**Tuesday, April 23, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

King Belshazzar called Daniel and said to him:

“ ‘Now I have heard that you are able to give interpretations and to solve difficult problems. If you can read this writing and tell me what it means, you will be clothed in purple and have a gold chain around your neck’...” (Daniel 5:15a)

Join me as we pray:

Glorious Lord, we ask You to be with these Senators in wondrous ways -- as You were with Daniel ages ago. There are indeed so many puzzles that this Senate has to handle and to work through. Give guidance and direction to each of these leaders as they wrestle with matters great and small -- not with an eye toward gaining purple robes and gold chains, to be sure, but in order to bring benefits and blessings to the women and men and youngsters of South Carolina. And as always, dear God, may the glory ever be Yours. In Your wondrous name we pray, O Lord.

Amen.

**Point of Quorum**

At 12:03 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators FORD, HUTTO, JACKSON and RANKIN recorded their presence subsequent to the Call of the Senate.

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

**Doctor of the Day**

Senator SHANE MARTIN introduced Dr. Bert Knight of   
Greenville, S.C., Doctor of the Day.

**Leave of Absence**

At 5:10 P.M., Senator FAIR requested a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 290 Sens. Davis, Alexander

S. 448 Sen. Shane Martin

S. 568 Sen. Shane Martin

**CO-SPONSOR REMOVED**

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

S. 503 Sen. Davis

**RECALLED**

H. 3405 -- Reps. Hardee, Anderson, Barfield, Clemmons, H.A. Crawford, Edge, George, Hardwick, Hayes and Ryhal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME STATE ROAD S‑26‑668 IN HORRY COUNTY “BRANDON OLIVER STEVENS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “BRANDON OLIVER STEVENS MEMORIAL HIGHWAY”.

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

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 3979 -- Reps. Harrell, R.L. Brown, Crosby, Gilliard, Goldfinch, Horne, Limehouse, Mack, McCoy, Merrill, Rivers, Sottile, Stavrinakis, Whipper, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G.A. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, H.A. Crawford, K.R. Crawford, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Loftis, Long, Lowe, Lucas, McEachern, M.S. McLeod, W.J. McLeod, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Robinson‑Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO SUPPORT PLANS TO CREATE THE NATIONAL MEDAL OF HONOR MUSEUM ON THE WATERFRONT IN MOUNT PLEASANT, SOUTH CAROLINA, OVERLOOKING THE CITY OF CHARLESTON, WHICH WILL SERVE AS A PERMANENT PLACE OF HONOR AND RECOGNITION FOR THOSE INDIVIDUALS WHO HAVE BEEN AWARDED THE HIGHEST LEVEL OF RECOGNITION FOR THEIR SACRIFICE AND SERVICE; AS A PLACE TO INSPIRE CURRENT AND FUTURE GENERATIONS ABOUT THE IDEALS OF COURAGE, PATRIOTISM, LEADERSHIP, AND SACRIFICE; TO HELP THEM UNDERSTAND THE MEANING AND PRICE OF FREEDOM; AND TO ENCOURAGE THEM TO EMBRACE THEIR RESPONSIBILITIES AS CITIZENS IN A DEMOCRACY.

Senator O’DELL asked unanimous consent to make a motion to recall the Concurrent Resolution from the General Committee.

The Concurrent Resolution was recalled from the General Committee and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 638 -- Senators Matthews and Shealy: A SENATE RESOLUTION TO HONOR VALARIE RICHARDSON TRESVANT OF COLUMBIA FOR HER MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE OF SOUTH CAROLINA, TO CONGRATULATE HER ON THE OCCASION OF HER RETIREMENT AS STAFF DIRECTOR FOR THE SOUTH CAROLINA SENATE OFFICE OF SENATOR JOHN W. MATTHEWS, JR., AND TO WISH HER MUCH SUCCESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 639 -- Senators McElveen, Campsen and Gregory: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO ENACT LEGISLATION AND THE UNITED STATES FISH AND WILDLIFE SERVICE TO PROMULGATE REGULATIONS AUTHORIZING THE STATE OF SOUTH CAROLINA TO MANAGE DOUBLE-CRESTED CORMORANTS IN THE STATE.

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The Concurrent Resolution was introduced and referred to the Committee on Fish, Game and Forestry.

S. 640 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “ANIMAL RESCUE ACT” BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 47, TO MAKE FINDINGS, TO AMONGST OTHER THINGS, PROVIDE THAT AN ANIMAL MAY NOT BE KILLED IF ANOTHER ANIMAL SHELTER REQUESTS THE ANIMAL, TO SET FORTH A HOLDING REQUIREMENT BEFORE AN ANIMAL MAY BE KILLED, TO PROVIDE THE MANNER IN WHICH AN ANIMAL MAY BE KILLED, AND TO MAKE PROVISIONS REGARDING FERAL CATS AND FERAL CAT CAREGIVERS; TO AMEND SECTION 47-3-440, AS AMENDED, RELATING TO THE PROCESS BY WHICH AN ANIMAL MAY BE KILLED, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 47-3-420 RELATING TO ALLOWABLE METHODS OF EUTHANASIA FOR AN ANIMAL.

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

S. 641 -- Senator Campsen: A JOINT RESOLUTION TO DEFINE FALCONRY AND MAKE IT LAWFUL TO ENGAGE IN FALCONRY IN SOUTH CAROLINA JANUARY 1, 2014, THROUGH DECEMBER 31, 2014, TO PROVIDE FOR THE REGULATION OF FALCONRY, AND TO PROVIDE A PENALTY FOR VIOLATIONS.

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

S. 642 -- Senator Cleary: A CONCURRENT RESOLUTION TO ENCOURAGE SCHOOL DISTRICTS IN THIS STATE TO AVAIL THEMSELVES OF ALL AVAILABLE ENERGY EFFICIENCY INCENTIVES AND REBATES PROVIDED BY THEIR LOCAL UTILITIES.

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Senator CLEARY spoke on the Resolution.

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

S. 643 -- Senators Hayes and Leatherman: A BILL TO AMEND ACT 288 OF 2012, RELATING TO THE 2012-2013 GENERAL APPROPRIATIONS ACT, SO AS TO REVISE PARAGRAPH 1A.48, SECTION 1A, PART IB, THAT DIRECTS THE DEPARTMENT OF EDUCATION TO TRANSFER CERTAIN FUNDS TO MEET MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY DELETING THE SET MAXIMUM AMOUNT THAT MAY BE TRANSFERRED.

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

S. 644 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JOHN JOSEPH FECHTEL, DEPUTY COUNTY ADMINISTRATOR FOR LEXINGTON COUNTY, UPON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-FIVE YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 645 -- Senator Pinckney: A SENATE RESOLUTION TO RECOGNIZE AND HONOR AMAR WILKINS OF JASPER COUNTY FOR HIS OUTSTANDING ACADEMIC, EXTRACURRICULAR, AND COMMUNITY ENDEAVORS AND TO CONGRATULATE HIM FOR CAPTURING FIRST PLACE IN THE 2013 SENATOR FOR A DAY SPEECH COMPETITION.

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The Senate Resolution was adopted.

S. 646 -- Senator Ford: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SANDRA W. HAYNES, UPON THE OCCASION OF HER RETIREMENT AFTER MORE THAN FORTY YEARS OF OUTSTANDING SERVICE IN THE FIELD OF NURSING, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 647 -- Senators Alexander, Hutto, Courson, Setzler, Campbell and Hayes: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE OUTSTANDING SERVICE THAT THE BOY SCOUTS OF AMERICA PROVIDES TO THE LIVES OF YOUNG MEN AND BOYS ACROSS AMERICA AND THE NOTEWORTHY IMPACT THAT BOY SCOUTS MAKE IN EVERY COMMUNITY OF OUR STATE.

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The Senate Resolution was adopted.

H. 3014 -- Reps. J. E. Smith, Bernstein, M. S. McLeod, McEachern, Weeks, Hart and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO ENACT THE “VETERANS TREATMENT COURT PROGRAM ACT”, TO REQUIRE THE CREATION AND ADMINISTRATION OF A VETERANS TREATMENT COURT PROGRAM IN EACH JUDICIAL CIRCUIT BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF A VETERANS TREATMENT COURT JUDGE, AND TO PROVIDE FOR REQUIREMENTS FOR AN OFFENDER TO QUALIFY FOR ADMISSION TO A VETERANS TREATMENT COURT PROGRAM.

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

H. 3224 -- Reps. J. E. Smith, Bernstein, Erickson and Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT”; BY ADDING SECTION 59-101-400 SO AS TO PROVIDE A PUBLIC, POST-SECONDARY INSTITUTION OF HIGHER EDUCATION IN THIS STATE MAY AWARD EDUCATIONAL CREDIT TO AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES FOR A COURSE THAT IS PART OF HIS MILITARY TRAINING OR SERVICE, SUBJECT TO CERTAIN CONDITIONS, AND TO REQUIRE THE INSTITUTION TO IMPLEMENT RELATED POLICIES AND REGULATIONS WITHIN A SPECIFIED TIME FRAME; BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 40 SO AS TO PROVIDE MISCELLANEOUS LICENSURE PROVISIONS FOR MILITARY PERSONNEL, TO PROVIDE A PERSON LICENSED BY BOARD OR COMMISSION UNDER THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IS EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS AND FEE ASSESSMENTS DURING ACTIVE DUTY IN THE UNITED STATES ARMED FORCES, TO PROVIDE A BOARD OR COMMISSION MAY ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE A BOARD OR COMMISSION SHALL ACCEPT CERTAIN COURSEWORK OR EXPERIENCE OBTAINED DURING THE COURSE OF MILITARY SERVICE TO SATISFY RELATED PROFESSIONAL OR OCCUPATIONAL EDUCATION OR TRAINING LICENSURE REQUIREMENTS; AND TO REPEAL SECTIONS 40-1-75 RELATING TO EXEMPTING ACTIVE DUTY MILITARY PERSONNEL FROM CONTINUING EDUCATION REQUIREMENTS, AND 40-1-77 RELATING TO TEMPORARY PROFESSIONAL OR OCCUPATIONAL LICENSES FOR MILITARY SPOUSES, THE SUBSTANCE OF WHICH ARE INCORPORATED INTO THE NEW ARTICLE ADDED BY THIS ACT.

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

H. 3268 -- Reps. G. R. Smith, Bedingfield, Willis, Allison, Putnam, Chumley, Dillard, Hamilton, Henderson, Knight, Loftis, Nanney and Robinson-Simpson: 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.

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

H. 3474 -- Reps. Erickson, Owens, Newton, Patrick, Bowen, McCoy, Huggins, Herbkersman, Simrill, Atwater, Cole, Felder, Forrester, Gambrell, Henderson, Loftis, Long, Merrill, Nanney, Pope, Tallon, Thayer, White and Rivers: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY SCHOOL TERM, COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS, AND MAKE-UP DAYS, SO AS TO PROVIDE A SCHOOL DISTRICT MAY USE INSTRUCTIONAL HOURS OR INSTRUCTIONAL DAYS TO SATISFY REQUIREMENTS FOR SCHOOL CALENDARS, COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS, AND MAKE-UP DAYS, AND TO PROVIDE A DATE BEFORE WHICH THE OPENING DATE OF A SCHOOL MAY BEGIN UNLESS THE SCHOOL OPERATES ON A YEAR-ROUND MODIFIED CALENDAR.

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

H. 3602 -- Reps. Weeks, Cobb-Hunter, Clemmons, Pope, Kennedy, M. S. McLeod, Tallon, Murphy, Crosby, McCoy, Dillard, Long, Bowen, Munnerlyn, Sellers, Limehouse, Brannon, Gilliard, Bales, Barfield, Bowers, Branham, G. A. Brown, R. L. Brown, Daning, Delleney, Edge, Funderburk, Henderson, Horne, Howard, Huggins, Jefferson, Loftis, Lowe, W. J. McLeod, Merrill, D. C. Moss, Norman, Powers Norrell, Quinn, Sandifer, Simrill, G. M. Smith, Spires, Taylor, Wells, Whipper, Wood, Newton, Riley, Anderson and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-131 SO AS TO CREATE AN OFFENSE RELATING TO STEALING GOODS OR MERCHANDISE FROM A MERCHANT BY AFFIXING A PRODUCT CODE AND TO PROVIDE A PENALTY; BY ADDING SECTION 16-13-135 SO AS TO DEFINE NECESSARY TERMS, CREATE AN OFFENSE RELATING TO RETAIL THEFT, AND TO PROVIDE A PENALTY; TO AMEND SECTION 16-13-440, RELATING TO THE USE OF A FALSE OR FICTITIOUS NAME OR ADDRESS TO OBTAIN A REFUND FROM A BUSINESS ESTABLISHMENT FOR MERCHANDISE, SO AS TO INCLUDE USING A FALSE OR ALTERED IDENTIFICATION CARD TO COMMIT CERTAIN RETAIL THEFT OFFENSES; TO AMEND SECTION 16-13-180, AS AMENDED, RELATING TO RECEIVING STOLEN GOODS, SO AS TO INCLUDE RECEIVING OR POSSESSING STOLEN GOODS WHEN THE PERSON IS ON NOTICE BY LAW ENFORCEMENT THAT THE GOODS ARE STOLEN; TO AMEND SECTION 17-25-323, RELATING TO DEFAULT ON COURT-ORDERED PAYMENTS INCLUDING RESTITUTION BY PERSONS ON PROBATION OR PAROLE AND CIVIL JUDGMENTS AND LIENS, SO AS TO INCLUDE DEFENDANTS WHO DEFAULT ON THE VARIOUS MAGISTRATES COURT OR MUNICIPAL COURT-ORDERED PAYMENTS INCLUDING RESTITUTION IN THE PURVIEW OF THE STATUTE AND TO PROVIDE THAT A FILING FEE OR OTHER FEE MAY NOT BE REQUIRED WHEN SEEKING A CIVIL JUDGMENT; TO AMEND SECTION 14-25-65, AS AMENDED, RELATING TO PENALTIES THE MAGISTRATES COURT MAY IMPOSE, RESTITUTION, AND CONTEMPT, SO AS TO ALLOW A MAGISTRATE TO CONVERT CERTAIN UNPAID COURT-ORDERED PAYMENTS TO A CIVIL JUDGMENT; AND TO AMEND SECTION 22-3-550, AS AMENDED, RELATING TO THE JURISDICTION OF THE MAGISTRATES COURT OVER MINOR OFFENSES, RESTITUTION, AND CONTEMPT, SO AS TO ALLOW A MAGISTRATE TO CONVERT CERTAIN UNPAID COURT-ORDERED PAYMENTS TO A CIVIL JUDGMENT AND TO INCLUDE VIOLATIONS OF SECTIONS 16-13-180 AND 16-13-440 IN THOSE OFFENSES FOR WHICH A MAGISTRATE HAS THE POWER TO SENTENCE A PERSON TO CONSECUTIVE TERMS OF IMPRISONMENT TOTALING MORE THAN NINETY DAYS.

