submit a written charter school application to the charter school advisory committee and to the ~~school~~ board of trustees or area commission from which the committee is seeking sponsorship.

(E) A charter committee is responsible for and has the power to:

(1) submit an application to operate as a charter school, sign a charter school contract, and ensure compliance with all of the requirements for charter schools provided by law;

(2) employ and contract with teachers and nonteaching employees, contract for services, and develop pay scales, performance criteria, and discharge policies for its employees. All teachers whether certified or noncertified must undergo the background checks and other investigations required for certified teachers, as provided by law, before they may teach in the charter school; and

(3) decide all other matters related to the operation of the charter school, including budgeting, curriculum, and operating procedures.

(F) The charter school application ~~shall be a proposed contract and~~ must include:

(1) the mission statement of the charter school, which must be consistent with the principles of the General Assembly’s purposes pursuant to Section 59‑40‑20;

(2) the goals, objectives, and pupil achievement standards to be achieved by the charter school, and a description of the charter school’s admission policies and procedures;

(3) evidence that an adequate number of parents, teachers, pupils, or any combination of them support the formation of a charter school;

(4) a description of the charter school’s educational program, pupil achievement standards, and curriculum which must meet or exceed any content standards adopted by the State Board of Education and the ~~chartering district~~ sponsor must be designed to enable each pupil to achieve these standards;

(5) a description of the charter school’s plan for evaluating pupil achievement and progress toward accomplishment of the school’s achievement standards in addition to state assessments, the timeline for meeting these standards, and the procedures for taking corrective action if that pupil achievement falls below the standards;

(6) evidence that the plan for the charter school is economically sound, a proposed budget for the term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the ~~school district~~ sponsor, is to be conducted;

(7) a description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

(8) a description of how the charter school plans to ensure that the enrollment of the school is similar to the racial composition of the local school district in which the charter school is to be located or the targeted student population of the local school district that the charter school proposes to serve and provide assurance that the school does not conflict with any school district desegregation plan or order in effect for the school district in which the charter school is to be located;

(9) a description of how the charter school plans to meet the transportation needs of its pupils;

(10) a description of the building, facilities, and equipment and how they shall be obtained;

(11) an explanation of the relationship that shall exist between the proposed charter school and its employees, including descriptions of evaluation procedures and evidence that the terms and conditions of employment have been addressed with affected employees;

(12) a description of a reasonable grievance and termination procedure, as required by this chapter, including notice and a hearing before the governing body of the charter school. The application must state whether or not the provisions of Article 5, Chapter 25 ~~of~~, Title 59 apply to the employment and dismissal of teachers at the charter school;

(13) a description of student rights and responsibilities, including behavior and discipline standards, and a reasonable hearing procedure, including notice and a hearing before the board of directors of the charter school before expulsion;

(14) an assumption of liability by the charter school for the activities of the charter school and an agreement that the charter school must indemnify and hold harmless the ~~school district~~ sponsor, its servants, agents, and employees, from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school; and

(15) a description of the types and amounts of insurance coverage to be obtained by the charter school.

(G) Nothing in this section shall require a charter school applicant to provide a list of prospective or tentatively enrolled students or prospective employees with the application.”

SECTION 8. Section 59‑40‑70 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59‑40‑70. (A) The Charter School Advisory Committee must be established by the State Board of Education to review charter school applications for compliance with established standards that reflect the requirements and intent of this chapter. Members must be appointed by the State Board of Education unless otherwise indicated.

(1) The advisory committee shall consist of eleven members as follows:

(a) ~~South Carolina Association of Public Charter Schools, the president or his designee and one additional representative from the association;~~

~~(b)~~ South Carolina Association of School Administrators, the executive director or his designee;

~~(c)~~(b) South Carolina Chamber of Commerce, the executive director or his designee and one additional representative from the chamber;

~~(d)~~(c) South Carolina Education Oversight Committee, the chair or a business designee;

~~(e)~~(d) South Carolina Commission on Higher Education, the chair or his designee;

~~(f)~~(e) South Carolina School Boards Association, the executive director or his designee;

~~(g)~~(f) South Carolina Alliance of Black Educators, the president or his designee; ~~and~~

~~(h)~~(g) one teacher and one parent to be appointed by the State Superintendent of Education~~.~~; and

(h) one charter school principal and one charter school board member to be appointed by the Governor.

