**Thursday, May 31, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:30 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:

The Psalmist writes:

“May the favor of the Lord our God rest upon us; establish the work of our hands for us -- yes, establish the work of our hands.” (Psalm 90:17)

Once again, bow with me in prayer, please:

Gracious God, as this body draws closer and closer to concluding a great portion of their work for this year, may each Senator find himself able to recognize that, on balance, his efforts have been largely worthwhile. Granted, O Lord, the needs of our State are still great, but we pray that Your servants in this place have accomplished much that gains Your favor, O Lord. Now, grant to each Senator and every staff member Your assurance that You shall continue to bestow Your blessings, giving them the energy and the strength to continue on. In Your loving name we pray, Lord.

Amen.

**Point of Quorum**

At 10:34 A.M., Senator KNOTTS made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Grooms Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews Nicholson

O'Dell Peeler Rose

Scott Setzler Shoopman

Thomas Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators ANDERSON, McGILL, RYBERG and VERDIN recorded their presence subsequent to the Call of the Senate.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2012, and to expire June 30, 2016

Credit Union:

William Scott Conley, 301 Clearview Drive, Columbia, SC 29212

Referred to the Committee on Banking and Insurance.

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2009, and to expire August 15, 2013

At-Large:

Mary L. Sieck, 5904 Morning Star Road, Lake Wylie, SC 29710 *VICE* Eddie Bines

Referred to the Committee on Labor, Commerce and Industry.

**Local Appointments**

Reappointment, Chester County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Yale Zamore, 29 Pinecrest Avenue, Great Falls, SC 29055

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

Wendy J. Lynch, 826 South Warren Street, Timmonsville, SC 29161 *VICE* Judge M. Lynch

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

John C. Long, Post Office Box 399, McCormick, SC 29835 *VICE* Jake Trantham (resigned)

**Doctor of the Day**

Senator GROOMS introduced Dr. Marc New of North Charleston, S.C., Doctor of the Day.

**Leave of Absence Rescinded**

On motion of Senator MASSEY, the leave of absence which was granted to him for today was rescinded.

**Leave of Absence**

At 12:20 P.M., Senator KNOTTS requested a leave of absence beginning at 1:15 P.M. and lasting until 3:00 P.M. in order to attend an unvailing of a highway sign erected in honor of a fallen highway patrolman.

**Leave of Absence**

At 12:45 P.M., Senator O’DELL requested a leave of absence beginning at 2:00 P.M. and lasting until 10:00 A.M. Saturday morning.

**Leave of Absence**

On motion of Senator GROOMS, at 1:50 P.M., Senator HAYES was granted a leave of absence for the balance of the day.

**Privilege of the Chamber**

On motion of and on behalf of Senator LARRY MARTIN; the PRESIDENT *Pro Tempore*, Senator COURSON; the Majority Leader, Senator PEELER and the Minority Leader, Senator LAND; and the entire Senate, the Order of the Silver Crescent was presented to Mrs. Dottie Miller, Administrative Assistant to the Sergeant-at-Arms commemorating her sixty-year career in state government and her special involvement in community affairs.

Senators LARRY MARTIN, SETZLER and KNOTTS commended Mrs. Miller on her dedicated service.

**RECALLED AND 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”.

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

The Concurrent Resolution was recalled from the Committee on Transportation.

Senator GROOMS asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

On motion of Senator GROOMS, with unanimous consent, the Concurrent Resolution was adopted, ordered returned to the House.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1565 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE CRITICAL WORK OF SISTERCARE, INC. AND THE SIGNIFICANT IMPACT IT HAS ON PROMOTING THE WELFARE OF BATTERED WOMEN AND THEIR CHILDREN IN THE MIDLANDS.

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

S. 1566 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON HIGHWAY 137, BETWEEN NORRIS AND LIBERTY, THAT CROSSES THE TWELVE MILE RIVER, IN HONOR OF DR. VIRGIL MITCHELL, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS “DR. VIRGIL MITCHELL BRIDGE”.

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

S. 1567 -- Senators Hayes and L. Martin: A CONCURRENT RESOLUTION TO REQUEST AND URGE THE CONGRESS OF THE UNITED STATES TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL EMBLEM OF THE SERVICE AND SACRIFICE BY THOSE IN THE UNITED STATES ARMED FORCES WHO HAVE GIVEN THEIR LIVES IN THE LINE OF DUTY.

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Senator LARRY MARTIN spoke on the Resolution.

On motion of Senator LARRY MARTIN, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 1568 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE DREHER HIGH SCHOOL BOYS TRACK AND FIELD TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE 2012 CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1569 -- Senators Grooms, Pinckney, Campsen, Campbell, Malloy, Scott, Alexander, Anderson, Bright, Bryant, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Gregory, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORT ACCESS ROAD IN NORTH CHARLESTON THE “ROBERT FORD PORT CONNECTOR”.

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Senator GROOMS spoke on the Resolution.

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

**Remarks by Senator GROOMS**

Members of the body, in the Transportation Committee, we receive a lot of road naming Bills. You hear me often talking about a unanimous consent request to withdraw a Resolution and place it on the Calendar. Many times in our committee meetings there are Bills where we ask them to name something in honor of somebody. Sometimes we let some of these things go. We do not think too much about them because we trust that the local people know what they are doing. And we do that because we commemorate things. It’s a memorial when there is a marker placed in honor of someone. And in my fifteen years in the General Assembly, I have never introduced a Bill to name a road in honor of somebody -- until today. And at this time I would like to ask unanimous consent for the Reading Clerk to go back to the Box and read across one Bill.

Reading Clerk: Introduction of a concurrent resolution by Senators GROOMS, PINCKNEY, CAMPSEN and CAMPBELL requesting that the Department of Transportation name the port access road in North Charleston the Robert Ford Port Connector.

Senator GROOMS: Members of the body, I am going to ask in a minute that we give this Resolution immediate consideration. I would like to ask that we do. Members of the body, in 1974, ROBERT FORD was elected to the City Council of the City of Charleston. He served one term as a county council member. Senator FORD devoted eighteen years to local service.

In 1992, he was elected to the South Carolina Senate. For two decades, ROBERT FORD has been active in politics. He has represented his constituents. He represented the people who elected him. There are a lot of issues that we disagree on, and a lot of issues we agree on. When I first met ROBERT, it was at one of the delegation meetings. He came in wearing all camouflage. He had on a camouflage hat and mirrored glasses. He was there to do business. He was there to go after the conservatives that tried to take things away from what, he believed, belonged to the people in his district. He knew that that they needed some things. There was always local conflict going on. After that, I realized that this warrior had a heart of gold.

I was able to serve with him. We shared an office space for four or six years. I learned an awful lot from Senator ROBERT FORD. With the enactment of this Resolution, we’ll have to do some convincing on the House side. But with the enactment of this Resolution when people travel to Charleston they’ll see the Ford Connector. It will lead to the new port terminal. Senator ROBERT FORD has had a great interest in our port. He’s been an advocate for our port for a number of years for his friends with the ILA, looking out for the men on the waterfront. When it’s cold, no one wants to go outside, yet many of his constituents are out there with the handlers and things. When it’s blazing hot in the heat, his constituents are out there working on the waterfront. Senator FORD has been an advocate for his people and an asset to the South Carolina Senate. I greatly appreciate everyone co-sponsoring this Resolution and allowing it to be adopted today by the South Carolina Senate.

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

H. 5356 -- Rep. Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR GENERAL JAMES HACKLER FOR HIS MANY CONTRIBUTIONS TO COASTAL CAROLINA UNIVERSITY AND TO HONOR THE MEMORY OF THIS COASTAL CAROLINA GOLF BENEFACTOR BY RENAMING QUAIL CREEK GOLF CLUB AT COASTAL CAROLINA UNIVERSITY AS “GENERAL JAMES HACKLER GOLF COURSE,” REFERRED TO AS “THE HACKLER COURSE.”

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

**REPORTS OF STANDING COMMITTEES**

Senator LARRY MARTIN from the Committee on Judiciary polled out H. 3274 favorable:

H. 3274 -- Reps. Huggins, Atwater, Hamilton, Stringer, Nanney, Henderson, G.R. Smith, Weeks, Clemmons, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑37‑5 SO AS TO DEFINE THE TERMS “MALICIOUS PROPERTY DAMAGE” AND “THREAT TO HUMAN LIFE”; TO AMEND SECTION 27‑37‑30, RELATING TO A RULE TO SHOW CAUSE FOR THE EJECTMENT OF A TENANT, SO AS TO PROVIDE THE RULE MAY BE SERVED BY AFFIXING A COPY OF IT ALONE TO THE MOST CONSPICUOUS PART OF THE PREMISES IF GROUNDS FOR EJECTMENT FOR A RESIDENTIAL RENTAL AGREEMENT ARE CIRCUMSTANCES THAT CONSTITUTE MALICIOUS PROPERTY DAMAGE OR A THREAT TO HUMAN LIFE; TO AMEND SECTION 27‑37‑40, RELATING TO TENANT EJECTMENT ON FAILURE TO SHOW CAUSE, SO AS TO PROVIDE IF GROUNDS FOR EJECTMENT CONSTITUTE MALICIOUS PROPERTY DAMAGE OR THREAT TO HUMAN LIFE AND TENANT FAILS TO APPEAR AND SHOW CAUSE WITHIN FIVE DAYS, THE MAGISTRATE IMMEDIATELY SHALL ISSUE AN EJECTMENT WARRANT AND TENANT MUST BE EJECTED BY CERTAIN LAW ENFORCEMENT OFFICERS; AND TO AMEND SECTION 27‑40‑720, RELATING TO LANDLORD REMEDIES FOR TENANT NONCOMPLIANCE AFFECTING HEALTH AND SAFETY, SO AS TO PROVIDE AN EMERGENCY MEANS CIRCUMSTANCES CONSIDERED TO THREATEN SIGNIFICANT PROPERTY DAMAGE OR HUMAN LIFE.

**Poll of the Judiciary Committee**

**Polled 21; Ayes 19; Nays 2; Not Voting 2**

**AYES**

*Martin, Larry* Rankin Hutto

Knotts Sheheen Campsen

Lourie Williams Campbell

Bright Coleman Davis

*Martin, Shane* Nicholson Rose

Scott Shoopman Gregory

**Total--19**

**NAYS**

Ford Malloy

**Total--2**

**NOT VOTING**

Cleary Massey

**Total--2**

Ordered for consideration tomorrow.

