**Tuesday, February 12, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

We read that Moses:

“... was tending the flock of Jethro his father-in-law, the priest of Midian, and he led the flock to the far side of the desert and came to Horeb, the mountain of God. There the angel of the Lord appeared to him in flames of fire from within a bush.” (Exodus 3:1-2a)

Bow with me as we pray, please:

Gracious and Loving God, how we often find ourselves wishing for some “burning bush,” for a heavenly alert, for a clear signal and sign. Only rarely do such moments present themselves. We must instead rely on study, on inner wisdom, on best-choice decisions, and on collective and shared intelligence. So, Lord, we ask that You will be with each one of these Senators. Allow these leaders to seek out and to feel confident of Your guidance as they make critical decisions which often have tremendous impact upon the citizens of this State. And as always, O Loving Lord, may those decisions be to Your ultimate glory. Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

Initial Appointment, Jobs Economic Development Authority, with the term to commence July 27, 2010, and to expire July 27, 2013

Chairman:

Donald R. Tomlin, Jr., 4618 Perry Court, Columbia, SC 29206 *VICE* Peter Brown

Referred to the Committee on Labor, Commerce and Industry.

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4267

Agency: Contractors’ Licensing Board

Chapter: 29

Statutory Authority: 1976 Code Sections 40-1-70 and 40-11-60

SUBJECT: Emergency Licensure

Received by Lieutenant Governor February 12, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration January 19, 2014

Withdrawn due to end of two-year session June 8, 2012

Resubmitted with no substantive changes February 12, 2013

**CO-SPONSORS ADDED**

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

S. 244 Sen. Campsen

S. 308 Sens. Bryant, Verdin

S. 325 Sens. McGill, Shealy, Campbell, Reese

S. 362 Sen. Rankin

**RECALLED AND ADOPTED**

H. 3337 -- Reps. Delleney, Bannister, Cole, Clemmons, Horne, McCoy and Weeks: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 20, 2013.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Judiciary.

The Concurrent Resolution was recalled from the Committee on Judiciary.

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

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution. The question then was the adoption of the Concurrent Resolution.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 360 -- Senator Hembree: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF MR. VAN J. “PEE WEE” ARNETTE OF LORIS, SOUTH CAROLINA, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 361 -- Senator O'Dell: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE STARR-IVA DIXIE YOUTH SOFTBALL TEAM FOR ITS IMPRESSIVE WIN OF THE 2012 DIXIE PONYTAILS WORLD SERIES CHAMPIONSHIP, AND TO HONOR THE PLAYERS, COACHES, AND STAFF ON AN OUTSTANDING SEASON.

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The Senate Resolution was adopted.

S. 362 -- Senators Hayes and Rankin: A BILL TO AMEND SECTION 59-20-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE EDUCATION FINANCE ACT OF 1977, SO AS TO DEFINE “INSTRUCTIONAL RESOURCE”; AND TO AMEND SECTION 59-31-210, RELATING TO A REQUIREMENT THAT THE STATE BOARD OF EDUCATION PROVIDE TEXTBOOKS TO PUBLIC SCHOOLS BY MEANS OF A RENTAL SYSTEM, SO AS TO PROVIDE THAT A SCHOOL DISTRICT MAY OPT OUT OF THE STATE TEXTBOOK RENTAL SYSTEM AND INSTEAD PURCHASE THE DIGITAL EQUIVALENT OF A TEXTBOOK AND SUPPORT EQUIPMENT DIRECTLY FROM VENDOR CONTRACTS APPROVED BY THE STATE.

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

S. 363 -- Senator Nicholson: A SENATE RESOLUTION TO CONGRATULATE MR. GEORGE W. BALLENTINE, JR. UPON BEING NAMED THE SOUTH CAROLINA 2013 TIME DEALER OF THE YEAR BY THE SOUTH CAROLINA AUTOMOBILE DEALERS ASSOCIATION.

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The Senate Resolution was adopted.

S. 364 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE WILLIAM E. “BILL” BROOME OF LEXINGTON COUNTY ON THE OCCASION OF HIS NINETIETH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 365 -- Senators Courson, Setzler, Cromer and Massey: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JAMES R. METTS, SHERIFF OF LEXINGTON COUNTY, FOR HIS DISTINGUISHED SERVICE TO THE CITIZENS OF LEXINGTON COUNTY AS THE CHIEF LAW ENFORCEMENT OFFICER FOR FOUR DECADES.

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The Senate Resolution was adopted.

S. 366 -- Senator Alexander: A SENATE RESOLUTION TO HONOR AND RECOGNIZE MR. ANDY COONEY, AN IRISH-AMERICAN MUSIC ENTERTAINER, AND TO WELCOME HIM TO SOUTH CAROLINA IN MARCH 2013.

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The Senate Resolution was adopted.

S. 367 -- Senators McElveen and Verdin: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 13, 2013, AS “CITIES MEAN BUSINESS DAY” TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

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

S. 368 -- Senator Coleman: A BILL TO ESTABLISH THE FAIRFIELD COUNTY BOARD OF VETERANS AFFAIRS, TO DEFINE THE BOARD’S TERMS, POWERS, DUTIES, AND RESPONSIBILITIES, AND TO PROVIDE AN ALTERNATIVE METHOD OF APPOINTING AND REMOVING THE FAIRFIELD COUNTY VETERANS AFFAIRS OFFICER.

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

S. 369 -- Senators Lourie and Setzler: A SENATE RESOLUTION TO DECLARE TUESDAY, APRIL 2, 2013, AS “AUTISM AWARENESS DAY” IN THE PALMETTO STATE AND TO ENCOURAGE ALL SOUTH CAROLINA CITIZENS TO SUPPORT INDIVIDUALS AND FAMILIES AFFECTED BY AUTISM.