(2) As an application is reviewed, a representative from the board of trustees or area commission from which the committee is seeking sponsorship and a representative of the charter committee shall serve on the advisory committee as ex officio nonvoting members. If the applicant indicates a proposed contractual agreement with the local school district in which the charter school is located, a representative from the local school board of trustees of that district shall serve on the advisory committee as an ex officio, nonvoting member.

(3) Appointing authorities shall give consideration to the appointment of minorities and women as representatives on the committee.

(4) The committee shall establish bylaws for its operation that must include terms of office for its membership.

(5) An applicant shall submit the application to the advisory committee and one copy to the ~~school~~ board of trustees ~~of the district~~ or area commission from which it is seeking sponsorship. In the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the applicant shall provide notice of the application to the local school board of trustees in which the charter school will be located for informational purposes only. The advisory committee shall receive input from the school district ~~in~~ or the public or independent institution of higher learning from which the applicant is seeking sponsorship and shall request clarifying information from the applicant. An applicant may submit an application to the advisory committee ~~at any time during the fiscal year~~ pursuant to State Board of Education regulations and the advisory committee, within ~~sixty~~ ninety days, shall determine whether the application is in compliance. An application that is in compliance must be forwarded to the board or area commission of the school district or the public or independent institution of higher learning from which the applicant is seeking sponsorship with a letter stating the application is in compliance. The letter also shall include a recommendation from the Charter School Advisory Committee to approve or deny the charter. The letter must specify the reasons for its recommendation. This recommendation is nonbinding on the school board of trustees or area commission. If the application is in noncompliance, it must be returned to the applicant with deficiencies noted. The applicant may appeal the decision to the Administrative Law Court.

(6) The advisory committee shall notify the local delegation of a county in which a proposed charter school is to be located upon receipt of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation.

(B) The ~~school~~ board of trustees or area commission from which the applicant is seeking sponsorship shall rule on the application for a charter school in a public hearing, upon reasonable public notice, within ~~thirty~~ forty‑five days after receiving the application. If there is no ruling within ~~thirty~~ forty‑five days, the application is considered approved. Once the application has been approved by the ~~school~~ board of trustees or area commission, the charter school may open at the beginning of the following year. However, before a charter school may open, the State Department of Education shall verify the accuracy of the financial data for the school within forty‑five days after approval.

(C) A ~~school district~~ board of trustees ~~only~~ or area commission shall deny an application only if the application does not meet the requirements specified in Section 59‑40‑50 or 59‑40‑60, fails to meet the spirit and intent of this chapter, or adversely affects, as defined in regulation, the other students in the district in which the charter school is to be located. It shall provide, within ten days, a written explanation of the reasons for denial, citing specific standards related to provisions of Section 59‑40‑50 or 59‑40‑60 that the application violates. This written explanation immediately must be sent to the charter committee and filed with the State Board of Education and the Charter School Advisory Committee.

(D) In the event that the racial composition of an applicant’s or charter school’s enrollment differs from the enrollment of the local school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the ~~school district~~ board of trustees or area commission from which the applicant is seeking sponsorship shall consider the applicant’s or the charter school’s recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the ~~school district~~ board of trustees or area commission that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter as provided in this section or in Section 59‑40‑110, as may be applicable. A finding by the ~~school district~~ board of trustees or area commission that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.

(E) If the ~~school district~~ board of trustees or area commission from which the applicant is seeking sponsorship denies a charter school application, the charter applicant may appeal the denial to the Administrative Law Court pursuant to Section 59‑40‑90.

(F) If the ~~school district~~ board of trustees or area commission approves the application, it becomes the charter school’s sponsor and shall sign the approved application~~, which constitutes a contract with the charter committee of the charter school~~. The sponsor shall submit a copy of the charter ~~must be filed with~~ contract to the State Board of Education.