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

H. 3918 -- Rep. White: A BILL TO AMEND CHAPTER 1, TITLE 55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE DIVISION OF AERONAUTICS WITHIN THE DEPARTMENT OF COMMERCE, SO AS TO MOVE THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF THE DIVISION OF AERONAUTICS TO THE DEPARTMENT OF TRANSPORTATION, TO REVISE CERTAIN PROVISIONS RELATING TO THE OPERATION OF INTRASTATE SCHEDULED AIRLINE SERVICE, COUNTY AVIATION COMMISSIONS, THE USE OF STATE‑OWNED AIRCRAFT, AND THE USE OF ALCOHOLIC BEVERAGES BY FLIGHT CREW MEMBERS, TO MAKE TECHNICAL CHANGES, AND TO REVISE CERTAIN PENALTIES; TO AMEND CHAPTER 3, TITLE 55, RELATING TO THE UNIFORM STATE LAWS FOR AERONAUTICS, SO AS TO MAKE TECHNICAL CHANGES, REVISE CERTAIN PROVISIONS RELATING TO THE DEFINITION OF VARIOUS FORMS OF AIRCRAFT, THE OWNERSHIP OF AIRSPACE, THE LANDING OF AN AIRCRAFT ON LANDS OR WATERS, TO PROVIDE THAT IT IS ILLEGAL TO POINT, AIM, OR DISCHARGE A LASER DEVICE AT CERTAIN AIRCRAFT, AND PROVIDE PENALTIES; TO AMEND CHAPTER 5, TITLE 55, RELATING TO THE UNIFORM STATE AERONAUTICAL REGULATORY LAW, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT CONTAINS VARIOUS TERMS AND THEIR DEFINITIONS, TO DELETE THE PROVISION THAT REQUIRES THE STATE BUDGET AND CONTROL BOARD TO PROVIDE OFFICES FOR THE DIVISION OF AERONAUTICS, TO REVISE THE DIVISION’S RESPONSIBILITIES RELATING TO ITS REGULATION OF CERTAIN AIR NAVIGATION AND AIRPORT FACILITIES, THE CONSTRUCTION OF AIRPORTS, THE REPORTS IT FILES WITH THE FEDERAL AVIATION ADMINISTRATION, AND THE OPERATION OF THE DIVISION, TO PROVIDE PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS CHAPTER, AND TO REVISE PROVISIONS RELATING TO THE USE OF MONIES CONTAINED IN THE STATE AVIATION FUND; TO AMEND CHAPTER 9, TITLE 55, RELATING TO THE UNIFORM SOUTH CAROLINA AIRPORTS ACT, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THIS CHAPTER ALSO APPLIES TO COUNTIES, AIRPORT COMMISSIONS, AND SPECIAL PURPOSE DISTRICTS, TO DELETE OBSOLETE TERMS, TO REVISE THE PROJECTS THAT MAY BE FUNDED FROM MONIES CONTAINED IN AIRPORT FACILITIES ACCOUNTS, AND TO PROVIDE FOR THE TERM “AIRPORT HAZARD” AND TO PROVIDE ITS DEFINITION AND THE REGULATION OF AN AIRPORT HAZARD; TO AMEND CHAPTER 11, TITLE 55, RELATING TO THE CREATION AND OPERATION OF CERTAIN AIRPORTS WITHIN THE STATE, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE CERTAIN OBSOLETE TERMS, TO REVISE THE PROCESS FOR THE MAKING OF CERTAIN CONTRACTS FOR THE CONSTRUCTION, ERECTION, MAINTENANCE, AND REPAIR OF CERTAIN AIRPORT FACILITIES TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES AT CERTAIN AIRPORT FACILITIES, TO REVISE CERTAIN PENALTIES, TO REVISE THE DEFINITION OF A QUORUM FOR A CERTAIN AIRPORT COMMISSION, TO EXPAND THE AUTHORITY OF CERTAIN AIRPORT COMMISSIONS TO ADOPT RULES AND PROMULGATE REGULATIONS, TO PROVIDE THAT IT IS UNLAWFUL TO ENGAGE IN CERTAIN ACTIVITIES UPON CERTAIN AIRPORT PROPERTY, TO DELETE THE TERM “SECRETARY” AND ITS DEFINITION, AND REPLACE IT WITH THE TERM “EXECUTIVE DIRECTOR” AND ITS DEFINITION AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 13, TITLE 55, RELATING TO THE PROTECTION OF AIRPORTS AND AIRPORT PROPERTY, SO AS TO PROVIDE THAT THE DIVISION OF AERONAUTICS SHALL CREATE MAPS OF THE STATE’S PUBLIC USE AIRPORTS AND DISTRIBUTE THEM TO VARIOUS LOCAL GOVERNMENTAL AGENCIES FOR VARIOUS PURPOSES, AND TO DEFINE THE TERM “AIRPORT SAFETY ZONES”, TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY ASSIST WITH THE PROTECTION OF AREAS THAT POSE HAZARDS TO AIR TRAFFIC, AND TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS CHAPTER; TO AMEND CHAPTER 15, TITLE 55, RELATING TO RELOCATION ASSISTANCE, SO AS TO DELETE THE TERM “DEPARTMENT OF COMMERCE” AND REPLACE IT WITH THE TERM “DEPARTMENT OF TRANSPORTATION”, AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 17, TITLE 55, RELATING TO REGIONAL AIRPORT DISTRICTS, SO AS TO REVISE THE PROVISION THAT REVISES THE TYPE OF AIR CARRIERS REGULATED BY THIS CHAPTER, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 13‑1‑20, RELATING TO CERTAIN RESPONSIBILITIES OF THE DEPARTMENT OF COMMERCE, SO AS TO DELETE ITS RESPONSIBILITY TO DEVELOP STATE PUBLIC AIRPORTS AND AN AIR TRANSPORTATION SYSTEM; TO AMEND SECTION 13‑1‑30, AS AMENDED, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF COMMERCE, SO AS TO REVISE THE PROVISIONS RELATING TO THE DIVISION OF AERONAUTICS; TO AMEND SECTION 13‑1‑1000, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM “DEPARTMENT”; TO AMEND SECTION 13‑1‑1010, RELATING TO THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT IT IS NO LONGER A DIVISION OF THE DEPARTMENT OF COMMERCE, BUT A DIVISION OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTIONS 57‑1‑20, 57‑1‑30, AND 57‑1‑450, ALL AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT IT SHALL HAVE A DIVISION OF AERONAUTICS, OVERSEE THE SAFETY AND DEVELOPMENT OF THE STATE’S PUBLIC USE AIRPORTS, PROVIDE SAFE RELIABLE AIR TRANSPORTATION FOR STATE GOVERNMENT AND BUSINESS PROSPECTS, AND PROVIDE THAT ITS DIRECTOR MUST BE APPOINTED BY THE GOVERNOR; AND TO REPEAL CHAPTER 8, TITLE 55, RELATING TO THE UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary polled out H. 4738 favorable:

H. 4738 -- Reps. Govan and Hearn: A BILL TO AMEND SECTION 20‑3‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY IN DIVORCE AND SEPARATE MAINTENANCE AND SUPPORT ACTIONS, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON “COHABITATION”, RATHER THAN ON “CONTINUED COHABITATION” OF THE SUPPORTED SPOUSE; TO DEFINE “COHABITATION” AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; TO AMEND SECTION 20‑3‑150, AS AMENDED, RELATING TO ALLOCATING ALIMONY TO THE SUPPORTED SPOUSE AND CHILD SUPPORT TO THE CHILDREN SUCH THAT ONLY ALIMONY IS TERMINATED UPON REMARRIAGE OR CONTINUED COHABITATION OF THE SUPPORTED SPOUSE, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON “COHABITATION”, RATHER THAN ON “CONTINUED COHABITATION” OF THE SUPPORTED SPOUSE; TO DEFINE “COHABITATION” AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; AND TO AMEND SECTION 20‑3‑170, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE THAT UPON THE MOTION OF A PARTY TO A JUDGMENT OF DIVORCE, THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE RETIREMENT OF THE SUPPORTING SPOUSE CONSTITUTES A CHANGE OF CIRCUMSTANCES FOR THE PURPOSE OF ALIMONY PAYMENTS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER IN MAKING THIS DETERMINATION.

**Poll of the Judiciary Committee**

**Polled 20; Ayes 20; Nays 0; Not Voting 2**

**AYES**

*Martin, Larry* Ford Rankin

Hutto Knotts Malloy

Sheheen Campsen Lourie

Williams Campbell Bright

Coleman Davis *Martin, Larry*

Nicholson Rose Scott

Shoopman Gregory

**Total--20**

**NAYS**

**Total--0**

**NOT VOTING**

Cleary Massey

**Total--2**

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 30, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4033 -- Reps. Patrick and Loftis: A BILL TO AMEND SECTION 4-10-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CAPITAL PROJECT SALES TAX ACT, TO PROVIDE THAT THE AUTHORIZED PROJECTS THAT ARE ALLOWED TO BE FUNDED BY A COUNTY CAPITAL PROJECT SALES TAX INCLUDE DREDGING, DEWATERING, CONSTRUCTION OF SPOIL SITES, AND DISPOSAL OF SPOIL MATERIALS; TO AMEND SECTIONS 5‑37‑40, 5‑37‑50, AND 5‑37‑100, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MUNICIPAL IMPROVEMENT ACT, SO AS TO PROVIDE THAT A MUNICIPAL IMPROVEMENT DISTRICT MAY BE CREATED FOR THE SOLE PURPOSE OF THE WIDENING AND DREDGING OF WATERWAYS WITHOUT PRIOR WRITTEN CONSENT OF OWNERS OF OWNER-OCCUPIED RESIDENTIAL PROPERTY AT THE TIME THE IMPROVEMENT DISTRICT IS CREATED.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3111 -- Reps. Young, Sandifer, Hayes and D.C. Moss: A BILL TO AMEND SECTION 38‑73‑525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS’ COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, SO AS TO REQUIRE THE INSURER TO ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38‑73‑1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, SO AS TO REQUIRE THESE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 30, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Sandifer, Toole and Parks to the Committee of Conference on the part of the House on:

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32‑7‑100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 4967 -- Ways and Means Committee: A BILL TO AMEND TITLE 9 OF THE 1976 CODE RELATING TO STATE RETIREMENT SYSTEMS, TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR MEMBERS ARE COMPUTED, TO INCREASE PAYROLL DEDUCTIONS FOR MEMBERS, TO REPEAL INCREASES IN RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX, TO PHASE OUT THE TEACHER AND EMPLOYEE RETENTION INCENTIVE, TO PROVIDE FOR “CLASS THREE” MEMBERSHIP FOR NEW MEMBERS, AND TO INCLUDE OTHER CHANGES TO STATE RETIREMENT SYSTEMS. *(ABBREVIATED TITLE)*

Respectfully submitted,

Speaker of the House

Received as information.

**NONCONCURRENCE**

H. 4967 -- Ways and Means Committee: A BILL TO AMEND TITLE 9 OF THE 1976 CODE RELATING TO STATE RETIREMENT SYSTEMS, TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR MEMBERS ARE COMPUTED, TO INCREASE PAYROLL DEDUCTIONS FOR MEMBERS, TO REPEAL INCREASES IN RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX, TO PHASE OUT THE TEACHER AND EMPLOYEE RETENTION INCENTIVE, TO PROVIDE FOR “CLASS THREE” MEMBERSHIP FOR NEW MEMBERS, AND TO INCLUDE OTHER CHANGES TO STATE RETIREMENT SYSTEMS. *(ABBREVIATED TITLE)*

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator RYBERG explained the amendments.

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

**Ayes 0; Nays 36**

**AYES**

**Total--0**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Grooms

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

On motion of Senator RYBERG, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 4967 -- Ways and Means Committee: A BILL TO AMEND TITLE 9 OF THE 1976 CODE RELATING TO STATE RETIREMENT SYSTEMS, TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR MEMBERS ARE COMPUTED, TO INCREASE PAYROLL DEDUCTIONS FOR MEMBERS, TO REPEAL INCREASES IN RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX, TO PHASE OUT THE TEACHER AND EMPLOYEE RETENTION INCENTIVE, TO PROVIDE FOR “CLASS THREE” MEMBERSHIP FOR NEW MEMBERS, AND TO INCLUDE OTHER CHANGES TO STATE RETIREMENT SYSTEMS. *(ABBREVIATED TITLE)*

asks for a Committee of Conference, and has appointed Reps. Bingham, Merrill and Cobb-Hunter to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**H. 4967--CONFERENCE COMMITTEE APPOINTED**

H. 4967 -- Ways and Means Committee: A BILL TO AMEND TITLE 9 OF THE 1976 CODE RELATING TO STATE RETIREMENT SYSTEMS, TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR MEMBERS ARE COMPUTED, TO INCREASE PAYROLL DEDUCTIONS FOR MEMBERS, TO REPEAL INCREASES IN RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX, TO PHASE OUT THE TEACHER AND EMPLOYEE RETENTION INCENTIVE, TO PROVIDE FOR “CLASS THREE” MEMBERSHIP FOR NEW MEMBERS, AND TO INCLUDE OTHER CHANGES TO STATE RETIREMENT SYSTEMS. *(ABBREVIATED TITLE)*

Whereupon, Senators SETZLER, RYBERG and ALEXANDER were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Concurrent Resolution to the Senate with amendments:

H. 5165 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF ATLAS ROAD AND VETERANS ROAD IN RICHLAND COUNTY “JULIUS MURRAY INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “JULIUS MURRAY INTERSECTION”, AND NAME THE PORTION OF GREENLAWN DRIVE IN RICHLAND COUNTY FROM ITS INTERSECTION WITH GARNERS FERRY ROAD TO ITS INTERSECTION WITH LEESBURG ROAD “HOWARD R. CAMPBELL ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “HOWARD R. CAMPBELL ROAD”.

Respectfully submitted,

Speaker of the House

Received as information.

The Concurrent Resolution was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 1088 -- Senators McConnell, Ford and Knotts: A BILL TO AMEND STATUTES CREATING CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, WHICH ARE UNDER THE JURISDICTION OF THE SOUTH CAROLINA SENATE JUDICIARY COMMITTEE PURSUANT TO SOUTH CAROLINA SENATE RULE 19, RELATING TO THE STATE HUMAN AFFAIRS COMMISSION, THE STATE COMMISSION ON MINORITY AFFAIRS, THE STATE ETHICS COMMISSION, THE PUBLIC SERVICE COMMISSION, THE PUBLIC SERVICE AUTHORITY, THE DIVISION FOR THE REVIEW OF THE FOSTER CARE OF CHILDREN, THE CHILDREN’S TRUST FUND OF SOUTH CAROLINA, AND THE BOARD OF JUVENILE PAROLE, NAMELY, SECTION 1‑13‑40, SECTION 1‑31‑10, SECTION 8‑13‑310, SECTION 58‑3‑20, SECTION 58‑31‑20, SECTION 63‑11‑700, SECTION 63‑11‑920, AND SECTION 63‑19‑610 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE FOR THE ADDITIONAL CONGRESSIONAL DISTRICT ASSIGNED TO SOUTH CAROLINA PURSUANT TO THE 2010 CENSUS.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 1048 -- Senators Verdin and Elliott: A CONCURRENT RESOLUTION TO CREATE, STRENGTHEN, AND EXPAND LOCAL FARM AND FOOD ECONOMIES THROUGHOUT SOUTH CAROLINA BY SUPPORTING STATE POLICIES THAT ENCOURAGE STATE AGENCIES, STATE‑OWNED FACILITIES, AND STATE PARTNERS TO PURCHASE LOCAL SOUTH CAROLINA FARM OR FOOD PRODUCTS.