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The Senate Resolution was introduced and referred to the Committee on Medical Affairs.

S. 370 -- Senator Sheheen: A BILL TO AMEND SECTION 6-11-260, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE ADOPTION OF A BUDGET FOR A SPECIAL PURPOSE DISTRICT, SO AS TO PROVIDE THAT THE BUDGET DOES NOT HAVE TO BE ESTIMATED AND SUBMITTED FOR APPROVAL TO THE COUNTY SUPERVISOR IF THE DISTRICT’S BOARD OF COMMISSIONERS IS ELECTED AND NOT APPOINTED; AND TO AMEND SECTION 6-11-270, RELATING TO LEVY, COLLECTION, AND DISBURSEMENT OF TAXES, SO AS TO PROVIDE THAT AN ELECTED BOARD OF COMMISSIONERS DOES NOT HAVE TO SEEK APPROVAL FROM THE COUNTY SUPERVISOR PRIOR TO LEVYING TAXES.

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

S. 371 -- Senators Shealy, Bright, Turner, L. Martin, Peeler, Bennett, Fair, Hembree and Cromer: A BILL TO AMEND SECTION 63-7-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPEDITED RELATIVE PLACEMENTS OF CHILDREN AT THE PROBABLE CAUSE HEARING, SO AS TO ENCOURAGE PLACEMENT OF THE CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE UNDER CERTAIN CIRCUMSTANCES; TO SET FORTH CRITERIA FOR THE COURT TO CONSIDER WHEN DECIDING WHETHER TO PLACE A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING, THE INDIVIDUAL MUST BE ADDED AS A PARTY TO THE ACTION FOR THE DURATION OF THE CASE OR UNTIL FURTHER ORDER OF THE COURT.

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

S. 372 -- Senator Coleman: A BILL TO AMEND SECTION 1-23-660, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT, SO AS TO PROVIDE THAT ALL HEARING OFFICERS MUST BE COMPENSATED AT THE SAME RATE.

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

S. 373 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-105 SO AS TO PROVIDE THAT NO PERSON WHO HAS ATTAINED THE AGE OF SEVENTY-TWO YEARS MAY SERVE OR CONTINUE TO SERVE ON A STATE BOARD, COMMITTEE, OR COMMISSION, TO DEFINE “STATE BOARD, COMMITTEE, OR COMMISSION” AND TO PROVIDE EXCEPTIONS.

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

S. 374 -- Senator Peeler: A BILL TO AMEND SECTION 30-5-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PERFORMANCE OF THE DUTIES OF THE REGISTER OF DEEDS, SO AS TO ADD CHEROKEE COUNTY TO THOSE COUNTIES EXEMPT FROM THE REQUIREMENT THAT THOSE DUTIES BE PERFORMED BY THE CLERK OF COURT; AND TO AMEND SECTION 30-5-12, AS AMENDED, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS FOR CERTAIN COUNTIES, SO AS TO ADD CHEROKEE COUNTY TO THOSE COUNTIES WHERE THE GOVERNING BODY OF THE COUNTY SHALL APPOINT THE REGISTER OF DEEDS.

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

S. 375 -- Senators Hutto and L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE “DILAPIDATED BUILDINGS ACT”, TO PROVIDE DEFINITIONS, TO PROVIDE THAT A MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT-APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT-APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

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

S. 376 -- Senator Hayes: A BILL TO AMEND CHAPTER 1, TITLE 36, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL PROVISIONS OF THE UNIFORM COMMERCIAL CODE, SO AS TO MAKE CONFORMING AND TECHNICAL CORRECTIONS IN ORDER FOR CHAPTER 1 TO REMAIN CONSISTENT WITH OTHER REVISED CHAPTERS; TO MAKE CERTAIN CHANGES TO CLARIFY AMBIGUITIES THAT HAVE ARISEN OVER THE YEARS; TO MAKE CERTAIN SUBSTANTIVE CHANGES, INCLUDING CHANGES RELATED TO THE EXPANSION OF THE DEFINITION OF GOOD FAITH AND THE RELEVANCE OF COURSE OF PERFORMANCE IN CONTRACT INTERPRETATION; TO MAKE CONFORMING CHANGES IN OTHER CHAPTERS OF THE UNIFORM COMMERCIAL CODE; AND TO REPEAL SECTIONS 36-2-208 AND 36-2A-207.

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

S. 377 -- Senator Hayes: A BILL TO AMEND TITLE 33 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 43 SO AS TO ENACT THE “REVISED UNIFORM LIMITED LIABILITY COMPANY ACT OF 2013”, TO PROVIDE FOR THE MANNER IN WHICH AND REQUIREMENTS UNDER WHICH LIMITED LIABILITY COMPANIES ARE ORGANIZED, OPERATED, REGULATED, DISSOLVED, TRANSFERRED, AND CONVERTED, AND TO REPEAL CHAPTER 44, TITLE 33 RELATING TO THE “UNIFORM LIMITED LIABILITY COMPANY ACT OF 1996”.

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

H. 3488 -- Rep. Gambrell: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF THE BELTON NATIONAL GUARD ARMORY TO THE CITY OF BELTON.

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

H. 3524 -- Rep. Daning: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 13, 2013, AS “CITIES MEAN BUSINESS DAY” TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

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

H. 3529 -- Rep. Barfield: A CONCURRENT RESOLUTION TO COMMEND DIRECTOR GENERAL ANNA A. KAO FOR HER SERVICE WITH THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN ATLANTA, GEORGIA, AND TO RECOGNIZE HER ON THE OCCASION OF HER DEPARTURE TO ASSUME THE POSITION OF SPOKESPERSON FOR THE MINISTRY OF FOREIGN AFFAIRS AND DIRECTOR GENERAL OF THE PUBLIC DIPLOMACY COORDINATION COUNCIL OF FOREIGN MINISTRY IN TAIWAN.

