**Wednesday, March 6, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Paul concludes his second letter to the Thessalonians with this charge:

“And as for you, brothers and sisters, never tire of doing what is right.” (II Thessalonians 3:13)

Let us pray:

Dear God, it seems that Paul might well be speaking to each one of these Senators, calling upon them to possess a passion for the people of this State and a strong desire to do what is best upon their behalf. Lord, may that always be so. May the lady and men of this Senate find means to draw upon energy-levels that enable them to embrace everything that is expected of them. And may this State we all love prosper as the result of their dedication and zeal in doing what is just and right. It is in Your loving name that we pray this, O Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

Initial Appointment, South Carolina Mental Health Commission, with the term to commence July 31, 2008, and to expire July 31, 2013

5th Congressional District:

Beverly Cardwell, Post Office Box 37764, Rock Hill, SC 29732

Referred to the Committee on Medical Affairs.

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4286

Agency: Workers’ Compensation Commission

Chapter: 67

Statutory Authority: 1976 Code Sections 42-3-30, 42-9-10 and

42-9-30(21)

SUBJECT: Mediation

Received by Lieutenant Governor January 8, 2013

Referred to Judiciary Committee

Legislative Review Expiration May 8, 2013

Referred to Committee May 30, 2012

Withdrawn due to end of two-year session June 8, 2012

Resubmitted with no substantive changes January 8, 2013

Received by Lt. Gov. & Speaker May 8, 2013

Senate Committee Requested Withdrawal February 28, 2013

120 Day Period Tolled

Withdrawn and Resubmitted March 5, 2013

**Privilege of the Floor**

On motion of Senator CAMPSEN, with unanimous consent, the Privilege of the Floor was extended to former Senator WALTER HUNDLEY.

**Remarks by Senator HUNDLEY**

Senator HUNDLEY, with unanimous consent, addressed the Senate.

**Remarks by Senator HUNDLEY**

Lady and gentlemen, it is a great feeling to be here today. Very respectfully, I stayed away from the opening days of the session. As Senator CAMPSEN said, I believe I am one of you because I had three primaries, a General Election, collected 4500 petition signatures and have been to Circuit Court, the Supreme Court and the Federal Court -- for four months’ worth of service and I owe money!

But as you know I’ve been around here a lot. I am very pleased to be on this side of the rope now because I strongly believe -- and I really do -- that the only government body capable of handling the challenges that we have during these very changing times is the State Senate.

And it is on behalf of all the citizens of this State that I ran for public office. I think you are the only ones capable of meeting these challenges and it’s a great honor to be here today.

I wish you Godspeed in your work.

Thank you.

On motion of Senators PEELER and LOURIE, with unanimous consent, the remarks of Senator HUNDLEY were ordered printed in the Journal.

**Leave of Absence**

On motion of Senator CAMPBELL, at 2:05 P.M., Senator GROOMS was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator McELVEEN, at 2:05 P.M., Senator JOHNSON was granted a leave of absence for today.

**Doctor of the Day**

Senator LEATHERMAN introduced Dr. Conyers O’Bryan of Florence, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 448 Sen. Peeler

S. 480 Sen. Rankin

**RECESS**

At 2:28 P.M., on motion of Senator COURSON, the Senate receded from business not to exceed twenty minutes.

At 2:56 P.M., the Senate resumed.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 483 -- Senator L. Martin: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND MR. ROBERT C. GRIFFIN UPON HIS RETIREMENT FROM LAW ENFORCEMENT AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 484 -- Senator Setzler: A BILL TO AMEND SECTION 9-11-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISABILITY RETIREMENT FOR MEMBERS OF THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE REQUIREMENT THAT CERTAIN MEMBERS BE ELIGIBLE FOR, AND PROVIDE PROOF OF, SOCIAL SECURITY BENEFITS TO CONTINUE TO RECEIVE A DISABILITY BENEFIT.

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

S. 485 -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE RICHARD WINN ACADEMY GIRLS BASKETBALL TEAM FOR CAPTURING THE 2013 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) CLASS AA STATE CHAMPIONSHIP TITLE AND TO HONOR THE TEAM’S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

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The Senate Resolution was adopted.

S. 486 -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR RICHARD WINN ACADEMY COACH JASON HALTIWANGER FOR THE OUTSTANDING EXAMPLE HE SETS AS A COACH AND TO CONGRATULATE HIM FOR AN EXCEPTIONAL SEASON WITH THE RICHARD WINN LADY EAGLE 2013 BASKETBALL TEAM AND FOR GARNERING THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 487 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-222 SO AS TO PROVIDE WHEN CALCULATING ROLL-BACK TAX DUE ON A PARCEL OF REAL PROPERTY CHANGED FROM AGRICULTURAL TO COMMERCIAL OR RESIDENTIAL USE THE VALUE USED FOR PLATTED GREEN SPACE FOR CONSERVATION OR OPEN SPACE USE OF THE PARCEL, IF SUCH USE IS TEN PERCENT OR MORE OF THE PARCEL, MUST BE VALUED BASED ON THE GREEN SPACE FOR CONSERVATION OR OPEN SPACE USE; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSES OF PROPERTY AND APPLICABLE ASSESSMENT RATIOS FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO MAKE A CONFORMING AMENDMENT.

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

S. 488 -- Senators Bright and Bryant: A BILL TO AMEND CHAPTER 31, TITLE 23 OF THE 1976 CODE, RELATING TO FIREARMS, BY ADDING SECTION 23-31-218 TO PROVIDE THAT A VALID PERMIT TO CARRY CONCEALABLE WEAPONS ISSUED BY A STATE THAT SOUTH CAROLINA RECOGNIZES RECIPROCALLY SHALL REMAIN VALID UNTIL ITS EXPIRATION DATE SHOULD THE HOLDER BECOME A RESIDENT OF THIS STATE.

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

S. 489 -- Senators Bright and Bryant: A BILL TO AMEND CHAPTER 31, TITLE 23 OF THE 1976 CODE, BY ADDING ARTICLE 9 TO ENACT THE “SOUTH CAROLINA FIREARMS LIBERTY ACT”, TO PROVIDE THAT A FIREARM, FIREARM ACCESSORY, OR AMMUNITION POSSESSED OR MANUFACTURED AND RETAINED IN SOUTH CAROLINA IS EXEMPT FROM FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE CONSTITUTION OF THE UNITED STATES, TO PROVIDE THAT ANY FEDERAL LAW TO RESTRICT THE POSSESSION, OWNERSHIP, OR MANUFACTURE OF A FIREARM PURSUANT TO THIS ARTICLE MAY NOT BE ENFORCED BY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICIALS, AND TO PROVIDE FOR PENALTIES FOR FEDERAL OFFICIALS SEEKING TO ENFORCE FEDERAL LAW CONTRARY TO THE PROVISIONS OF THIS CHAPTER; AND BY ADDING ARTICLE 11 TO PROVIDE THAT FEDERAL ACTION TO RESTRICT OWNERSHIP OF A SEMI-AUTOMATIC FIREARM OR MAGAZINE OF ANY FIREARM, OR THE REGISTRATION OF A FIREARM OR MAGAZINE, IS UNENFORCEABLE IN SOUTH CAROLINA.

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

S. 490 -- Senators Courson, L. Martin, Nicholson, Campsen and Hutto: A SENATE RESOLUTION TO THANK JOHN P. FREEMAN OF RICHLAND COUNTY FOR HIS MANY YEARS OF DEDICATED SERVICE AS A MEMBER OF THE SOUTH CAROLINA JUDICIAL MERIT SELECTION COMMISSION AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 491 -- Senators Matthews, Leatherman, McGill, Setzler, Hutto, Campbell and Williams: A BILL TO AMEND SECTION 11-41-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO PROVIDE THAT AN ECONOMIC DEVELOPMENT PROJECT INCLUDES A PROJECT WHICH GENERATES NEW ANNUAL CARGO OF AT LEAST TWENTY-FIVE THOUSAND TWENTY-FOOT EQUIVALENT UNITS CONNECTED WITH A NEW DISTRIBUTION CENTER THAT IS AT LEAST ONE MILLION SQUARE FEET IN SIZE, LOCATED IN THIS STATE ON LAND OWNED BY THE STATE OR A POLITICAL SUBDIVISION THEREOF, AND IS SUPPORTED BY TWO HUNDRED NEW JOBS.