Returned with concurrence.

Received as information.

S. 1517 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 267 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 15 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 “REVEREND DR. SAMUEL MARSHALL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “REVEREND DR. SAMUEL MARSHALL HIGHWAY”.

Returned with concurrence.

Received as information.

S. 1565 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE CRITICAL WORK OF SISTERCARE, INC., AND THE SIGNIFICANT IMPACT IT HAS ON PROMOTING THE WELFARE OF BATTERED WOMEN AND THEIR CHILDREN IN THE MIDLANDS.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill and Joint Resolution 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. 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.

H. 5315 -- Reps. Stavrinakis, Whipper and R.L. Brown: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED DURING THE PERIOD OF JANUARY 3, 2012, THROUGH JANUARY 4, 2012, BY THE STUDENTS OF STALL HIGH SCHOOL IN CHARLESTON COUNTY WHEN THE SCHOOL WAS CLOSED DUE TO A GAS LEAK ARE EXEMPT FROM THE MAKE‑UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**HOUSE BILLS RETURNED**

The following House Bills were read the third time and ordered returned to the House with amendments:

H. 3676 -- Reps. J.E. Smith, Clemmons, Dillard, Herbkersman, Limehouse, Mitchell and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 31 SO AS TO ENACT THE “SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011”, TO DEFINE TERMS, MAKE FINDINGS, TO PROVIDE THAT THE PURPOSE OF A COMMUNITY LAND TRUST IS TO HOLD LEGAL AND EQUITABLE TITLE TO LAND TO THEN LEASE THE LAND TO PROMOTE AFFORDABILITY, TO PROVIDE THE MANNER IN WHICH COMMUNITY LAND TRUSTS ARE FUNDED, AND TO PROVIDE THE PROCESS BY WHICH COMMUNITY LAND TRUSTS OPERATE.

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

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

H. 4786 -- Reps. Sandifer and D.C. Moss: A BILL TO AMEND SECTION 41‑35‑20 OF THE 1976 CODE, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, TO INCLUDE SERVICES PROVIDED BY SUBSTITUTE TEACHERS UNDER CERTAIN CIRCUMSTANCES.

**THIRD READING BILLS**

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

S. 1556 -- Senator Pinckney: A BILL TO AMEND ACT 601 OF 1971, AS AMENDED, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE JASPER COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT BEGINNING WITH THE YEAR 2012, THE COUNTY BOARD OF EDUCATION RATHER THAN THE COUNTY COUNCIL SHALL IMPOSE THE TAX LEVY NECESSARY FOR SCHOOL PURPOSES, AND TO PROVIDE FOR PROCEDURES FOR AND LIMITATIONS ON THIS SCHOOL TAX LEVY.

By prior motion of Senator PINCKNEY

S. 418 -- Senator Leatherman: A BILL TO ENACT THE PROVISO CODIFICATION ACT OF 2011, TO PROVIDE FOR THE CODIFICATION IN THE SOUTH CAROLINA CODE OF LAWS OF CERTAIN PROVISOS CONTAINED IN THE ANNUAL GENERAL APPROPRIATIONS ACT, AND TO PROVIDE FOR OTHER PROVISIONS RELATED TO THE ANNUAL GENERAL APPROPRIATIONS ACT EFFECTIVE FOR FISCAL YEAR 2011-2012 ONLY.

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

S. 1555 -- Senators Knotts, Setzler and Massey: A BILL TO AMEND SECTION 7‑7‑380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE THE NAMES OF 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.

S. 1557 -- Senator Pinckney: A BILL TO AMEND SECTION 30‑5‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERFORMANCE OF THE REGISTER OF DEEDS’ DUTIES BY CLERK OF COURT IN CERTAIN COUNTIES, SO AS TO PROVIDE THAT BEGINNING IN 2014 THE REGISTER OF DEEDS IN JASPER COUNTY BE ELECTED RATHER THAN APPOINTED; AND TO AMEND SECTION 30‑3‑12, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS TO PROVIDE FOR AN APPOINTMENT PROCESS FOR THE JASPER COUNTY REGISTER OF DEEDS PRIOR TO AN ELECTED JASPER COUNTY REGISTER OF DEEDS BECOMING EFFECTIVE.

**READ THE SECOND TIME**

H. 4758 -- Reps. Johnson, Brantley, Sabb, Govan, Brannon, Munnerlyn, Anthony, Edge, Pope, Simrill, Whipper and Weeks: A BILL TO AMEND SECTION 14‑7‑110 AND SECTION 14‑7‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY COMMISSIONERS FOR THE PURPOSE OF THE SUMMONING OF JURORS IN CIRCUIT COURT AND THE USE OF A COMPUTER FOR THE DRAWING AND SUMMONING OF JURORS IN CIRCUIT COURT, RESPECTIVELY, BOTH SO AS TO DELETE REFERENCES TO JURY COMMISSIONERS AND ALLOW THE CLERK OF COURT OR THE DEPUTY CLERK TO PERFORM THE FUNCTION OF DRAWING AND SUMMONING JURORS.

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

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

**Ayes 35; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Courson

Cromer Davis Fair

Ford Grooms Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1183 -- Senators Setzler, Rose, Land, Anderson, Bryant, Grooms, S. Martin, Knotts, Courson, Bright, Elliott, Peeler, Ryberg, Verdin, Shoopman, Leventis, Sheheen, Massey, Thomas and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑11‑270 SO AS TO PROVIDE THAT ALL OTHER FUNDS COLLECTED BY AN AGENCY MUST BE DEPOSITED IN THE GENERAL FUND AND MUST BE CONSIDERED GENERAL FUNDS, TO PROVIDE FOR DEFINITIONS, AND TO SPECIFY THE APPLICABILITY OF THIS SECTION.

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

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

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Coleman

Courson Cromer Davis

Fair Ford Grooms

Hutto Knotts Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4887 -- Rep. Johnson: A BILL TO AMEND SECTION 7‑27‑275, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLARENDON COUNTY ELECTION COMMISSION AND THE CLARENDON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE CLARENDON COUNTY ELECTION COMMISSION AND THE CLARENDON COUNTY BOARD OF REGISTRATION INTO A SINGLE ENTITY.

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

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

**Ayes 35; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Courson

Cromer Davis Fair

Ford Grooms Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4821 -- Reps. G.M. Smith, Pitts, Murphy, Horne, Hearn, McCoy, Stavrinakis, Bannister and Harrison: A BILL TO AMEND SECTION 8‑21‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT FEES AND COSTS, SO AS TO PROVIDE FOR THE FILING OF COURT DOCUMENTS BY ELECTRONIC MEANS FROM AN INTEGRATED ELECTRONIC FILING (E‑FILING) SYSTEM AND TO PROVIDE THAT FEES GENERATED FROM E‑FILING ARE TO BE USED IN SUPPORT OF COURT TECHNOLOGY.

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

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

**Ayes 34; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Ford Grooms

Hutto Knotts Land

Malloy *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4945 -- Reps. Funderburk, Harrison, Brantley, McLeod, Butler Garrick, Munnerlyn, Taylor, J.H. Neal, Dillard, Bannister, G.R. Smith, Bowers, Cobb‑Hunter, Delleney, Hixon, Long, Pope and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑5‑185 SO AS TO AUTHORIZE A PERSON TO REGISTER TO VOTE ELECTRONICALLY ON THE INTERNET WEBSITE OF THE STATE ELECTION COMMISSION, TO PROVIDE A PROCEDURE FOR THIS TYPE OF REGISTRATION AND AUTHORIZE THE STATE ELECTION COMMISSION TO PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ACT.

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

The Committee on Judiciary proposed the following amendment (JUD4945.002), which was adopted:

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

/ SECTION 1. Section 7-5-170(1) of the 1976 Code is amended to read:

“(1) Written application required. ‑‑No person may be registered to vote except upon written application or electronic application pursuant to Section 7-5-185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application ~~as required by this section~~ must not be open to public inspection.”

SECTION 2. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑185. (A) A person who is qualified to register to vote and who has a valid South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.

(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received thirty days before an election to be held in the precinct of the person submitting the application.

(2) The applicant shall attest to the truth of the information provided in the application.

(3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver’s license or state identification card issued by the Department of Motor Vehicles.

(4) For each electronic application, the State Election Commission shall obtain an electronic copy of the applicant’s signature from his driver’s license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.

(5) An application submitted pursuant to this section must contain the applicant’s name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must attest to the following: ‘I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence.’ An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:

(1) applicant has a South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles and that the number for that driver’s license or identification card provided by the applicant matches the number for that person’s driver’s license or state identification card that is on file with the Department of Motor Vehicles;

(2) date of birth provided by the applicant matches the date of birth for that person, which is on file with the Department of Motor Vehicles;

(3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and

(4) State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.

(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles, the State Election Commission shall immediately notify the applicant of the failure to match information and inform them that their application for registration was not accepted.

(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.”

SECTION 3. Article 3, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑186.(A)(1) The State Election Commission shall establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.

(2)(a) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide any information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission that is confidential in the possession of the entity providing the data remains confidential while in the possession of the State Election Commission.

(b) Information provided under this division for maintenance of the statewide voter registration database shall not be used to update the name or address of a registered elector. The name or address of a registered elector shall only be updated as a result of the elector’s actions in filing a notice of change of name, change of address, or both.

(c) A county board of registration shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under division (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

(3) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this division, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.”

SECTION 4. Section 7-3-20(C) of the 1976 Code is amended to read:

“(11) serve as the chief state election official responsible for implementing and coordinating the state's responsibilities under the National Voter Registration Act of 1993;  ~~and~~

(12) serve as the chief state election official responsible for implementing and enforcing the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the United States Code, Title 42, Section 1973ff, et seq~~.~~; and

(13) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law.”

SECTION 5. Section 7-3-30 of the 1976 Code is amended to read:

“Section 7-3-30. (a) The executive director shall notify by mail each elector at the address last filed in the office, whose name has been deleted for the reasons of conviction or a change in the residence of a qualified voter. The notice shall state the reason for the deletion and inform the elector of his right to appeal to the county board of registration and the time in which to perfect such appeal. A copy of such notice shall be forwarded to the appropriate county board of registration.

(b) Each elector whose name has been deleted has twenty days from the date the notice is mailed to appeal. The appeal must be to the county board of registration from whose master file the deletion has been made. If the board determines that the elector's name should not have been deleted, it shall instruct the ~~central registration office~~ executive director to restore his name to the registration books; however, if the deletion is for conviction, the appeal must be to the Executive Director of the State Election Commission.”

SECTION 6. Section 7-3-40 of the 1976 Code is amended to read:

“Section 7-3-40. The Bureau of Vital Statistics must furnish the executive director a monthly report of all persons eighteen years of age or older who have died in the State since making the previous report. All reports must contain the name of the deceased, county of residence, his social security or other identification number, and his date and place of birth. The bureau must provide ~~that~~ this information ~~be furnished to it by each county~~ at no charge.”

SECTION 7. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7-3-70. (a) The Department of Motor Vehicles must furnish the executive director a monthly report of all persons eighteen years of age or older who have surrendered their driver’s license or identification card and obtained a driver’s license or identification card in another state. All reports must contain the name of the driver or identification cardholder, social security number, date of birth, South Carolina county where previously a resident, and the state in which the license or identification card was surrendered. The department must provide this information at no charge.

(b) The Department of Motor Vehicles must furnish the executive director a monthly report of all persons eighteen years of age or older who were reported as deceased by Social Security Administration. All reports must contain the name, social security number, date of birth, and date of death. The department must provide this information at no charge.”