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

**REPORT OF STANDING COMMITTEE**

Senator O’DELL from the General Committee polled out H. 3203 favorable:

H. 3203 -- Rep. Whitmire: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SOUTH CAROLINA’S PURPLE HEART RECIPIENTS AND TO DECLARE THE STATE OF SOUTH CAROLINA A PURPLE HEART STATE.

**Poll of the General Committee**

**Polled 16; Ayes 16; Nays 0; Not Voting 0**

**AYES**

O’Dell Ford Sheheen

Reese Lourie Bryant

Jackson Cromer Cleary

Bright McGill Campbell

*Martin, Shane* Allen Shealy

Young

**Total--16**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

The following Resolutions were returned from the House with concurrence and received as information:

S. 182 -- Senator Hutto: A CONCURRENT RESOLUTION DECLARING MARCH 2013 AS ENDOMETRIOSIS AWARENESS MONTH AND URGE THE GENERAL PUBLIC AND THE MEDICAL COMMUNITY TO TAKE THIS OPPORTUNITY TO RAISE THEIR AWARENESS ABOUT THIS WIDESPREAD AND OFTEN DEBILITATING DISEASE.

S. 332 -- Senators Scott, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Ford, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF JONATHAN MCCRAY OF COLUMBIA AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

S. 336 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BRIGADIER GENERAL CALVIN H. ELAM FOR HIS OUTSTANDING MILITARY SERVICE IN THE SOUTH CAROLINA AIR NATIONAL GUARD AND TO CONGRATULATE HIM UPON THE OCCASION OF HIS PROMOTION TO THE RANK OF BRIGADIER GENERAL.

S. 340 -- Senator Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE FOURTH ANNUAL SOUTH CAROLINA EMS MEMORIAL BIKE RIDE FOR HONORING THOSE WHO HAVE GIVEN OF THEMSELVES WHILE RENDERING AID TO THE CITIZENS OF SOUTH CAROLINA.

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

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**READ THE SECOND TIME**

S. 142 -- Senator Malloy: A BILL TO AMEND THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16‑11‑110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16‑23‑500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22‑3‑560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22‑5‑920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS’ RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24‑19‑10, RELATING TO THE DEFINITION OF A “YOUTHFUL OFFENDER”, SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16‑11‑312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE‑YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24‑21‑5 AND SECTION 24‑21‑100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24‑21‑280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY‑DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44‑53‑370 AND SECTION 44‑53‑375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44‑53‑470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56‑1‑396, RELATING TO THE DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑1‑460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON’S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945; AND BY AMENDING SECTION 56‑1‑460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON’S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

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 (JUD0142.001), which was adopted:

Amend the bill, as and if amended, page 7, by striking lines 35-43, and page 8, by striking lines 1-3, and inserting:

/ (v) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63‑19‑1210 for allegedly committing ~~a lewd act upon a child pursuant to Section 16-15-140~~ criminal sexual conduct with a minor in the third degree pursuant to Section 16‑3‑655(C), and the alleged offense involved consensual sexual conduct with a person who was at least fourteen years of age at the time of the act; or

(vi) seventeen but less than twenty‑five years of age at the time of conviction for committing ~~a lewd act upon a child pursuant to Section 16-15-140~~ criminal sexual conduct with a minor in the third degree pursuant to Section 16‑3‑655(C), and the conviction resulted from consensual sexual conduct, provided the offender was eighteen years of age or less at the time of the act and the other person involved was at least fourteen years of age at the time of the act.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the committee amendment.

The committee amendment was adopted.

Senator MALLOY proposed the following amendment (JUD0142.002), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 17-43, and page 5, by striking lines 1-37, and inserting:

/ SECTION 2. Section 16‑23‑500 of the 1976 Code is amended to read:

“Section 16‑23‑500. (A)(1) It is unlawful for a person who has been convicted of a violent crime, as defined by Section 16‑1‑60, that is classified as a felony offense, to possess a firearm or ammunition within this State.

~~(B)~~(2) A person who violates the provisions of this ~~section~~ subsection is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

~~(C)~~(3)(a) In addition to the penalty provided in this ~~section~~ subsection, the firearm or ammunition involved in the violation of this ~~section~~ subsection must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this ~~section~~ subsection.

(b) A law enforcement agency that receives a firearm or ammunition pursuant to this subsection may administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this subsection which resulted in the firearm’s or ammunition’s confiscation. The law enforcment agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this subsection.

~~(D)~~(4) The judge that hears the case involving the violent offense, as defined by Section 16‑1‑60, that is classified as a felony offense, shall make a specific finding on the record that the offense is a violent offense, as defined by Section 16‑1‑60, and is classified as a felony offense. A judge’s failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.

(B)(1) It is a violation of probation, parole, community supervision, or any other supervision program operated by the Department of Probation, Parole and Pardon Services for an offender to purchase or possess a firearm, ammunition, or any other dangerous weapon.

(2)(a) If an offender is arrested for purchasing or possessing a firearm, ammunition, or other dangerous weapon, the firearm, ammunition, or other dangerous weapon involved in the violation of this subsection must be confiscated by the Department of Probation, Parole and Pardon Services. The Department of Probation, Parole and Pardon Services may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm, ammunition, or other dangerous weapon must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the Department of Probation, Parole and Pardon Services transfers the firearm, ammunition, or other dangerous weapon to the State Law Enforcement Division, the division may keep the firearm, ammunition, or other dangerous weapon for use by its forensic laboratory. Records must be kept of all confiscated firearms, ammunition, or other dangerous weapons received by the Department of Probation, Parole and Pardon Services under the provisions of this subsection.