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

H. 3482 -- Reps. G. A. Brown, Clemmons, G. M. Smith and Weeks: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF FOXWORTH MILL ROAD AND UNITED STATES HIGHWAY 15 IN SUMTER COUNTY “MOZINGO CROSSROADS” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “MOZINGO CROSSROADS”.

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

H. 3746 -- Reps. D. C. Moss and V. S. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE NOVEMBER AS NATIONAL NATIVE AMERICAN HISTORY MONTH AND TO DECLARE NOVEMBER 18, 2013, AS NATIVE AMERICAN AWARENESS DAY IN SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the General Committee.

H. 3747 -- Reps. D. C. Moss and V. S. Moss: A CONCURRENT RESOLUTION TO CONGRATULATE ISABEL BLANCO, DEPUTY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES, ON RECEIVING THE CASEY FAMILY PROGRAMS LEADERS OF EXCELLENCE AWARD.

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

H. 3748 -- Reps. D. C. Moss and V. S. Moss: A CONCURRENT RESOLUTION TO CONGRATULATE LILLIAN KOLLER, DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES, ON RECEIVING THE CASEY FAMILY PROGRAMS LEADERS OF EXCELLENCE AWARD.

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

H. 3749 -- Reps. Horne, Harrell, Murphy and Erickson: A CONCURRENT RESOLUTION TO DECLARE MAY 2013 AS “BLADDER CANCER AWARENESS MONTH” IN SOUTH CAROLINA, TO PROMOTE UNDERSTANDING OF THE GROWING RISK OF BLADDER CANCER IN THE UNITED STATES, TO ENCOURAGE RESEARCH IN THE MEDICAL COMMUNITY TO IDENTIFY THE CAUSES AND DEVELOP A CURE FOR THE DISEASE, AND TO COMMEND BOY SCOUT TROOP 2 FROM SUMMERVILLE FOR ITS EFFORTS IN THIS ENDEAVOR.

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

**REPORTS OF STANDING COMMITTEES**

Senator MALLOY from the Committee on Judiciary submitted a favorable with amendment report on:

S. 143 -- Senators Malloy, Ford, Massey and S. Martin: A BILL TO AMEND ARTICLES 1, 2, 3, AND 4 OF TITLE 62, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO, AMONG OTHER THINGS, DEFINE THE JURISDICTION OF THE PROBATE CODE, TO DETERMINE INTESTATE SUCCESSION, TO PROVIDE FOR THE PROCESS OF EXECUTING A WILL, TO PROVIDE FOR THE PROCESS TO PROBATE AND ADMINISTER A WILL, AND TO PROVIDE FOR LOCAL AND FOREIGN PERSONAL REPRESENTATIVES; AND TO AMEND ARTICLES 6 AND 7 OF TITLE 62, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO PROVIDE FOR THE GOVERNANCE OF NONPROBATE TRANSFERS, AND TO AMEND THE SOUTH CAROLINA TRUST CODE.

Ordered for consideration tomorrow.

Senator CORBIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 295 -- Senators Fair, Cromer, Verdin and Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑11‑2028 SO AS TO ALLOW THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, WHICH PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO VOLUNTARILY DISSOLVE ITSELF AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY IF ACCEPTED BY RESOLUTION OF ITS GOVERNING BODY; TO REQUIRE A PUBLIC HEARING TO BE CONDUCTED BEFORE TAKING A SUPERMAJORITY VOTE OF ITS GOVERNING BODY AND THE GOVERNING BODY OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6‑11‑2140; TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY; AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A SPECIAL PURPOSE DISTRICT THAT PROVIDES BOTH RECREATIONAL AND AGING SERVICES.

Ordered for consideration tomorrow.

Senator MASSEY from the Committee on Judiciary submitted a favorable with amendment report on:

S. 446 -- Senators Massey and L. Martin: A BILL TO RATIFY AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, TO REMOVE INCONSISTENT PROVISIONS; TO AMEND SECTION 11 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE REMOVAL OF THE LIEUTENANT GOVERNOR FROM OFFICE BY IMPEACHMENT, DEATH, RESIGNATION, DISQUALIFICATION, DISABILITY, OR REMOVAL FROM THE STATE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR TO FULFILL THE UNEXPIRED TERM; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, TO CONFORM APPROPRIATE REFERENCES.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCE**

S. 482 -- 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 HONOR PASTOR EDDIE W. DAVIS OF LITTLE ZION BAPTIST CHURCH IN BLYTHEWOOD ON THE OCCASION OF HIS THIRTIETH ANNIVERSARY OF GOSPEL MINISTRY AT LITTLE ZION AND TO WISH HIM GOD’S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

Returned with concurrence.

Received as information.

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

H. 3453 -- Reps. Bingham, Allison, Anthony, Hayes and Atwater: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2013‑2014 SCHOOL YEAR BY MAY 15, 2013; TO PROVIDE THAT A CONTINUING‑CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

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

The Committee on Education proposed the following amendment (AGM\3453C002.AGM.AB13), which was adopted:

Amend the joint resolution, as and if amended, SECTION 5, by deleting the SECTION in its entirety and inserting:

/ SECTION 5. This joint resolution takes effect on April 15, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

Senator SHANE MARTIN proposed the following amendment (3453R001.SRM), which was adopted:

Amend the joint resolution, as and if amended, page 1, by striking line 35 and inserting:

/ year by May 5, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

The amendment was adopted.

The question then was second reading of the Resolution.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Hayes

Hembree Jackson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O’Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDMENT WITHDRAWN, READ THE SECOND TIME**

S. 294 -- Senators Cleary and Ford: A BILL TO AMEND SECTION 6‑4‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPENDITURE OF LOCAL ACCOMMODATION TAX REVENUES, SO AS TO CLARIFY THAT IN CERTAIN SITUATIONS, FUNDS MAY BE USED FOR BEACH RENOURISHMENT, AND TO ALLOW A MUNICIPALITY OR COUNTY, IN CERTAIN SITUATIONS, UPON A TWO‑THIRDS VOTE OF THE MEMBERSHIP OF THE LOCAL GOVERNING BODY, TO HOLD THE FUNDS FOR MORE THAN TWO YEARS IF THE FUNDS ARE DESIGNATED FOR THE CONTROL AND REPAIR OF WATERFRONT EROSION, INCLUDING BEACH RENOURISHMENT.

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\294C001.NL.DG13), which was adopted:

Amend the bill, as and if amended, SECTION 2, beginning on page 2, by striking line 33 through line 2 on page 3, and inserting:

/ (ii) Notwithstanding the provisions of subsubitem (i), upon a two‑thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment. The county or municipality shall annually notify the oversight committee, established pursuant to Section 6‑4‑35, of the basic activity of the committed funds including, beginning balance, deposits, expenditures, and ending balance.” /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

Senator THURMOND proposed the following amendment (294R002.PT), which was withdrawn:

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

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

“Article 6

Beach Preservation Act

Section 6‑1‑610. This article may be cited as the ‘Beach Preservation Act’.

Section 6‑1‑620. As used in this article:

(1) ‘Beach preservation fee’ means a fee imposed on the gross proceeds derived from the rental or charges for accommodations furnished to transients for consideration within the jurisdiction of the governing body which are subject to the tax imposed pursuant to Section 12‑36‑920(A).

(2) ‘Governing body’ means the governing body of a qualified coastal municipality.

(3) ‘Qualified coastal municipality’ means a municipality bordering on the Atlantic Ocean that has a public beach within its corporate limits and which imposes a local accommodations tax pursuant to Section 6‑1‑520 that does not exceed one and one‑half percent pursuant to the limitations imposed pursuant to Section 6‑1‑540.

Section 6‑1‑630. (A) The governing body of a qualified coastal municipality by ordinance, subject to a referendum, may impose a beach preservation fee not to exceed one percent.