SECTION 8. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, 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 9. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hutto Knotts

Land Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 4665 -- Reps. Hixon, Clyburn, J.R. Smith, Spires, Taylor and Young: A BILL TO AMEND ACT 571 OF 1967, AS AMENDED, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, THE BOUNDARIES OF WHICH PURSUANT TO THIS ACT INCLUDE AREAS IN EDGEFIELD AND AIKEN COUNTIES, SO AS TO REVISE THE MANNER IN WHICH THE EXISTING MEMBERS OF THE GOVERNING BODY OF THE AUTHORITY ARE APPOINTED, AND TO ADD TWO MEMBERS TO THE GOVERNING BODY OF THE AUTHORITY FROM THE AREAS IN AIKEN COUNTY SERVED BY THE AUTHORITY.

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

**Amendment No. 1**

Senator MASSEY proposed the following amendment (JUD4665.001), which was adopted:

Amend the bill, as and if amended, by striking lines 28-42 on page 1 and inserting therein the following:

/ “Section 2. The authority shall be composed of seven members, who shall be resident electors of either Edgefield or Aiken Counties; provided, however, that no more than two members may be resident electors of Aiken County. Those members of the authority who are resident electors of Edgefield County must ~~and who shall~~ be appointed by the Governor, upon the recommendation of a majority of the members of the Edgefield County Council with the approval of the ~~House Delegation~~Edgefield County Legislative Delegation. The Governor, upon the recommendation of the members of the Edgefield County Legislative Delegation, may appoint no more than two members of the authority who must be resident electors of Aiken County and who must reside within the service area of the authority in Aiken County. Of those originally appointed, two shall be /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 12; Nays 0; Present 17**

**AYES**

Alexander Anderson Bright

Bryant Campsen Courson

Cromer Davis Massey

Rose Ryberg Shoopman

**Total--12**

**NAYS**

**Total--0**

**PRESENT**

Campbell Fair Knotts

Leatherman Malloy *Martin, Larry*

*Martin, Shane* McGill Nicholson

O’Dell Peeler Rankin

Reese Scott Setzler

Thomas Williams

**Total--17**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

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.

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

**Amendment No. P1**

Senator SHEHEEN proposed the following amendment (4766R001.VAS), which was adopted:

Amend the committee amendment, as and if amended, page [4766-2], by striking line 34 and inserting:

/ on society and the environment taken as a whole, as /

Amend the committee amendment, as and if amended, page [4766-3], by striking lines 38-39 and inserting:

/ (g) conferring any other particular benefit on society and the environment. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD4766.001), which was adopted:

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

/ SECTION 1. Title 33 of the 1976 Code is amended by adding:

“CHAPTER 38

South Carolina Benefit Corporation Act

Article 1

Preliminary Provisions

Section 33‑38‑110. This chapter may be referred to and cited as the ‘South Carolina Benefit Corporation Act’.

Section 33‑38‑120. (A) This chapter applies to all benefit corporations.

(B) The provisions contained in Chapters 1‑19 of this title apply to benefit corporations except where those provisions conflict with provisions contained in this chapter, in which case the provisions contained in this chapter control.

(C) Other than as provided in Section 33‑38‑210, corporations that are not benefit corporations are not subject to this chapter, and this chapter does not otherwise affect a statute or rule of law that is applicable to a corporation that is not a benefit corporation. A benefit corporation may be simultaneously subject to this chapter and one or more other statutes that provide for the incorporation of a specific type of business corporation, including, but not limited to, a statutory close corporation or a professional corporation.

(D) A provision of the articles of incorporation or bylaws of a benefit corporation may not be inconsistent with a provision of this chapter.

(E) The formation of a business entity pursuant to provisions other than Title 33, Chapter 38 does not prohibit the business entity from including in its general powers consideration or donations for the public welfare, or for charitable, scientific, or education purposes, as provided in the South Carolina Business Corporation Act.

Section 33‑38‑130. (A) The following definitions apply to this chapter:

(1) ‘Benefit corporation’ means a domestic corporation that has elected to become subject to this chapter and that has not terminated its status as a benefit corporation pursuant to Section 33‑38‑220.

(2) ‘Benefit director’ means either:

(a) the director of the benefit corporation as designated pursuant to Section 33‑38‑410; or

(b) a person with one or more powers, duties, or rights of a benefit director to the extent provided in the articles of incorporation pursuant to Section 33‑38‑410(D).

(3) ‘Benefit enforcement proceeding’ means any claim or action for any of the following:

(a) failing to pursue or create the general public benefit or a specific public benefit purpose pursuant to its articles of incorporation; or

(b) violating a duty or standard of conduct under this chapter.

(4) ‘Benefit officer’ means the officer of the benefit corporation designated as such pursuant to Section 33‑38‑420.

(5) ‘General public benefit’ means a material positive impact on society or the environment, or both, taken as a whole, as assessed against a third‑party standard, from the business and operations of a benefit corporation.

(6) ‘Independent person’ means, with respect to a benefit corporation, a person who does not have any material relationship with the benefit corporation or a subsidiary of the benefit corporation, either directly as a shareholder of the benefit corporation or as a partner, a member, or an owner of a subsidiary of the benefit corporation or indirectly as a director, an officer, a general partner, or a manager of an entity that has a material relationship with the benefit corporation or a subsidiary of the benefit corporation. A person does not have a material relationship solely by virtue of serving as the benefit director or the benefit officer of the benefit corporation or of any subsidiary of the benefit corporation that is itself a benefit corporation. A material relationship between a person and the benefit corporation or any of its subsidiaries is presumed to exist if any of the following apply:

(a) the person is, or has been within the last three years, an employee, other than the benefit officer, of the benefit corporation or a subsidiary of the benefit corporation;

(b) an immediate family member of the person is, or has been within the last three years, an officer, other than the benefit officer, of the benefit corporation or a subsidiary of the benefit corporation; or

(c) the person, or an entity in which the person is a director, an officer, a general partner, or a manager or owns, directly or indirectly, five percent or more of the outstanding equity interests, or owns, directly or indirectly, five percent or more of the outstanding shares of any series or class of stock of the benefit corporation.

(7) ‘Specific public benefit purpose’ means a benefit that serves one or more public welfare, religious, charitable, scientific, literary, or educational purposes, or other purposes or benefits beyond the strict interest of the shareholders of the benefit corporation, including:

(a) providing low‑income or underserved individuals, families, or communities with beneficial products, services, or educational opportunities;

(b) promoting economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business;

(c) preserving or improving the environment;

(d) improving human health;

(e) promoting the arts, sciences, or advancement of knowledge;

(f) increasing the flow of capital to entities with a public benefit purpose; or

(g) conferring any other particular benefit on society or the environment, or both.

(8) ‘Subsidiary of a person’ means an entity in which the person owns, beneficially or of record, fifty percent or more of the outstanding equity interests.

(9) ‘Third‑party standard’ means a standard for defining, reporting, and assessing corporate, social, and environmental performance that meets all of the following requirements:

(a) the standard assesses the effect of the business and its operations upon the interests listed in items (2) through (5) of Section 33‑38‑400(A);

(b) the standard is developed by an entity that is independent of the benefit corporation and satisfies the following:

(i) not more than one‑third of the members of the governing body of the entity are representatives of an association of businesses operating in a specific industry the performance of whose members is measured by the standard, businesses from a specific industry or an association of businesses in that industry, or businesses whose performance is assessed against the standard; or

(ii) the entity is not materially financed by an association or business described in subitem (i) of this item;

(c) the standard is developed by a person that satisfies the following:

(i) has access to necessary expertise to assess overall corporate, social, and environmental performance; and

(ii) uses a balanced multistakeholder approach including a public comment period of at least thirty days to develop the standard;

(d) the standard is transparent because the following information about the standard is publicly available:

(i) the criteria considered when measuring the overall social and environmental performance of a business, as well as the relative weightings of those criteria; and

(ii) the process for the development and revision of the standard, including:

(A) the identity of the directors, officers, any material owners, and the governing body of the entity that developed and controls revisions to the standard;

(B) the process by which revisions to the standard and changes to the membership of the governing body are made; and

(C) an accounting of the sources of financial support for the entity, with sufficient detail to disclose any relationships that could reasonably be considered to present a potential conflict of interest.

(B) For purposes of the definitions of ‘independent person’ and ‘subsidiary of a person’ in subsection (A) of this section, a percentage of ownership in an entity must be calculated as if all outstanding rights to acquire equity interests in the entity had been exercised.

Section 33‑38‑140. A benefit corporation is not entitled to claim an exemption from any property tax imposed by law.

Article 2

Adoption and Change of Status

Section 33‑38‑200. A domestic corporation, including a domestic corporation incorporated upon a conversion, may be incorporated as a benefit corporation by including in its original articles of incorporation a provision stating that the corporation is a benefit corporation governed by this chapter. The articles of incorporation also must include an identification of a specific public benefit purpose as required by Section 33‑38‑300.

Section 33‑38‑210. (A) An existing domestic corporation shall become a benefit corporation on the effective date of the amendment to its articles of incorporation to include a provision providing that the corporation is a benefit corporation governed by this chapter. As amended, the articles of incorporation also must include an identification of any specific public benefit purpose as required by Section 33‑38‑300. An amendment under this section must be approved in the manner required by Section 33‑38‑230.

(B) If a corporation or other entity that is not a benefit corporation is a party to a merger, conversion, or share exchange, and the surviving or resulting entity in the merger, conversion, or share exchange is, or is to be as a result of such transaction, a benefit corporation, the plan of merger, conversion, or share exchange must be approved in the manner required by Section 33‑38‑230. Upon the completion of the transaction, in order for the surviving or resulting entity to be a benefit corporation it must include a provision in its articles of incorporation providing that the corporation is a benefit corporation governed by this chapter and identify any specific public benefit purpose as required by Section 33‑38‑300.

Section 33‑38‑220. (A) A benefit corporation may terminate its status and cease to be subject to this chapter by amending its articles of incorporation to remove the provision that the corporation is a benefit corporation governed by this chapter. The amendment must be approved in the manner required by Section 33‑38‑230. Any sale, lease, exchange, or other disposition of all, or substantially all, of the property of a benefit corporation, unless the transaction is in the usual and regular course of business, shall not be effective unless it is approved in the manner required by Section 33‑38‑20.

(B) If a plan of merger, conversion, or share exchange would have the effect of terminating the status of a benefit corporation as a benefit corporation, the plan must be approved in the manner required by Section 33‑38‑230.

Section 33‑38‑230. In addition to any other requirements of applicable law, where specified in this chapter that approval of a matter must be in the manner required by this section, the following requirements apply:

(1) With respect to a corporation, including a benefit corporation, the matter must be approved by the affirmative vote of sixty‑six and two‑thirds percent of the outstanding shares of each class and series of stock of the corporation, voting as separate voting groups, regardless of any limitation in the corporation’s articles of incorporation or bylaws of the voting rights of such class or series.

(2) With respect to any entity incorporated as a nonprofit corporation, the matter must be approved by the affirmative vote of sixty‑six and two‑thirds percent of the votes cast by the members entitled to vote.

(3) With respect to an entity organized as a limited liability corporation or partnership, the matter must be approved in the same manner as would be required for the approval of a merger of the entity, unless otherwise provided in the entity’s organizational documents, operating agreement, or partnership agreement of the entity.

Article 3

Corporate Purposes

Section 33‑38‑300. (A) In addition to corporate purposes provided in Section 33‑3‑101, a benefit corporation shall have as one of its corporate purposes the creation of a general public benefit.

(B) A benefit corporation may include as a corporate purpose in its articles of incorporation one or more specific public benefit purposes in addition to its purposes under subsection (A) of this section. The identification of a specific public benefit purpose pursuant to this subsection does not limit the obligation of a benefit corporation pursuant to subsection (A).

(C) A benefit corporation may amend its articles of incorporation to add, amend, or remove the identification of a specific public benefit purpose. The amendment must be approved by the shareholders of the benefit corporation in the manner required by Section 33‑38‑230.

(D) The creation of general public benefit and specific public benefit pursuant to subsections (A) and (B) is in the best interests of a benefit corporation.

(E) A professional corporation that is a benefit corporation does not violate Section 33‑19‑110.

Article 4

Accountability

Section 33‑38‑400. (A) In discharging the duties of their respective positions and in considering the best interests of the benefit corporation, the board of directors, committees of the board of directors, and individual directors of a benefit corporation, shall consider the effects of any action or decision not to act upon the following:

(1) the shareholders of the benefit corporation;

(2) the employees and workforce of the benefit corporation, its subsidiaries, and suppliers;

(3) the interests of customers to the extent they are beneficiaries of the general or specific public benefit purposes of the benefit corporation;

(4) community and societal factors, including the interests of each community in which offices or facilities of the benefit corporation, its subsidiaries, or suppliers are located;

(5) the local and global environment;

(6) the short‑term and long‑term interests of the benefit corporation, including benefits that may accrue to the benefit corporation from its long‑term plans and the possibility that these interests may be best served by the continued independence of the benefit corporation; and

(7) the ability of the benefit corporation to accomplish its general and any specific public benefit purpose.

