**Tuesday, February 19, 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:

The Lord directs Moses to offer this blessing:

“... the Lord make his face to shine upon you, and be gracious to you; the Lord lift up his countenance upon you, and give you peace.”

Numbers 6:25-26

Friends, let us pray:

On this day following Presidents’ Day, O Lord, we cannot help but recall how even of George Washington it was said that he “was a devoted man of prayer, deeply committed to the faith.” And through the decades leaders have continued to find strength and hope as they trust in You, dear God. We ask that You continue to surround these leaders -- the members of this Senate -- with Your care and blessing. Encourage them unfailingly, and allow them also to experience Your love and guidance as they bring needed leadership to the people of this State. This we pray in Your loving name, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointment**

Reappointment, Allendale County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

John A. Chaney, Post Office Box 516, Fairfax, SC 29827

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4325

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-26-10, et seq. (2004 and Supp. 2012)

SUBJECT: Assisting, Developing, and Evaluating Professional Teaching (ADEPT)

Received by Lieutenant Governor February 19, 2013

Referred to Education Committee

Legislative Review Expiration January 26, 2014

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4297

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

SUBJECT: Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas

Received by Lieutenant Governor January 8, 2013

Referred to Fish, Game and Forestry Committee

Legislative Review Expiration May 8, 2013

120 Day Period Tolled

Withdrawn and Resubmitted February 5, 2013

Document No. 4321

Agency: Department of Labor, Licensing and Regulation - Building Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-40 and 6-9-63(E)

SUBJECT: International Residential Code

Received by Lieutenant Governor January 17, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 17, 2013

120 Day Period Tolled

Withdrawn and Resubmitted February 14, 2013

**Leave of Absence**

On motion of Senator CAMPSEN, at 12:05 P.M., Senator CROMER was granted a leave of absence for the week.

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 15 Sen. Davis

S. 117 Sen. Verdin

S. 209 Sen. McElveen

S. 308 Sen. Bright

S. 382 Sens. Turner, Gregory

The following co-sponsor was removed from the respective Bill:

S. 247 Sen. Davis

**Point of Quorum**

At 12:05 P.M., Senator SHANE MARTIN made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 392 -- Senator Lourie: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF MOTOR VEHICLES NAME ITS HEADQUARTERS BUILDING LOCATED AT 10311 WILSON BOULEVARD, BLYTHEWOOD, SOUTH CAROLINA THE “COLONEL AND MRS. CHARLES P. MURRAY, JR. BUILDING”.

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

S. 393 -- Senator Fair: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE CHARLOTTE MCHAFFIE LYNCH OF THE GREENVILLE COUNTY LEGISLATIVE DELEGATION UPON HER RETIREMENT AND TO WISH HER MUCH HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

S. 394 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-149-55 SO AS TO PROVIDE THAT A STUDENT WITH AN INTELLECTUAL DISABILITY MAY BE ELIGIBLE FOR A LIFE SCHOLARSHIP AND TO DEFINE THE TERM INTELLECTUAL DISABILITY; AND TO AMEND SECTION 59-149-30, RELATING TO THE FULL-TIME ENROLLMENT REQUIREMENT FOR A LIFE SCHOLARSHIP, SECTION 59-149-50, AS AMENDED, RELATING TO REQUIREMENTS FOR A LIFE SCHOLARSHIP, AND SECTION 59-149-60, RELATING TO THE DURATION OF A LIFE SCHOLARSHIP, ALL SO AS TO MAKE CONFORMING CHANGES.

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

S. 395 -- Senators Davis, Bryant, Bright, S. Martin and Verdin: A BILL TO AMEND TITLE 6 OF THE 1976 CODE, BY ADDING CHAPTER 39 TO PROHIBIT ANY STATE AGENCY, GOVERNMENTAL ENTITY, OR POLITICAL SUBDIVISION, INCLUDING ANY LAW ENFORCEMENT AGENCY, TO UTILIZE, CONTRACT FOR, OR OTHERWISE OBTAIN ANY SERVICES FROM AN UNMANNED AERIAL VEHICLE CONTAINING AN ANTIPERSONNEL DEVICE, AND TO PROVIDE THAT NO STATE AGENCY, GOVERNMENTAL ENTITY, OR POLITICAL SUBDIVISION, INCLUDING ANY LAW ENFORCEMENT AGENCY, MAY CONDUCT GENERAL SURVEILLANCE OR CONDUCT SURVEILLANCE OF A TARGETED PERSON OR LOCATION UTILIZING AN UNMANNED AERIAL VEHICLE OR RELATED DEVICE WITHOUT OBTAINING A SEARCH WARRANT.