(G) If a local school board of trustees has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in its district, as defined in regulation, or that the approval of the application fails to meet the spirit and intent of this chapter, the local school board of trustees may appeal the granting of the charter to the Administrative Law Court. The Administrative Law Court, within forty‑five days, may affirm or reverse the application for action by the South Carolina Public Charter School District or the public or independent institution of higher learning in accordance with an order of the state board.”

SECTION 9. Section 59‑40‑100 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59-40-100. (A)(1) Subject to item (2), an ~~An~~ existing public school may be converted into a charter school if two‑thirds of the faculty and instructional staff employed at the school and two‑thirds of all voting parents or legal guardians of students enrolled in the school agree to the filing of an application with the local school board of trustees for the conversion and formation of that school into a charter school. Parents or legal guardians of students enrolled in the school must be given the opportunity to vote on the conversion. Parents or guardians of a student shall have one vote for each student enrolled in the school seeking conversion. The application must be submitted pursuant to Section 59‑40‑70(A)(5) by the principal of that school or his designee who must be considered the applicant. The application must include all information required of other applications pursuant to this chapter. The local school board of trustees shall approve or disapprove this application in the same manner it approves or disapproves other applications. The existence of another charter granting authority must not be grounds for disapproving a school desiring to convert to a charter school.

(2)(a) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from an ordinance originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a majority vote of the local school board of trustees.

(b) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from a referendum originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a two‑thirds vote of the local school board of trustees.

(B) A converted charter school shall offer at least the same grades, or nongraded education appropriate for the same ages and education levels of pupils, as offered by the school immediately before conversion, and also may provide additional grades and further educational offerings.

(C) All students enrolled in the school at the time of conversion must be given priority enrollment. Thereafter, students who reside within the former attendance area of that public school must be given enrollment priority.

(D) All employees of a converted school shall remain employees of the local school district ~~or~~, the South Carolina Public Charter School District, or the public or independent institution of higher learning sponsor with the same compensation and benefits including any future increases. The converted charter school quarterly shall reimburse the local school district ~~or~~, the South Carolina Public Charter School District, or the public or independent institution of higher learning sponsor for the compensation and employer contribution benefits paid to or on behalf of these employees and also provide to the ~~school district~~ sponsor any reports, forms, or data necessary for maintaining retirement coverage and providing South Carolina Retirement Systems benefits to converted school employees. The provisions of Article 5, Chapter 25 ~~of~~, Title 59 apply to the employment and dismissal of teachers at a converted school.

(E) For the duration of a converted charter school’s contract with a sponsor, a converted charter school shall have the right to retain occupancy and use of the school’s facility or facilities and all equipment, furniture, and supplies that were available to the school before it converted, in the same manner as before the school converted, with no additional fees or charges.

~~(E)~~(F) The South Carolina Public Charter School District or a public or independent institution of higher learning may not sponsor a public school to convert to a charter school. However, the South Carolina Public Charter School District or a public or independent institution of higher learning may sponsor a converted charter school renewal if the charter school has not committed a material violation of the provisions specified in subsection (C) of Section 59‑40‑110 and the local school district board of trustees refuses to renew the charter. In such cases, the charter school shall continue to receive local funding pursuant to Section 59‑40‑110(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

(G) A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school.

As used in this subsection, ‘unlawful reprisal’ means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or education program and:

(1) with respect to a school district employee, results in:

(a) disciplinary or corrective action;

(b) detail, transfer, or reassignment;

(c) suspension, demotion, or dismissal;

(d) an unfavorable performance evaluation;

(e) a reduction in pay, benefits, or awards;

(f) elimination of the employee’s position without a reduction in force by reason of lack of monies or work; or

(g) other significant changes in duties or responsibilities that are inconsistent with the employee’s salary or employment classification.

(2) with respect to an educational program, results in:

(a) suspension or termination of the program;

(b) transfer or reassignment of the program to a less favorable department;

(c) relocation of the program to a less favorable site within the school district; or

(d) significant reduction or termination of funding for the program.”

SECTION 10. Section 59‑40‑110 of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“Section 59‑40‑110. (A) A charter must be approved or renewed for a period of ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection (C) of this section. The sponsor annually shall evaluate the conditions outlined in subsection (C). The annual evaluation results must be used in making a determination for nonrenewal or revocation.