(B) In addition to the required considerations in subsection (A), a director of a benefit corporation may consider the following:

(1) the resources, intent, and past, stated, and potential conduct of any person seeking to acquire control of the benefit corporation; and

(2) other pertinent factors or the interests of any other group that the director in good faith considers to be appropriate.

(C) A director of a benefit corporation need not give priority to the interests of a particular person or group referred to in subsections (A) and (B) of this section over the interests of any other person or group unless the benefit corporation’s articles of incorporation explicitly specify its intention to give priority to certain interests related to its accomplishment of its general public benefit purpose or of a specific public benefit purpose.

(D) The consideration of interests and factors in the manner required by this section is not considered to be inconsistent with the requirements of Section 33‑38‑300.

(E) A director is not personally liable for monetary damages for:

(1) any act taken as a director, or any omission to act as a director, if the director performed the duties of office in compliance with Sections 33‑8‑300, 33-8-310, 33-8-320, or 33-8-330; or

(2) the failure of the benefit corporation to pursue or create a general or specific public benefit.

(F) A director does not have a duty to a person that is a beneficiary of the general public benefit purpose or a specific public benefit purpose of a benefit corporation arising from the status of the person as a beneficiary.

Section 33‑38‑410. (A) The board of directors of a benefit corporation shall designate one director who is an independent person to be the benefit director. The benefit director, in addition to the powers, duties, rights, and immunities of the other directors of the benefit corporation, shall have the powers, duties, rights, and immunities provided in this section. The benefit director shall be elected, and may be removed, in the manner provided in Article 1, Chapter 8 of Title 33.

(B) The benefit director may serve as the benefit officer at the same time as serving as the benefit director. The articles of incorporation or bylaws of a benefit corporation may prescribe additional qualifications of the benefit director not inconsistent with this section.

(C) (1) The benefit director shall prepare, and the benefit corporation shall include in the annual benefit report to shareholders required by Section 33‑38‑500, the opinion of the benefit director concerning the following matters:

(a) whether the benefit corporation acted in accordance with its general and any specific public benefit purpose in all material respects during the period covered by the report;

(b) whether the benefit corporation conferred a general public benefit and any specific public benefit during the period covered by the report; and

(c) whether the directors complied with Section 33‑38‑400.

(2) If the benefit director finds a failure under item (a), (b), or (c) of this subsection, the benefit director shall include in the annual benefit report a description, to the extent relevant, of the ways in which the benefit corporation or its directors failed to act or comply.

(D) If a benefit corporation dispenses with a board of directors as provided by law, the articles of incorporation of the benefit corporation must provide that a person who exercises one or more of the powers, duties, rights, or obligations of a benefit director under this subsection shall have the powers, duties, rights, and obligations of a benefit director or may share the powers duties, rights, and obligations of a benefit director with one or more other persons. A person who has the powers, duties, rights, and obligations of a benefit director pursuant to this subsection:

(1) does not need to be independent of the benefit corporation;

(2) shall have the immunities of a benefit director; and

(3) shall not be subject to the procedures for election or removal of directors pursuant to Article 1, Chapter 8 of Title 33 unless the bylaws make those procedures applicable.

(E) The benefit director of a professional corporation does not need to be independent.

(F) Regardless of whether the articles of incorporation or the bylaws of a benefit corporation include a provision limiting or eliminating the personal liability of directors, a benefit director is not personally liable for monetary damages for any act or omission taken in that capacity unless the act or omission constitutes a transaction from which the director derived an improper personal benefit, willful misconduct, or a knowing violation of law.

Section 33‑38‑420. (A) Each officer of a benefit corporation shall consider the interests and factors described in Section 33‑48‑400 in the manner provided in that section if:

(1) the officer has discretion to act with respect to a matter; and

(2) it reasonably appears to the officer that the matter may have a material effect on the creation by the benefit corporation of a general public benefit or a specific public benefit identified in the public benefit corporation’s articles of incorporation.

(B) The consideration of interests and factors in the manner described in subsection (A) shall not constitute a violation of Section 33‑8‑420.

(C) An officer is not personally liable for monetary damages for:

(1) any act taken as an officer, or any omission to act as an officer, if the officer performed the duties of office in compliance with Section 33‑8‑410; or

(2) failure of the benefit corporation to pursue or create a general public benefit or a specific public benefit.

(D) An officer does not have a duty to any specific person that is a beneficiary of the general public benefit purpose or a specific public benefit purpose of a public benefit corporation arising from the status of the person as a beneficiary.

Section 33‑38‑430. (A) A benefit corporation may have an officer designated as the benefit officer.

(B) The duties of the benefit officer include the following:

(1) monitoring the benefit corporation’s pursuit of the general and any specific public benefits purpose of the benefit corporation and the general and any specific public benefit created by the benefit corporation;

(2) performing such other duties to the extent provided in either the bylaws of the benefit corporation or a resolution adopted by the board of directors of the benefit corporation that is not in conflict with the bylaws; and

(3) preparing the annual benefit report required by Section 33‑38‑500.

Section 33‑38‑440. (A) The duties of directors under this chapter may be enforced only in a benefit enforcement proceeding. A person may not bring an action or assert a claim against a benefit corporation or its directors or officers with respect to:

(1) failure to pursue or create general public benefit or a specific public benefit set forth in its articles of incorporation; or

(2) violation of a duty or standard of conduct under this chapter.

(B) A benefit corporation shall not be liable for monetary damages under this chapter for any failure of the benefit corporation to pursue or create general public benefit or a specific public benefit.

(C) A benefit enforcement proceeding may be commenced or maintained by only the following:

(1) directly, by the benefit corporation; or

(2) derivatively, by any of the following:

(a) a shareholder;

(b) a director;

(c) a person or group of persons that owns, beneficially or of record, five percent or more of the outstanding equity interests in an entity of which the benefit corporation is a subsidiary; or

(d) other persons specified in the articles of incorporation or bylaws of the benefit corporation.

(D) A benefit enforcement proceeding commenced or maintained derivatively under item (2) of subsection (C) of this section as provided by law is subject to the requirements applicable to derivative proceedings, except that such requirements may be interpreted to reflect that a benefit enforcement proceeding may be commenced and maintained by those persons listed in item (2) of subsection (B) of this section.

Article 5

Annual Reporting

Section 33‑38‑500. (A) A benefit corporation shall prepare an annual benefit report that includes all of the following:

(1) a narrative description:

(a) the manner in which the benefit corporation has pursued its general public benefit purposes during the year and the extent to which a general public benefit was created;

(b) the manner in which the benefit corporation has pursued any specific public benefit purposes during the year and the extent to which a specific public benefit was created;

(c) circumstances that have hindered the creation by the benefit corporation of a general or specific public benefit; and

(d) the process and rationale for selecting or changing the third‑party standard used to prepare the benefit report;

(2) an assessment of the overall social or environmental, or social and environmental, performance of the benefit corporation against a third‑party standard applied consistently with any application of that standard in prior benefit reports or accompanied by an explanation of the reasons for any inconsistent application. The assessment does not need to be performed, audited, or certified by a third-party standards provider;

(3) the name of the benefit director and the benefit officer and the address to which correspondence to each of them may be directed;

(4) the compensation paid by the benefit corporation during the year to each director in their capacity as a director;

(5) the name of each person that owns five percent or more of the outstanding shares of the benefit corporation either beneficially to the extent known to the benefit corporation without independent investigation, or of record;

(6) the statement of the benefit director described in Section 33‑38‑410(C);

(7) a statement of any connection between the organization that established the third‑party standard, or its directors, officers, or any holder of five percent or more of the governance interests in the organization, and the benefit corporation or its directors, officers, or any holder of five percent or more of the outstanding shares of the benefit corporation, including any financial or governance relationship which might materially affect the credibility of the use of the third‑party standard; and

(8) if the benefit corporation has dispensed with, or restricted the discretion or powers of, the board of directors, a description of:

(a) the persons that exercise the powers, duties, and rights and who have the immunities of the board of directors; and

(b) the benefit director, as required by Section 33‑38‑410(D).

(B) The benefit report must be sent annually to each shareholder within one hundred twenty days following the end of the fiscal year of the benefit corporation or at the same time that the benefit corporation delivers any other annual report to its shareholders.

(C) A benefit corporation shall post all of its annual benefit reports on the publicly accessible portion of its Internet website, if it maintains a website. The compensation paid to directors and any financial or proprietary information included in the benefit reports may be omitted from the benefit reports as posted.

(D) If a benefit corporation does not have an Internet website, the benefit corporation shall provide a copy of its most recent annual benefit report, without charge, to any person that requests a copy, but the compensation paid to directors and financial or proprietary information included in the benefit report may be omitted from the copy of the benefit report provided.

(E) The annual report that a benefit corporation is required to deliver to the Secretary of State must include the most recent benefit report delivered to shareholders pursuant to subsection (B), except that the compensation paid to directors and any financial or proprietary information included in the benefit report may be omitted from the benefit report delivered to the Secretary of State under this section.

Article 6

Shareholder Dissent

Section 33~~‑~~38‑600. In addition to any other rights granted by law, a shareholder is entitled to dissent from and obtain payment of the fair value of his shares in the event of the consummation of a designation of a corporation as a benefit corporation pursuant to Section 33‑38‑210(A).”

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hutto

Knotts Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--36**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 3433 -- Reps. Herbkersman and Patrick: A BILL TO AMEND SECTION 7‑7‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVIEW AND RENAME CERTAIN VOTING PRECINCTS OF BEAUFORT COUNTY AND TO 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.

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

**Amendment No. 1**

Senator DAVIS proposed the following amendment (JUD3433.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 42, in Section 7-7-110(A), as contained in SECTION 1, and inserting therein the following:

/ ~~Bluffton 3A~~Moss Creek /

Amend the bill further, as and if amended, page 3, by striking lines 37 through 41, in Section 7-7-110(C), as contained in SECTION 1, and inserting therein the following:

/ shown on the official map prepared by and on file with the ~~Office~~ Division of Research and Statistics of the State Budget and Control Board designated as document ~~P‑13‑07~~ P-13-12 and as shown on copies provided to the Beaufort County Board of Elections and Registration by the ~~Office~~ Division of Research and Statistics. /

Amend the bill further, as and if amended, page 4, by striking SECTION 2 in its entirety, and inserting therein the following:

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**H. 3433--Ordered to a Third Reading**

On motion of Senator DAVIS, with unanimous consent, H. 3433 was ordered to receive a third reading on Friday, June 1, 2012.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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

The Committee on Judiciary proposed the following amendment (JUD5098.001), which was adopted:

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

/ SECTION 1. Section 61‑6‑2010 of the 1976 Code is amended by adding a new subsection at the end to read:

“(H) (1) For purposes of referendums held pursuant to this section, ‘general election’ means a municipal general election held at a time other than the first Tuesday following the first Monday in November of even‑numbered years or a county general election held on the first Tuesday following the first Monday in November of even‑numbered years.

(2) A municipality that does not have a municipal general election scheduled within the same calendar year as a county general election may call, by ordinance, for a referendum to be held on the same date as the county general election, provided that a copy of the ordinance has been filed with the county and municipal election commissions no later than the date required by Section 7‑13‑355. The expenses for a referendum ordered by a municipality shall be paid by the municipality. When a municipal referendum is held at the time of a county general election, the referendum may be conducted by a municipal or county election commission as provided for by an agreement between the municipality and the county.”

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--37**

**NAYS**

Thomas

**Total--1**

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

**H. 5098--Ordered to a Third Reading**

On motion of Senator RYBERG, with unanimous consent, H. 5098 was ordered to receive a third reading on Friday, June 1, 2012.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4798 -- Reps. McLeod and Bowers: A BILL TO AMEND SECTION 5‑7‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRIAL OF A PERSON IN A MUNICIPAL COURT, SO AS TO REVISE THE PERIOD OF TIME A PERSON MUST BE TRIED AFTER THE DATE OF HIS ARREST.