(B) Upon the adoption of an ordinance calling for a referendum, the county election commission shall conduct a referendum at the time specified in the ordinance on the question of implementing a one percent beach preservation fee. The state election laws apply to the referendum, mutatis mutandis. The county election commission shall publish the results of the referendum to certify them to the governing body. The beach preservation fee must not be imposed unless a majority of the qualified electors residing in the municipality voting in the referendum vote in favor of the referendum.

(C)(1) The ballot must read substantially as follows:

‘Must an additional one percent beach preservation fee be added to the accommodations tax for the purpose of nourishment, renourishment, maintenance, erosion mitigation, and monitoring of beaches, dune restoration and maintenance, including planting of grass, sea oats, or other vegetation useful in preserving the dune system, and maintenance of public beach accesses within the corporate limits of \_\_\_\_\_.’

Yes 

No 

(2) If the question is not approved at the initial referendum, the governing body may, by an ordinance meeting the requirements of this section, call for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty‑four month period on the Tuesday following the first Monday in November in even‑numbered years.

(3) Once a week for the four weeks immediately preceding the referendum, the governing body of the municipality shall publish notice in a newspaper of general circulation within the jurisdiction a description of and the specific uses for the beach preservation fee. The governing body must also publish notice on its website in the same manner.

(D) The fee authorized by this article is in addition to all other local accommodations taxes imposed pursuant to Section 6‑1‑520 and must not be deemed cumulative with the local accommodations tax or fee rate for the purposes of Section 6‑1‑540.

(E) All proceeds from the beach preservation fee must be kept in a separate fund segregated from the governing body’s general fund. All interest generated by the beach preservation fee fund must be credited to the beach preservation fee fund.

Section 6‑1‑640. The revenue generated by the beach preservation fee must be used exclusively for the following purposes:

(1) nourishment, renourishment, maintenance, erosion mitigation, and monitoring of the beaches within the corporate limits of the qualified coastal municipality;

(2) dune restoration and maintenance, including planting of grass, sea oats, or other vegetation useful in preserving the dune system within the corporate limits of the qualified coastal municipality; and

(3) maintenance of public beach accesses within the corporate limits of the qualified coastal municipality.

Section 6‑1‑650. Real estate agents, brokers, corporations, or listing services required to remit fees under this section must notify the appropriate governing body if rental property, previously listed by them, is dropped from their listings.

Section 6‑1‑660. The fee provided for pursuant to this article must be remitted to the local governing body on a monthly basis when the estimated amount of the average of the total of the tax imposed pursuant to Article 5 of this chapter and this article is more than fifty dollars a month, on a quarterly basis when the estimated amount of such average is twenty‑five dollars to fifty dollars a month, and on an annual basis when the estimated amount of such average is less than twenty‑five dollars a month.” /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND explained the amendment.

On motion of Senator THURMOND, with unanimous consent, the amendment was withdrawn.

Senator CLEARY spoke on the Bill, as amended.

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 Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Ford Gregory

Hayes Hembree Jackson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O’Dell Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Peeler

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDMENT TABLED, READ THE SECOND TIME**

S. 214 -- Senator Fair: A BILL TO AMEND SECTION 40‑30‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE MASSAGE/BODYWORK PRACTICE ACT, SO AS TO DELETE THE DEFINITION OF THE DISCIPLINARY PANEL; TO AMEND SECTION 40‑30‑40, RELATING TO THE ADVISORY PANEL FOR MASSAGE/BODYWORK THERAPY UNDER THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO REDESIGNATE THE ADVISORY PANEL TO BE KNOWN AS THE PANEL, TO DELETE CERTAIN QUALIFICATIONS FOR PANEL MEMBERS, TO REDUCE THE TERM OF A PANEL MEMBER TO TWO YEARS, AND TO PROVIDE COMPENSATION FOR MEMBERS; TO AMEND SECTION 40‑30‑50, RELATING TO DUTIES OF THE PANEL, SO AS TO PROVIDE ADDITIONAL DUTIES AND POWERS; TO AMEND SECTIONS 40‑30‑220, RELATING TO EQUITABLE REMEDIES AVAILABLE TO THE PANEL, 40‑30‑230, RELATING TO GROUNDS OF MISCONDUCT, 40‑30‑240, RELATING TO INVESTIGATIONS OF MISCONDUCT RELATED TO SUBSTANCE ABUSE, 40‑30‑250, RELATING TO DISCIPLINARY ACTIONS, 40‑30‑260, RELATING TO VOLUNTARY SURRENDER OF A LICENSE, 40‑30‑270, RELATING TO APPEALS FROM DISCIPLINARY PANEL DECISIONS, 40‑30‑300, RELATING TO SERVICE OF PROCESS ON NONRESIDENTS, AND 40‑30‑310, RELATING TO CIVIL PENALTIES, ALL SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40‑30‑60, RELATING TO USE OF EMPLOYEES OF THE DEPARTMENT AND PROMULGATION OF REGULATIONS BY THE BOARD, SO AS TO REMOVE OBSOLETE REFERENCES; TO AMEND SECTION 40‑30‑90, RELATING TO REPORTING REQUIREMENTS, SO AS TO REMOVE AN OBSOLETE REFERENCE; AND TO AMEND SECTION 40‑30‑110, RELATING TO QUALIFICATIONS FOR LICENSURE, SO AS TO REQUIRE CLASSROOM STUDY INSTEAD OF SUPERVISED STUDY, AND TO SPECIFY PROFESSIONAL EXAMINATIONS CONSIDERED ACCEPTABLE FOR LICENSURE; AND TO REPEAL SECTION 40‑30‑65, RELATING TO THE CREATION AND STRUCTURE OF THE DISCIPLINARY PANEL, SECTION 40‑30‑70, RELATING TO DUTIES OF THE DISCIPLINARY PANEL, AND SECTION 40‑30‑210, RELATING TO PROCEDURES BEFORE THE DISCIPLINARY PANEL.

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

The Committee on Labor, Commerce and Industry proposed the following amendment (NBD\214C002.NBD.AC13), which was adopted:

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

/ SECTION 1. Section 40‑30‑30 of the 1976 Code is amended to read:

“Section 40‑30‑30. As used in this chapter:

(1) ‘~~Advisory Panel’ means the Advisory Panel for Massage/Bodywork under the Department of Labor, Licensing and Regulation.~~

~~(2)~~ ‘Approved massage/bodywork school’ means a facility ~~which~~ that meets minimum standards for training and curriculum as determined by regulation of the department.

~~(3)~~(2) ‘Department’ means the Department of Labor, Licensing and Regulation.

~~(4)~~(3) ‘Director’ means the Director of the Department of Labor, Licensing and Regulation.

~~(5)~~ ~~‘Disciplinary panel’ means the Disciplinary Panel for Massage/Bodywork under the Department of Labor, Licensing and Regulation.~~

~~(6)~~(4) ‘Hydrotherapy’ means the use of water, vapor, or ice for treatment of superficial tissues.

~~(7)~~(5) ‘Licensure’ means the procedure by which ~~a person~~ an individual applies to the department and is granted approval to practice massage/bodywork.

~~(8)~~(6) ‘Massage/bodywork therapy’ means the application of a system of structured touch of the superficial tissues of the human body with the hand, foot, arm, or elbow whether or not the structured touch is aided by hydrotherapy, thermal therapy, a massage device, human hands, or the application to the human body of an herbal preparation.

~~(9)~~(7) ‘Massage/bodywork therapist’ means ~~a person~~ an individual licensed as required by this chapter, who administers massage/bodywork therapy for compensation.

~~(10)~~(8) ‘Massage device’ means a mechanical device ~~which~~ that mimics or enhances the actions possible by the hands by means of vibration.

(9) ‘Panel’ means the Panel for Massage/Bodywork under the Department of Labor, Licensing and Regulation.

~~(11)~~(10) ‘Thermal therapy’ means the use of ice or a heat lamp or moist heat on superficial tissues.”