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

H. 3752 -- Rep. Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “EXPANDED VIRTUAL LEARNING ACT”; TO AMEND SECTION 59-16-15, RELATING TO THE SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, SO AS TO RESTYLE THE PROGRAM AS A VIRTUAL EDUCATION PROGRAM AND TO REMOVE LIMITS ON THE NUMBER OF ONLINE CREDITS A STUDENT MAY BE AWARDED UNDER THE PROGRAM; AND TO AMEND SECTION 59-40-65, RELATING TO ENROLLMENT OF CHARTER SCHOOL STUDENTS IN THE SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, SO AS TO MAKE A CONFORMING CHANGE.

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

H. 3771 -- Reps. Sandifer, Bales, Putnam, Goldfinch and Erickson: A BILL TO AMEND SECTION 40-57-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA REAL ESTATE COMMISSION, SO AS TO DETAIL PROCEDURES FOR APPOINTING THE SEVEN COMMISSIONERS WHO REPRESENT THE SEVEN CONGRESSIONAL DISTRICTS, AND TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE COMMISSION, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE COMMISSION, AND TO PROVIDE THESE PERSONNEL ONLY MAY BE TERMINATED BY THE DIRECTOR.

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

H. 3797 -- Reps. Sandifer and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-90-165 SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY DECLARE A CAPTIVE INSURANCE COMPANY INACTIVE IN CERTAIN CIRCUMSTANCES AND THAT THE DIRECTOR MAY MODIFY THE MINIMUM TAX PREMIUM APPLICABLE TO THE COMPANY DURING INACTIVITY; BY ADDING SECTION 38-90-215 SO AS TO PROVIDE A PROTECTED CELL MAY BE EITHER INCORPORATED OR UNINCORPORATED, AND TO PROVIDE REQUIREMENTS FOR EACH; BY ADDING SECTION 38-90-250 SO AS TO PROVIDE THE DEPARTMENT MUST CONSIDER A LICENSED CAPTIVE INSURANCE COMPANY THAT MEETS THE REQUIREMENTS OF AN INSURER FOR ISSUANCE OF A CERTIFICATE OF AUTHORITY TO ACT AS AN INSURER; TO AMEND SECTION 38-90-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE ADDITIONAL TERMS AND REVISE DEFINITIONS OF CERTAIN EXISTING TERMS; TO AMEND SECTION 38-90-20, AS AMENDED, RELATING TO THE DOCUMENTATION REQUIRED FOR LICENSING CAPTIVE INSURANCE COMPANIES, SO AS TO REMOVE THE REQUIREMENT OF A CERTIFICATE OF GENERAL GOOD ISSUED BY THE DIRECTOR; TO AMEND SECTION 38-90-35, RELATING TO THE CONFIDENTIALITY OF INFORMATION CONCERNING CAPTIVE INSURANCE COMPANIES SUBMITTED TO THE DEPARTMENT OF INSURANCE, SO AS TO REVISE REQUIREMENTS FOR MAKING THE INFORMATION SUBJECT TO DISCOVERY IN A CIVIL ACTION; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS, SECURITY REQUIREMENTS, AND RESTRICTIONS ON DIVIDEND PAYMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE FORM OF CAPITAL REQUIRED FOR A CAPTIVE INSURANCE COMPANY THAT IS NOT A SPONSORED CAPTIVE INSURANCE COMPANY THAT ASSUMES RISK, AND TO REVISE REQUIREMENTS FOR CONTRIBUTIONS TO A CAPTIVE INSURANCE COMPANY INCORPORATED AS A NONPROFIT, AMONG OTHER THINGS; TO AMEND SECTION 38-90-50, AS AMENDED, RELATING TO FREE SURPLUS REQUIREMENTS OF A CAPTIVE INSURANCE COMPANY, SO AS TO REVISE THE FORM OF CAPITAL REQUIRED FOR A CAPTIVE INSURANCE COMPANY THAT IS NOT A SPONSORED CAPTIVE INSURANCE COMPANY THAT ASSUMES RISK; TO AMEND SECTION 38-90-55, AS AMENDED, RELATING TO THE INCORPORATION OF CAPTIVE INSURANCE COMPANIES, SO AS TO DELETE PROVISIONS CONCERNING THE MINIMUM NUMBER AND STATUS OF INCORPORATORS, PREREQUISITES TO TRANSMITTING ARTICLES OF INCORPORATION TO THE SECRETARY OF STATE, AND THE ISSUANCE OF CAPITAL STOCK AT PAR VALUE; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE AVAILABLE OPTIONS; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF CAPTIVE INSURANCE COMPANIES BY THE DEPARTMENT, SO AS TO DELETE REFERENCES TO PURE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-90, AS AMENDED, RELATING TO THE SUSPENSION OR REVOCATION OF A CAPTIVE INSURANCE LICENSE, SO AS TO MAKE A GRAMMATICAL CHANGE; TO AMEND SECTION 38-90-100, AS AMENDED, RELATING TO THE LOANS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE A SPONSORED CAPTIVE INSURANCE COMPANY MAY MAKE LOANS TO ITS PARENT COMPANY IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-90-130, AS AMENDED, RELATING THE PROHIBITION AGAINST PARTICIPATION IN PLAN, POOL, ASSOCIATION, GUARANTY, OR INSOLVENCY FUNDS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE CAPTIVE INSURANCE COMPANIES, INCLUDING PURE CAPTIVE INSURANCE COMPANIES, MAY PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING, AMONG OTHER THINGS; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS RELATING TO INSURANCE, SO AS TO PROVIDE REQUIREMENTS FOR THE NAME OF NEW CAPTIVE INSURANCE COMPANIES, TO PROVIDE CIRCUMSTANCES IN WHICH A SPONSORED CAPTIVE INSURANCE COMPANY MAY ESTABLISH PROTECTED CELLS, INCLUDING REQUIREMENTS FOR A PLAN OF OPERATION, THE ATTRIBUTIONS OF ASSETS AND LIABILITIES BETWEEN A PROTECTED CELL AND THE GENERAL ACCOUNT OF THE SPONSORED CAPTIVE INSURANCE COMPANY, AND ADMINISTRATIVE AND ACCOUNTING PROCEDURES; TO AMEND SECTION 38-90-210, RELATING TO THE SEPARATE ACCOUNTING OF PROTECTED CELLS WHEN ESTABLISHED, SO AS TO REQUIRE THIS ACCOUNTING MUST REFLECT THE PARTICIPANTS OF THE PROTECTED CELL IN ADDITION TO EXISTING REQUIREMENTS; TO AMEND SECTION 38-90-220, AS AMENDED, RELATING TO CERTAIN REQUIREMENTS APPLICABLE TO SPONSORS OF CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 38-90-230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT PROTECTED CELLS ASSETS ARE ONLY AVAILABLE TO CREDITORS OF THE SPONSORED CAPTIVE INSURANCE COMPANY AND RELATED REQUIREMENTS, AND TO PROVIDE REQUIREMENTS CONCERNING OBLIGATIONS OF SPONSORED CAPTIVE INSURANCE COMPANIES WITH RESPECT TO PROTECTED CELLS AND ITS GENERAL ACCOUNT; TO AMEND SECTION 38-90-240, RELATING TO THE ELIGIBILITY OF A LICENSED CAPTIVE INSURANCE COMPANY FOR CERTIFICATE OF AUTHORITY TO ACT AS INSURER, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE FOR WHO MAY PARTICIPATE IN A SPONSORED CAPTIVE INSURANCE COMPANY AND OBLIGATIONS OF THESE PARTICIPANTS, AND TO PROVIDE SPONSORED CAPTIVE INSURANCE COMPANIES MAY NOT BE USED TO FACILITATE INSURANCE SECURITIZATION TRANSACTIONS; TO AMEND SECTION 38-90-450, AS AMENDED, RELATING TO ORGANIZATION REQUIREMENTS FOR SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO DELETE PROVISIONS CONCERNING THE MINIMUM NUMBER AND STATUS OF INCORPORATORS, AND PREREQUISITES TO TRANSMITTING ARTICLES OF INCORPORATION TO THE SECRETARY OF STATE; AND TO REPEAL SECTION 38-90-235 RELATING TO TERMS AND CONDITIONS FOR PROTECTED CELL INSURANCE COMPANIES TO APPLY TO SPONSORED CAPTIVE INSURANCE COMPANIES.

Read the first time and referred to the Committee on Banking and Insurance.

H. 3815 -- Reps. Sandifer and Erickson: A BILL TO AMEND SECTION 40-6-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ANNUAL LICENSE FEE FOR AUCTIONEERS, SO AS TO MAKE THE FEE BIENNIAL; AND TO AMEND SECTION 40-6-240, RELATING TO THE LICENSING PERIOD FOR AN AUCTIONEER LICENSE AND CONTINUING EDUCATION REQUIRED FOR RENEWAL OF THE LICENSE, SO AS TO EXTEND THE PERIOD TO TWO YEARS AND MAKE CONFORMING CHANGES, AND TO INCREASE THE AMOUNT OF CONTINUING EDUCATION THAT A LICENSEE MUST EARN DURING THE LICENSING PERIOD PRECEDING RENEWAL FROM FOUR HOURS TO EIGHT HOURS.

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

H. 3829 -- Reps. Bedingfield, Stringer, Allison, Bannister, Chumley, Dillard, Hamilton, Henderson, Loftis, Nanney, Putnam, Robinson-Simpson, G. R. Smith and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 53, TITLE 59 SO AS TO BE CAPTIONED THE “GREENVILLE TECHNICAL COLLEGE AREA COMMISSION”; TO DESIGNATE SECTIONS 1A, 4, AND 5 OF ACT 743 OF 1962 AS SECTIONS 59-53-1500, 59-53-1510, AND 59-53-1520, RESPECTIVELY, OF ARTICLE 18, CHAPTER 53, TITLE 59; AND TO AMEND ARTICLE 18, CHAPTER 53, TITLE 59, RELATING TO THE MEMBERSHIP, POWERS, AND DUTIES OF THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION AND THE TERMS AND APPOINTING PROCEDURES FOR MEMBERS.

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

H. 3852 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, RELATING TO REQUIREMENTS OF LICENSURE FOR PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4231, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 3868 -- Reps. Stavrinakis, McCoy, Gilliard and Limehouse: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO INSTALL ELECTRONIC TRAFFIC CONTROL SIGNALS AT THE INTERSECTION OF FOLLY ROAD AND SOUTH GRIMBALL ROAD IN CHARLESTON COUNTY.

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

H. 3869 -- Reps. Sandifer, Gambrell and Bales: A BILL TO AMEND SECTION 40-59-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RENEWAL OF LICENSES ISSUED BY THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION, SO AS TO MAKE THE RENEWAL PERIOD BIENNIAL, TO REQUIRE A LICENSEE SEEKING RENEWAL TO SUBMIT A CERTIFICATE OF COMPLIANCE WITH CONTINUING EDUCATIONAL REQUIREMENTS, TO PROVIDE SPECIFIC REQUIREMENTS OF MANDATORY CONTINUING EDUCATION REQUIRED OF A LICENSEE, AND TO PROVIDE THE COMMISSION MAY ESTABLISH ADDITIONAL PROFESSIONAL DESIGNATIONS FOR LICENSES TO RECOGNIZE ENHANCED PROFESSIONAL QUALIFICATIONS AND EXPERIENCE; AND TO AMEND SECTION 40-59-240, RELATING TO RESIDENTIAL SPECIALTY CONTRACTORS, SO AS TO REQUIRE LICENSEES COMPLETE CERTAIN CONTINUING EDUCATION APPROVED BY THE COMMISSION, AND TO PROVIDE A RESIDENTIAL SPECIALTY CONTRACTOR WHO HAS COMPLETED CONTINUING EDUCATIONAL REQUIREMENTS IN ADDITION TO OTHER EXISTING REQUIREMENTS IS EXEMPT FROM RELATED ADDITIONAL EXAMINATIONS REQUIRED BY A COUNTY OR MUNICIPALITY.