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

The Judiciary Committee proposed the following amendment (JUD4798.003), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 23 through 34, in Section 5-7-90, as contained in SECTION 1, and inserting therein the following:

/ “Section 5‑7‑90. The ~~mayor or~~ municipal judge or judges of ~~any~~ a municipality shall speedily try all persons ~~charged~~ arrested and incarcerated with violations of the ordinances of the municipality or the laws of the State within their jurisdiction in a summary manner without a jury unless jury trial is demanded by the accused. Trial ~~shall~~ must be held within ~~seven~~ ten days after ~~such~~ the arrest or at ~~such~~ a time ~~as may be agreed upon~~ scheduled by the court, in which event the trial ~~shall be~~ is deferred. The ~~mayor or~~ municipal judge shall have the same power as a magistrate to compel the attendance of witnesses and require them to give evidence upon the trial before them of any person for the violation of ordinances of the municipality or the laws of this State subject to Section 5‑7‑30.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hutto Knotts

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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\12505DG12), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking line 42 and inserting:

/ (B) Effective July 1, 2013, through June 30, 2017, two and /

Amend the bill further, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect July 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Ford Gregory

Grooms Hutto Jackson

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3986 -- Reps. Hayes and Bingham: A JOINT RESOLUTION TO ALLOW A SCHOOL DISTRICT THAT HAS RECEIVED FUNDS PURSUANT TO SECTION 59‑21‑430 THAT ARE SET TO LAPSE ON OR BEFORE JUNE 30, 2011, TO RETAIN THOSE FUNDS AND USE THEM FOR THE SAME PURPOSES UNTIL JUNE 30, 2012.

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

The Committee on Finance proposed the following amendment (NBD\12392SD12), which was adopted:

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

/SECTION 1. Notwithstanding any other provision of law, until December 31, 2012, a school district may apply for and receive its allotted share of EIA school building funds under Section 59-21-430 of the 1976 Code for fiscal year 2011-2012 under the terms and conditions applicable to all school districts. If the school district’s allotted portion of these EIA school building funds have lapsed to the Education Improvement Act of 1984 Fund or to some other fund or account, the funds may nevertheless be withdrawn from that fund or account under warrant of the Department of Education and distributed to that school district on or before December 31, 2012, and used by the district for the purposes required by law.

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

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Resolution.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3747 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT BIOLOGICS ADMINISTERED BY A PHYSICIAN IN A PHYSICIAN’S OFFICE.

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\12320DG12), which was adopted:

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

/ SECTION 1. Section 12‑36‑2120 of the 1976 Code, as last amended by Act 280 of 2010, is further amended by adding a new item at the end to read:

“( )(a) Effective on July first immediately following a forecast meeting the requirements of subitem (b), injectable medications and injectable biologics, so long as the medication or biologic is administered by or pursuant to the supervision of a physician in an office which is under the supervision of a physician, or in a Center for Medicare or Medicaid Services (CMS) certified kidney dialysis facility. For purposes of this exemption, ‘biologics’ means the products that are applicable to the prevention, treatment, or cure of a disease or condition of human beings and that are produced using living organisms, materials derived from living organisms, or cellular, subcellular, or molecular components of living organisms.

(b) Beginning with the February 15, 2013, forecast by the Board of Economic Advisors of annual general fund revenue growth for the upcoming fiscal year, and annually thereafter until the conditions of this item are met, if the forecast of that growth equals at least two percent of the most recent estimate by the board of general fund revenues for the current fiscal year, then on July first, the exemption described in subitem (a) shall apply to fifty percent of the gross proceeds of sales of the described items. Beginning the next July first, the exemption shall apply to one hundred percent of the gross proceeds of sales of the described items. If the February fifteenth forecast meets the requirement for a rate reduction, the board promptly shall certify this result in writing to the Department of Revenue.”

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

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 35; Nays 3**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Cromer Fair

Ford Grooms Hutto

Jackson Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright Davis Sheheen

**Total--3**

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

**H. 3747--Ordered to a Third Reading**

On motion of Senator CROMER, with unanimous consent, H. 3747 was ordered to receive a third reading on Friday, June 1, 2012.

**MINORITY REPORT WITHDRAWN**

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 4042 -- Reps. Harrison, Brady, Pinson, H.B. Brown, Munnerlyn, Viers, Horne and Hardwick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑5‑31 SO AS TO MAKE IT AN UNFAIR TRADE PRACTICE FOR A MOTOR VEHICLE GLASS REPAIR BUSINESS THAT ADMINISTERS INSURANCE CLAIMS FOR MOTOR VEHICLE GLASS REPAIRS TO HAVE AN INSURED’S GLASS REPAIR BUSINESS REFERRED TO ITSELF OR TO USE INFORMATION TO SOLICIT BUSINESS.

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

Senator FORD asked unanimous consent to make a motion to withdraw the minority report on the Bill.

There was no objection and the minority report was withdrawn.

**Amendment No. P1**

Senators KNOTTS and CAMPBELL proposed the following amendment (AGM\19649AB12), which was adopted:

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

/ SECTION 1. Chapter 57, Title 38 of the 1976 Code is amended by adding:

“Section 38‑57‑75. (A) When an insured has suffered damage to the glass of a motor vehicle (‘vehicle glass’), both the insurer providing glass coverage and the third party administrator that administers glass coverage for that insurer must not require that repairs be made to the insured’s vehicle by a particular provider of glass repair work.

(B) In processing a vehicle glass claim, a third party administrator must immediately disclose to the insured that the third party administrator is acting on behalf of the insurer.

(C) Immediately after verification of coverage and evaluation of the damage, an insurer or third party administrator must ascertain whether an insured has a provider of choice.

(D) When an insured requests to have covered glass repair work performed by a specific provider of choice, the insurer or third party administrator must determine whether the selected shop is a member of the insurer’s or third party administrator’s vehicle glass repair program or preferred provider list. If the provider of choice is a member of the insurer’s vehicle repair program or preferred provider network, the insurer or its third party administrator must assign the claim and provide a claim or reference number at that time to the provider of choice.

(E) When an insured requests to have covered glass repair work performed by a provider who is not a member of the insurer’s or third party administrator’s vehicle repair program or preferred provider list, the insurer or third party administrator:

(1) must confirm that the provider agrees to perform the repair at the insurer’s fair and reasonable rate of reimbursement. If the provider refuses to accept the rate, the insurer or third party administrator may inform the insured that he will be responsible for additional costs. If the provider agrees to accept the fair and reasonable rates, no further statements regarding costs shall occur and the provider must be paid the agreed fair and reasonable rate of reimbursement;

(2) must inform the insured that he or she may use the requested provider of choice; and

(3) must not make statements regarding the warranty offered by the provider of choice. If an insured asks the insurer or third party administrator questions regarding a provider’s warranty, the insurer or third party administrator must refer the insured to the provider for clarification.

(F) When an insured does not request to have covered glass repair work performed by a specific provider of choice, the insurer or third party administrator may refer the repair to a vehicle glass repairer who is a member of the insurer’s or third party administrator’s preferred network of providers.

(G) A vehicle glass repair or replacement facility, including any agent, contractor, vendor, representative, or anyone acting on its behalf, must not:

(1) threaten, coerce, or intimidate an insured to file a claim for vehicle glass repair or replacement;

(2) engage in unfair or deceptive practices to induce an insured to file a vehicle glass repair claim;

(3) induce an insured to file a vehicle glass repair claim when the damage to the vehicle glass is insufficient to warrant vehicle glass repair or replacement;

(4) perform vehicle glass repair or replacement services under an insurance policy without first obtaining insurer approval;

(5) make any representations to an insured as to the vehicle glass coverage available under the insurance policy, including, but not limited to, representations that the insured is entitled to a free windshield; or

(6) represent verbally, electronically, or in any other way, including, but not limited to, advertisements, websites or any marketing materials that a claim for a windshield replacement under an insurance policy is free.

(H) The owner, lessee, or insured driver of the vehicle, or the designee of the owner, lessee, or insured driver of the vehicle, if any, must be party to the filing of a vehicle glass repair claim, otherwise known as first notice of loss. A provider of vehicle glass repair services may not serve as the designee for the insured.

(I) When an insurer or third party administrator determines that an insured’s requested glass repair must be physically inspected, and the inspection is carried out by a representative of a third party administrator, that representative must not make any offer to make repairs, engage in any discussion of other glass repair facilities, or recommend any glass repair facility during the course of the inspection.

(J) An insurer, agent, or third party administrator may only provide information about a claim to a vehicle glass repairer after the insured has selected that repairer to provide glass services.

(K) The provisions of this section do not apply to insurers or third party administrators who do not have a ten percent or greater ownership interest in a vehicle glass repair business.

(L) Violations of this section are subject to the provisions of the South Carolina Insurance Unfair Claim Practices Act.

(M) Notwithstanding the provisions of this chapter, the insurer has the right to inform the insured that the insurer will not guarantee the work performed by a provider that is not in the network of the insurer or third party administrator.”

SECTION 2. Chapter 5, Title 39 of the 1976 Code is amended by adding:

“Section 39‑5‑170. It is an unlawful practice for a person who sells, repairs, or replaces vehicle glass to knowingly:

(A) submit a claim to an insurer or a third party administrator for vehicle glass repair, replacement, or related services:

(1) if the vehicle glass was not damaged prior to repair or replacement;

(2) if the services were not provided;

(3) showing work performed in a geographical area that in fact was not the location where the services were provided and that results in a higher payment than would otherwise be paid to the person by the policyholder’s insurer;

(4) without having an authorization by the owner, lessee, or insured driver of the vehicle for the repair of the vehicle;

(5) showing work performed on a date other than the date the work was actually performed and resulting in a change of insurance coverage status; or

(6) making any other material misrepresentation related to the repair or an insurance claim submitted in relation to that repair;

(B) advise a policyholder to falsify the date of damage to the vehicle glass that results in a change of insurance coverage for repair or replacement of the vehicle glass;

(C) falsely sign on behalf of a policyholder or another person a work order, insurance assignment form, or other related form in order to submit a claim to an insurer for vehicle glass repair or replacement or for related services;

(D) intentionally misrepresent to a policyholder or other person:

(1) the price of the proposed repairs or replacement being billed to the policyholder’s insurer; or

(2) that the insurer or third party administrator has authorized the repairs or replacement of the glass of the insured vehicle;

(E) represent to a policyholder or other person that the repair or replacement will be paid for entirely by the policyholder’s insurer and at no cost to the policyholder unless the insurance coverage has been verified by a person who is employed by, or is a producer contracted with the policyholder’s insurer, or is a third party administrator contracted with the insurer;

(F) add to the damage of vehicle glass before repair in order to increase the scope of repair or replacement or encourage a policyholder or other person to add to the damage of vehicle glass before repair;

(G) perform work clearly and substantially beyond the level of work necessary to repair or replace the vehicle glass to put the vehicle back into a pre‑loss condition in accordance with accepted or approved reasonable and customary glass repair or replacement techniques;

(H) engage in business practices that have the effect of providing rebates or something of value to an insured who files a claim to pay for the glass repair or replacement services provided; or

(I) intentionally misrepresent the relationship of the glass repair facility to the policyholder’s insurer. For the purposes of determining whether a person intended the misrepresentation, the person presumably intended the misrepresentation if he was engaged in a regular and consistent pattern of misrepresentation. For the purposes of determining whether a defendant knew of any particular element of the prohibited activity, the person presumably had knowledge if he was engaged in a regular and consistent pattern of the prohibited activity.”

SECTION 3. SECTION 1 of this act takes effect on January 1, 2013. SECTION 2 of this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

The Committee on Banking and Insurance proposed the following amendment (AGM\19450AB12), which was adopted:

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

/ SECTION 1. Chapter 5, Title 39 of the 1976 Code is amended by adding:

“Section 39‑5‑31. (A) Whenever an insured has suffered damage to automobile glass, no insurer providing glass coverage or third party administrator which administers glass coverage for that insurer shall require that repairs be made to the insured’s vehicle in a particular place or shop or by a particular concern.

(B) In processing an automobile glass claim, a third party administrator shall disclose to the insured that it is acting on behalf of the insurer.

(C)(1) A third party administrator of glass claims for an automobile insurer shall compile a list of all automobile glass repairers which work or are willing to work in a particular county, municipality, or area of this State and which desire to be included on the third party administrator’s provider list for that county, municipality, or area. An ‘area’ for purposes of this subsection is defined as a distance not exceeding thirty‑five miles from a county or municipal border. A request by an automobile glass repairer to be included on a third party administrator’s provider list must be accommodated without charge or other consideration, including a reduction in the allowed charge for the glass repair service provided, and is subject only to a reasonable information transmittal process. The third party administrator shall utilize all reasonable means, including advertisements or solicitations, in the public domain to ascertain these automobile glass repairers in the county, municipality, or area concerned who desire to be included on the provider list. The list so compiled is known as the ‘provider list’ for that county, municipality, or area.