(B) A charter renewal application must be submitted to the school’s sponsor, and it must contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application; and

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education.

(C) A charter must be revoked or not renewed by the sponsor if it determines that the charter school:

(1) committed a material violation of the conditions, standards, or procedures provided for in the charter application;

(2) failed to meet or make reasonable progress, as defined in the charter application, toward pupil achievement standards identified in the charter application;

(3) failed to meet generally accepted standards of fiscal management; or

(4) violated any provision of law from which the charter school was not specifically exempted.

(D) At least sixty days before not renewing or terminating a charter school, the sponsor shall notify in writing the charter school’s governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail. Termination must follow the procedure provided for in this section.

(E) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified in subsection (C) of this section.

(F) The charter school’s governing body may request in writing a hearing before the sponsor within fourteen days of receiving notice of nonrenewal or termination of the charter. Failure by the school’s governing body to make a written request for a hearing within fourteen days must be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the school’s governing body of the hearing date. The sponsor shall conduct a hearing before taking final action. The sponsor shall take final action to renew or not renew a charter by the last day of classes in the last school year for which the charter school is authorized.

(G) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in subsection (C) of this section and the ~~local school district board of trustees~~ sponsor refuses to renew the charter. In such cases, the charter school shall continue to receive local funding pursuant to Section 59‑40‑140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

(H) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59‑40‑90.”

SECTION 11. Section 59‑40‑140 of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“Section 59‑40‑140. (A) A local school board of trustees sponsor shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year’s audited total general fund revenues, divided by the previous year’s weighted students, then increased by the Education Finance Act inflation factor, pursuant to Section 59‑20‑40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district. These amounts must be verified by the ~~State~~ Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals. After verification of student attendance on the fifth day of school at the beginning of each school year, the State Department of Education shall distribute funds to school districts with charter schools (i) having approved incremental growth and expansion as provided in their charter application, or (ii) for opening of new charter schools in the current fiscal year. These funds must be released to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts shall provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Necessary adjustments due to enrollment changes must be made pursuant to the Education Finance Act.

(B) ~~The South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the following formula: the current year’s base student cost, as funded by the General Assembly, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and state budget allocations. These state funds are in addition to other funds to be received and distributed by the South Carolina Public Charter School District pursuant to subsections (C) and (D) of this section and Section 59‑40‑220(A). However, the South Carolina Public Charter School District may not retain more than two percent of its gross revenue for its internal administrative and operating expenses~~ The South Carolina Public Charter School District or public or independent institution of higher learning sponsor shall receive and distribute state funds to the charter school as provided by the General Assembly.

(C) During the year of the charter school’s operation, as received, and to the extent allowed by federal law, a sponsor shall distribute to the charter school federal funds which are allocated to the ~~school district~~ sponsor on the basis of the number of special characteristics of the students attending the charter school. These amounts must be verified by the State Department of Education before the first disbursement of funds.

(D) Notwithstanding subsection (C), the proportionate share of state and federal resources generated by students ~~with disabilities~~ or staff serving them must be directed to the ~~school district board of trustees~~ sponsor. ~~The proportionate share of funds generated under other federal or state categorical aid programs must be directed to the school district board of trustees serving students eligible for the aid pursuant to state and federal law.~~ After receipt of federal or state categorical aid funds, sponsors shall, within ten business days, supply to the charter school the proportional share of each categorical fund for which the charter school qualifies. If the sponsor fails to do so, the Department of Education may fine the sponsor an amount equivalent to the withheld amounts. Fines imposed must be remitted to the charter school from which the amounts were withheld.

(E) All services centrally or otherwise provided by the sponsor ~~or local school district, if any,~~ including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing are subject to negotiation between a charter school and the sponsor ~~or local school district~~ and must be outlined in the contract required pursuant to Section 59‑40‑70(F), except as otherwise provided or required by law.

(F) All awards, grants, or gifts collected by a charter school must be retained by the charter school.

(G) The governing body of a charter school is authorized to accept gifts, donations, or grants of any kind made to the charter school and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted by the governing board if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts, donations, or grants must be reported to the sponsor in their annual audit report as required in Section 59‑40‑50(B)(3).