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

H. 3870 -- Reps. Gambrell, Bowen, D. C. Moss, Gagnon, Putnam, Sandifer and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-49-65 SO AS TO PROVIDE IN THE “FIREFIGHTER MOBILIZATION ACT OF 2000” THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) HAS SPECIFIC AND EXCLUSIVE JURISDICTION ON BEHALF OF THE STATE IN MATTERS PERTAINING TO THE RESPONSE TO AND CRISIS MANAGEMENT OF ACTS OF TERRORISM AND EMERGENCY EVENT MANAGEMENT OF EXPLOSIVE DEVICES; TO AMEND SECTION 23-49-20, RELATING TO THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION OVERSIGHT COMMITTEE, SO AS TO ADD THE CHIEF OF SLED TO THE COMMITTEE AND TO CORRECT OBSOLETE REFERENCES; TO AMEND SECTION 23-49-50, RELATING TO THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION PLAN, SO AS TO RENAME THE COMMITTEE AS THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION AND EMERGENCY RESPONSE TASK FORCE PLAN, TO ADD THE TASK FORCE TO THOSE RESOURCES THAT THE PLAN IS INTENDED TO OFFER, AND TO PROVIDE THE PLAN IS OPERATIONAL WHEN THE CHIEF OF SLED DIRECTS A RESPONSE TO A TERRORIST OR EXPLOSIVE DEVICE EVENT; TO AMEND SECTION 23-49-60, RELATING TO THE DUTIES OF THE COMMITTEE, SO AS TO PROVIDE THE COMMITTEE SHALL DEVELOP GUIDELINES FOR USING RESOURCES ALLOCATED TO THE TASK FORCE AT THE STATE AND REGIONAL LEVEL; TO AMEND SECTION 23-49-70, RELATING TO STATE AND REGIONAL COORDINATORS APPOINTED BY THE COMMITTEE TO EXECUTE THE PLAN, SO AS TO MAKE A CONFORMING CHANGE TO THE NAME OF THE PLAN, TO REQUIRE THE OFFICE OF STATE FIRE MARSHAL TO PROVIDE ADMINISTRATIVE SUPPORT AS REQUIRED BY THE COMMITTEE TO PERFORM ITS PRESCRIBED FUNCTIONS, AND TO PROVIDE THAT THE STATE COORDINATOR APPOINTED BY THE COMMITTEE SHALL REPORT TO THE STATE FIRE MARSHAL AND PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMITTEE; TO AMEND SECTION 23-49-80, RELATING TO INFORMATION REQUIRED OF THE SOUTH CAROLINA STATE FIREMEN'S ASSOCIATION, SO AS TO CORRECT OBSOLETE LANGUAGE; AND TO AMEND SECTION 23-49-110, RELATING TO DEFINITIONS, SO AS TO DEFINE ADDITIONAL TERMS.

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

H. 3936 -- Rep. Brannon: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 221 IN THE CITY OF CHESNEE FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 11 TO ITS INTERSECTION WITH OCONEE STREET “MAYOR C. E. ‘CLIFF’ EDWARDS HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MAYOR C. E. ‘CLIFF’ EDWARDS HIGHWAY”.

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

H. 3939 -- Reps. Herbkersman, Patrick, Erickson and Newton: A BILL TO AMEND SECTION 7-27-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BEAUFORT COUNTY BOARD OF ELECTIONS AND REGISTRATION, SO AS TO PROVIDE THAT MEMBERS OF THE BOARD SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED AND CERTIFIED AND TO REMOVE THE PROHIBITION ON MEMBERS OF THE BOARD SERVING MORE THAN TWO TERMS OR EIGHT CONSECUTIVE YEARS.

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

H. 3944 -- Reps. Goldfinch, Hardwick and H. A. Crawford: A BILL TO AMEND SECTION 4-23-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF FIRE CONTROL FOR THE MURRELL’S INLET - GARDEN CITY FIRE DISTRICT IN GEORGETOWN AND HORRY COUNTIES, SO AS TO PROVIDE THAT THE MEMBERS OF THAT BOARD REPRESENTING GEORGETOWN COUNTY MUST BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF A MAJORITY OF THE GEORGETOWN COUNTY LEGISLATIVE DELEGATION NOTWITHSTANDING THE PROVISIONS OF ACT 515 OF 1996 DEVOLVING THAT APPOINTMENT AUTHORITY ON THE GOVERNING BODY OF GEORGETOWN COUNTY AND TO DELETE OBSOLETE LANGUAGE.

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

H. 3962 -- Reps. Pitts, Parks and Riley: A BILL TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO ADD CERTAIN PRECINCTS AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

H. 3971 -- Reps. Stringer and Willis: A BILL TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES, AS DESIGNATED IN ACT 1285 OF 1966, IS CHANGED TO THE GREENVILLE HEALTH SYSTEM BOARD OF TRUSTEES.

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

H. 3973 -- Reps. Bedingfield, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-115 SO AS TO PROVIDE THAT THE MONTH OF SEPTEMBER OF EVERY YEAR IS DESIGNATED AS “GOLDEN SEPTEMBER CHILDHOOD CANCER AWARENESS MONTH” IN SOUTH CAROLINA.

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

H. 3988 -- Rep. Quinn: A CONCURRENT RESOLUTION TO CELEBRATE THE JOY AND BEAUTY OF ORGAN MUSIC IN THE PALMETTO STATE BY PROCLAIMING THE WEEK OF JUNE 30 THROUGH JULY 6, 2013, AS “ORGANISTS’ WEEK” IN SOUTH CAROLINA.

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

H. 3992 -- Reps. Howard, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR WONDERFUL EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE, TO RECOGNIZE THE THIRTEEN YOUNG PEOPLE FROM DIFFERENT BOYS & GIRLS CLUBS THROUGHOUT THE STATE WHO HAVE BEEN NAMED 2013 YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS, AND TO DECLARE THURSDAY, APRIL 25, 2013, AS “BOYS AND GIRLS CLUBS DAY” AT THE STATE HOUSE.

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

H. 4002 -- Reps. G. A. Brown, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF SARAH ROSS JONES OF LEXINGTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

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

H. 4007 -- Reps. Hardwick, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO CONGRATULATE CAPTAIN ROBERT E. CARR OF THE HORRY COUNTY POLICE DEPARTMENT ON HIS RECENT PROMOTION AND TO THANK HIM FOR HIS MANY YEARS OF OUTSTANDING SERVICE TO THE PEOPLE OF HORRY COUNTY.

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

H. 4008 -- Reps. Hardwick, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO CONGRATULATE HORRY COUNTY POLICE CHIEF SAUNDRA RHODES ON HER PROMOTION TO CHIEF OF POLICE AND TO THANK HER FOR HER MANY YEARS OF OUTSTANDING SERVICE TO THE PEOPLE OF HORRY COUNTY.

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

**REPORT OF STANDING COMMITTEE**

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

S. 408 -- Senator Thurmond: A BILL TO AMEND SECTION 56-5-2510 OF THE 1976 CODE, RELATING TO STOPPING, STANDING, AND PARKING OF A VEHICLE UPON THE ROADWAY, TO ADD THAT NO PERSON SHALL STOP, PARK, OR LEAVE STANDING A VEHICLE, WHETHER ATTENDED OR UNATTENDED, UPON THE ROADWAY INSIDE OR OUTSIDE A RESIDENTIAL DISTRICT WHEN IT IS PRACTICABLE TO STOP, PARK, OR LEAVE THE VEHICLE OFF THE ROADWAY.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 23, 2013

Mr. President and Senators:

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

S. 2 -- Senators Campsen, L. Martin, Cromer, Hayes and Grooms: A BILL TO ESTABLISH THE “EQUAL ACCESS TO THE BALLOT ACT”, BY AMENDING SECTION 8‑13‑1356, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FILING OF A STATEMENT OF ECONOMIC INTERESTS BY A CANDIDATE, TO PROVIDE THAT A CANDIDATE WHO IS NOT A PUBLIC OFFICIAL AND A CANDIDATE WHO IS A PUBLIC OFFICIAL SHALL ELECTRONICALLY FILE OR UPDATE A STATEMENT OF ECONOMIC INTERESTS, AS APPLICABLE, PRIOR TO FILING A STATEMENT OF INTENTION OF CANDIDACY OR NOMINATION FOR PETITION; TO AMEND SECTION 7‑11‑15, TO PROVIDE THAT THE FILING PERIOD RUNS FROM MARCH TWENTY‑THIRD TO MARCH THIRTIETH, TO REQUIRE THAT THE PARTY EXECUTIVE COMMITTEE NOT ACCEPT A STATEMENT OF INTENTION OF CANDIDACY UNLESS THE COMMITTEE VERIFIES THAT THE CANDIDATE FILED AN ELECTRONIC STATEMENT OF ECONOMIC INTEREST, AND TO PROVIDE THAT INTENTIONS OF CANDIDACY ARE TO BE SUBMITTED TO THE APPROPRIATE ELECTION COMMISSION BY NOON ON THE FIFTH DAY AFTER THE FILING DEADLINE.

Respectfully submitted,

Speaker of the House

Received as information.

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

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3011 -- Reps. Whitmire, Long, Gilliard and Williams: A BILL TO AMEND SECTION 53‑3‑120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PURPLE HEART DAY IN SOUTH CAROLINA, SO AS TO MOVE THE DAY FROM THE THIRD SATURDAY IN FEBRUARY TO THE SEVENTH DAY OF AUGUST IN ORDER TO COINCIDE WITH THE DATE GENERAL GEORGE WASHINGTON ORIGINALLY AUTHORIZED THE AWARD.

**HOUSE BILL RETURNED**

The following House Bill was read the third time and ordered returned to the House with amendments:

H. 3568 -- Reps. Weeks, Sandifer and Gilliard: A BILL TO AMEND SECTION 16‑13‑385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERING, TAMPERING WITH, OR BYPASSING ELECTRIC, GAS, OR WATER METERS, SECTION 58‑7‑60, RELATING TO THE UNLAWFUL APPROPRIATION OF GAS, AND SECTION 58‑7‑70, RELATING TO THE WRONGFUL USE OF GAS AND INTERFERENCE WITH GAS METERS, ALL SO AS TO RESTRUCTURE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS OF THE STATUTES.

**THIRD READING BILLS**

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

S. 621 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 620 -- Senator Verdin: A BILL TO AMEND SECTION 56‑3‑2335 OF THE 1976 CODE, RELATING TO RESEARCH AND DEVELOPMENT LICENSE PLATES, SO AS TO INCLUDE THE MANUFACTURE AND RESEARCH AND DEVELOPMENT OF TRANSMISSIONS IN THIS STATE IN THE DEFINITION OF “RESEARCH AND DEVELOPMENT BUSINESS”, TO DEFINE THE TERM “TRANSMISSIONS”, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE RESEARCH AND DEVELOPMENT LICENSE PLATES FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS ON THE MOTOR VEHICLE, AND THE DEPARTMENT MAY ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER STATES CONCERNING THE REGISTRATION AND OPERATION OF VEHICLES OWNED BY A RESEARCH AND DEVELOPMENT BUSINESS FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS, TO PROVIDE IT IS THE SOLE RESPONSIBILITY OF THE RESEARCH AND DEVELOPMENT BUSINESS OR CONTRACTED FLEET OWNER TO TAKE ANY OTHER ACTIONS REQUIRED BY ANOTHER STATE THAT ARE NECESSARY FOR THE RESEARCH AND DEVELOPMENT BUSINESS OR CONTRACTED FLEET OWNER, AND TO LEGALLY TEST AND EVALUATE THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS IN THAT STATE.

**READ THE SECOND TIME**

S.  463 -- Senators Hayes and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑53‑95 SO AS TO REQUIRE THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PROFESSIONAL SURETY BONDSMAN OR RUNNER MUST PROVIDE HIS BUSINESS, MAILING, RESIDENTIAL, AND EMAIL ADDRESSES WITH THE APPLICATION, TO PROVIDE HE MUST NOTIFY THE DEPARTMENT OF A CHANGE OF ANY OF THESE ADDRESSES OR A LEGAL NAME CHANGE WITHIN THIRTY DAYS, AND TO PROVIDE A PENALTY FOR A VIOLATION; TO AMEND SECTION 38‑43‑107, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN INSURANCE PRODUCER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑47‑15, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑48‑30, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PUBLIC ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; AND TO AMEND SECTION 38‑49‑25, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS.

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

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

**Ayes 36; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--36**

**NAYS**

Bright Bryant

**Total--2**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 290 -- Senators Cleary, Hutto, Hembree, Davis and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA TELEMEDICINE INSURANCE REIMBURSEMENT ACT”; BY ADDING SECTION 38‑71‑300 SO AS TO PROVIDE DEFINITIONS AND TO REQUIRE COVERAGE OF TELEMEDICINE SERVICES BY INDIVIDUAL AND GROUP HEALTH MAINTENANCE ORGANIZATIONS.