(2) In compiling the provider list as provided in item (1), the third party administrator must include providers regardless of its opinion of the quality or workmanship of the provider concerned if that provider in performing glass repair services will meet all requirements of the policy of automobile insurance issued by the automobile insurer which the third party administrator represents. The provider list so compiled shall show each automobile glass repairer in alphabetical order and by a corresponding numerical designation.

(D) The provider list required by subsection (C) must be compiled before a third party administrator may begin communicating with insureds of the automobile insurer in regard to automobile glass repairs if no existing relationship then exists between the third party administrator and the automobile insurer. If an existing relationship does exist, the provider list must be compiled and used as required in this section within ninety days of the effective date of this section.

(E)(1) Upon receiving a communication from an insured of the automobile’s insurer which a third party administrator represents that the insured needs an automobile glass repair covered by the provisions of his policy of automobile insurance, the third party administrator immediately shall ascertain if the insured has any preference as to the provider of the desired automobile glass repair services. If the insured expresses a preference for a provider on the third party administrator’s provider list for the county, municipality, or area concerned, the third party administrator shall refer the claim to that provider and inform the insured that he may use that provider.

(2) If the insured requests that work be done by a provider not on the provider list, the third party administrator may advise the insured about differences in costs, including the warning that work performed by providers who are not on the third party administrator’s provider list may not be covered completely, and payment by the insurer may be limited to a reasonable rate in accordance with the insured’s auto insurance policy. If the insured then insists on using that provider not on the provider list, he must be permitted to do so.

(3) If the insured expresses no preference for a provider, the insured must be provided the names of the next three providers on the provider list not previously recommended by that particular adjuster of the third party administrator so that provider names must be furnished to insureds on a strictly rotating basis with no preference for any provider expressed. The provisions of this subsection must be followed by each adjuster of the third party administrator working from his copy of the provider list. Once all names on the provider list have been recommended, the adjuster shall return to the top of the list and begin the process again.

(4) If there are not at least three automobile glass repairers on a third party administrator’s provider list for a particular county, municipality, or area, the third party administrator, if the insured has expressed no preference, shall provide the insured with all the names on the list.

(F) Nothing herein prevents a third party administrator from including on the provider list automobile glass repairers in which the third party administrator has a financial or ownership interest so long as that automobile glass repairer’s name is provided to insureds only in the manner provided in this section. If a third party administrator has financial or ownership interests in multiple entities providing glass repair services in a county, municipality, or area served, only one such entity may be included on the provider list for that county, municipality, or area involved.

(G) An insurer or third party administrator may provide information about a claim to a glass repair provider only after the insured has selected it to provide glass services.

(H) The third party administrator shall refer questions about warranties or guarantees of an automobile glass repairer whose name has been provided to an insured under this section to the automobile glass repairer or repairers recommended and shall further state that the third party administrator can make no representation of the workmanship or quality of service of any glass repairer recommended which is a matter between the insured and the individual automobile glass repairer.

(I)(1) Violations of this section are subject to a civil fine which may be imposed by the Department of Insurance against a violator in an amount not exceeding five hundred dollars per violation. Each violation constitutes a separate offense.

(2) An automobile insurer is responsible for its third party administrator’s compliance with the provisions of this section.”

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hutto Jackson

Knotts Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**H. 4042--Ordered to a Third Reading**

On motion of Senator SETZLER, with unanimous consent, H. 4042 was ordered to receive a third reading on Friday, June 1, 2012.

**AMENDED, READ THE SECOND TIME**

**SECOND READING RECONSIDERED**

**ADOPTION OF AMENDMENT RECONSIDERED**

**READ THE SECOND TIME**

H. 3113 -- Reps. Clemmons and Viers: A BILL TO AMEND SECTION 50‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO REVISE THE OPEN SEASON DATES FOR GAME ZONE 4.

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

**Amendment No. 1**

Senator O’DELL proposed the following amendment (MS\  
7825AHB12), which was adopted:

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

/ SECTION \_\_. Section 50‑11‑310(B) of the 1976 Code, as last amended by Act 286 of 2008, is further amended to read:

“(B) In Game Zones 1 and 2, it is unlawful to pursue deer with dogs, and it is unlawful to bait for deer or hunt deer by aid of bait.” /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 28; Nays 8**

**AYES**

Alexander Anderson Bryant

Campbell Cromer Fair

Grooms Hutto Knotts

Land Leatherman Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson O'Dell

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Thomas

Williams

**Total--28**

**NAYS**

Bright Campsen Courson

Davis *Martin, Shane* Peeler

Shoopman Verdin

**Total--8**

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

**Second Reading Reconsidered**

Having voted on the prevailing side, Senator CROMER moved to reconsider the vote whereby the Bill was read the second time.

The motion to reconsider the vote whereby the Bill was read the second time was adopted.

**Adoption of Amendment Reconsidered; Amendment Withdrawn**

Having voted on the prevailing side, Senator O’DELL moved to reconsider the vote whereby Amendment No. 1 was adopted.

The motion to reconsider the vote whereby Amendment No. 1 was adopted was adopted.

On motion of Senator O’DELL, with unanimous consent, Amendment No. 1 was withdrawn.

The question then was the second reading of the Bill.

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

**Ayes 23; Nays 7**

**AYES**

Alexander Anderson Bryant

Campbell Coleman Cromer

Fair Gregory Hutto

Land Malloy *Martin, Larry*

Massey Matthews McGill

Pinckney Rankin Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bright Davis *Martin, Shane*

Peeler Shoopman Thomas

Verdin

**Total--7**

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

**AMENDMENT PROPOSED, OBJECTION**

H. 3130 -- Reps. Brady, Stringer, Long, Butler Garrick and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑19‑2470 SO AS TO CREATE THE OFFENSE OF SEXTING, TO PROVIDE FOR A CIVIL FINE AND THE CREATION OF AN EDUCATIONAL PROGRAM FOR A PERSON WHO COMMITS THE OFFENSE, TO PROVIDE FOR THE RESTRICTION OF A MINOR’S DRIVING PRIVILEGES UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE CERTAIN SAFEGUARDS FOR MINORS WHO COMMIT THE OFFENSE, AND TO PROVIDE FOR THE USE OF THE UNIFORM TRAFFIC TICKET FOR THE OFFENSE AND FOR JURISDICTION OVER THE OFFENSE IN THE MUNICIPAL OR MAGISTRATES COURT.

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

**Amendment No. 1**

Senator SCOTT proposed the following amendment (AGM\  
19659AB12):

Amend the committee report, as and if amended, Section 16‑15‑386(C)(1), as contained in SECTION 1, page 3130‑1, line 40, by deleting / and fifty /.

Renumber sections to conform.

Amend title to conform.

Senators KNOTTS and CAMPSEN objected to further consideration.

**RECOMMITTED**

H. 4093 -- Reps. Pope, Sottile, Simrill, Hosey, Williams, Atwater, Quinn, Toole, Huggins, Brannon, Knight, Gambrell, Clyburn, McCoy, Gilliard, Owens, Merrill, Norman, Crawford, Bowers, Murphy, Bedingfield, Bowen, Branham, Chumley, Clemmons, Delleney, Hamilton, Hodges, Loftis, Lowe, D.C. Moss, V.S. Moss, Nanney, J.M. Neal, Ott, Ryan, G.M. Smith, G.R. Smith, J.R. Smith, Spires, Tallon, Taylor, Whitmire, Willis, Neilson and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑715 SO AS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS THE OFFICIAL STATE EMBLEM OF THE SERVICE AND SACRIFICE BY THOSE IN THE UNITED STATES ARMED FORCES WHO HAVE GIVEN THEIR LIVES IN THE LINE OF DUTY.

On motion of Senator LARRY MARTIN, the Bill was recommitted to the Committee on Judiciary.

**Motion Adopted**

On motion of Senator CAMPBELL, with unanimous consent, Senators WILLIAMS, GREGORY and CAMPBELL were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**CARRIED OVER**

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.

Senator CAMPSEN explained the Bill.

Senator LARRY MARTIN spoke on the Bill.

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

**CARRIED OVER**

H. 4801 -- Reps. Sandifer, Gambrell, Bowen, Whitmire, Agnew, Thayer, Putnam and White: A BILL TO AMEND SECTION 6‑13‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PIONEER RURAL WATER DISTRICT OF OCONEE AND ANDERSON COUNTIES, SO AS TO REVISE THE QUALIFICATIONS OF PERSONS WHO MAY BE APPOINTED TO THE GOVERNING BOARD OF THE DISTRICT AND THE MANNER OF THEIR APPOINTMENT; AND TO AMEND SECTION 6‑13‑240, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE DISTRICT ACTING THROUGH ITS GOVERNING BOARD, SO AS TO PROVIDE THAT THE DISTRICT MUST NOT CONTRACT FOR OR UNDERTAKE THE CONSTRUCTION OF ANY NEW FRESHWATER TREATMENT FACILITIES UNTIL JANUARY 1, 2016.

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

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

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**H. 3730--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

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

The Senate proceeded to a consideration of the Conference Report, the question being adoption of the Conference Report.

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

Senator CAMPSEN spoke on the report.

On motion of Senator CAMPSEN, the Report of the Committee of Conference:

**H. 3730--Conference Report**

The General Assembly, Columbia, S.C., May 31, 2012

The COMMITTEE OF CONFERENCE, to whom was referred:

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

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. Article 1, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑450. (A) In addition to a valid state hunting license, an annual commercial fur license is required of all persons who sell or take by any means, for commercial purposes, and all persons who trap or who attempt to trap any furbearing animals. The license is issued by the department at a cost of twenty‑five dollars for residents and two hundred dollars for nonresidents. Any person having in his possession more than five furbearing animals or raw or green pelts shall have a valid commercial fur license. The provisions of this section do not apply to a processor, manufacturer, or retailer.

(B) A person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the ‘Trappers Education Course’.

(C) A person under the age of sixteen is exempt from the licensing requirements of this section while in the presence of a commercial fur licensee, but may not sell any furbearing animals or raw or green pelts unless licensed.”

SECTION 2. Section 50‑11‑40 of the 1976 Code is amended to read:

“Section 50‑11‑40. (A) It is unlawful for ~~any~~ a person to hunt, ~~catch,~~ take, ~~kill,~~ or attempt to hunt, ~~catch,~~ or take, ~~or kill any~~ a game bird or game animal by the use or aid of recorded calls or sounds or recorded or electronically amplified imitations of calls or sounds. This section does not apply to the hunting and taking of coyotes.

(B) ~~Any~~ A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than one hundred dollars.”

SECTION 3. Section 50‑11‑1080 of the 1976 Code is amended to read:

“Section 50‑11‑1080. ~~Whenever it appears that coyotes are destroying birds, poultry, pigs, lambs, or other property in any county in this State or there is an apparent epidemic of rabies in any county, the department, upon the written request of a majority of the legislative delegation of any such county, shall declare an open season on coyotes, with the use of firearms, in the county suffering from the destruction and for such time as the delegation may consider desirable.~~ There is no closed season for hunting or taking coyotes with weapons.”

SECTION 4. Section 50‑11‑2400 of the 1976 Code is amended to read:

“Section 50‑11‑2400. For the purpose of this article:

(a) ‘furbearing animal’ includes red and gray fox, coyote, raccoon, opossum, muskrat, mink, skunk, otter, bobcat, weasel, or beaver;

(b) ‘fur buyer’ means any person who purchases any whole furbearing animal, raw or green furs, pelts, or hides;

(c) ‘take’ means to shoot, wound, kill, trap, capture, or collect, or attempt to shoot, wound, kill, trap, capture, or collect;

(d) ‘commercial purposes’ means taking or possessing any fur, pelt, hide, or whole animal for exchange, sale, trade, or barter and taking or possessing more than five furs, pelts, hides, or whole animals ~~is taking for commercial purposes~~;

(e) ‘trapper’ means any person who takes or attempts to take animals by trapping;

(f) ‘trap’ means any device, other than a weapon, designed or constructed for taking animals;

(g) ‘foot‑hold trap’ means a steel‑jawed, spring‑loaded device designed to capture the animal by the foot;

(h) ‘live trap’ means any box or cage designed for capturing and holding any animal unharmed;

(i) ‘processor’ means any person engaged in tanning or dressing furs, pelts, or hides of furbearing animals for commercial purposes;

(j) ‘transfer’ includes selling, bartering, exchanging, and transporting~~.~~;

(k) ‘owner’ means an individual or entity that owns property or equipment; and

(l) ‘agent’ means an individual or entity appointed by the owner to act in his place.”

SECTION 5. Section 50‑11‑2430 of the 1976 Code is amended to read:

“Section 50‑11‑2430. Any person engaged in the act of trapping ~~shall have proof that he is~~ must be the owner of the property on which the traps or devices are set or ~~carry on his person~~ have written permission from the landowner or his agent in possession to use the property for trapping.”