(H) A charter school shall report to its sponsor and the Department of Education any change to information provided under its application. In addition, a charter school shall report at least annually to its sponsor and the sponsor shall compile those reports into a single document which must be submitted to the department. The Department of Education shall develop a template to be used by charter schools for this annual report. The report shall provide all information required by the sponsor or the department and shall include ~~including~~, at a minimum~~,~~:

(1) the number of students enrolled in the charter school from year to year;

(2) the success of students in achieving the specific educational goals for which the charter school was established;

(3) an analysis of achievement gaps among major groupings of students in both proficiency and growth; ~~and~~

(4) the identity and certification status of the teaching staff;

(5) the financial performance and sustainability of the sponsor’s charter schools; and

(6) board performance and stewardship including compliance with applicable laws.

(I) The sponsor shall provide technical assistance to persons and groups preparing or revising charter applications at no expense.

(J) Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by any other means provided by law or otherwise, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes.

(K) Charter schools are exempt from all state and local taxation, except the sales tax, on their earnings and property. Instruments of conveyance to or from a charter school are exempt from all types of taxation of local or state taxes and transfer fees.”

(L) Notwithstanding the above provisions of this section, this subsection applies to converted charter schools that converted into a charter school after the effective date of this act. For purposes of computing the funding for any year to be provided a converted charter school under the provisions of this section, the computations required shall be made as provided in this section based on the previous year’s revenues, expenditures, and other applicable factors pertaining to that particular converted charter school, and also then shall be made as provided in this section for the year immediately preceding the previous year based on the revenues, expenditures, and other applicable factors for that year pertaining to that particular converted charter school. The funding of the converted charter school for the initial year shall be the average of the weighted per pupil unit funding computed for these two prior years, and funding for the converted charter school after the initial year shall be provided by the school district in the same manner as regular public schools in the district.”

SECTION 12. Section 59‑40‑190(C) of the 1976 Code is amended to read:

“(C) A local school district, sponsor, members of the board or area commission of a sponsor, and employees of a sponsor acting in their official capacity are immune from civil or criminal liability with respect to all activities related to a charter school they sponsor. The governing body of a charter school shall obtain at least the amount of and types of insurance required for this purpose.”

SECTION 13. Section 59‑40‑230(A) of the 1976 Code, as added by Act 274 of 2006, is amended to read:

“(A) The South Carolina Public Charter School District must be governed by a board of trustees consisting of not more than ~~eleven~~ nine members:

(1) two appointed by the Governor;

(2) one appointed by the Speaker of the House of Representatives;

(3) one appointed by the President Pro Tempore of the Senate; and

(4) ~~seven~~ five to be appointed by the Governor upon the recommendation of the:

(a) ~~South Carolina Association of Public Charter Schools and one additional representative from the association;~~

~~(b)~~ South Carolina Association of School Administrators;

~~(c)~~(b) South Carolina Chamber of Commerce;

~~(d)~~(c) South Carolina Education Oversight Committee;

~~(e)~~(d) South Carolina School Boards Association; and

~~(f)~~(e) South Carolina Alliance of Black Educators.

The ~~nine~~ seven members appointed by the Governor pursuant to this subsection are subject to advice and consent of the Senate. Membership of the committee must reflect representatives from each of the entities in item (A)(4) or their designee as reflected in their recommendation.

Each member of the board of trustees shall serve terms of three years, except that, for the initial members, two appointed by the Governor, one by the Speaker of the House, and one by the President Pro Tempore of the Senate, shall serve terms of one year and three appointed by the Governor shall serve terms of two years. A member of the board may be removed after appointment pursuant to Section 1‑3‑240. In making appointments, every effort must be made to ensure that all geographic areas of the State are represented and that the membership reflects urban and rural areas of the State as well as the ethnic diversity of the State.”

SECTION 14. Section 59‑40‑130(A) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“(A)(1) If an employee of a local school district makes a written request for leave to be employed at a charter school before July 1, 2006, the school district shall grant the leave for up to five years as requested by the employee. The school district may require that the request for leave or extension of leave be made by the date provided for by state law for the return of teachers’ contracts. Employees may return to employment with the local school district at its option with the same teaching or administrative contract status as when they left but without assurance as to the school or supplemental position to which they may be assigned.