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

S. 396 -- Senator Hayes: A BILL TO AMEND SECTION 62-7-903, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLOCATION BY A FIDUCIARY OF RECEIPTS AND DISBURSEMENTS BETWEEN PRINCIPAL AND INCOME FOR PURPOSES OF THE SOUTH CAROLINA UNIFORM PRINCIPAL AND INCOME ACT, SO AS TO EXTEND THE APPLICATION OF THE FIDUCIARY’S RESPONSIBILITIES TO THE INSTANCE OF A FIDUCIARY EXERCISING A DISCRETIONARY POWER IN CONNECTION WITH THE CONVERSION OF AN INCOME TRUST TO A TOTAL RETURN UNITRUST; AND BY ADDING SECTIONS 62-7-904A, 62-7-904B, AND 62-7-904C SO AS TO ALLOW THE TRUSTEE OF AN INCOME TRUST TO CONVERT THE INCOME TRUST TO A TOTAL RETURN UNITRUST, RECONVERT A TOTAL RETURN UNITRUST TO AN INCOME TRUST, AND TO CHANGE THE PERCENTAGE USED TO CALCULATE THE UNITRUST AMOUNT OR THE METHOD OF DETERMINING THE FAIR MARKET VALUE OF THE TRUST, TO PROVIDE THE REQUIREMENTS FOR A TRUSTEE TO MAKE THESE CHANGES, TO PROVIDE FOR SUCH CHANGES TO BE ORDERED BY THE PROBATE COURT UPON PETITION BY THE TRUSTEE, TO ALLOW A QUALIFIED BENEFICIARY OF A TRUST TO PETITION THE PROBATE TO MAKE THESE CHANGES IF THE TRUSTEE WILL NOT, AND TO PROVIDE DEFINITIONS FOR PURPOSES OF THE TRUST CHANGES ALLOWED PURSUANT TO THE ADDED SECTIONS.

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

**HOUSE CONCURRENCES**

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.

Returned with concurrence.

Received as information.

S. 383 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE TOWN OF IRMO ON BEING NAMED A 2012 SOUTH CAROLINA OUTSTANDING TRAFFIC SAFE COMMUNITY BY THE AAA CAROLINAS FOUNDATION FOR TRAFFIC SAFETY, AND TO HONOR THE IRMO POLICE DEPARTMENT FOR ITS ESSENTIAL ROLE IN ACHIEVING THIS RECOGNITION.

Returned with concurrence.

Received as information.

**Message from the House**

Columbia, S.C., February 19, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Appointment, Orangeburg County Master-in-Equity, with term to commence August 14, 2009 and to expire August 14, 2015:

*VICE* Judge Olen Burgdorf

Very respectfully,

Speaker of the House

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Joint Resolution was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

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.

**Recorded Vote**

Senator CLEARY desired to be recorded as voting in favor of the third reading of the Joint Resolution.

**THIRD READING BILLS**

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

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.

Senator CAMPBELL explained the Bill.

**Recorded Vote**

Senator CLEARY desired to be recorded as voting in favor of the third reading of the Bill.

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.

**Recorded Vote**

Senator CLEARY desired to be recorded as voting in favor of the third reading of the Bill.

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)

**Recorded Vote**

Senator CLEARY desired to be recorded as voting in favor of the third reading of the Bill.

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.

**Recorded Vote**

Senator CLEARY desired to be recorded as voting in favor of the third reading of the Bill.

**Recorded Vote**

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

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.

**Recorded Vote**

Senator CLEARY desired to be recorded as voting in favor of the third reading of the Bill.

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.

**Recorded Vote**

Senator CLEARY desired to be recorded as voting in favor of the third reading of the Bill.

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.

**Recorded Vote**

Senator CLEARY desired to be recorded as voting in favor of the third reading of the Bill.

**Motion Adopted**

Senator BRYANT asked unanimous consent to make a motion that Senators SETZLER and BRIGHT be granted an opportunity for Expressions of Personal Interest.

There was no objection.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**SECOND READING BILL**

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

S. 358 -- 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 2013, 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.

**S. 358--Ordered to a Third Reading**

On motion of Senator PINCKNEY, S. 358 was ordered to receive a third reading on Wednesday, February 20, 2013.