SECTION 2. Sections 40‑30‑40, 40‑30‑50 and 40‑30‑60 of the 1976 Code are amended to read:

“Section 40‑30‑40. (A) There is created the ~~Advisory~~ Panel for Massage/Bodywork under the Department of Labor, Licensing and Regulation. The ~~advisory~~ panel consists of ~~five~~ seven members appointed by the Governor. ~~The~~ Six members ~~of the advisory panel~~ must be licensed massage/bodywork therapists in good standing and must have been engaged in the practice of massage/bodywork for not fewer than three consecutive years before appointment to the ~~advisory~~ panel ~~and must be appointed by the Governor~~. ~~Each advisory~~ One member must represent the public at large and must not have a financial interest, direct or indirect, in the profession or practice of massage/bodywork therapy. A panel member must be a high school graduate or shall have received a graduate equivalency diploma~~. Each advisory panel member~~ and must be a citizen of the United States and a resident of this State for not fewer than five years. ~~(B)~~ Nominations for appointment to the ~~advisory~~ panel may be submitted to the Governor from any individual, group, or association.

~~(C)~~(B) Members serve a term of four years and until their successors are appointed and qualify. A vacancy on the ~~advisory~~ panel must be filled in the manner of the original appointment for the remainder of the unexpired term.

(C) Members of the panel must be compensated for their services at the usual rate for mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions and must be reimbursed for actual and necessary expenses incurred in connection with and as a result of their service on the panel. Compensation and reimbursements paid to panel members pursuant to this subsection must be paid as an expense of the panel in the administration of this chapter.

(D) The Governor may remove a member of the ~~advisory~~ panel in accordance with Section 1‑3‑240.

Section 40‑30‑50. (A) The ~~duties of the advisory~~ Panel for Massage/Bodywork ~~are to~~ shall:

(1) advise and recommend action to the department in the development of regulations, statutory revisions, and such other matters as the department may request in regard to the administration of this chapter;

(2) conduct hearings:

(a) on alleged violations of this chapter and regulations promulgated pursuant to this chapter;

(b) on licensure determination if not appropriate to be determined at the staff level;

(3) mediate consumer complaints if appropriate;

(4) recommend discipline for individuals licensed pursuant to this chapter in any manner provided for in this chapter.

(B) The panel may administer oaths and upon its own motion, or upon request of a party, shall subpoena witnesses, compel their attendance, take evidence, and require the production of matter that is relevant to the investigation including, but not limited to, the existence, description, nature, custody, condition, and location of books, documents, or other tangible items and the identity and location of individuals having knowledge of relevant facts or other matter reasonably calculated to lead to the discovery of material evidence. Upon failure to obey a subpoena or to answer questions propounded by the panel, the panel may apply pursuant to the Administrative Procedures Act to an administrative law judge for an order requiring the individual to appear before the panel and to produce documentary evidence and give other evidence concerning the matter under inquiry.

Section 40‑30‑60. (A) ~~In accordance with Section 40‑73‑15,~~ The Director of the Department of Labor, Licensing and Regulation may employ and establish compensation for personnel the director considers necessary and appropriate for the administration of this chapter.

(B) The director shall prescribe duties ~~must be prescribed by the director and~~, which may include, but are not limited to:

(1) maintaining and preserving records;

(2) receiving and accounting for all monies received by the ~~department~~ panel;

(3) issuing necessary notices to licensees;

(4) determining the eligibility of applicants for examination and licensure;

(5) examining applicants for licensure including, but not limited to:

(a) prescribing the subjects, character, and manner of licensing examinations;

(b) preparing, administering, and grading the examination or contracting for the preparation, administration, or grading of the examination. Professional testing services may be utilized to formulate and administer any examinations required by the department;

(6) ~~license~~ issuing and ~~renew the~~ renewing licenses of qualified applicants;

(7) ~~evaluate~~ evaluating and ~~approve~~ approving continuing education course hours and programs;

(8) ~~promulgate~~ promulgating regulations to carry out this chapter including, but not limited to, establishing a code of ethics to govern the conduct and practices of ~~persons~~ individuals licensed ~~under~~ pursuant to this chapter. ~~In accordance with Section 40‑73‑15, the Director of the Department of Labor, Licensing and Regulation may employ and establish compensation for personnel the director considers necessary and appropriate for the administration of this chapter.~~”

SECTION 3. Section 40‑30‑90 of the 1976 Code is amended to read:

“Section 40‑30‑90. The department shall prepare and submit to the Governor an annual report on the administration of this chapter ~~in accordance with Section 40‑73‑20~~.”

SECTION 4. Section 40‑30‑110 of the 1976 Code is amended to read:

“Section 40‑30‑110. To be licensed by the department as a massage/bodywork therapist ~~a person must~~ an individual:

(1) must be at least eighteen years of age and have received a high school diploma or graduate equivalency diploma;

(2) shall have completed a five hundred hour course of ~~supervised~~ classroom study at an approved massage/bodywork school having a curriculum that meets the standards ~~as~~ set forth in regulation by the department; and

(3) shall have received a passing grade on the National Certification Exam for Therapeutic Massage and Bodywork (NCETMB), National Certification Examination for Therapeutic Massage (NCETM), ~~or any other national examination for massage/bodywork therapy that meets the educational requirements of this chapter and have been certified by the National Commission for Certifying Agencies, or an examination that meets the standards recommended by the advisory panel as set forth in regulation by the department~~ the Massage and Bodywork Licensing Examination (MBLEx), or any other examination provided for in regulation.”

SECTION 5. Section 40‑30‑200 of the 1976 Code is amended to read:

“Section 40‑30‑200. If the director has reason to believe that ~~a person~~ an individual licensed ~~under~~ pursuant to this chapter has become unfit to practice massage/bodywork therapy or has violated a provision of this chapter or a regulation promulgated ~~under~~ pursuant to this chapter or if a written complaint is filed with the director charging ~~the~~ a licensee with the violation of a provision of this chapter or a regulation, the director shall initiate an investigation in accordance with procedures established by the department in regulation. If after investigation it appears that probable cause exists for a hearing, a time and a place must be set by the ~~disciplinary~~ panel for a hearing to determine whether disciplinary action must be taken against the licensee. Notice must be given and the hearing conducted in accordance with the Administrative Procedures Act.”

SECTION 6. Sections 40‑30‑220, 40‑30‑230, 40‑30‑240, 40‑30‑250, 40‑30‑260, and 40‑30‑270, of the 1976 Code are amended to read:

“Section 40‑30‑220. (A) ~~When~~ If the ~~disciplinary~~ panel or the department has reason to believe that ~~a person~~ an individual is violating or intends to violate a provision of this chapter or a regulation promulgated ~~under~~ pursuant to this chapter, in addition to all other remedies, ~~it~~ the panel may order ~~the person~~ an individual to immediately cease and desist from engaging in the conduct. If the ~~person~~ individual is practicing massage/bodywork without being licensed ~~under~~ pursuant to this chapter the ~~disciplinary~~ panel or the department also may apply to an administrative law judge for a temporary restraining order prohibiting the unlawful practice. The administrative law judge may issue a temporary restraining order ex parte and the ~~disciplinary~~ panel or the department is not required to:

(1) post a bond;

(2) establish the absence of an adequate remedy at law;

(3) establish that irreparable damage would result from the continued violation.

~~No disciplinary~~ A panel member ~~nor~~, the Director of the Department of Labor, Licensing or Regulation ~~nor~~, or any other employee of the department may not be held liable for damages resulting from a wrongful temporary restraining order.

(B) In accordance with the South Carolina Rules of Civil Procedure, the ~~disciplinary~~ panel or the department also may seek from an administrative law judge other equitable relief to enjoin the violation or intended violation of this chapter or a regulation promulgated ~~under~~ pursuant to this chapter.