(2) Notwithstanding the provisions of item (1) of this subsection and subject to the provisions of subsection (B) of this section, a charter school employing after June 30, 2006, an individual on leave from a local school district shall participate in the South Carolina Retirement Systems as a covered employer with respect to that employee on leave through the earlier of the date the employee on leave returns to employment by the district or June 30, 2011, and only if the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee’s date of employment with the charter school.”

SECTION 15. Section 59‑40‑220(A) of the 1976 Code, as last amended by Act 274 of 2006, is further amended to read:

“(A) The South Carolina Public Charter School District may not have a local tax base and may not receive local property taxes. This prohibition does not extend to local funds received by the district on behalf of sponsored charter schools pursuant to Section 59‑40‑140(B).”

SECTION 16. Section 59‑18‑920 of the 1976 Code is amended to read:

“Section 59‑18‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card. The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District must be included in the overall performance ratings of the South Carolina Public Charter School District. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card and must not be included in the overall performance ratings of the local school district, unless there is a mutual agreement to include the scores in the local school district ratings. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.”

SECTION 17. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑350. (A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district may create a school of choice within the district that is exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two‑thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education.

(B) In seeking exemptions, the local board of trustees may not exempt:

(1) federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services;

(2) health, safety, civil rights, and disability rights requirements as are applied to other public schools operating in the district;

(3) minimum student attendance requirements;

(4) state assessment requirements; and

(5) certification requirements for teachers in the core academic areas as defined by the federal No Child Left Behind Act, Public Law 107‑110; however, up to twenty‑five percent of the teaching staff of the school may be employed if the individual possesses a baccalaureate or graduate degree in the subject he is hired to teach.

(C) Any school created pursuant to this section shall admit all children eligible to attend the school subject to space limitations and may not limit or deny admission or show preference in admission decisions to any individual or group of individuals.

(D) A local school district that provides exemptions pursuant to subsection (A) shall provide the State Department of Education with documentation of the approved exemptions and shall submit evaluation documentation to be reviewed by the State Board of Education after three years of the exemption to ensure that the district continues to meet the needs of its students. Upon review, if the State Board of Education determines the continuation of the exemption does not meet the needs of the students attending the district school of choice, the board may suspend exemptions granted by the local board of trustees with a two‑thirds vote. Before suspending the exemptions, the State Board of Education shall notify the district and provide the district with any opportunity to defend the continuation of approved exemptions.”

SECTION 18. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 19. This act takes effect upon approval by the Governor. /

Amend title to conform.

/s/Sen. Robert W. Hayes, Jr. /s/Rep. Phillip D. Owens

/s/Sen. John W. Matthews, Jr. /s/Rep. James M. Neal

/s/Sen. Michael L. Fair /s/Rep. Andrew S. Patrick

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

, and a message was sent to the House accordingly.

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

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

**DEBATE INTERRUPTED**

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

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

Senator CAMPBELL explained the committee amendment.

Senator RANKIN spoke on the committee amendment.

Senator HUTTO spoke on the committee amendment.

On motion of Senator SHANE MARTIN, debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senators PEELER, COURSON, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McGILL, NICHOLSON, O’DELL, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Wilbur Kirkland Hayes of Rock Hill, S.C., beloved widow of Judge Robert Wesley Hayes and devoted mother to our colleague and friend, Senator Robert Wesley “Wes” Hayes, Jr. and Ruth Hayes Bruner and Betsy Hayes Stanton. Mrs. Hayes was a doting grandmother of seven and great-grandmother of four. Mrs. Hayes was a lifelong Gamecock fan. She was active in the First Baptist Church where she taught Sunday School and then joined Westminster Presbyterian Church in 2003. She was a member of the Daughters of the American Revolution, the American Association of University Women, the Pendarian Club and the Outlook Club.

**ADJOURNMENT**

At 1:52 P.M., on motion of Senator SHANE MARTIN, the Senate adjourned to meet tomorrow at 2:00 P.M.

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