**READ THE SECOND TIME**

S. 15 -- Senators Grooms, Campsen, Ford, Young and Davis: 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”.

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

Senator O’DELL explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Davis

Fair Ford Grooms

Hayes Hembree Hutto

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O’Dell Peeler

Pinckney Rankin Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--40**

**NAYS**

Johnson

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

The Committee on Finance proposed the following amendment (NL\118C001.NL.DG13), which was adopted:

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

/ SECTION 2. Section 12‑39‑220 of the 1976 Code is amended to read:

“Section 12‑39‑220. If the county ~~auditor~~ assessor shall at any time discover that any real estate or new structure, addition, or improvement duly returned and appraised for taxation, has been omitted from the duplicate, he shall immediately appraise it and notify the auditor. Upon receiving notification from the assessor, the auditor shall charge it on the duplicate with the taxes of the current year and the simple taxes of each preceding year it may have escaped taxation. And if the owner of any real estate or new structure, addition, or improvement thereon, subject to taxation, has not returned or reported it for taxation, according to the requirements of this chapter, and it has not been appraised for taxation, the ~~auditor~~ assessor shall, upon discovery thereof, appraise it and, upon ~~making return of such appraisement,~~ notification from the assessor, the auditor shall charge it upon the duplicate, with the taxes of the then current year and the taxes of each preceding year it may have escaped taxation, ~~with twenty per cent penalty~~ and all applicable penalties upon such taxes of preceding years. ~~And if any real estate shall have been omitted in any return, the auditor of the county shall appraise it immediately for taxation, file such appraisement in his office and charge it with the taxes of the current year and the simple taxes of preceding years it may have escaped taxation.~~” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Davis Fair

Ford Grooms Hayes

Hembree Hutto Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O’Dell Peeler

Pinckney Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--39**

**NAYS**

Bright

**Total--1**

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

**POINT OF ORDER, CARRIED OVER**

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 previously proposed Amendement No. 2 (262R004.JKB) by Senator BRYANT.

Senator DAVIS proposed the following amendment (262R005.TD): Amend Amendment No. 2, bearing document number L:\S-RES\  
Amend\262R004.KLB.docx, by striking SECTION 2E. and inserting:

/   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 2.A. and tax credits authorized by SECTION 2.B. may be taken to the extent authorized beginning with calendar year 2013.  /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that Amendment No. 2 was out of order inasmuch as it was not germane to the Bill.

Senator BRYANT spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. 2 was ruled out of order.

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

**OBJECTION**

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.

Senator O’DELL explained the Bill.

Senator DAVIS objected to further consideration of the Bill.

**OBJECTION**

S. 213 -- Senators Cleary, Davis, L. Martin, Peeler, Williams, Campbell, Cromer, Rankin, Shealy, Alexander, Gregory, Bryant, Bennett, Nicholson, Johnson, Setzler, Ford and Campsen: A BILL TO AMEND TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57, SO AS TO AUTHORIZE QUALIFIED NONPROFIT ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS, TO REQUIRE PROCEEDS TO BE USED FOR CHARITABLE PURPOSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Senator SHANE MARTIN spoke on the Bill.

Senator LEATHERMAN objected to further consideration of the Bill.

**OBJECTION**

S. 239 -- Senators Cleary, Davis, L. Martin, Campbell, Cromer, Setzler, Ford and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ENSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

Senator LEATHERMAN objected to further consideration of the Joint Resolution.

**CARRIED OVER**

S. 261 -- Senators Leatherman, Setzler and Ford: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO JANUARY 2, 2013, AND TO DELETE AN INAPPLICABLE SUBITEM.

On motion of Senator O’DELL, the Bill was carried over.

**CARRIED OVER**

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.

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

**Motion Adopted**

Senator COURSON asked unanimous consent to make a motion that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 11:45 A.M. for the purposes of attending a Joint Assembly and, upon the conclusion of the Joint Assembly, the Senate would stand in recess until 2:00 P.M.

**LOCAL APPOINTMENT**

**Confirmation**

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

Reappointment, Allendale County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

John A. Chaney, Post Office Box 516, Fairfax, SC 29827

Senator COURSON moved that the Senate stand adjourned.

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

**Ayes 29; Nays 15**

**AYES**

Alexander Allen Campbell

Campsen Coleman Courson

Fair Hayes Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Sheheen Williams

**Total--29**

**NAYS**

Bennett Bright Bryant

Cleary Corbin Davis

Gregory Grooms Hembree

*Martin, Shane* Shealy Thurmond

Turner Verdin Young

**Total--15**

**ADJOURNMENT**

At 1:29 P.M., the Senate adjourned to meet tomorrow at 11:45 A.M.

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