(b) The Department of Probation, Parole and Pardon Services may administratively release a firearm, ammunition, or other dangerous weapon to an innocent owner. The firearm, ammunition, or other dangerous weapon must not be released to the innocent owner until the results of any legal proceedings in which the firearm, ammunition, or other dangerous weapon may be involved are finally determined. Before the firearm, ammunition, or other dangerous weapon may be released, the innocent owner shall provide the the Department of Probation, Parole and Pardon Services with proof of ownership and shall certify that the innocent owner will not release the firearm, ammunition, or other dangerous weapon to the person who has been charged with a violation of this subsection which resulted in the firearm’s, ammunition’s, or other dangerous weapon’s confiscation. The Department of Probation, Parole and Pardon Services shall notify the innocent owner when the firearm, ammunition, or other dangerous weapon is available for release. If the innocent owner fails to recover the firearm, ammunition, or other dangerous weapon within thirty days after notification of the release, the Department of Probation, Parole and Pardon Services may maintain or dispose of the firearm, ammunition, or other dangerous weapon as otherwise provided in this subsection.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Fair Hayes Hembree

Hutto Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Young

**Total--36**

**NAYS**

**Total--0**

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

**CARRIED OVER**

S. 151 -- Senators Grooms and Campbell: A BILL TO AMEND SECTION 56‑1‑2080 OF THE 1976 CODE, RELATING TO QUALIFICATIONS FOR A COMMERCIAL DRIVER’S LICENSE, TO ESTABLISH THE INTRASTATE VISION WAIVER PROGRAM, TO PROVIDE THAT CERTAIN VISUALLY IMPAIRED INDIVIDUALS MAY OBTAIN A WAIVER FROM THE SIGHT REQUIREMENTS ASSOCIATED WITH A COMMERCIAL DRIVER’S LICENSE, AND TO PROVIDE FOR THE WAIVER’S ELIGIBILITY REQUIREMENTS FOR THE WAIVER, THE CIRCUMSTANCES UNDER WHICH A WAIVER MAY GRANTED, AND THE PROCEDURES FOR OBTAINING A WAIVER.

Senator CAMPBELL explained the Bill.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 297 -- Senators Grooms and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑222 TO EXPAND VISION STANDARDS AND TRAINING REQUIREMENTS TO ALLOW CERTAIN PERSONS WHO WEAR BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE TO OBTAIN A DRIVER’S LICENSE.

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

Senator GROOMS proposed the following amendment (297R002.LKG), which was adopted:

Amend the bill, as and if amended, page 5, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. This act takes effect one year after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the perfecting amendment.

The amendment was adopted.

The Committee on Transportation proposed the following amendment (297R001.LKG), which was adopted:

Amend the bill, as and if amended, page 5, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. This act takes effect not more than one year after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The committee amendment was adopted.

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

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O’Dell

Peeler Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 354 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SIGN REQUIREMENTS FOR PETITIONS TO CLOSE ROAD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4311, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator CAMPBELL explained the Joint Resolution.

The question then was second reading of the Joint Resolution.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Ford Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**CARRIED OVER**

S. 7 -- Senators Courson, McGill, Williams, Sheheen, Johnson, Hayes and Ford: A BILL TO AMEND SEVERAL SECTIONS OF TITLE 12 TO PROVIDE FOR THE AUTHORITY OF CERTAIN COUNTY TAX OFFICIALS, CERTAIN COUNTY TAX POLICIES AND PROCEDURES, TO PROVIDE COMFORMING SECTIONS, AND TO REPEAL 12-37-850, 12-37-2735, 12-45-10, 12-59-30, AND 12- 59-110.

(Abbreviated Title)

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

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

**CARRIED OVER**

S. 15 -- Senators Grooms, Campsen and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “TAXPAYER FAIRNESS ACT” BY ADDING SECTION 12‑4‑397 TO PROVIDE THE MANNER IN WHICH THE SOUTH CAROLINA DEPARTMENT OF REVENUE MUST INTERPRET TAX STATUTES OF THIS STATE, TO PROVIDE THAT TERMS IN THE TAX STATUTES OF THIS STATE MAY NOT BE GIVEN BROADER MEANING THAN INTENDED BY POLICY DOCUMENTS AND REGULATIONS OF THE DEPARTMENT OF REVENUE, TO PROVIDE THAT AMBIGUITY IN TAX STATUTES MUST BE RESOLVED IN FAVOR OF THE TAXPAYER, TO REQUIRE THE DEPARTMENT TO REPORT AMBIGUITIES TO CERTAIN MEMBERS OF THE GENERAL ASSEMBLY, AND TO DEFINE “TAX STATUTES OF THIS STATE”.

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

**S. 15--Recorded Vote**

Senator GROOMS desired to be recorded as voting against carrying over the Bill.

**POINTS OF ORDER**

S. 12 -- Senators O’Dell and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑10‑108 SO AS TO PROVIDE A CLIENT COMPANY THAT CONTRACTS WITH A PROFESSIONAL SERVICE EMPLOYER AND IS ASSIGNED EMPLOYEES UNDER THAT CONTRACT, IS ELIGIBLE FOR THE JOB DEVELOPMENT CREDIT, TO SPECIFY THE CONDITIONS UNDER WHICH THE JOB DEVELOPMENT CREDIT MAY BE CLAIMED, AND TO PROVIDE THE PROCESS BY WHICH THE CLIENT COMPANY MAY CLAIM THE CREDIT AND THE PROCESS BY WHICH THE DEPARTMENT OF REVENUE SHALL ADMINISTER THE CREDIT WITH RESPECT TO A CLIENT COMPANY; AND BY ADDING SECTION 40‑68‑145 SO AS TO PROVIDE THAT FOR PURPOSES OF DETERMINING AN INCENTIVE OR BUSINESS PREFERENCE PROGRAM BASED ON EMPLOYMENT, AN ASSIGNED EMPLOYEE IS CONSIDERED AN EMPLOYEE OF THE CLIENT COMPANY.