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

The Committee on Medical Affairs proposed the following amendment (L:S-MEDI\Amend\S 290.doc), which was adopted:

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

/ A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA TELEMEDICINE ACT”; BY ADDING ARTICLE 3 TO CHAPTER 47, TITLE 40 SO AS TO PROVIDE DEFINITIONS AND TO REQUIRE COVERAGE OF TELEMEDICINE SERVICES BY THE STATE PUBLIC EMPLOYEE BENEFIT PROGRAM AND BY ESTABLISHING THE TELEMEDICINE ADVISORY COUNCIL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 47, Title 40 of the 1976 Code is amended by adding:

“Article 3

Telemedicine

Section 40-47-300. This article is known and may be cited as the “South Carolina Telemedicine Act”.

Section 40-47-310. (A) For the purposes of this article:

(1) ‘Telemedicine’ means the delivery of health care, including diagnosis, treatment, or transfer of medical data, by means of bi‑directional, real-time, interactive, secured and HIPAA compliant, electronic audio and video telecommunications systems by a consulting health care provider to a patient of a referring health care provider*,* at a referring site. HIPAA compliant electronic audio and video telecommunications systems must be used between the consultant site and referring site. Standard telephone, facsimile transmissions, unsecured electronic mail, or a combination of them do not constitute telemedicine services.

(2) ‘Consultant site’ means the physical site at which the consulting health care provider is located at the time the health care is provided by means of telemedicine.

(3) ‘Referring site’ means the physical site of the patient.

(4) ‘Consulting health care provider’ means an allopathic or osteopathic physician, physician assistant, or a nurse practitioner licensed in the State of South Carolina and practicing pursuant to their respective practice act under Title 40.

(5) ‘Referring health care provider’ means an allopathic or osteopathic physician, physician assistant, or nurse practitioner who, upon evaluation of the patient determines the need for consultation and makes the arrangements for the consulting health care provider services. A referring health care provider must be licensed in the State of South Carolina and practicing pursuant to their respective practice act under Title 40.

(6) ‘State Health Plan' means the employee and retiree insurance program administered by the Public Employee Benefit Authority.

(B) (1) On or after January 1, 2014, the State Health Plan shall not require face‑to‑face contact between a consulting health care provider and a patient as a prerequisite for payment for covered services appropriately provided through telemedicine in accordance with generally accepted health care practices and standards at the time the telemedicine service was rendered.

(2) Notwithstanding the provisions of item (1), the State Health Plan shall establish coverage guidelines, documentation requirements, and benefit design standards for telemedicine services.

(C) Reimbursement for covered services provided through telemedicine shall be determined by the State Health Plan and shall be based upon Current Procedural Terminology (CPT) codes with appropriate GT telemedicine modifiers (via interactive audio and video telecommunications systems).

(D) It is the responsibility of the consulting health care provider to communicate the details of the telemedicine service with the patient’s primary care provider or referring health care provider within a mutually agreed upon time frame and mode of communication.

(E) The Board of Medical Examiners shall promulgate regulations to authorize and establish standards for other forms or methods of providing health care services through telephone, facsimile, or electronic means, or combination thereof; provided, however, that the State Health Plan may reimburse for such other services but are not required by subsection (B) of this section to do so.

(F) The Board of Medical Examiners and the Board of Nursing shall use the same standards in evaluating and investigating a complaint and disciplining a licensee who practices telemedicine as it would use for a licensee who does not practice telemedicine.

(G) This chapter does not affect health care services currently reimbursed by the State Health Plan that utilize electronic communications which are not real-time or preclude the Public Employee Benefit Authority from reimbursing for similar services in the future.

Section 40-47-320. (A) There is hereby created the Telemedicine Advisory Council whose functions are to study telemedicine outcomes, evaluate reimbursement rates and make recommendations regarding the further development and use of telemedicine. The Council shall consist of:

(1) the director of the Department of Insurance or their designee;

(2) the director of the Department of Health and Human Services or their designee;

(3) the director of the Department of Labor, Licensing and Regulation or their designee;

(4) the director of the Public Employee Benefit Program or their designee;

(5) a member of the Senate appointed by the chairman of the Senate Medical Affairs Committee;

(6) a member of the House of Representatives appointed by the chairman of the House Labor, Commerce and Industry Committee;

(7) five members appointed by the Governor consisting of:

(a) a rural hospital administrator;

(b) a physician with specialized knowledge and interest in the use of telemedicine;

(c) a psychiatrist with specialized knowledge and interest in the use of telepsychiatry;

(d) a representative from a health insurance issuer licensed to do business in this state; and

(e) a representative from a public medical school in South Carolina; and

(8) the chairman of the board of directors for Palmetto Care Connections, Inc. or their designee, ex officio and non-voting.

(B) The director of the Public Employee Benefit Program or their designee shall serve as chairman. A quorum will be a majority of the members present but not less than four attendees. Members shall serve without per diem, subsistence or mileage.

(C) Staff support shall be provided by the Public Employee Benefit Program, the Senate and the House of Representatives.

(D) Members shall be appointed no later than August 1, 2013 and will serve a minimum of two years. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term. The initial meeting of the council shall be no later than December 1, 2013, and the council shall meet at least twice a year or at the call of the chairman.

(E) The council shall make a progress report to the Public Employee Benefit Authority, the chairman of the Senate Medical Affairs Committee and the chairman of the House of Representatives Labor, Commerce and Industry Committee no later than July 1, 2015 and annually thereafter. The progress reports shall include, but not be limited to, evaluation of the access to health care; patient satisfaction of telemedicine services; medical outcomes; affordability of telemedicine health care services; and recommendations and results from subsection (F).

(F) The council shall research and evaluate the opportunities and challenges for further growth and development of telemedicine in South Carolina including, but not limited to, market incentives for telemedicine growth; market impediments to the use and growth of telemedicine; statutory and regulatory limitations to the utilization and growth of telemedicine; the value and availability of the various types of telemedicine available in medicine, including physician-to-patient telemedicine; the impact of telemedicine policy directives and decisions by the Board of Medical Examiners; and, liability concerns for providers and insurers.”

SECTION 3. This act takes effect upon signature of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 551 -- Senator Corbin: A BILL TO AMEND SECTION 50-11-310 OF THE 1976 CODE, RELATING TO OPEN SEASON FOR ANTLERED DEER, TO PROVIDE THAT OPEN SEASON IN GAME ZONE 1, WITH ARCHERY EQUIPMENT AND FIREARMS, IS OCTOBER 11 THROUGH JANUARY 1, AND TO PROVIDE THAT ON WMA LANDS, THE DEPARTMENT MAY PROMULGATE REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT TO ESTABLISH SEASONS FOR THE HUNTING AND TAKING OF DEER.

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

Senator CAMPSEN explained the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 558 -- Senator Reese: A BILL TO AMEND ARTICLE 13, CHAPTER 25, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS PLACED ON THE USE OF WATERCRAFT ON LAKES WILLIAM C. BOWEN AND H. TAYLOR BLALOCK IN SPARTANBURG COUNTY, SO AS TO SPECIFY THE TYPES OF WATERCRAFT TO WHICH THESE RESTRICTIONS APPLY, TO PROVIDE THAT CERTAIN SIGNS THAT CONTAIN THESE RESTRICTIONS MUST BE DESIGNED AND INSTALLED BY THE SPARTANBURG WATER SYSTEM, TO PROVIDE THAT CERTAIN VESSELS ARE EXEMPTED FROM THESE RESTRICTIONS, TO PROVIDE THAT THESE RESTRICTIONS APPLY TO A HYDROELECTRIC GENERATOR OUTFALL, AND TO PROVIDE THAT CERTAIN RESTRICTIONS APPLICABLE TO LAKE H. TAYLOR BLALOCK DO NOT APPLY TO THE HUNTING OF WATERFOWL IN CERTAIN AREAS DURING CERTAIN TIMES OF THE YEAR.

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

Senator CAMPSEN explained the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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 *Martin, Larry Martin, Shane*

Massey McElveen McGill

Nicholson O'Dell Peeler

Rankin Reese Scott

Setzler Shealy Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 559 -- Senators Campsen and McGill: A BILL TO AMEND SECTION 50‑5‑1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR POSSESS MORE THAN FIFTEEN FLOUNDER TAKEN BY MEANS OF GIG, SPEAR, HOOK AND LINE, OR SIMILAR DEVICE IN ANY ONE DAY, NOT TO EXCEED THIRTY FLOUNDER IN ANY ONE DAY ON ANY BOAT.

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

Senator CAMPSEN explained the Bill.

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

**Ayes 41; Nays 3**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**READ THE SECOND TIME**

S. 590 -- Senator Campsen: A BILL TO AMEND SECTION 50‑5‑1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR POSSESS MORE THAN ONE TARPON IN ANY ONE DAY OR A TARPON OF LESS THAN SEVENTY‑SEVEN INCHES IN FORK LENGTH.

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

Senator CAMPSEN explained the Bill.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hembree Hutto

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McElveen McGill Nicholson

Peeler Rankin Scott

Setzler Shealy Thurmond

Turner Verdin Williams

Young

**Total--37**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

S. 637 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO AGRITOURISM AND TOURISM-ORIENTED DIRECTIONAL SIGNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4314, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

**Ayes 38; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hembree Hutto

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

Bright Bryant

**Total--2**

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

**PROPOSED AMENDMENT RULED OUT OF ORDER**

**OBJECTION TO FURTHER CONSIDERATION**

S. 481 -- Senators Malloy, McGill, Leatherman, Setzler, Johnson and Ford: A BILL TO AMEND SECTION 12‑21‑2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment.

Senator BRYANT proposed the following amendment (481R001.KLB), which was ruled out of order:

Amend the bill, as and if amended, page 1, by striking SECTION 1 in its entirety and inserting:

/ (B) For purposes of the exemption allowed by this section, a motorsports entertainment complex means a motorsports facility, and its ancillary grounds and facilities, that satisfies all of the following:

(1) ~~has at least sixty thousand fixed seats for race patrons~~ is a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year featuring the preeminent NASCAR cup series;

(2) has at least three scheduled days of motorsports events, and events ancillary and incidental thereto, each calendar year that are sanctioned by a nationally or internationally recognized governing body of motorsports that establishes an annual schedule of motorsports events;

(3) engages in tourism promotion;

(4) allocates at least one quarter of the revenue derived from the admissions license tax to a scholarship granting organization that must provide scholarships for students to attend the school of their choice.”/

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

Senator MALLOY spoke on the Bill.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Senator LOURIE objected to further consideration of the Bill.

**PERFECTING AMENDMENT PROPOSED**

**POINT OF ORDER**

S. 448 -- Senators Alexander, Peeler, Cleary and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑47‑938 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PHYSICIAN MAY ENTER A SUPERVISORY RELATIONSHIP WITH A PHYSICIAN ASSISTANT; TO AMEND SECTION 40‑47‑910, RELATING TO DEFINITIONS IN THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO ADD AND REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40‑47‑940, RELATING TO APPLICATION FOR LICENSURE, SO AS TO DELETE CERTAIN APPLICATION REQUIREMENTS; TO AMEND SECTION 40‑47‑945, RELATING TO CONDITIONS FOR GRANTING PERMANENT LICENSURE, SO AS TO DELETE REQUIREMENTS THAT AN APPLICANT APPEAR BEFORE THE BOARD WITH HIS SUPERVISING PHYSICIAN AND HIS SCOPE OF PRACTICE GUIDELINES, AND TO DELETE THE PROHIBITION AGAINST THE APPROVAL OF A SUPERVISING PHYSICIAN OF ON‑THE‑JOB TRAINING OR TASKS NOT LISTED ON THE APPLICATION FOR LIMITED LICENSURE AS A PHYSICIAN ASSISTANT; TO AMEND SECTION 40‑47‑955, RELATING TO PHYSICAL PRESENCE REQUIREMENTS OF THE SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, SO AS TO DELETE EXISTING REQUIREMENTS CONCERNING ON‑SITE SETTINGS AND TO PROVIDE WHERE AND HOW A PHYSICIAN ASSISTANT MAY PRACTICE, TO REVISE PROVISIONS CONCERNING OFF‑SITE SETTINGS, AND TO REVISE CERTAIN REQUIREMENTS OF A SUPERVISING PHYSICIAN; TO AMEND SECTION 40‑47‑960, RELATING TO MINIMUM REQUIREMENTS FOR SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, SO AS TO INCLUDE THE IMMEDIATE CONSULTATION BETWEEN THE PHYSICIAN ASSISTANT AND HIS PRIMARY OR SUPERVISING PHYSICIAN; TO AMEND SECTION 40‑47‑965, RELATING TO THE AUTHORITY OF A PHYSICIAN ASSISTANT TO REQUEST OR RECEIVE PROFESSIONAL SAMPLES OF DRUGS AUTHORIZED UNDER HIS SCOPE OF PRACTICE GUIDELINES, SO AS TO DELETE THE PROHIBITION AGAINST REQUESTING OR RECEIVING PROFESSIONAL SAMPLES OF SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40‑47‑970, RELATING TO THE PRESCRIBING OF DRUGS BY A PHYSICIAN ASSISTANT, SO AS TO AS TO DELETE A PROHIBITION AGAINST PRESCRIBING SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40‑47‑975, RELATING TO THE AUTHORITY OF A SUPERVISING PHYSICIAN TO REQUEST PERMISSION FROM THE BOARD FOR A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION TO RECEIVE ON‑THE‑JOB TRAINING, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE THAT A SUPERVISING PHYSICIAN MAY DETERMINE WHETHER A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION NEEDS ADDITIONAL TRAINING OR EDUCATION, THAT THE PHYSICIAN AND PHYSICIAN ASSISTANT MAY JOINTLY DETERMINE THE MEANS OF PROVIDING THIS TRAINING OR EDUCATION, AND THAT CERTAIN RELATED INFORMATION MUST BE SUBMITTED TO THE BOARD OF MEDICAL EXAMINERS AND THE PHYSICIAN ASSISTANT COMMITTEE FOR THE APPROVAL OF EACH; TO AMEND SECTION 40‑47‑995, RELATING TO THE TERMINATION OF A SUPERVISORY RELATIONSHIP BETWEEN A PHYSICIAN AND PHYSICIAN ASSISTANT, SO AS TO PROVIDE THAT UPON THIS TERMINATION THE PRACTICE OF THE PHYSICIAN ASSISTANT MUST CEASE UNTIL NEW SCOPE OF PRACTICE GUIDELINES, RATHER THAN A NEW APPLICATION, ARE SUBMITTED BY A NEW SUPERVISING PHYSICIAN TO THE BOARD; AND TO REPEAL SECTION 40‑47‑980 RELATING TO THE TREATMENT OF PATIENTS IN CHRONIC CARE AND LONG‑TERM CARE FACILITIES.