Section 40‑30‑230. The following constitute misconduct and are grounds for the department denying initial licensure to or the ~~disciplinary~~ panel taking disciplinary action against ~~a person~~ an individual who:

(1) used a false, fraudulent, or forged statement or document or committed a fraudulent, deceitful, or dishonest act in applying for licensure ~~under~~ pursuant to this chapter;

(2) has had his or her license to practice massage/bodywork from another state or jurisdiction canceled, revoked, suspended, or otherwise restricted;

(3) has violated a provision of this chapter, a regulation promulgated ~~under~~ pursuant to this chapter, or an order of the department or the ~~disciplinary~~ panel;

(4) has intentionally or knowingly, directly or indirectly, aided or abetted in the violation or conspiracy to violate this chapter or a regulation promulgated ~~under~~ pursuant to this chapter;

(5) has intentionally used a fraudulent statement in a document connected to the practice of massage/bodywork or has made false, deceptive, or misleading statements in the practice of massage/bodywork or in advertising;

(6) has obtained fees or assisted in obtaining fees under intentionally fraudulent circumstances;

(7) has committed dishonorable, unethical, or unprofessional conduct that is likely to deceive, defraud, or harm the public;

(8) lacks the professional or ethical competence to practice massage/bodywork;

(9) has been convicted of or has pled guilty to or nolo contendere to a felony or a crime ~~which~~ that directly relates to the practice or ability to practice massage/bodywork;

(10) has practiced massage/bodywork while under the influence of alcohol or drugs or uses alcohol or drugs to such a degree as to render him or her unfit to practice massage/bodywork;

(11) has sustained a physical or mental disability, as determined by a physician~~, which~~ that renders further practice by the licensee dangerous to the public.

Section 40‑30‑240. ~~When~~ If investigating grounds for taking disciplinary action based upon an alcohol or drug addiction, as provided for in Section 40‑30‑230(10), or a physical or mental disability, as provided for in Section 40‑30‑230(11), the ~~disciplinary~~ panel upon reasonable grounds may:

(1) require an applicant or licensee to submit to a mental or physical examination including a drug test by physicians designated by the ~~disciplinary~~ panel. The results of an examination are admissible in a hearing before the ~~disciplinary~~ panel, notwithstanding a claim of privilege ~~under~~ pursuant to a contrary rule of law. ~~A person~~ An individual who accepts the privilege of practicing massage/bodywork in this State or who files an application for a license to practice massage/bodywork in this State is deemed to have consented to submit to a mental or physical examination including a drug test and to have waived all objections to the admissibility of the results in a hearing before the ~~disciplinary~~ panel upon the grounds that the results constitute a privileged communication. If an applicant or licensee fails to submit to an examination when requested by the ~~disciplinary~~ panel ~~under~~ pursuant to this section, unless the failure was due to circumstances beyond the ~~person’s~~ individual’s control, the ~~disciplinary~~ panel shall enter an order automatically denying or suspending the license pending compliance and further order of the ~~disciplinary~~ panel. An applicant or licensee who is prohibited from practicing ~~under~~ pursuant to this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the ~~disciplinary~~ panel the ability to resume or begin the practice of massage/bodywork with reasonable skill and safety to patients;

(2) obtain records of an examination required by item (1) specifically relating to the mental or physical condition of an applicant or licensee who is the subject of an investigation ~~authorized by item (1)~~ and these records are admissible in a hearing before the ~~disciplinary~~ panel, notwithstanding any other provision of law. ~~A person~~ An individual who accepts the privilege of practicing massage/bodywork in this State or who files an application to practice massage/bodywork in this State is deemed to have consented to the ~~disciplinary~~ panel obtaining these records and to have waived all objections to the admissibility of these records in a hearing before the ~~disciplinary~~ panel upon the grounds that the records constitute a privileged communication. If a licensee or applicant refuses to sign a written consent for the ~~disciplinary~~ panel to obtain these records when requested by the ~~disciplinary~~ panel ~~under~~ pursuant to this section, unless the failure was due to circumstances beyond the ~~person’s~~ individual’s control, the ~~disciplinary~~ panel shall enter an order automatically denying or suspending the license pending compliance and further order of the ~~disciplinary~~ panel. An applicant or licensee who is prohibited pursuant to this section from practicing massage/bodywork ~~under this section~~ must be afforded at reasonable intervals an opportunity to demonstrate to the ~~disciplinary~~ panel the ability to resume or begin the practice of massage/bodywork with reasonable skill and safety to patients.

Section 40‑30‑250. (A) Upon a determination by the ~~disciplinary~~ panel that one or more of the grounds for discipline exists, as provided for in Section 40‑30‑230, the ~~disciplinary~~ panel may:

(1) issue a nondisciplinary letter of caution;

(2) issue a private reprimand;

(3) issue a public reprimand;

~~(3)~~(4) impose a fine not to exceed five hundred dollars;

~~(4)~~(5) place the licensee on probation, restrict the license, or suspend the license for a definite or indefinite time and prescribe conditions to be met during probation, restriction, or suspension, respectively~~,~~ including, but not limited to, satisfactory completion of additional education of a supervisory period or of continuing education programs as may be specified;

~~(5)~~(6) permanently revoke the license.

(B) A decision by the ~~disciplinary~~ panel to discipline a licensee as authorized ~~under~~ pursuant to this section must be made by a majority vote of the total membership of the ~~disciplinary~~ panel serving at the time the vote is taken.

(C) Except for a private reprimand, a final order of the department refusing to issue a license to an applicant or a final order of the ~~disciplinary~~ panel disciplining a licensee ~~under~~ pursuant to this section~~, except for a private reprimand,~~ is public information.

Section 40‑30‑260. A licensee who is under investigation for misconduct, as defined in Section 40‑30‑230, ~~for which the disciplinary panel may take disciplinary action may~~ voluntarily may surrender his or her license to the department~~. The voluntary surrender invalidates~~, invalidating the license at the time ~~of its relinquishment, and no person~~ it is surrendered. An individual ~~whose license is surrendered voluntarily~~ who voluntarily surrenders his or her license may not practice as a massage/bodywork therapist until the ~~disciplinary~~ panel reinstates the individual’s license. ~~A person~~ An individual practicing as a massage/bodywork therapist during the period of voluntary license surrender is ~~considered~~ deemed an illegal practitioner and is subject to the penalties provided ~~by~~ in this chapter. ~~The surrender of~~ Surrendering a license ~~may~~ must not be considered ~~as~~ an admission of guilt in a proceeding ~~under~~ held pursuant to this chapter. ~~The surrender~~ However, surrendering a license does not preclude the ~~disciplinary~~ panel from imposing conditions on the acceptance of the proffered ~~surrender and does not preclude the disciplinary panel~~ license or from taking disciplinary action against the licensee.

Section 40‑30‑270. ~~A person~~ An individual aggrieved by an action of the ~~disciplinary~~ panel or the department may appeal the decision to an administrative law judge in accordance with the Administrative Procedures Act. Service of a notice of appeal does not stay the ~~disciplinary~~ panel’s or the department’s decision pending completion of the appellate process.”

SECTION 7. Sections 40‑30‑300 and 40‑30‑310 of the 1976 Code are amended to read:

“Section 40‑30‑300. (A) Every communication, whether oral or written, made by or on behalf of ~~a person~~ an individual, to the director or the ~~disciplinary~~ panel, whether by way of complaint or testimony, is privileged, and no action or proceeding, civil or criminal, may be brought against the ~~person~~ individual, by or on whose behalf the communication is made, except upon proof that the communication was made with malice.

(B) Nothing in this chapter may be construed ~~as prohibiting~~ to prohibit the respondent or his or her legal counsel from exercising the respondent’s constitutional right of due process under the law, including, but not limited to, ~~nor as prohibiting~~ the ~~respondent from~~ respondent’s right to have normal access to the charges and evidence filed against him or her ~~as part of due process under the law~~.

Section 40‑30‑310. (A) It is unlawful for ~~a person~~ an individual to:

(1) hold himself or herself out as a massage/bodywork therapist unless licensed ~~under~~ pursuant to this chapter;

(2) ~~permit~~ allow an employed ~~person~~ individual to practice massage/bodywork unless licensed ~~under~~ pursuant to this chapter;

(3) present as his or her own the license of another;

(4) allow the use of his or her license by an unlicensed ~~person~~ individual;

(5) give false or forged evidence to the department in obtaining a license ~~under~~ pursuant to this chapter;

(6) falsely impersonate another license holder ~~of like or different name~~;

(7) use or attempt to use a license that has been revoked;

(8) otherwise violate a provision of this chapter or a regulation promulgated pursuant to this chapter.

(B) The department may institute civil action in the circuit court, in the name of the State, for injunctive relief against ~~any person~~ an individual violating ~~the provisions~~ a provision of this chapter or ~~the regulations~~ a regulation promulgated pursuant to this chapter or ~~orders~~ an order of the department or ~~disciplinary~~ the panel. For each violation, the court may ~~in its discretion,~~ impose a fine of no more than one thousand dollars.”