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

Senator CAMPBELL explained the Bill.

**Amendment No. 1**

Senator BRYANT proposed the following Amendment No. 1 (12R001.KLB), which was ruled out of order:

Amend the bill, as and if amended, page 5, by striking SECTION 3 and inserting:

/ SECTION 3. A. Article 9, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑1145. (A) As used in this section:

(1) ‘Independent school’ means a school, other than a public school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met and that does not discriminate based on the grounds of race, color, or national origin. For purposes of this definition, ‘independent school’ does not include a home school as defined in item (2).

(2) ‘Home school’ means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59‑65‑40, 59‑65‑45, or 59‑65‑47.

(3) ‘Parent’ means the natural or adoptive parent or legal guardian of a child.

(4) ‘Qualifying student’ means a student who is a South Carolina resident and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the current school year.

(5) ‘Resident public school district’ means the public school district in which a student resides.

(6) ‘Tuition’ means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school and school‑related transportation.

(B)(1) Beginning with the 2013‑2014 school year, a parent or legal guardian who teaches one or more qualifying students at home as authorized pursuant to Section 59‑65‑40, 59‑65‑45, or 59‑65‑47 may take a deduction against their State of South Carolina taxable income of up to two thousand dollars per home school student for instruction‑related expenditures. This deduction is limited to a total of two thousand dollars per child per year regardless of the number of taxpayers incurring home school instruction‑related expenses on behalf of that child. The deduction allowed by this subsection is fully deductible for the calendar year in which the home school term begins provided the qualifying student completes the school term for that school year.

(2) Beginning with the 2013‑2014 school year, a parent or legal guardian is entitled to a deduction against their State of South Carolina taxable income of up to four thousand dollars paid to an independent school within this State for tuition on behalf of their child or ward to attend the independent school for that school year. The child or ward must be a qualifying student as this term is defined in subsection (A)(4). This deduction is limited to a total of four thousand dollars per child per year regardless of the number of taxpayers making tuition payments on behalf of that child. The deduction allowed by this subsection is fully deductible for the calendar year in which the school term begins provided the qualifying student completes the school term for that school year.

(3) Beginning with the 2013‑2014 school year, a parent or legal guardian is entitled to a deduction against their State of South Carolina taxable income of up to one thousand dollars paid on behalf of their child or ward to attend a school in a school district which is not the school district of residence of the child or ward. This deduction is limited to a total of one thousand dollars per child per year regardless of the number of taxpayers making payments to another school district on behalf of that child. The deduction allowed by this subsection is fully deductible for the calendar year in which the school term begins provided the qualifying student completes the school term for that school year.

(4) Beginning with the 2014‑2015 school year, the dollar amount of the deductions provided for in items (1), (2), and (3) above must be increased on an annual basis by an inflation factor equal to the percentage increase in the previous year of the Consumer Price Index, Southeast Region, as published by the United States Department of Labor, Bureau of Labor Statistics plus the percentage increase in the previous year in the population of the State as determined by the Office of Research and Statistics of the State Budget and Control Board.

The department shall publish the increases as determined in this item each year on its website available to the general public.”

B. Article 9, Chapter 6, Title 12, of the 1976 Code is amended by adding:

“Section 12‑6‑1146. (A) The purpose of this section is to:

(1) provide tax credits for certain contributions to a nonprofit scholarship funding organization;

(2) expand educational opportunities for children of families that have limited financial resources or exceptional needs; and

(3) enable children in this State to achieve a greater level of excellence in their education.

(B) In enacting this section, the General Assembly recognizes diversity among children and affirms that every child is unique. The General Assembly also affirms that children learn differently from one another and may benefit from expanded educational opportunities.

(C) As used in this section:

(1) ‘Eligible school’ means an independent school including those religious in nature, other than a public or home school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state’s diploma requirements and where the students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to determine student progress;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools or the South Carolina Independent Schools Association.

(2) ‘Nonprofit scholarship funding organization’ means a charitable organization that:

(a) is exempt from federal tax under Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the Code;

(b) allocates, after its first year of operation, at least ninety‑five percent of its annual contributions and revenue received during a particular year to provide grants for tuition, transportation, or textbook expenses (collectively hereinafter referred to as tuition) or any combination thereof to children enrolled in an eligible school meeting the criteria of this section, and incurs administrative expenses annually, after its first year of operation, of not more than five percent of its annual contributions and revenue for a particular year;

(c) allocates all of its funds used for grants on an annual basis to children who are ‘exceptional needs’ students as defined herein, or who are eligible for the federal free or reduced lunch program, or whose families meet the qualifications for federal Medicaid benefits;

(d) does not provide grants solely for the benefit of one school, and if the Department of Revenue determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;

(e) does not have as a member of its governing board any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member; and

(f) does not have as a member of its governing board any person who has been convicted of a felony, or who has declared bankruptcy within the last seven years.

(3) ‘Person’ means an individual, partnership, corporation, or other similar entity.

(4) ‘Transportation’ means transportation to and from school only.

(D) The tax credits allowed by this section may be used in computing any tax imposed by this chapter or in computing insurance premium taxes or bank license fees; provided, that the tax credit may not offset more than sixty percent of the taxpayer’s liability for a particular year.

(E) A person is entitled to a tax credit under this section for the amount of money the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(1) the contribution is used to provide grants for tuition, transportation, or textbook expenses (tuition) or any combination thereof to children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(2) the person does not designate a specific child or school as the beneficiary of the contribution.