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

Senator CLEARY proposed the following amendment (NBD\  
448C003.NBD.AC13):

Amend the committee report, as and if amended, by deleting Section 40-47-965(A)(7)(c) on page 448-8, lines 25-27, and inserting:

/ (c) an initial patient examination and evaluation has been performed by the supervising physician, or his delegate physician, and has been documented in the patient’s chart; however, in a hospital emergency department, a physician assistant may authorize such a medical order if the supervising or delegate physician is unavailable due to clinical demands, but remains on the premises and is immediately available, and the supervising or delegate physician conducts the patient evaluation as soon as practicable and is documented in the patient’s chart; /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the perfecting amendment.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER, AS AMENDED**

S. 584 -- Senators Campsen and Rankin: A BILL TO AMEND CHAPTER 9, TITLE 50 OF THE 1976 CODE, RELATING TO HUNTING AND FISHING LICENSES, BY ADDING SECTION 50‑9‑15, TO DEFINE “LICENSE SALES VENDOR” AND “LICENSE YEAR”; TO AMEND SECTION 50‑9‑20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE FOR THE DURATION OF LICENSES FOR RECREATIONAL AND COMMERCIAL USE, AND PERMITS THE DEPARTMENT TO ISSUE A LICENSE THAT EXPIRES ON THE DAY BEFORE THE ANNIVERSARY OF ITS ISSUANCE; TO AMEND SECTION 50‑9‑30, RELATING TO RESIDENCY REQUIREMENTS FOR LICENSES, TO REVISE THE REQUIREMENTS; TO AMEND SECTION 50‑9‑350, RELATING TO APPRENTICE HUNTING LICENSES, TO PROVIDE THAT THE HOLDER OF AN APPRENTICE HUNTING LICENSE WHO OBTAINS A CERTIFICATE OF COMPLETION PRIOR TO THE EXPIRATION DATE OF HIS APPRENTICE HUNTING LICENSE WILL USE HIS APPRENTICE HUNTING LICENSE AS HIS STATEWIDE HUNTING LICENSE, PROVIDED THE LICENSEE MUST HAVE THE CERTIFICATE OF COMPLETION IN HIS POSSESSION WHILE HUNTING; TO AMEND SECTION 50‑9‑510, RELATING TO LICENSES FOR PURCHASE FOR THE PRIVILEGE OF HUNTING, TO REMOVE THE HUNTING LICENSE VALID ONLY IN A SINGLE COUNTY, TO REMOVE RESTRICTIONS ON THE THREE YEAR LICENSE PURCHASE, TO CLARIFY REQUIREMENTS FOR MIGRATORY WATERFOWL PERMITS, AND TO PROVIDE FOR THE RETAINED VENDOR FEE; TO AMEND SECTION 50‑9‑530, RELATING TO CATAWBA LICENSES, TO PROVIDE THERE IS NO COST TO A CATAWBA HUNTING AND FISHING LICENSEE FOR ANY OTHER TAGS REQUIRED BY LAW FOR RECREATIONAL HUNTING AND FISHING EXCEPT FOR THOSE DEPARTMENT HUNTING AND FISHING ACTIVITIES CONTROLLED BY LOTTERY; TO AMEND SECTION 50‑9‑540, RELATING TO RECREATIONAL LICENSES, TO PROVIDE THAT RESIDENTS AND NONRESIDENTS MUST PURCHASE ANY OTHER LICENSE THAT GRANTS FISHING PRIVILEGE, TO DELETE THE LAKES AND RESERVOIRS PERMIT, AND TO CHANGE THE TEMPORARY NONRESIDENT FISHING LICENSE FROM SEVEN TO FOURTEEN DAYS; TO AMEND SECTION 50‑9‑610, RELATING TO ADDITIONAL REQUIREMENTS FOR TAKING NONGAME FRESHWATER FISH, TO PROVIDE THAT TAGS MUST BE ATTACHED AS PRESCRIBED; TO AMEND SECTION 50‑9‑665, RELATING TO BEAR TAGS, TO PROVIDE FOR THE REQUIREMENT FOR BEAR TAGS; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO MAKE CONFORMING CHANGES AND TO PROVIDE FOR LICENSE REVENUE DISTRIBUTION; TO AMEND SECTION 50‑9‑950, RELATING TO THE FISH AND WILDLIFE PROTECTION FUND, TO PROVIDE FUND ASSETS AND USES; TO AMEND SECTION 50‑9‑955, RELATING TO THE FISH AND WILDLIFE DEFERRED LICENSE FUND, TO PROVIDE FOR THE ANNUAL TRANSFER OF FUNDS; TO AMEND SECTION 50‑9‑960, RELATING TO THE MARINE RESOURCES FUND, TO PROVIDE FUND ASSETS AND USES; TO AMEND SECTION 50‑9‑965, RELATING TO THE MARINE RESOURCES DEFERRED LICENSE FUND, TO PROVIDE FOR THE ANNUAL TRANSFER OF FUNDS; AND TO REPEAL SECTION 50‑15‑65(E).

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

The Committee on Fish, Game and Forestry proposed the following amendment (584R001.GEC), which was adopted:

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

/ SECTION \_\_\_. Section 50‑9‑525(A) of the 1976 Code is amended to read:

“(A) A resident who is determined to be totally disabled under a Social Security program, the Civil Service Retirement System, the South Carolina State Retirement System, the Railroad Retirement Board, the Veterans Administration, or Medicaid, or their successor agencies or programs, may obtain a three year disability combination license or a three year disability fishing license at no cost. The license must be issued by the department from its designated offices and is valid for three years from the date of issue. Disability recertification is required for renewal. To recertify, an applicant must furnish proof, in the manner prescribed by the department, that he or she is currently receiving disability benefits and is a domiciled resident of this State.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER, AS AMENDED**

H. 3097 -- Rep. Bales: A BILL TO AMEND CHAPTER 56, TITLE 44 OF THE 1976 CODE, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO, AMONG OTHER THINGS, SPECIFY THE USE AND PURPOSE OF THE FUND, AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO EXPEND MONIES FROM THE FUND FOR ASSESSMENT OF POTENTIAL SITES PRIOR TO OBTAINING EVIDENCE OF CONTAMINATION AT THE SITE, AND CLARIFY WHAT FACILITIES ARE EXCLUDED FROM PARTICIPATING IN THE FUND AND THE EFFECT OF PARTICIPATING IN THE FUND IF A FACILITY IS SEEKING EXEMPTION FROM THE FUND; AND TO DELETE OBSOLETE PROVISIONS, REORGANIZE PROVISIONS, AND MAKE TECHNICAL CORRECTIONS.

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

The Committee on Medical Affairs proposed the following amendment (H-3097), which was adopted:

Amend the bill, as and if amended, page 25, by striking lines 35-36 and inserting:

/ owner contributes payments to the South Carolina Department of Employment and Workforce or Department of Revenue as required by /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**CARRIED OVER**

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

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

S. 530 -- Senators Hayes, Campbell and L. Martin: A BILL TO AMEND SECTION 38‑71‑1730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSED PANEL HEALTH PLANS, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EMPLOYERS THAT OFFER ONLY CLOSED PANEL HEALTH PLANS TO ITS EMPLOYEES ALSO OFFER A POINT‑OF‑SERVICE OPTION TO ITS EMPLOYEES, TO MAKE CONFORMING CHANGES, AND TO INCREASE THE ALLOWABLE DIFFERENCES BETWEEN COINSURANCE PERCENTAGES FOR IN‑NETWORK AND OUT‑OF‑NETWORK COVERED SERVICES AND SUPPLIES UNDER A POINT‑OF‑SERVICE OPTION.

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

H. 3541 -- Reps. Harrell, J.E. Smith, Bales, Williams, Bannister, J.R. Smith, Patrick, Brannon, Erickson, Huggins, Kennedy, Ballentine, M.S. McLeod, Bernstein, Atwater, Cole, Funderburk, George, Hixon, Long, McCoy, W.J. McLeod, Pitts, Pope, G.R. Smith, Tallon, Taylor, Wood and Knight: 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, SO AS TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED; AND TO AMEND SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT AND INSPECTOR GENERAL, SO AS TO DELETE AN OBSOLETE REFERENCE TO INSPECTOR GENERAL, TO MAKE A CONFORMING CHANGE TO THE RANK OF THE ADJUTANT GENERAL, TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS AMENDMENT, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR‑YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY FOLLOWING THE GENERAL ELECTION, WHICH MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS AMENDMENT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE.

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

H. 3540 -- Reps. Harrell, J.E. Smith, Bales, Hosey, Cobb‑Hunter, Bannister, J.R. Smith, Patrick, Brannon, Erickson, Taylor, Huggins, Kennedy, Ballentine, Bernstein, Sellers, Williams, Jefferson, M.S. McLeod, Atwater, Bowers, R.L. Brown, Cole, Douglas, George, Hixon, Long, McCoy, Mitchell, Pitts, Pope, G.R. Smith, Tallon, Wood, Weeks, Knight and Hart: A BILL TO AMEND SECTION 1‑3‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE ADJUTANT GENERAL TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 25‑1‑320, RELATING TO THE STATE ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE 2014 GENERAL ELECTION, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR‑YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY THAT FOLLOWS THE GENERAL ELECTION THAT MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS ACT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO ESTABLISH CERTAIN QUALIFICATIONS FOR THE OFFICE OF ADJUTANT GENERAL; TO AMEND SECTION 25‑1‑340, AS AMENDED, RELATING TO VACANCIES IN THE OFFICE OF ADJUTANT GENERAL, SO AS TO DELETE A REFERENCE TO THE ELIGIBILITY REQUIREMENTS OF CONSTITUTIONAL OFFICERS; AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE EFFECTIVE UPON THE RATIFICATION OF AMENDMENTS TO SECTION 7, ARTICLE VI, AND SECTION 4, ARTICLE XIII OF THE CONSTITUTION OF THIS STATE DELETING THE REQUIREMENT THAT THE STATE ADJUTANT GENERAL BE ELECTED BY THE QUALIFIED ELECTORS OF THIS STATE.

**Point of Order**

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

The PRESIDENT overruled the Point of Order.

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

S. 274 -- Senators L. Martin and Sheheen: A BILL TO AMEND SECTION 16‑13‑385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERING, TAMPERING WITH, OR BYPASSING ELECTRIC, GAS, OR WATER METERS, SECTION 58‑7‑60, RELATING TO THE UNLAWFUL APPROPRIATION OF GAS, AND SECTION 58‑7‑70, RELATING TO THE WRONGFUL USE OF GAS AND INTERFERENCE WITH GAS METERS, ALL SO AS TO RESTRUCTURE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS OF THE STATUTES.

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

S. 148 -- Senators Shealy, Bryant and Gregory: A BILL TO AMEND CHAPTER 20, TITLE 37 OF THE 1976 CODE, RELATING TO CONSUMER IDENTITY THEFT PROTECTION, BY ADDING SECTION 37‑20‑161, TO PROVIDE FOR CERTAIN MEASURES TO SAFEGUARD A CLASS OF “PROTECTED CONSUMERS” FROM BECOMING VICTIMS OF IDENTITY THEFT, TO ALLOW REPRESENTATIVES, PROVIDING SUFFICIENT PROOF OF AUTHORITY, TO PLACE A PREEMPTIVE SECURITY FREEZE ON PROTECTED CONSUMER’S CREDIT REPORTS, TO PROVIDE THE LIMITATIONS OF THIS SECTION, TO PROVIDE REQUIREMENTS TO IMPLEMENT A SECURITY FREEZE, TO PROVIDE FOR THE DURATION AND EXTENT OF A SECURITY FREEZE, AND TO PROVIDE TERMS FOR REMOVAL OF A SECURITY FREEZE ON A PROTECTED CONSUMER’S CREDIT REPORT OR RECORD.