SECTION 8. Sections 40‑30‑65, 40‑30‑70, and 40‑30‑210 of the 1976 Code are repealed.

SECTION 9. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted.

Senators BRIGHT and BRYANT proposed the following amendment (214R001.LB), which was tabled:

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

/ SECTION 1. Chapter 30, Title 40 of the 1976 Code, relating to the Massage/Bodywork Practice Act, is repealed.

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

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator FAIR argued contra to the adoption of the amendment.

Senator FAIR moved to lay the amendment on the table.

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

**Ayes 27; Nays 14**

**AYES**

Alexander Campbell Coleman

Courson Cromer Fair

Hayes Hembree Hutto

Leatherman Lourie Malloy

*Martin, Larry* Matthews McElveen

McGill Nicholson O'Dell

Rankin Reese Scott

Setzler Shealy Sheheen

Turner Verdin Williams

**Total--27**

**NAYS**

Bennett Bright Bryant

Campsen Cleary Corbin

Davis Ford Gregory

*Martin, Shane* Massey Peeler

Thurmond Young

**Total--14**

The amendment was laid on the table.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Ford Gregory

Hayes Hembree Hutto

Jackson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**OBJECTION**

S. 234 -- Senators Coleman, Johnson and McElveen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE “SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT” WHICH PROVIDES THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING MAY AT HIS OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

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

Senator LEATHERMAN proposed the following amendment (NL\234C002.NL.DG13), which was adopted:

Amend the committee report, as and if amended, page [234-1], by striking line 23 and inserting:

/ SECTION 1. A. Title 12 of the 1976 Code is amended by /

Amend the committee report further, page [234-7], after line 35, by adding:

/ B. The provisions of Chapter 67, Title 12 contained in this act are repealed on December 31, 2019. Any carry forward credits shall continue to be allowed until the five year time period in Section 12‑67‑140 is completed. /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the perfecting amendment.

The amendment was adopted.

The Committee on Finance proposed the following amendment (NL\234C001.NL.DG13), which was adopted:

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

/ SECTION 1. Title 12 of the 1976 Code is amended by adding:

“CHAPTER 67

South Carolina Abandoned Buildings

Revitalization Act

Section 12‑67‑100. This chapter may be cited as the ‘South Carolina Abandoned Buildings Revitalization Act’.

Section 12‑67‑110. (A) The purpose of this chapter is to create an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina.

(B) The abandonment of buildings has resulted in the disruption of communities and increased the cost to local governments by requiring additional police and fire services due to excessive vacancies. Many abandoned buildings pose safety concerns. A public and corporate purpose is served by restoring these buildings to productive assets for the communities in which they are located and result in increased job opportunities.

(C) There exists in many communities of this State abandoned buildings. The stable economic and physical development of these communities is endangered by the presence of these abandoned buildings as manifested by their progressive and advanced deterioration. As a result of the existence of these abandoned buildings, there is an excessive and disproportionate expenditure of public funds, inadequate public and private investment, unmarketability of property, growth in delinquencies and crime in the areas, together with an abnormal exodus of families and businesses, so that the decline of these areas impairs the value of private investments, threatens the sound growth and the tax base of taxing districts in these areas, and threatens the health, safety, morals, and welfare of the public. To remove and alleviate these adverse conditions, it is necessary to encourage private investment and restore and enhance the tax base of the taxing districts in which such buildings are located by the redevelopment of abandoned buildings.

Section 12‑67‑120. For the purposes of this chapter, unless the context requires otherwise:

(1) ‘Abandoned building’ means a building or structure, which clearly may be delineated from other buildings or structures, at least sixty‑six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a ‘Notice of Intent to Rehabilitate’. For purposes of this item, a building or structure that otherwise qualifies as an ‘abandoned building’ may be subdivided into separate units or parcels, which units or parcels may be owned by the same taxpayer or different taxpayers, and each unit or parcel is deemed to be an abandoned building site for purposes of determining whether each subdivided parcel is considered to be abandoned. For purposes of this item, an abandoned building is not a building or structure with an immediate preceding use as a single‑family residence.

(2) ‘Building site’ means the abandoned building together with the parcel of land upon which it is located and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building’s income producing use.

(3) ‘Local taxing entities’ means a county, municipality, school district, special purpose district, and other entity or district with the power to levy ad valorem property taxes against the building site.

(4) ‘Local taxing entity ratio’ means that percentage computed by dividing the millage rate of each local taxing entity by the total millage rate for the building site.

(5) ‘Placed in service’ means the date upon which the building site is completed and ready for its intended use. If the building site is completed and ready for use in phases or portions, each phase or portion is considered to be placed in service when it is completed and ready for its intended use.

(6) ‘Rehabilitation expenses’ means the expenses or capital expenditures incurred in the rehabilitation, demolition, renovation, or redevelopment of the building site, including without limitations, the renovation or redevelopment of existing buildings, environmental remediation, site improvements, and the construction of new buildings and other improvements on the building site, but excluding the cost of acquiring the building site or the cost of personal property located at the building site. For expenses associated with a building site to qualify for the tax credit, the abandoned buildings on the building site must be either renovated or redeveloped. Rehabilitation expenses associated with a building site that increases the amount of square footage on the building site in excess of two hundred percent of the amount of square footage of the buildings that existed on the building site as of the filing of the notice of intent to rehabilitate shall not be considered a rehabilitation expense for purposes of calculating the amount of the credit. Notwithstanding any other provision of this section, demolition expenses shall not be considered a rehabilitation expense for purposes of calculating the amount of the credit if the building being demolished is on the National Register for Historic Places.

(7) ‘Notice of Intent to Rehabilitate’ means a letter submitted by the taxpayer to the department or the municipality or county as specified in this chapter, indicating the taxpayer’s intent to rehabilitate the building site, the location of the building site, the amount of acreage involved in the building site, the amount of square footage of existing buildings involved in the building site, and the estimated expenses to be incurred in connection with rehabilitation of the building site. The notice also must set forth information as to which buildings the taxpayer intends to renovate and whether new construction is to be involved.

Section 12‑67‑130. (A) This chapter only applies to abandoned building sites or phases or portions thereof put into operation in which a taxpayer incurs the following rehabilitation expenses:

(1) more than two hundred fifty thousand dollars for buildings located in the unincorporated areas of a county or in a municipality in the county with a population based on the most recent official United States census of more than twenty‑five thousand persons;

(2) more than one hundred fifty thousand dollars for buildings located in the unincorporated areas of a county or in a municipality in the county with a population of at least one thousand persons, but not more than twenty‑five thousand persons based on the most recent official United States census; and

(3) more than seventy‑five thousand dollars for buildings located in a municipality with a population of less than one thousand persons based on the most recent official United States census.

(B) Also, this chapter only applies to abandoned building sites or phases or portions thereof put into operation for income producing purposes and that meet the purpose of this chapter set forth in Section 12‑67‑110. The construction of a single‑family residence is not an income producing purpose and does not meet the purpose of this chapter.

Section 12‑67‑140. (A) Subject to the terms and conditions of this chapter, a taxpayer who rehabilitates an abandoned building is eligible for either:

(1) a credit against income taxes imposed pursuant to Chapter 6 and Chapter 11 of this title, corporate license fees pursuant to Chapter 20 of this title, or taxes on associations pursuant to Chapter 13 of this title, or a combination thereof; or

(2) a credit against real property taxes levied by local taxing entities.

(B) If the taxpayer elects to receive the credit pursuant to subsection (A)(1), the following provisions apply:

(1) The taxpayer shall file with the department a Notice of Intent to Rehabilitate before incurring its first rehabilitation expenses at the building site. Failure to provide the Notice of Intent to Rehabilitate results in qualification of only those rehabilitation expenses incurred after the notice is provided.