(F)(1) Grants may be awarded by the nonprofit scholarship funding organization in an amount not exceeding five thousand dollars per year or the total cost of tuition, whichever is less, for children who are eligible for the federal free or reduced school lunch program or whose families meet the requirements for federal Medicaid benefits to attend an independent school. The dollar and percentage amounts of grants permitted by this item must be increased annually beginning with 2014, in the manner provided in subsection (H).

(2) In addition to the provisions of item (1), grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total cost of tuition, whichever is less, for students with ‘exceptional needs’ to attend an independent school. An ‘exceptional needs’ child is defined as a child who has significant cognitive, mental, physical, or emotional disabilities and whose parents or legal guardian believe that the services provided by the school district of legal residence do not sufficiently meet the needs of their child. The dollar and percentage amounts of the grants permitted by this item must be increased annually beginning in 2014, in the manner provided in subsection (H).

(G)(1) The tax credits authorized by this section may not exceed cumulatively a total of fifteen million dollars annually for contributions made on behalf of students who are eligible for the federal free or reduced lunch program and whose families meet the qualifications for federal Medicaid benefits, and the tax credits authorized by this section may not exceed cumulatively a total of ten million dollars annually for contributions made on behalf of ‘exceptional needs’ students. If the Department of Revenue determines for a particular year that the total of such credits claimed by all taxpayers for one or both categories exceed these amounts, it shall allow credits only up to those amounts on a first come, first serve basis. The dollar amount of each of the tax credit caps imposed by this item, beginning with 2014, must be increased annually in the manner provided in subsection (H).

(2) Taxpayers making contributions to a nonprofit scholarship funding organization who desire that a portion or all of their contributions be used for grants for exceptional needs children shall state with their contribution the amount to be used for this purpose. These amounts so stated must be used for purposes of computing the maximum tax credit amounts under item (1) of this subsection authorized for contributions on behalf of exceptional needs students. If no such designation for exceptional needs children is made, the contribution shall come within the maximum tax credit limitation for contributions pertaining to students who are eligible for the federal free or reduced lunch program and whose families meet the qualifications for federal Medicaid benefits provided in item (1).

(3) If a husband and wife file separate returns for any year, they each may only claim one‑half of the tax credit that would have been allowed for a joint return for the year.

(4) The person shall apply for a credit under this section on or with the tax return for the period for which the credit is claimed.

(5) The Department of Revenue shall prescribe the form and manner of proof required to obtain the credit authorized by this section. Also, the department shall develop a method of informing taxpayers if either of the credit limits set forth in item (1) are met at any time during the tax year.

(6) A person may claim a credit under this section for a contribution during a particular period only against the tax owed for the corresponding period.

(7) Any unused tax credit, including the portion of a contribution which is reduced pro rata under item (1) of this subsection, may be carried forward for a period not exceeding five consecutive years. However, the tax credit is not refundable.

(H)(1) Beginning with the year 2014, the dollar amount and percentage amount of a scholarship which may be granted under this section and the dollar amount of each of the tax credit caps provided in subsection (G)(1) must be increased on an annual basis by an inflation factor equal to the percentage increase in the previous year of the Consumer Price Index, Southeast Region, as published by the United States Department of Labor, Bureau of Labor Statistics plus the percentage increase in the previous year in the population of the State as determined by the Office of Research and Statistics of the State Budget and Control Board.

(2) The department shall publish the increases determined under item (1) each year on its website available to the general public.

(I) A corporation or entity entitled to a credit under this section may not convey, assign, or transfer the deduction or credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

(J) Except as otherwise provided by this section, neither the Department of Education, the Department of Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to this section.

(K)(1) The Education Oversight Committee, as established in Chapter 6, Title 59, is responsible for determining if an eligible school meets the criteria established by subsection (C)(1) of this section, and shall annually publish an approved list of such schools meeting this criteria as provided in item (2) below. For this purpose, it also shall promulgate regulations further enumerating the specifics of this criteria. In performing this function, the Education Oversight Committee shall establish an advisory committee made up of not more than nine members including parents, and representatives of independent schools and independent school associations. The advisory committee shall provide recommendations to the Education Oversight Committee on the content of these regulations and any other matters requested by the Education Oversight Committee.

(2)(a) By the first day of August of each year, beginning on August 1, 2013, the Education Oversight Committee, on its website available to the general public, shall provide a list with addresses and telephone numbers of nonprofit scholarship funding organizations in good standing which provide grants under this section, and a list of approved independent schools which accept grants for eligible students under this section and which in its determination are in compliance with the requirements of subsection (C)(1) of this section.

(b) Student test scores each year, by category, on national achievement or state standardized tests, or both, for all grades tested and administered by an eligible school receiving or entitled to receive scholarship grants under this section must be transmitted to the Education Oversight Committee which in turn shall publish this information on its website with the most recent scores by category included.

(3) Any independent school not determined to be an eligible school under the provisions of this section may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court’s rules of procedure.

(4) The Education Oversight Committee, after consultation with its nine‑member advisory committee, may exempt an independent school having students with exceptional needs who receive scholarship grants pursuant to this section from the curriculum requirements of subsection (C)(1)(d).

(L)(1) Every nonprofit scholarship funding organization providing grants under this section shall cause an outside auditing firm each year to conduct a comprehensive financial audit of its operations in conformity with generally accepted accounting principles and shall furnish same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review.

(2) Every independent school accepting grants for eligible students under this section shall cause to be conducted a compliance audit by an outside entity or auditing firm examining its compliance with the provisions of this section and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review.

(M) On January 1, 2016, and on January first every three years thereafter, the Education Oversight Committee shall report to the Governor and the General Assembly on the effectiveness and success of this section and whether or not the purposes of this section as provided in subsections (A) and (B) hereunder have been accomplished.”