SECTION 6. Section 50‑11‑2440 of the 1976 Code is amended to read:

“Section 50‑11‑2440. A trapper ~~shall~~ must visit his traps ~~daily~~ at least once each day from two hours before sunrise to two hours after sunset and remove any animal caught ~~but no trapper may visit any trap at night and no trap may be set “in the open” or in paths, roadways, or runways commonly used by persons or domestic animals~~ with the exception that a trapper must visit body gripping traps when used in water sets and other traps when used in ‘submersion sets’ at least once every forty‑eight hours.”

SECTION 7. Section 50‑11‑2445 of the 1976 Code is amended to read:

“Section 50‑11‑2445. It is unlawful for ~~any~~ a person, other than the owner of the trap, or the owner’s designee, to remove any lawfully trapped wildlife from any legally set trap. A designee must have in his possession written permission from the owner of the trap or the owner’s agent, and must meet all commercial fur licensing requirements or be listed on a valid depredation permit. ~~Any~~ A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for no more than thirty days.”

SECTION 8. Section 50‑11‑2460 of the 1976 Code is amended to read:

“Section 50‑11‑2460. ~~The~~ (A) Only the following traps are allowed for trapping ~~in accordance with an approved commercial fur license~~ unless otherwise provided in this title:

(1) body gripping traps (generally known by the brand name ‘Conibear’) when used without bait ~~or scents~~ for vertical water sets and vertical slide sets only;

(2) live traps, which also may be used to capture feral animals at any time without a license or permit from the department;

(3) foot‑hold traps having an inside jaw spread of 5.75 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for land sets and ~~6.50~~ 7.25 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for water sets;

(4) enclosed foot‑hold traps such as the ‘Duffer’, ‘egg’, ‘coon‑ cuff’, and similarly designed dog‑proof style traps designed for raccoons;

(5) snares may be used ~~in~~ for water sets only~~.~~ ; small snap, box, and other commonly used traps to capture commensal rodents or snakes in homes and businesses may be used by property owners, occupants, or their designees, at any time to capture snakes, rats, and mice.

(B) All other traps, including ‘deadfall’ traps, are unlawful unless expressly authorized by the department by regulation.

(C) All traps must bear the owner’s name and address either directly thereon or by an attached identification tag.

SECTION 9. Section 50‑11‑2475 of the 1976 Code is amended to read:

“Section 50‑11‑2475. A person engaged in processing hides of furbearing animals is required to obtain a fur processor’s license. The license is issued by the department at a cost of ~~five~~ two hundred dollars. The license is valid for the state fiscal year in which it is issued. A taxidermist who possesses any fur, pelt, hide, or whole furbearing animal legally owned by another person, which he is temporarily holding for the purpose of processing, is not required to obtain this license. A commercial fur licensee who only processes furs, hides, or pelts taken by him is not required to have a processor’s license. All processors ~~shall~~ and taxidermists must keep a daily register showing the name and address of each person from whom the fur, pelt, hide, or whole furbearing animal is received, the number of each species, and the date and place of origin. All processors ~~shall~~ must report the information to the department not later than June thirtieth of each year.”

SECTION 10. Section 50‑11‑2640 of the 1976 Code is amended by adding at the end:

“(D) Each animal taken or possessed in violation of this section constitutes a separate offense.”

SECTION 11. Section 50‑9‑350(4) of the 1976 Code, as added by Act 233 of 2010, is amended to read:

“(4) ~~The apprentice license is valid only during the license year in which it is issued, and the duration of any other hunting permits obtained with this license may not exceed that of the apprentice license~~ An apprentice license holder may obtain other hunting permits and tags which are required for specific hunting activities.”

SECTION 12. Section 50‑11‑2570(A) of the 1976 Code is amended to read:

“(A) The department may issue special permits, at no cost to the applicant, for the taking, capturing, or transportation of ~~a furbearing animal or another game animal~~ wildlife which is destroying or damaging private or public property, wildlife habitat, game species, timber, ~~or growing~~ crops, or other agriculture so as to be a nuisance or for scientific, ~~or~~ research, or wildlife management purposes.”

SECTION 13. (A) Notwithstanding any other provision of law, a nonresident may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the Department of Natural Resources at its Columbia office if:

(1) the applicant was born in this State and provides a notarized birth certificate from the South Carolina Department of Health and Environmental Control;

(2) the applicant has held title in fee simple, either in whole or in part, to real property located within this State for at least five years immediately preceding the date of application, and the applicant provides a notarized record of ownership from the appropriate county official in the county where the real property is located;

(3) the applicant, if born after June 30, 1979, and having attained the age of sixteen or older, complies with all hunter education requirements of this State and provides a certificate of completion for the course; and

(4) the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

(B) This license is available for purchase from July 1, 2012, through September 30, 2012. The fee is seven hundred dollars.

SECTION 14. Sections 50‑11‑1060, 50‑11‑1070, 50‑11‑2420, and 50‑11‑2575 of the 1976 Code are repealed.

SECTION 15. This act takes effect upon approval by the Governor. /

/s/Sen. C. Bradley Hutto Rep. Marion B. Frye

/s/Sen. George E. Campsen III /s/Rep. Kenneth F. Hodges

/s/Sen. Shane R. Martin /s/Rep. William M. Hixon

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

, and a message was sent to the House accordingly.

**H. 3527--FREE CONFERENCE POWERS GRANTED**

**FREE CONFERENCE COMMITTEE APPOINTED**

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V.S. Moss, Cobb‑Hunter, Herbkersman, Willis, Harrell, Pope, D.C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET‑BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

Senator HUTTO asked unanimous consent to take the Conference Report up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Conference Report, the question being adoption of the Conference Report.

Senator HUTTO made a motion to grant Free Conference Powers to the Committee of Conference.

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

**Ayes 35; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Grooms

Hutto Jackson Knotts

Land Leatherman *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Malloy

**Total--1**

Free Conference Powers were granted.

Whereupon, Senators HUTTO, CAMPSEN and SHOOPMAN were appointed on the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

**H. 3527--REPORT OF THE**

**COMMITTEE OF FREE CONFERENCE ADOPTED**

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V.S. Moss, Cobb‑Hunter, Herbkersman, Willis, Harrell, Pope, D.C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET‑BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

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

Senator HUTTO spoke on the report.

The question then was adoption of the Report of Committee of Free Conference.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Coleman

Courson Cromer Davis

Fair Ford Gregory

Grooms Hutto Jackson

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson Peeler Rankin

Reese Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

**Statement by Senator ROSE**

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 Free Conference on H. 3527.

The Free Conference Report was adopted as follows:

**H. 3527--Free Conference Report**

The General Assembly, Columbia, S.C., May 30, 2012

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V.S. Moss, Cobb‑Hunter, Herbkersman, Willis, Harrell, Pope, D.C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET‑BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

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. Article 9, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24-3-970. It is unlawful for an inmate, or a person acting in behalf of or enabling an inmate, to utilize any internet-based social networking website for purposes of harassing, intimidating or otherwise contacting a crime victim. An inmate or person acting in behalf of an inmate utilizing an internet-based social networking website for purposes described herein is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both.

The provisions of this section apply only to inmates incarcerated in a State Department of Corrections facility.”

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

/s/Sen. C. Bradley Hutto /s/Rep. Wendell G. Gilliard

/s/Sen. Paul G. Campbell, Jr. /s/Rep. J. Todd Rutherford

/s/Sen. Phillip W. Shoopman /s/Rep. William G. Herbkersman

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

, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

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

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator CAMPSEN explained the amendments.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hutto Knotts

Land Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 105 -- Senators Verdin, Leventis and L. Martin: A BILL TO AMEND THE 1976 CODE, BY ADDING ARTICLE 8 TO CHAPTER 25, TITLE 57, TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO CREATE AND SUPERVISE A STATEWIDE PROGRAM RELATED TO PROVIDING DIRECTIONAL SIGNS ALONG THE STATE’S MAJOR HIGHWAYS AND INTERCHANGES LEADING TO AGRITOURISM ORIENTED FACILITIES ENGAGED IN EDUCATIONAL OR AGRITOURISM ACTIVITIES.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HUTTO explained the House amendments.

Senators HUTTO and FAIR proposed the following amendment (MS\7830AHB12), which was adopted:

Amend the bill, as and if amended, by deleting Section 57-7-90 in its entirety, as contained in SECTION 3, page 4, lines 1 through 8, and inserting:

/ “Section 57‑7‑90. (A) For purposes of this section, the term ‘camp’ means camping for more than forty-eight hours.

(B) It is unlawful for any person to camp, set fires, or cook within the right-of-way of a highway open to vehicular traffic. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days or such other lesser disposition, penalty, or non penalty, as the court determines.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hutto Jackson

Land Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

Peeler Pinckney Rankin

Reese Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

The amendment was adopted.

**Statement by Senator ROSE**

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

The Bill was ordered returned to the House of Representatives with amendments.

**CONCURRENCE**

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

The House returned the Bill with amendments.

Senator VERDIN explained the amendments.

The question then was concurrence with the House amendments.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hutto Jackson

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson Peeler Pinckney

Rankin Reese Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of concurrence.

**CONCURRENCE**

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”.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator COURSON explained the amendments.

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

**Ayes 36; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hutto Jackson Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Thomas

**Total--3**

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

**CARRIED OVER**

S. 1299 -- Senators Cleary, McGill and Ford: A BILL TO AMEND SECTION 54‑15‑20 OF THE 1976 CODE, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA COMMISSIONERS OF PILOTAGE FOR THE UPPER COASTAL AREA, TO INCREASE THE NUMBER OF MEMBERS ON THE COMMISSION FROM SIX TO EIGHT.

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

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

**AMENDMENT PROPOSED, 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 second reading of the Bill.

Senator MALLOY was recognized to speak on the Bill.

With Senator MALLOY retaining the floor, Senator RANKIN, with unanimous consent, was recognized to speak briefly on the Bill.

**PRESIDENT *Pro Tempore* PRESIDES**

At 2:05 P.M., Senator COURSON assumed the Chair.

**Motion Adopted**

Senator GROOMS asked unanimous consent to make a motion to dispense with the provision in Rule 15A requiring one hour of debate prior to making the motion for cloture.

There was no objection.

**Motion Under Rule 15A Failed**

At 2:08 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3508.

At 2:09 P.M., the “ayes” and “nays” were demanded and taken, resulting as follows:

**Ayes 14; Nays 19**

**AYES**

Bright Bryant Campbell

Campsen Cromer Davis

Fair Gregory Grooms

*Martin, Larry Martin, Shane* Peeler

Rose Verdin

**Total--14**

**NAYS**

Alexander Anderson Coleman

Courson Ford Hutto

Jackson Land Lourie

Malloy Matthews McGill

Nicholson Pinckney Rankin

Reese Scott Setzler

Williams

**Total--19**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

**Motion Adopted**

On motion of Senator GROOMS, with unanimous consent, Senators LEATHERMAN, PEELER, GREGORY, GROOMS and MALLOY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Senator MALLOY resumed speaking on the Bill.

Senator MALLOY asked unanimous consent to take up Amendment No. 7 for immediate consideration.

There was no objection.

**Amendment No. 7**

Senator HUTTO proposed the following amendment (3508MW11):

Amend the bill, as and if amended, Section 58-9-2660, as contained in SECTION 2, by adding an appropriately lettered subsection at the end to read:

/ ( ) The provisions of this section do not apply to a county with a population of less than twenty thousand. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

**Motion Under Rule 15A Failed**

At 2:50 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3508.

At 2:53 P.M., the “ayes” and “nays” were demanded and taken, resulting as follows:

**Ayes 17; Nays 14**

**AYES**

Alexander Bright Bryant

Campbell Campsen Courson

Cromer Davis Fair

Gregory Grooms *Martin, Larry*

*Martin, Shane* Peeler Rose

Shoopman Verdin

**Total--17**

**NAYS**

Anderson Ford Hutto

Jackson Lourie Malloy

Matthews McGill Nicholson

Rankin Reese Scott

Setzler Williams

**Total--14**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator MALLOY resumed explaining the amendment.

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

John C. Long, Post Office Box 399, McCormick, SC 29835 *VICE* Jake Trantham (resigned)

Reappointment, Chester County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Yale Zamore, 29 Pinecrest Avenue, Great Falls, SC 29055

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

Wendy J. Lynch, 826 South Warren Street, Timmonsville, SC 29161 *VICE* Judge M. Lynch

**ADJOURNMENT**

At 2:59 P.M., on motion of Senator MALLOY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senators SHANE MARTIN and BRYANT desired to be recorded as voting against adjournment.

\* \* \*