(2) The amount of the credit is equal to twenty‑five percent of the actual rehabilitation expenses incurred at the building site if the actual rehabilitation expenses incurred in rehabilitating the building site are between eighty percent and one hundred twenty‑five percent of the estimated rehabilitation expenses set forth in the Notice of Intent to Rehabilitate. If the actual rehabilitation expenses exceed one hundred twenty‑five percent of the estimated expenses set forth in the Notice of Intent to Rehabilitate, the taxpayer qualifies for the credit based on one hundred twenty‑five percent of the estimated expenses as opposed to the actual expenses it incurred in rehabilitating the building site. If the actual rehabilitation expenses are below eighty percent of the estimated rehabilitation expenses, the credit is not allowed.

(3)(a) The entire credit is earned in the taxable year in which the applicable phase or portion of the building site is placed in service but must be taken in equal installments over a five‑year period beginning with the tax year in which the applicable phase or portion of the building site is placed in service. Unused credit may be carried forward for the succeeding five years.

(b) The entire credit earned pursuant to this item may not exceed five hundred thousand dollars for any taxpayer in a tax year for each abandoned building site. The limitation provided in this subitem applies to each unit or parcel deemed to be an abandoned building site.

(4) If the taxpayer qualifies for both the credit allowed by this section and the credit allowed pursuant to the Textiles Communities Revitalization Act or the Retail Facilities Revitalization Act, the taxpayer only may claim one of the three credits. However, the taxpayer is not disqualified from claiming any other tax credit in conjunction with the credit allowed by this section.

(5) The credit allowed by this subsection is limited in use to fifty percent of either:

(a) the taxpayer’s income tax liability for the taxable year if taxpayer claims the credit allowed by this section as a credit against income tax imposed pursuant to Chapter 6 or Chapter 11 of this title, or taxes on associations pursuant to Chapter 13 of this title, or both; or

(b) the taxpayer’s corporate license fees for the taxable year if the taxpayer claims the credit allowed by this section as a credit against license fees imposed pursuant to Chapter 20.

(6)(a) If the taxpayer leases the building site, or part of the building site, the taxpayer may transfer any applicable remaining credit associated with the rehabilitation expenses incurred with respect to that part of the site to the lessee of the site. If a taxpayer sells the building site, or any phase or portion of the building site, the taxpayer may transfer all or part of the remaining credit, associated with the rehabilitation expenses incurred with respect to that phase or portion of the site, to the purchaser of the applicable portion of the building site.

(b) To the extent that the taxpayer transfers the credit, the taxpayer shall notify the department of the transfer in the manner the department prescribes.

(7) To the extent that the taxpayer is a partnership or a limited liability company taxed as a partnership, the credit may be passed through to the partners or members and may be allocated among any of its partners or members including, without limitation, an allocation of the entire credit to one partner or member, without regard to any provision of the Internal Revenue Code or regulations promulgated pursuant thereto, that may be interpreted as contrary to the allocation, including, without limitation, the treatment of the allocation as a disguised sale.

(C) If the taxpayer elects to receive the credit pursuant to subsection (A)(2), the following provisions apply:

(1) The taxpayer shall file a Notice of Intent to Rehabilitate with the municipality, or the county if the building site is located in an unincorporated area, in which the building site is located before incurring its first rehabilitation expenses at the building site. Failure to provide the Notice of Intent to Rehabilitate results in qualification of only those rehabilitation expenses incurred after notice is provided.

(2) Once the Notice of Intent to Rehabilitate has been provided to the county or municipality, the municipality or the county first shall determine, by resolution, the eligibility of the building site and the proposed rehabilitation expenses for the credit. A proposed rehabilitation of a building site must be approved by a positive majority vote of the local governing body. For purposes of this subsection, ‘positive majority vote’ is as defined in Section 6‑1‑300(5). If the county or municipality determines that the building site and the proposed rehabilitation expenses are eligible for the credit, there must be a public hearing and the municipality or county shall approve the building site for the credit by ordinance. Before approving a building site for the credit, the municipality or county shall make a finding that the credit does not violate a covenant, representation, or warranty in any of its tax increment financing transactions or an outstanding general obligation bond issued by the county or municipality.

(3)(a) The amount of the credit is equal to twenty‑five percent of the actual rehabilitation expenses incurred at the building site times the local taxing entity ratio of each local taxing entity that has consented to the credit pursuant to item (4), if the actual rehabilitation expenses incurred in rehabilitating the building site are between eighty percent and one hundred twenty‑five percent of the estimated rehabilitation expenses set forth in the Notice of Intent to Rehabilitate. If the actual rehabilitation expenses exceed one hundred twenty‑five percent of the estimated expenses set forth in the Notice of Intent to Rehabilitate, the taxpayer qualifies for the credit based on one hundred twenty‑five percent of the estimated expenses as opposed to the actual expenses it incurred in rehabilitating the building site. If the actual rehabilitation expenses are below eighty percent of the estimated rehabilitation expenses, the credit is not allowed. The ordinance must provide for the credit to be taken as a credit against up to seventy‑five percent of the real property taxes due on the building site each year for up to eight years.

(b) The local taxing entity ratio is set as of the time the Notice of Intent to Rehabilitate is filed and remains set for the entire period that the credit may be claimed by the taxpayer.

(4) Not fewer than forty‑five days before holding the public hearing required by subsection (C)(2), the governing body of the municipality or county shall give notice to all affected local taxing entities in which the building site is located of its intention to grant a credit against real property taxes for the building site and the amount of estimated credit proposed to be granted based on the estimated rehabilitation expenses. If a local taxing entity does not file an objection to the tax credit with the municipality or county on or before the date of the public hearing, the local taxing entity is considered to have consented to the tax credit.

(5) The credit against real property taxes for each applicable phase or portion of the building site may be claimed beginning for the property tax year in which the applicable phase or portion of the building site is first placed in service.

(D) A taxpayer is not eligible for the credit if the taxpayer owned the otherwise eligible building site when the site was operational and immediately prior to its abandonment.

Section 12‑67‑150. The provisions of Chapter 31, Title 6 also apply to this chapter, except that the requirements of Section 6‑31‑40 do not apply.”

SECTION 2. This act takes effect upon approval by the Governor, and applies to the rehabilitation, renovation, and redevelopment of abandoned buildings begun after the effective date of this chapter which are undertaken in conformity with the provisions of this act. /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted, as perfected.

Senator DAVIS proposed the following Amendment P1-2 (234R004.TD), which was ruled out of order:

Amend the amendment bearing document number L:\S-RES\  
Amend\234R003.KLB.docx, page 8, by striking SECTION 2.E. 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 BRYANT explained the perfecting amendment.

Senator BRYANT proposed the following Amendment No. 2 (234R003.KLB), which was ruled out of order:

Amend the bill, as and if amended, page 7, by stiking SECTION 2 and inserting:

/ SECTION 2. 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 2.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 2.A. and tax credits authorized by SECTION 2.B. may be taken to the extent authorized beginning with calendar year 2014.

SECTION 3. Except as provided in SECTION 2, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator COLEMAN 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.

**Point of Order**

Senator BRYANT raised a Point of Order that the Point of Order raised by Senator COLEMAN was out of order inasmuch as it was raised on the perfecting amendment.

The PRESIDENT overruled the Point of Order.

Senator COLEMAN spoke on the Point of Order raised by Senator COLEMAN.

Senator BRYANT spoke on the Point of Order.

Senator BRIGHT spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment Nos. P1-2 and 2 were ruled out of order.

Senator BRYANT objected to further consideration of the Bill.

**AMENDMENT PROPOSED**

**OBJECTION TO FURTHER CONSIDERATION**

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 second reading of the Bill.

Senators DAVIS and SHANE MARTIN proposed the following amendment (262R006.TD):

Amend the bill, as and if amended, page 7, by striking line 30 and inserting:

/ State.

Section 11‑44‑90. (A) A qualified business, receiving an investment pursuant to this chapter, shall submit an annual report to the Department of Revenue that includes a summary of jobs created and lost, categorized by full‑time, part‑time, temporary positions, and hourly wage for each year for five years after an investment is made. The initial summary report must include a statement of how the investment was used and whether it was effective for the qualified business. The report must be made available to the public via the department’s website.