C. Members of the General Assembly serving at the time of this SECTION’s effective date are not eligible to take the tax deduction provided for in Section 12‑6‑1145 of the 1976 Code, as added by SECTION 3.A., for four years after this SECTION’s effective date.

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

E. This SECTION takes effect upon approval by the Governor and shall be reviewed by the General Assembly and the Education Oversight Committee by December 31, 2020. The tax deductions authorized by SECTION 3.A. and tax credits authorized by SECTION 3.B. may be taken to the extent authorized beginning with calendar year 2013.

SECTION 4. Except as provided in SECTION 3, this act takes effect for tax years beginning after December 31, 2012, and only applies to revitalization agreements and retraining agreements entered into after December 31, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

**Point of Order**

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

The PRESIDENT took the Point of Order under advisement and later sustained the Point of Order.

**Point of Order**

Senator MALLOY raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 118 -- Senators Hayes and Ford: A BILL TO AMEND SECTION 12‑37‑2725, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE AND THE PRORATED PROPERTY TAX REFUND DUE ON THAT CANCELLATION, SO AS TO ALLOW THE APPROPRIATE RECEIPT ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO SUBSTITUTE FOR THE ACTUAL LICENSE PLATE AND CERTIFICATE; TO AMEND SECTION 12‑39‑220, RELATING TO THE DISCOVERY OF UNTAXED PROPERTY FOR PURPOSES OF PROPERTY TAXES, SO AS TO PROVIDE THE DUTIES OF THE ASSESSOR WITH RESPECT TO THIS PROPERTY; AND TO AMEND SECTION 12‑54‑85, AS AMENDED, RELATING TO THE TIME LIMITS APPLICABLE FOR ASSESSING DELINQUENT TAXES, SO AS TO MAKE A CONFORMING AMENDMENT.

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

Senator HAYES explained the committee amendment.

Senator SHANE MARTIN was recognized to speak on the committee amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 125 -- Senators Alexander, O’Dell, McGill and Ford: A BILL TO AMEND SECTION 1‑11‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PROVIDED TO ELIGIBLE ENTITIES BY THE STATE BUDGET AND CONTROL BOARD THROUGH THE INSURANCE RESERVE FUND, SO AS TO PROVIDE THAT THE STATE BUDGET AND CONTROL BOARD IS AUTHORIZED TO OFFER INSURANCE COVERAGE TO A LOCAL COUNCIL ON AGING OR OTHER ENTITY PROVIDING COUNTYWIDE SERVICES FOR THE AGING, HOWEVER ESTABLISHED, IF THE PROVIDER IS FUNDED BY THE OFFICE ON AGING OF THE LIEUTENANT GOVERNOR.

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

**Point of Order**

Senator SCOTT raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**CARRIED OVER**

S. 223 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑108 TO PROVIDE THAT A PERSON MAY USE A FIREARM TO KILL OR ATTEMPT TO KILL ANY ANIMAL DURING ANY SEASON IN SELF‑DEFENSE, DEFENSE OF ANOTHER, OR DEFENSE OF DOMESTIC ANIMALS, TO PROVIDE THAT A PERSON WHO USES DEADLY FORCE AGAINST A BIG GAME ANIMAL OR ALLIGATOR MUST REPORT THE INCIDENT TO THE DEPARTMENT OF NATURAL RESOURCES, TO PROVIDE THAT CERTAIN ANIMAL CARCASSES TAKEN PURSUANT TO THIS SECTION MAY NOT BE RETAINED, AND TO PROVIDE A PENALTY FOR FAILURE TO REPORT THE INCIDENT OR SURRENDER THE CARCASS TO THE DEPARTMENT OF NATURAL RESOURCES.

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

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

**POINT OF ORDER**

S. 244 -- Senators McGill, Cleary and Campsen: A BILL TO REPEAL SECTION 50-11-940 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF CERTAIN PROPERTY OF THE BELLE W. BARUCH FOUNDATION IN GEORGETOWN COUNTY AS A BIRD AND GAME REFUGE, AND TO REPEAL SECTION 50-11-941, REQUIRING SECTION 50-11-940 TO NOT BE CONSTRUED IN CONFLICT WITH THE LAST WILL AND TESTAMENT OF BELLE W. BARUCH.

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

Senator CAMPSEN explained the amendment.

**Point of Order**

Senator SETZLER raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 262 -- Senators Leatherman, Setzler and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE “HIGH GROWTH SMALL BUSINESS JOB CREATION ACT OF 2013” BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT, OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, AND TO MAKE THE CREDIT TRANSFERABLE.

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

**Point of Order**

Senator NICHOLSON raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 304 -- Senators Shealy, Cromer and Campsen: A BILL TO AMEND SECTIONS 50‑13‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING GENERAL RESTRICTIONS ON FRESHWATER FISHING, SO AS TO MAKE A TECHNICAL CHANGE AND TO REVISE THE DEFINITION OF THE TERM “BAIT FISH”; TO AMEND SECTION 50‑13‑60, AS AMENDED, RELATING TO THE LAWFUL POSSESSION OF FISH, SO AS TO MAKE A TECHNICAL CHANGE TO THE PROVISION RELATING TO THE POSSESSION OF A GAME FISH; TO AMEND SECTIONS 50‑13‑200, 50‑13‑210, 50‑13‑250, 50‑13‑260, AND 50‑13‑270, ALL AS AMENDED, RELATING TO THE PROTECTION OF FRESHWATER GAME FISH, SO AS TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, TO REVISE THE NUMBER OF TROUT THAT MAY BE TAKEN ON THE LOWER REACH OF THE SALUDA RIVER, TO PROVIDE THE LEGAL LENGTH OF SMALLMOUTH BASS THAT MAY BE TAKEN FROM CERTAIN LAKES, RIVERS, AND RESERVOIRS ALONG THE STATE’S WESTERN REGION, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 50‑13‑620, 50‑13‑625, AND 50‑13‑635, ALL AS AMENDED, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO PROVIDE THAT A COMMERCIAL TROTLINE WHICH USES FIFTY OR FEWER HOOKS MUST BE MARKED AT INTERVALS OF TWENTY‑FIVE HOOKS, TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, AND TO REVISE THE NUMBER OF SET HOOKS A RECREATIONAL FISHERMAN MAY USE.