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

S. 250 -- Senators Cromer and Ford: A BILL TO AMEND SECTION 33‑56‑30 OF THE 1976 CODE, RELATING TO REGISTRATION STATEMENTS FOR THE SOLICITATION OF CHARITABLE FUNDS, TO EXEMPT PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS.

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

S. 423 -- Senators Campbell, Bennett and Hembree: A BILL TO AMEND SECTION 61‑4‑1515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SAMPLES AND SALES OF BEER AT BREWERIES, SO AS TO SPECIFY THAT FOURTEEN PERCENT ALCOHOL BY WEIGHT IS THE MAXIMUM THAT MAY BE OFFERED FOR ON‑PREMISES CONSUMPTION, TO ALLOW FOR THE SALE OF SIXTY‑FOUR OUNCES OF BEER TO A CONSUMER EVERY TWENTY‑FOUR HOURS, TO PROVIDE THE BEER MUST BE SOLD AT THE APPROXIMATE RETAIL PRICE, TO PROVIDE THAT APPROPRIATE TAXES MUST BE REMITTED, AND TO CLARIFY THAT A CERTAIN PROVISION APPLIES TO OFF‑PREMISES CONSUMPTION.

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

H. 3091 -- Reps. Henderson, Huggins, Ballentine and W.J. McLeod: A BILL TO AMEND SECTION 33‑56‑55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PARENT‑TEACHER ASSOCIATIONS AND LOCAL CHAMBERS OF COMMERCE BEING EXEMPT FROM THE PROVISIONS OF THE SOLICITATION OF CHARITABLE FUNDS ACT UNDER CERTAIN CONDITIONS, SO AS TO PROVIDE THAT THESE PROVISIONS ALSO DO NOT APPLY TO AN ATHLETIC, BAND, OR OTHER EXTRACURRICULAR ACTIVITY BOOSTER CLUB OR ORGANIZATION AFFILIATED WITH A K‑12 SCHOOL IF THE ORGANIZATION IS A 501(c)(3) TAX‑EXEMPT ENTITY PROPERTY FILING ALL FEDERAL AND STATE REPORTING FORMS REQUIRED OF THESE ORGANIZATIONS, INCLUDING FORM 990.

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

H. 3360 -- Reps. Owens, Daning, Hiott, Skelton, Simrill, Anthony, Bedingfield, Clemmons, Delleney, Hardwick, Henderson, Hixon, Limehouse, Nanney, Ott, Pope, G.R. Smith, J.E. Smith, Sottile, Stringer, Tallon, Taylor and Bales: A BILL TO AMEND SECTIONS 57‑5‑10, 57‑5‑70, AND 57-5-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE STATE HIGHWAY SYSTEM, ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, AND THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS WITHIN THE STATE HIGHWAY SYSTEM SHALL BE CONSTRUCTED TO THE DEPARTMENT OF TRANSPORTATION STANDARDS, TO PROVIDE THE FUNDING SOURCES THAT THE DEPARTMENT USES TO CONSTRUCT AND MAINTAIN THESE HIGHWAYS, TO REVISE THE PROCEDURE AND WHEREBY ENTITIES TO WHICH THE DEPARTMENT MAY TRANSFER ROADS WITHIN THE STATE HIGHWAY SECONDARY SYSTEM; AND TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT MAY ADD A ROAD FROM THE COUNTY OR MUNICIPAL ROAD TO THE STATE HIGHWAY SYSTEM; AND TO REPEAL SECTION 57‑5‑90 RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF BELT LINES AND SPURS.

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

H. 3554 -- Reps. Cole, Forrester, G.M. Smith, Stavrinakis, Herbkersman and Merrill: A BILL TO AMEND SECTION 61‑4‑1515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SAMPLES AND SALES OF BEER AT BREWERIES, SO AS TO SPECIFY THAT FOURTEEN PERCENT ALCOHOL BY WEIGHT IS THE MAXIMUM THAT MAY BE OFFERED FOR ON‑PREMISES CONSUMPTION, TO ALLOW FOR THE SALE OF SIXTY‑FOUR OUNCES OF BEER TO A CONSUMER EVERY TWENTY‑FOUR HOURS, TO PROVIDE THE BEER MUST BE SOLD AT THE APPROXIMATE RETAIL PRICE, TO PROVIDE THAT APPROPRIATE TAXES MUST BE REMITTED, AND TO CLARIFY THAT A CERTAIN PROVISION APPLIES TO OFF‑PREMISES CONSUMPTION.

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

S. 568 -- Senators Peeler, Cleary and S. Martin: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO ADD THE DEFINITION FOR “NEW AND EMERGING TECHNOLOGY”; TO AMEND SECTION 44-7-160, AS AMENDED, RELATING TO CIRCUMSTANCES AND ACTIVITIES REQUIRING A CERTIFICATE OF NEED (CON), SO AS TO FURTHER SPECIFY HEALTH CARE FACILITY EXPENDITURES REQUIRING A CON AND TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-220, AS AMENDED, RELATING TO THE APPELLATE REVIEW OF CERTIFICATE OF NEED DECISIONS, SO AS TO PROVIDE FOR ATTORNEY FEES AND COSTS IN CERTAIN CIRCUMSTANCES AND TO DEFINE “FRIVOLOUS APPEAL”; TO AMEND SECTION 13-7-10, RELATING TO THE DEFINITION OF TERMS USED IN THE ATOMIC ENERGY AND RADIATION CONTROL ACT, SO AS TO REVISE THE DEFINITION OF “NONIONIZING RADIATION”; TO AMEND SECTION 13-7-45, AS AMENDED, RELATING TO THE COLLECTION OF FEES FOR LICENSING, REGISTRATION, AND CERTIFICATION OF USERS OF THE SOURCES OF IONIZING RADIATION AND THE USE OF THESE FEES, SO AS TO PROVIDE THAT ACCREDITATION OR CERTIFICATION IS A REQUIREMENT OF APPLICATION AND REGISTRATION OF MAGNETIC RESONANCE IMAGING EQUIPMENT AND COMPUTED TOMOGRAPHY EQUIPMENT AND THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL DETERMINE THE ACCREDITATION OR CERTIFICATION AGENCIES AND TO PROVIDE THAT THE DEPARTMENT SHALL ESTABLISH REGISTRATION FEES FOR RADIOFREQUENCY RADIATION WITHIN MAGNETIC RESONANCE IMAGING DEVICES USED TO OBTAIN HUMAN BODY IMAGES.

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

H. 3560 -- Reps. Tallon, Harrell, Quinn, Stavrinakis, Patrick, Allison, McCoy, Pitts, Taylor, H.A. Crawford, Simrill, J.R. Smith, Crosby, Brannon, V.S. Moss, G.R. Smith, Henderson, Delleney, Cole, McEachern, Barfield, Ridgeway, Stringer, Nanney, R.L. Brown, Wood, Daning, Erickson, Clemmons, Powers Norrell, Funderburk, Mitchell, Merrill, Kennedy, D.C. Moss, Gagnon, Bannister, Atwater, Rivers, Owens, Bingham, Forrester, Ballentine, Toole, Hixon, Spires, Huggins, Lucas, Horne, Putnam, Weeks, M.S. McLeod and Anderson: A BILL TO AMEND SECTION 16‑23‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO, AMONG OTHER THINGS, INDIVIDUALS WHO ARE PROHIBITED FROM POSSESSING OR ACQUIRING A HANDGUN, SO AS TO ALSO PROHIBIT A PERSON ADJUDICATED MENTALLY INCAPACITATED OR COMMITTED TO A MENTAL INSTITUTION FROM POSSESSING OR ACQUIRING A HANDGUN; TO AMEND SECTION 44‑22‑100, RELATING TO THE CONFIDENTIALITY OF MENTAL HEALTH COMMITMENT AND TREATMENT RECORDS, SO AS TO AUTHORIZE REPORTING INFORMATION IN THESE RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) TO BE UTILIZED IN DETERMINING IF A PERSON IS DISQUALIFIED FROM PURCHASING A FIREARM; AND BY ADDING ARTICLE 10, CHAPTER 31, TITLE 23 SO AS TO ESTABLISH A CONFIDENTIAL PROCESS FOR COMPILING AND TRANSMITTING INFORMATION ON PERSONS WHO HAVE BEEN ADJUDICATED MENTALLY INCAPACITATED OR COMMITTED TO A MENTAL INSTITUTION, THEREBY BEING DISQUALIFIED FROM POSSESSING OR ACQUIRING A HANDGUN AND TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION (SLED) TO TRANSMIT THIS INFORMATION TO NICS; TO REQUIRE SLED TO CROSS CHECK THE NAMES SENT TO NICS WITH SLED’S DATABASE FOR CONCEALED WEAPONS PERMITS TO ASCERTAIN IF ANY PERMITS MUST BE REVOKED; AND TO ESTABLISH A JUDICIAL PROCESS FOR PERSONS PROHIBITED FROM POSSESSING FIREARMS, DUE SOLELY TO AN ADJUDICATION AS MENTALLY INCAPACITATED OR COMMITMENT TO A MENTAL INSTITUTION, TO OBTAIN REMOVAL OF THE DISQUALIFICATIONS THAT PROHIBITED THEM FROM POSSESSING FIREARMS.

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

**ADOPTED**

S. 508 -- Senators Alexander, Malloy, Nicholson, L. Martin, Williams and Cleary: A SENATE RESOLUTION TO DECLARE MAY 22, 2013, AS FREE CLINIC AWARENESS DAY IN SOUTH CAROLINA.

The Senate Resolution was adopted.

**ADOPTED**

S. 581 -- Senators Young, Shealy, Cleary and Nicholson: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD WEEK IN APRIL 2013 AS “SHAKEN BABY SYNDROME AWARENESS WEEK” TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

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

**ADOPTED**

H. 3920 -- Reps. Goldfinch, Clemmons, Hardwick and H.A. Crawford: A CONCURRENT RESOLUTION EXPRESSING THE OPPOSITION OF THE MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA TO ANY VESSEL MONITORING SYSTEMS OFF THE COAST OF SOUTH CAROLINA OR WITHIN THE STATE ASSOCIATED WITH THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL’S PROPOSED AMENDMENT 30 OR ANY FUTURE AMENDMENTS TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER‑GROUPER FISHERY OF THE SOUTH ATLANTIC REGION, AND STRONGLY URGING THE SOUTH CAROLINIANS APPOINTED BY THE SECRETARY OF COMMERCE OF THE UNITED STATES TO SERVE ON THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL TO REFLECT THIS OPPOSITION IN THE COUNCIL’S DELIBERATIONS ON THESE MATTERS.

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

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

**MADE SPECIAL ORDER**

S. 349 -- Senator O’Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 60, TITLE 40 SO AS TO ENACT THE “APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT”, TO PROVIDE A CITATION, TO PROVIDE CERTAIN DEFINITIONS, TO REQUIRE REGISTRATION FOR AN ENTITY ACTING AS AN APPRAISAL MANAGEMENT COMPANY, TO SPECIFY REGISTRATION REQUIREMENTS, TO PROVIDE EXEMPTIONS FROM REGISTRATION, TO SPECIFY THE TERM FOR WHICH REGISTRATION IS VALID AND FOR RENEWAL AND CANCELLATION OF REGISTRATIONS, TO PROVIDE FOR REGISTRATION FEES, TO LIMIT OWNERSHIP OF AN APPRAISAL MANAGEMENT COMPANY, TO REQUIRE AN APPLICANT FOR REGISTRATION TO DESIGNATE ONE CONTROLLING PERSON AS THE MAIN CONTACT BETWEEN THE COMPANY AND THE BOARD, TO PROVIDE REQUIREMENTS FOR A CONTROLLING PERSON ACTING AS A MAIN CONTACT BETWEEN A COMPANY AND THE BOARD, TO PROVIDE REQUIREMENTS RELATING TO THE USE AND PAYMENT OF INDEPENDENT APPRAISERS, TO SPECIFY CERTAIN REPORTING REQUIREMENTS OF AN APPRAISAL MANAGEMENT COMPANY, TO MAKE ATTEMPTS BY CERTAIN APPRAISAL MANAGEMENT COMPANY PERSONNEL TO INFLUENCE OR ATTEMPT TO INFLUENCE AN APPRAISAL IN A CERTAIN MANNER, TO PROHIBIT AN APPRAISAL MANAGEMENT COMPANY FROM CHANGING A COMPLETED APPRAISAL OR USING AN APPRAISAL REPORT OR ITS CONTENT PROVIDED BY AN INDEPENDENT APPRAISER IN ANOTHER TRANSACTION, TO PROVIDE RESTRICTIONS ON THE REMOVAL OF AN INDEPENDENT APPRAISER FROM THE APPRAISER PANEL BY AN APPRAISAL MANAGEMENT COMPANY, TO PROVIDE CERTAIN PENALTIES AND REMEDIES THE BOARD MAY IMPOSE FOR A VIOLATION OF THE ARTICLE, TO PROVIDE SURETY BOND REQUIREMENTS FOR AN APPRAISAL MANAGEMENT COMPANY, AND TO PROVIDE THE BOARD MAY PROVIDE ADJUDICATORY PROCEEDINGS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 40‑60‑10, RELATING TO THE REAL ESTATE APPRAISERS BOARD, SO AS TO INCREASE THE MEMBERSHIP OF THE BOARD BY TWO MEMBERS; AND TO DESIGNATE SECTIONS 40‑60‑5 THROUGH 40‑60‑230 AS ARTICLE 1 OF CHAPTER 60, TITLE 40, ENTITLED “REAL ESTATE APPRAISERS”, AND TO RETITLE CHAPTER 60, TITLE 40 AS THE “REAL ESTATE APPRAISAL PROFESSIONALS ACT”.