(B)(1) The Department of Revenue shall submit an annual report to the General Assembly and the Governor by January thirty‑first containing:

(a) the aggregate amount of all credits issued pursuant to this chapter during the previous tax year;

(b) the name of each qualified business receiving an investment and the corporate name of each angel investor, including the amount of credit received;

(c) a detailed summary of the report filed pursuant to subsection (B), including a cost‑benefit analysis of the amount of credit awarded and jobs created.

(2) The report must be made available to the public via the department’s website.”/

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator LEATHERMAN objected to further consideration of the Bill.

**OBJECTION TO FURTHER CONSIDERATION**

S. 6 -- Senator Peeler: A BILL TO AMEND SECTION 40‑11‑260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINANCIAL STATEMENTS AND NET WORTH REQUIREMENTS FOR GENERAL CONTRACTORS AND MECHANICAL CONTRACTORS, SO AS TO ADJUST THE NET WORTH REQUIREMENTS FOR LICENSURE AND LICENSE RENEWAL, AND TO DELETE OBSOLETE LANGUAGE.

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

Senator O’DELL explained the Bill.

Senator LEATHERMAN objected to further consideration of the Bill.

**ADOPTED**

S. 480 -- Senators Alexander, Hutto and Rankin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 1, 2013, AS THE TIME TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2016; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE THIRD DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2016; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FIFTH DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2016; AND TO ELECT A PUBLIC SERVICE COMMISSIONER FOR THE SEVENTH DISTRICT, AS A SUCCESSOR TO THE PUBLIC SERVICE COMMISSIONER FOR THE AT‑LARGE SEAT, FOR A TERM EXPIRING ON JUNE 30, 2016.

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

**CARRIED OVER**

S. 10 -- Senators L. Martin and Fair: A JOINT RESOLUTION TO AUTHORIZE SCHOOL TRUSTEES OF A SCHOOL DISTRICT, IN FISCAL YEAR 2012‑2013, TO SELL OR LEASE SCHOOL PROPERTY, REAL OR PERSONAL, IN THE SCHOOL DISTRICT AT ANY TIME THEY DEEM IT EXPEDIENT TO DO SO AND APPLY THE PROCEEDS OF THE SALE OR LEASE TO THE SCHOOL FUND OF THE DISTRICT.

On motion of Senator MALLOY, the Joint Resolution was carried over.

S. 310 -- Senators Alexander and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑29‑95 SO AS TO PROVIDE THE MANUFACTURED HOUSING BOARD SHALL ADOPT CERTAIN FINANCIAL RESPONSIBILITY GUIDELINES FOR ITS LICENSEES; BY ADDING SECTION 40‑29‑225 SO AS TO PROVIDE CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF LICENSURE AS A MANUFACTURED HOME RETAIL DEALER, RETAIL SALESMAN, INSTALLER, CONTRACTOR, OR REPAIRER; BY ADDING SECTION 40‑29‑325 SO AS TO PROVIDE A DEALER SHALL INCLUDE HIS LICENSE NUMBER IN ADVERTISING, TO PROVIDE AN EXCEPTION, AND TO PROVIDE PENALTIES FOR A VIOLATION; BY ADDING SECTION 40‑29‑500 SO AS TO PROVIDE FAILURE TO OBTAIN AN APPROPRIATE BUILDING PERMIT BEFORE INSTALLING A MANUFACTURED HOME CONSTITUTES A VIOLATION; TO AMEND SECTION 40‑29‑80, RELATING TO BASES FOR SUSPENDING, REVOKING, RESTRICTING, OR DENYING A LICENSE BY THE BOARD, SO AS TO INCLUDE THE AIDING OR ABETTING AN UNLICENSED ENTITY TO EVADE THE PROVISIONS OF THE CHAPTER OR TO ALLOW USE OF A LICENSE BY AN UNLICENSED ENTITY; TO AMEND SECTION 40‑29‑200, RELATING TO APPLICATIONS FOR LICENSURE AND RENEWAL, SO AS TO PROVIDE AN APPLICANT FOR LICENSURE AS A RETAIL DEALER SHALL GIVE THE BOARD A FINANCIAL STATEMENT REVIEWED BY A CERTIFIED PUBLIC ACCOUNTANT, TO PROVIDE THE HOLDER OF A LIEN ON A MANUFACTURED HOME IS NOT SUBJECT TO THE PROVISIONS OF THIS CHAPTER FOR THE SALE, EXCHANGE, OR TRANSFER BY LEASE‑PURCHASE A REPOSSESSED MANUFACTURED HOME MADE THROUGH A LICENSED MANUFACTURED HOME RETAILER, AND TO PROVIDE A PERSON LICENSED BY ANOTHER BOARD OR COMMISSION IN THIS STATE MAY NOT INSTALL A MANUFACTURED HOME BUT MAY REPAIR, INSPECT, OR IMPROVE A MANUFACTURED HOME CONSISTENT WITH THE REQUIREMENTS OF HIS LICENSE; AND TO AMEND SECTION 40‑29‑230, RELATING TO VIOLATIONS OF SURETY BOND, CLAIM, AND RELEASE REQUIREMENTS FOR APPLICANTS FOR LICENSURE BY THE BOARD, SO AS TO INCLUDE THE INABILITY OF AN APPLICANT TO SATISFY REQUISITE FINANCIAL RESPONSIBILITY GUIDELINES AS A BASIS FOR INCREASING THE AMOUNT OF THE REQUIRED SURETY BOND OR OTHER APPROVED SECURITY.

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

S. 476 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF FUNERAL SERVICE, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4268, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Joint Resolution.

On motion of Senator MASSEY, the Joint Resolution was carried over.

S. 477 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF FUNERAL SERVICE, RELATING TO REQUIREMENTS OF LICENSURE FOR FUNERAL SERVICE PROVIDERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4318, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Joint Resolution was carried over.

**MOTION ADOPTED**

Senator COURSON asked unanimous consent to make a motion that, when the Senate stands adjourned on Friday, March 22, 2013, the Senate will stand adjourned to meet on Tuesday, March 26, 2013, Wednesday, March 27, 2013, and Thursday, March 28, 2013, subject to the times and limitations set forth in Rule 1B;

and, further, when the Senate stands adjourned on Thursday, March 28, 2013, it will stand adjourned to meet on Monday, April 1, 2013, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up;

and, further, when the Senate stands adjourned on Monday, April 1, 2013, the Senate will stand adjourned to meet on Tuesday, April 2, 2013, Wednesday, April 3, 2013, and Thursday, April 4, 2013, subject to the times and limitations set forth in Rule 1B;

and, further, when the Senate stands adjourned on Thursday, April 4, 2013, it will stand adjourned to meet on Friday, April 5, 2013, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up;

and, further, when the Senate stands adjourned on Friday, April 5, 2013, the Senate will stand adjourned to meet on Tuesday, April 9, 2013, in Statewide Session at 12:00 Noon.

There was no objection and the motion was adopted.

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

**MOTION ADOPTED**

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

**Recorded Vote**

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

**RECALLED**

S. 230 -- Senator Johnson: A BILL TO AMEND SECTION 7‑27‑275, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLARENDON COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, SO AS TO ADJUST THE MEMBERSHIP AND COMPOSITION OF THE BOARD.

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

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

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

**DEBATE INTERRUPTED**

S. 53 -- Senators Campsen, Hayes and Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION; AND PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE XI, RELATING TO THE STATE BOARD OF EDUCATION, SO AS TO ABOLISH THE BOARD EFFECTIVE UPON THE STATE SUPERINTENDENT OF EDUCATION BEING APPOINTED BY THE GOVERNOR.

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

Senator CAMPSEN spoke on the Resolution.

Senator SCOTT spoke on the Resolution.

With Senator SCOTT retaining the floor, on motion of Senator COURSON, with unanimous consent, debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Walter Ansel “Walt” McJunkin, 88, of Liberty, S.C., longtime Liberty City Councilman and civic leader. He was a devoted Christian husband, loving father, and doting grandfather and great‑grandfather.

and

**MOTION ADOPTED**

On motion of Senators COURSON, JACKSON, LOURIE and SCOTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Barbara Scott of Columbia, S.C., former Clerk of Court for Richland County and former Board Member of School District One.

**ADJOURNMENT**

At 5:08 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

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