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

**Point of Order**

Senator LEATHERMAN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 305 -- Senator Campsen: A BILL TO AMEND SECTION 50‑1‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GEOGRAPHIC BOUNDARIES OF THE STATE’S BODIES OF WATERS, SO AS TO REVISE THE GEOGRAPHIC BOUNDARIES OF SAINT HELENA SOUND; TO AMEND SECTION 50‑5‑15, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO DEFINE THE TERM “TOTAL LENGTH”; TO AMEND SECTION 50‑5‑40, RELATING TO THE UNAUTHORIZED TAGGING OR MARKING AND RELEASING OF SALTWATER FISH, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50‑5‑375, RELATING TO SEAFOOD DEALERS’ RECORDS, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO EVERY WHOLESALE SEAFOOD DEALER; TO AMEND SECTION 50‑5‑545, RELATING TO COMMERCIAL CRAB TRAPS, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO TRAPS USED FOR TAKING BLUE CRABS; TO AMEND SECTION 50‑5‑550, RELATING TO TRAPS ATTACHED TO A BUOY, SO AS TO PROVIDE THAT CERTAIN MINNOW TRAP FLOATS DO NOT HAVE TO BE MARKED WITH THE OPERATOR’S BAIT DEALER LICENSE NUMBER; TO AMEND SECTION 50‑5‑705, RELATING TO THE ESTABLISHMENT OF TRAWLING ZONES, SO AS TO REVISE THE BOUNDARIES OF CERTAIN TRAWLING ZONES; TO AMEND SECTION 50‑5‑1330, RELATING TO THE TAKING OF HORSESHOE CRABS, SO AS TO PROVIDE THAT A PERMIT IS NOT REQUIRED TO POSSESS A CAST OFF OR MOLTED SHELL OF A HORSESHOE CRAB, AND TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY GRANT PERMITS TO CERTAIN INSTITUTIONS AND PERSONS TO POSSESS AN UNLIMITED NUMBER OF HORSESHOE CRABS OR THEIR PARTS; TO AMEND SECTION 50‑5‑1335, RELATING TO THE USE OF BLUE CRAB TRAPS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO SET A TRAP USED FOR TAKING BLUE CRAB FOR COMMERCIAL PURPOSES WITHIN CERTAIN WATERS WITHIN THIS STATE; TO AMEND SECTIONS 50‑5‑1705 AND 50‑5‑1710, BOTH AS AMENDED, RELATING TO LAWFUL SIZE AND CATCH LIMITS FOR CERTAIN FISH, SO AS PROVIDE THAT THE LIMITS ESTABLISHED IN ARTICLE 17, CHAPTER 5, TITLE 50 APPLY TO ALL STATE WATERS; AND TO REPEAL SECTION 50‑5‑1340, RELATING TO COMMERCIAL USE OF CRAB POTS IN LITTLE CHECHESSEE CREEK IN BEAUFORT COUNTY.

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

**Point of Order**

Senator LEATHERMAN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 306 -- Senator Campsen: A BILL TO AMEND SECTION 50‑1‑130 OF THE 1976 CODE, RELATING TO PENALTIES ASSOCIATED WITH MISDEMEANOR OFFENSES CONTAINED IN TITLE 50, TO REVISE THE PENALTIES FOR THESE OFFENSES, AND TO PROVIDE THAT MAGISTRATE’S COURT HAS BOTH ORIGINAL AND CONCURRENT JURISDICTION OVER MISDEMEANOR OFFENSES.

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

**Point of Order**

Senator MALLOY raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3180 -- Reps. Pope and V.S. Moss: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF CLOVER NATIONAL GUARD ARMORY IN CLOVER, SOUTH CAROLINA, TO THE TOWN OF CLOVER.

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

**Point of Order**

Senator MALLOY raised a Point of Order under Rule 39 that the Joint Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 325 -- Senators Cleary, Alexander, McGill, Shealy, Campbell and Reese: A SENATE RESOLUTION TO COMMEND AND SUPPORT THE DEMOCRATIZATION EFFORTS OF TAIWAN AND THE NATION’S MEANINGFUL PARTICIPATION IN THE WORLD HEALTH ORGANIZATION, THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, AND THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, AS WELL AS OTHER INTERNATIONAL ORGANIZATIONS.

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

**Point of Order**

Senator SETZLER raised a Point of Order under Rule 39 that the Senate Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Expression of Personal Interest**

Senator BRYANT rose for an Expression of Personal Interest.

**Point of Order**

Senator SCOTT raised a Point of Order under Rule 13 that the time limitation for an Expression of Personal Interest was five minutes.

The PRESIDENT stated that the time had expired.

Senator BRYANT, with unanimous consent, was granted leave to complete his remarks.

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

**MOTION ADOPTED**

On motion of Senators LARRY MARTIN and ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Lillian P. Owens of Easley, S.C., beloved mother of Representative Phil Owens. Mrs. Owens was a wonderful wife, devoted mother and doting grandmother who passed away on Monday, February 11, 2013.

**ADJOURNMENT**

At 1:40 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 2:00 P.M.

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