Senator PEELER moved that the Bill be made a Special Order.

Senator SHANE MARTIN argued in opposition of the motion.

Senator LARRY MARTIN argued in favor of the motion.

Senator SHANE MARTIN moved to table the motion to make the Bill a Special Order.

The Senate refused to table the motion to make the Bill a Special Order.

The question then was the motion to make the Bill a Special Order.

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

**Ayes 34; Nays 4**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie *Martin, Larry*

Massey Matthews McElveen

Nicholson Peeler Rankin

Setzler Shealy Thurmond

Turner Verdin Williams

Young

**Total--34**

**NAYS**

Bright Bryant Malloy

*Martin, Shane*

**Total--4**

The Bill was made a Special Order.

**MOTION FOR SPECIAL ORDER FAILED**

S. 330 -- Senators Courson, Jackson, Hutto, Rankin, Lourie, Campsen and Gregory: A BILL TO AMEND SECTION 2-1-180 OF THE 1976 CODE, RELATING TO THE DATE FOR SINE DIE ADJOURNMENT OF THE GENERAL ASSEMBLY, TO PROVIDE THAT THE REGULAR ANNUAL SESSION OF THE GENERAL ASSEMBLY ADJOURNS THE FIRST THURSDAY IN MAY, AND TO PROVIDE THAT THE DATE FOR SINE DIE ADJOURNMENT IS EXTENDED ONE DAY FOR EACH DAY AFTER MARCH FIRST THAT THE HOUSE OF REPRESENTATIVES FAILS TO GIVE THE ANNUAL APPROPRIATIONS BILL THIRD READING.

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

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

**Ayes 17; Nays 22**

**AYES**

Bright Bryant Cleary

Corbin Courson Davis

Grooms Hembree Jackson

Lourie *Martin, Shane* McElveen

Rankin Shealy Thurmond

Turner Young

**Total--17**

**NAYS**

Alexander Allen Bennett

Campbell Campsen Cromer

Fair Ford Hayes

Hutto Johnson Leatherman

Malloy *Martin, Larry* Massey

Matthews Nicholson Peeler

Scott Setzler Verdin

Williams

**Total--22**

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

**MOTION ADOPTED**

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

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**DEBATE INTERRUPTED**

S. 308 -- Senators Bennett, Shealy, Grooms, Hembree, L. Martin, Massey, Campbell, Turner, Thurmond, Bryant, Verdin, S. Martin, Davis, Bright, Corbin, Campsen, Fair and Cromer: A BILL TO AMEND SECTION 16‑23‑465 OF THE 1976 CODE, RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES, TO PERMIT THE POSSESSION OF A WEAPON UNLESS NOTICE OF A PROHIBITION IS PROVIDED BY THE BUSINESS, TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BUSINESS BY SOMEONE CARRYING A FIREARM, AND TO REDUCE THE PENALTIES FOR VIOLATIONS.

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

On motion of Senator COURSON, debate was interrupted by the recess.

**RECESS**

At 2:45 P.M., on motion of Senator COURSON, the Senate receded from business until 5:00 P.M.

**NIGHT SESSION**

The Senate reassembled at 5:03 P.M. and was called to order by the PRESIDENT.

**RECESS**

At 5:04 P.M., on motion of Senator PEELER, the Senate receded from business not to exceed three minutes.

At 5:07 P.M., the Senate resumed.

**RECALLED**

H. 3973 -- Reps. Bedingfield, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, H.A. Crawford, K.R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑115 SO AS TO PROVIDE THAT THE MONTH OF SEPTEMBER OF EVERY YEAR IS DESIGNATED AS “GOLDEN SEPTEMBER CHILDHOOD CANCER AWARENESS MONTH” IN SOUTH CAROLINA.

Senator VERDIN asked unanimous consent to make a motion to recall the Bill from the Committee on Medical Affairs.

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

The Senate resumed consideration of S. 308.

**AMENDED, COMMITTEE AMENDMENT WITHDRAWN**

**READ THE THIRD TIME**

S. 308 -- Senators Bennett, Shealy, Grooms, Hembree, L. Martin, Massey, Campbell, Turner, Thurmond, Bryant, Verdin, S. Martin, Davis, Bright, Corbin, Campsen, Fair and Cromer: A BILL TO AMEND SECTION 16‑23‑465 OF THE 1976 CODE, RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES, TO PERMIT THE POSSESSION OF A WEAPON UNLESS NOTICE OF A PROHIBITION IS PROVIDED BY THE BUSINESS, TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BUSINESS BY SOMEONE CARRYING A FIREARM, AND TO REDUCE THE PENALTIES FOR VIOLATIONS.

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

Senator MASSEY asked unanimous consent to make a motion to take up Amendment No. 1 for immediate consideration.

There was no objection.

**Amendment No. P1A-1**

Senator BRYANT proposed the following Amendment No. P1A-1 (JUD0308.010), which was adopted:

Amend Amendment No. 1 bearing document path L:\S-JUD\AMEND\JUD0308.005.DOCX, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. This act may be cited as the “South Carolina Constitutional Carry Act”. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

The amendment was adopted.

**Amendment No. 1**

Senators BRIGHT, CORBIN, BRYANT and SHANE MARTIN proposed the following Amendment No. 1 (JUD0308.005), which was ruled out of order:

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

/ SECTION 1. This act may be cited as the “South Carolina Constitutional Carry Act of 2013”.

SECTION 2. Section 10-11-320(B) of the 1976 Code is amended to read:

“(B) This section does not apply to a person who possesses a ~~concealable weapons’ permit pursuant to Article 4, Chapter 31, Title 23~~ firearm and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain in an attended vehicle or locked in the person’s vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds.”

SECTION 3. Section 16‑23‑20 of the 1976 Code is amended to read:

“Section 16‑23‑20. (A) It is unlawful for ~~anyone~~ a person to carry about the person ~~any~~ a handgun, whether concealed or not~~, except as follows, unless otherwise specifically prohibited by law~~:

~~(1)~~ ~~regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor’s constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators;~~

~~(2)~~ ~~members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;~~

~~(3)~~ ~~members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;~~

~~(4)~~ ~~licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;~~

~~(5)~~ ~~a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;~~

~~(6)~~ ~~guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;~~

~~(7)~~ ~~members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;~~

~~(8)~~ ~~a person in his home or upon his real property or a person who has the permission of the owner or the person in legal possession or the person in legal control of the home or real property;~~

~~(9)~~ ~~a person in a vehicle if the handgun is:~~

~~(a)~~ ~~secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver’s license, registration, or proof of insurance; or~~

~~(b)~~ ~~concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;~~

~~(10)~~ ~~a person carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one’s residence or changing or moving one’s fixed place of business;~~

~~(11)~~ ~~a prison guard while engaged in his official duties;~~

~~(12)~~ ~~a person who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the handgun between the permittee’s person and a location specified in item (9);~~

~~(13)~~ ~~the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16‑23‑465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining the permission of the owner or person in legal control or legal possession of the premises;~~

~~(14)~~ ~~a person engaged in firearms‑related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);~~

~~(15)~~ ~~a person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun.~~

~~(16)~~ ~~Any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle.~~

(1) with the intent to commit a crime of violence. The intent to commit a crime of violence must not be inferred from the mere possession, carrying, or concealment of a loaded or unloaded handgun;

(2) into a:

(a) private residence of another person;

(b) law enforcement office or facility. A person may carry a handgun into a restroom that is part of a law enforcement facility, provided that the restroom does not allow public access to the law enforcement offices;

(c) jail or correctional office or facility;

(d) courthouse or courtroom;

(e) polling place on election days;

(f) office, facility, or business meeting of the governing body of a county, public school district, municipality, or special purpose district;

(g) school or college athletic event not related to firearms;

(h) daycare or pre‑school office or facility;

(i) church or other established religious sanctuary; or

(j) medical office or facility;

unless expressly authorized by a person with the apparent authority to give authorization;

(3) upon a private property owner’s premises, if the owner or person in legal possession or control requests that handguns not be brought upon the premises or visible handguns not be brought upon the premises and posts the appropriate signs pursuant to subsection (C); or

(4) upon a public or private business or work place’s premises, or while using machinery, vehicles, or equipment owned or operated by a public or private business or work place, if the owner or person in legal possession or control requests that handguns not be brought upon the premises or visible handguns not be brought upon the premises and posts the appropriate signs pursuant to subsection (C).

(B) The following persons may carry a handgun, whether concealed or not, anywhere within this State when carrying out the duties of their office:

(1) active Supreme Court justices;

(2) active court of appeals judges;

(3) active circuit court judges;

(4) active family court judges;

(5) active masters‑in‑equity;

(6) active probate court judges;

(7) active magistrates;

(8) active municipal court judges;

(9) active federal judges;

(10) active administrative law judges;

(11) active solicitors and assistant solicitors;

(12) active workers’ compensation commissioners; and

(13) regular, salaried law enforcement officers and reserve police officers of an agency, municipality, or county of this State, uncompensated Governor’s constables, law enforcement officers of the federal government or other states while in this State, and deputy enforcement officers of the Department of Natural Resources’ Enforcement Division.

(C)(1) If the owner or person in legal possession or control of a private property as described in subsection (A)(3) or the owner or person in legal possession or control of a public or private business or work place as described in subsection (A)(4) requests that handguns not be brought upon the premises or that visible handguns not be brought upon the premises, the owner or person in legal possession or control shall conspicuously post signs as provided in this subsection.

(2) Signs must be posted at each entrance into a building where a person is prohibited from carrying a handgun and must:

(a) be clearly visible from outside the building;

(b) be eight inches wide by twelve inches tall in size;

(c) contain the words ‘NO HANDGUNS ALLOWED’ or ‘NO VISIBLE HANDGUNS ALLOWED’ in black one‑inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(d) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty‑five degree angle from the horizontal; and

(e) be placed not less than forty inches nor more than sixty inches above the bottom of the building's entrance door.

(3) If the premises where handguns are prohibited does not have doors, the signs must:

(a) be thirty‑six inches wide by forty‑eight inches tall in size;

(b) contain the words ‘NO HANDGUNS ALLOWED’ or ‘NO VISIBLE HANDGUNS ALLOWED’ in black three‑inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(c) contain a black silhouette of a handgun inside a circle thirty‑four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty‑five degree angle from the horizontal;

(d) be placed not less than forty inches nor more than ninety‑six inches above the ground; and

(e) be posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

(4) The posting of signs prohibiting the carrying of handguns pursuant to this subsection and concealable weapons pursuant to Section 23-31-235 may be accomplished by signs that contain the words ‘NO HANDGUNS OR CONCEALABLE WEAPONS ALLOWED’ provided the signs comply with the remaining requirements of this section and Section 23-31-235.

(D) This section must not be construed to expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this section, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a handgun. Absence of a sign prohibiting handguns must not constitute negligence or establish a lack of duty of care.”

SECTION 4. Section 16-23-420 of the 1976 Code is amended to read:

“Section 16-23-420. (A) It is unlawful for a person to possess a firearm ~~of any kind~~:

(1) on ~~any~~ a premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post‑secondary institution~~,~~; or

(2) in ~~any~~ a publicly owned building~~,~~

without the express permission of the authorities in charge of the premises, ~~or~~ property, or building. ~~The provisions of this subsection related to any a premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post‑secondary institution,~~ Subitem (A)(1) ~~do~~ does not apply to a person who ~~is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23~~ possesses a firearm,

when the ~~weapon~~ firearm remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or ~~in a~~ closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

(B) It is unlawful for a person to enter the premises, ~~or~~ property, or building described in subsection (A) and to ~~display,~~ brandish~~,~~ or threaten others with a firearm.

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

(D) This section does not apply to a guard, law enforcement officer, ~~or~~ member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence with a weapon in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from ~~the provisions of~~ this section.

(E) For purposes of this section, the terms ‘premises’ and ‘property’ do not include state or locally owned or maintained roads, streets, or rights‑of‑way ~~of them,~~ running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post‑secondary institution, which are open full time to public vehicular traffic.

(F) This section does not apply to a person who ~~is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23~~ possesses a firearm, when upon any premises~~,~~ or property, or in a building, that is part of an interstate highway rest area facility.”

SECTION 5. Section 16-23-430(B) of the 1976 Code is amended to read:

“(B) This section does not apply to a person who ~~is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23~~ possesses a firearm, when the ~~weapon~~ firearm remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or ~~in a~~ closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.”

SECTION 6. Section 16‑23‑460 of the 1976 Code is amended to read:

“Section 16-23-460. (A) A person carrying a deadly weapon usually used for the infliction of personal injury concealed about ~~his~~ the person is guilty of a misdemeanor, must forfeit to the county, or, if convicted in a municipal court, to the municipality, the concealed weapon, and must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days.

(B) ~~The provisions of this~~ This section ~~do~~ does not apply to:

(1) ~~A~~ a person carrying a concealed weapon upon ~~his own~~ the person’s premises or pursuant to and in compliance with Article 4, Chapter 31 of Title 23; or

(2) peace officers in the actual discharge of ~~their~~ the peace officers’ duties.

(C) ~~The provisions of this~~ This section also ~~do~~ does not apply to handguns, rifles, shotguns, dirks, slingshots, metal knuckles, knives, or razors unless they are used with the intent to commit a crime of violence or in furtherance of a crime of violence.”

SECTION 7. Section 16-23-465 of the 1976 Code is amended to read:

“Section 16-23-465. (A) In addition to the penalties provided for by Sections 16‑11‑330, 16-11-620, ~~and~~ 16‑23‑460, 23-31-220, and ~~by~~ Article 1, ~~of~~ Chapter 23, ~~of~~ Title 16, a person convicted of consuming alcoholic liquor, beer, or wine while carrying a ~~pistol or~~ firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than ~~three~~ two years, or both.

~~In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, must have his concealed weapon permit revoked.~~” SECTION 8. Section 16-23-500 of the 1976 Code is amended to read:

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

(B) It is unlawful for a person who is convicted of a crime punishable by imprisonment for a term exceeding one year to possess a handgun or handgun ammunition within this State. This subsection does not apply to offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or similar offenses relating to the regulation of business practices, or a misdemeanor offense punishable by a term of imprisonment of two years or less.

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

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

~~(D)~~(E) The judge that hears the case involving the violent offense, as defined by Section 16‑1‑60, that is classified as a felony offense, shall make a specific finding on the record that the offense is a violent offense, as defined by Section 16‑1‑60, and is classified as a felony offense.”

SECTION 9. Section 51-3-145(G) of the 1976 Code is amended to read:

“(G) Possessing ~~any~~ a firearm, ~~airgun~~ air gun, explosive, or firework except by duly authorized park personnel, law enforcement officers, or persons using areas specifically designated by the department for use of firearms, ~~airguns~~ air guns, fireworks, or explosives. Licensed hunters may have firearms in their possession during hunting seasons, provided that ~~such~~ the firearms are unloaded and carried in a case or the trunk of a vehicle. ~~except that in~~ In designated game management areas where hunting is permitted, licensed hunters may use firearms for hunting in the manner authorized by law. This subsection ~~shall~~ does not apply to a person carrying a ~~concealable weapon pursuant to Article 4, Chapter 31, Title 23, and the concealable weapon~~ handgun and its ammunition.”

SECTION 10. Section 51-13-80(A) of the 1976 Code is amended to read:

“(A) A person who enters Riverbanks Park property ~~may~~ shall not, without express permission of the executive director:

(1) frighten, annoy, kill, injure, feed or attempt to frighten, annoy, kill, injure, or feed a mammal, bird, reptile, amphibian, or other animal in the zoo or gardens;

(2) display advertising matter by signs or distribute advertising matter within the park area;

(3) sell or offer for sale goods, wares, services, or merchandise within the park area;

(4) use boisterous, insulting, or profane language or ~~conduct himself~~ behave in a disorderly, lewd, obscene, or lascivious manner in the park area;

(5) enter a portion of the park which is designated as restricted, ~~enter~~ an area during the hours of the day when the area is not open to the public, or ~~enter~~ the park or recreation area which is closed. The executive director shall post the hours during which the area is open to the public;

(6) keep, permit, or bring a mammal, bird, reptile, amphibian, or other animal, domestic or wild, in a zoo or garden area unless permitted by the Parks Service Animal Guidelines and approved by the executive director;

(7) ~~carry on or about his person or~~ discharge a ~~gun, pistol, or~~ firearm ~~of any kind~~, including an air gun, ~~bow and arrow, or dangerous weapon~~ within or across the park, ~~which does not apply to a person licensed to carry a concealed weapon~~ unless the person discharges the firearm in defense of the person or other persons, or carry on or about the person a bow and arrow or dangerous weapon, except a firearm, within or across the park;

(8) wade, swim, fish, or boat within an area of the zoo or garden not so designated;

(9) drive or propel a vehicle in, over, or through the park area except in areas designated for driving or park purposes;

(10) operate a motor vehicle in the park area at a speed in excess of the posted speed limit;

(11) use the park or its recreation areas, grounds, or facilities to either perform or allow the performance of the following acts, unless the activity is authorized, permitted, or supervised by the executive director or ~~his~~ the executive director’s designees:

(a) wilfully mark, deface, disfigure, injure, tamper with, ~~or~~ displace, or remove buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(b) throw, discharge, ~~or otherwise~~ place, or cause to be placed in the waters of a fountain, pond, lake, stream, bay, or other body of water in or adjacent to the park or a tributary, stream, storm sewer, or drain flowing into these waters ~~any~~ a substance, matter, or things, liquid or solid, which will or may result in the pollution of these waters;

(c) dig or remove soil, rock, stones, trees, shrubs, ~~or~~ plants, down‑timber, or other wood or materials, or make an excavation by tool, equipment, blasting, or other means, except that digging must be permitted in areas designated for this purpose;

(d) damage, cut, carve, transplant, or remove a tree or plant, injure the bark or pick the flowers or seeds of a tree or plant, or attach a rope, wire, or other contrivance to a tree or plant. A person may not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of an area;

(e) bring in, ~~or~~ dump, deposit, or leave bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other litter, or place refuse or litter in waters in or contiguous to the park, or anywhere on the grounds, other than in the proper receptacles, where provided;

(f) endanger the safety of a person by conduct or act, prevent a person from using the park or its facilities, or interfere with use in compliance with this section;

(g) build or attempt to build a fire, except at places specifically designated for this purpose or as permitted by the park. A person may not drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other inflammable material within the park;

(h) possess or consume alcoholic beverages, beer, or wine; provided, however, alcoholic beverages, beer, or wine, must be allowed:

(i) when possession and consumption is specifically authorized by the executive director and the event organizer obtains a permit or license if required by the South Carolina Department of Revenue for the possession or consumption of alcoholic beverages, beer, or wine at the event; or

(ii) at private functions, authorized by the executive director, for which the South Carolina Department of Revenue does not require a permit or license for the possession or consumption of alcoholic beverages, beer, or wine;

(i) possess, explode, discharge, or ignite fireworks unless specifically permitted by the park;

(j) park or leave automobiles, trucks, bicycles, unicycles, tricycles, scooters, mopeds, motorcycles, motorbikes, motorized carts, or other motorized vehicles in areas not specifically designated for that purpose or other than at unauthorized times; and

(k) vend, sell, peddle, or offer for sale a commodity or article, except sales conducted by or specifically permitted by the executive director.”

SECTION 11. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

**Point of Order**

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

Senator LARRY MARTIN spoke on the Point of Order.

Senator SHANE MARTIN spoke on the Point of Order.

Senator BRIGHT spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

The PRESIDENT took the matter under advisement.

Senator BRIGHT resumed speaking on the amendment.

The PRESIDENT sustained the Point of Order.

Amendment No. 1 was ruled out of order.

**Statement by Senator BRIGHT**

Rule 24A does not forbid the expansion of a Bill by an amendment, provided that the subject matter of the amendment is a natural and logical expansion related to the specific subject matter of the Bill.

In this case, the Bill amends Section 16-23-465. The amendment also amends Section 16-23-465 in Section 7 on page 8.

Also, the subject matter of the Bill addresses who can carry a firearm and where they can carry a firearm. The subject matter of the amendment also addresses who can carry a firearm and where they can carry a firearm.

As well, the subject matter of the Bill addresses how a property owner may prohibit the carrying of firearms on the property owner’s premises. The subject matter of the amendment also addresses how a property owner may prohibit the carrying of firearms on the property owner’s premises. (See Section 16-23-20(C) on page 5)

Therefore, the amendment is a natural and logical expansion of the Bill and is germane.

I disagree with the PRESIDENT’s ruling.

Senator MASSEY asked unanimous consent to make a motion to take up Amendment No. 2 for immediate considedration.

There was no objection.

**Amendment No. 2**

Senator MASSEY proposed the following Amendment No. 2 (308R006.ASM), which was adopted:

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

/ SECTION 1. Section 16‑23‑465 of the 1976 Code is amended to read:

“Section 16‑23‑465. (A) In addition to the penalties provided for by Sections 16‑11‑330, 16‑11‑620, ~~and~~ 16‑23‑460, 23‑31‑220, and ~~by~~ Article 1, ~~of~~ Chapter 23, ~~of~~ Title 16, a person convicted of carrying a ~~pistol or~~ firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than ~~two~~ three thousand dollars or imprisoned not more than three years, or both.

In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, must have his concealed weapon permit revoked for a period of five years.

(B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23 between the hours of 5:00 a.m. and midnight; however, the person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’ premises and shall not enter and remain on any portion of the business’ premises primarily devoted to the service and consumption of alcoholic liquor, beer, or wine. A person who violates this subitem may be charged with a violation of subsection (A).

(2) A business owner or person in legal possession or control of a business may prohibit the carrying of concealable weapons into the business by posting a ‘NO CONCEALABLE WEAPONS ALLOWED’ sign in compliance with Section 23‑31‑235. A person who carries a concealable weapon into a business with a sign posted in compliance with Section 23‑31‑235 may be charged with a violation of subsection (A).

(3) A business owner or person in legal possession or control of a business may request that a person carrying a concealable weapon leave the business’ premises, or any portion of the premises, or request that a person carrying a concealable weapon remove the concealable weapon from the business’ premises, or any portion of the premises. A person carrying a concealable weapon who refuses to leave a business’ premises or portion of the premises when requested or refuses to remove the concealable weapon from a business’ premises or portion of the premises when requested may be charged with a violation of subsection (A).” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

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

**Ayes 26; Nays 13**

**AYES**

Alexander Bennett Campbell

Campsen Cleary Coleman

Courson Gregory Hayes

Hembree Hutto Jackson

Leatherman Lourie *Martin, Larry*

Massey McElveen Nicholson

Rankin Reese Setzler

Sheheen Thurmond Turner

Williams Young

**Total--26**

**NAYS**

Allen Bright Bryant

Corbin Cromer Davis

Grooms Johnson *Martin, Shane*

Peeler Scott Shealy

Verdin

**Total--13**

The amendment was adopted.

On motion of Senator HUTTO, with unanimous consent, the amendments authored by him were withdrawn.

On motion of Senator SCOTT, with unanimous consent, the amendments authored by him were withdrawn.

On motion of Senator REESE, with unanimous consent, the amendments authored by him were withdrawn.

On motion of Senator McELVEEN, with unanimous consent, the amendments authored by him were withdrawn.

On motion of Senator MASSEY, with unanimous consent, the committee amendment, as follows, was withdrawn:

The Committee on Judiciary proposed the following amendment (JUD0308.001), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety, and inserting:

/ SECTION 1. Section 16-23-465 of the 1976 Code is amended to read:

“Section 16-23-465. (A) In addition to the penalties provided for by Sections 16‑11‑330, 16-11-620, ~~and~~ 16‑23‑460, 23-31-220, and ~~by~~ Article 1, ~~of~~ Chapter 23, ~~of~~ Title 16, a person convicted of carrying a ~~pistol or~~ firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than ~~three~~ two years, or both.

~~In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, must have his concealed weapon permit revoked.~~

(B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23; however, the person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business’ premises. A person who violates this subitem may be charged with a violation of subsection (A).

(2) A business owner or person in legal possession or control of a business may prohibit the carrying of concealable weapons into the business by posting a ‘NO CONCEALABLE WEAPONS ALLOWED’ sign in compliance with Section 23‑31‑235. A person who carries a concealable weapon into a business with a sign posted in compliance with Section 23‑31‑235 may be charged with a violation of subsection (A).

(3) A business owner or person in legal possession or control of a business may request that a person carrying a concealable weapon leave the business’ premises or request that a person carrying a concealable weapon remove the concealable weapon from the business’ premises. A person carrying a concealable weapon who refuses to leave a business’ premises when requested or refuses to remove the concealable weapon from a business’ premises when requested may be charged with a violation of subsection (A).” /

Renumber sections to conform.

Amend title to conform.

The committee amendment was withdrawn.

There being no further amendments, the question then was the third reading of the Bill.

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

**Ayes 33; Nays 5**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Gregory Grooms Hayes

Hembree Hutto Leatherman

*Martin, Larry Martin, Shane* Massey

McElveen Peeler Rankin

Reese Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--33**

**NAYS**

Allen Johnson Lourie

Nicholson Scott

**Total--5**

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

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Miriam Ponder Hall, 94, of Dacusville, S.C., beloved first grade teacher of Senator Larry Martin. She retired from teaching at West End Elementary in Easley in 1979. She was a wonderful mother to her son, Ronny, and was a doting grandmother.

and

**MOTION ADOPTED**

On motion of Senator SHANE MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Shirley F. Sanders of Jonesville, S.C., beloved wife of Kenneth, devoted mother and doting grandmother of four. Mrs. Sanders retired after 28 years with Sloan Construction Company.

**ADJOURNMENT**

At 6:46 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 2:00 P.M.

\* \* \*