**Tuesday, April 30, 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 Senator ALEXANDER as follows:

In Proverbs we read that:

“The fear of the Lord teaches a man wisdom, and humility comes before honor.” (Proverbs 15:33)

Bow in prayer with me, please:

Holy and Loving God, we recognize the difficulties which go along with serving in the public eye. No one who takes on the role of public servant finds the going easy and simple. Yet how satisfying it is to serve honorably and faithfully. We ask, dear Lord, that You will bless each one who serves the people here in the Senate of South Carolina. May we honor You as we care wisely for all of the citizens of our State, and may they each display heartfelt humility and honor. In Your loving name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2013, and to expire May 19, 2020

1st Congressional District:

William A. Finn, 59 Krier Lane, Mt. Pleasant, SC 29464

Referred to the Committee on Judiciary.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2011, and to expire May 19, 2018

Chairman:

W. Leighton Lord III, 3628 Devereaux Rd., Columbia, SC 29205 *VICE* Oscar L. Thompson III

Referred to the Committee on Judiciary.

**REGULATIONS RESUBMITTED**

The following were received:

Document No. 4378

Agency: Department of Labor, Licensing and Regulation - Office of State Fire Marshal

Chapter: 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45 and 23-36-80

SUBJECT: Office of State Fire Marshal

Received by Lieutenant Governor April 29, 2013

Referred to the Labor, Commerce and Industry Committee

Legislative Review Expiration April 5, 2014

Document No. 4379

Agency: Real Estate Appraisers Board

Chapter: 137

Statutory Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3)

SUBJECT: Requirements of Licensure in Real Estate Appraisal

Received by Lieutenant Governor April 29, 2013

Referred to the Labor, Commerce and Industry Committee

Legislative Review Expiration April 5, 2014

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4317

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Section 41-29-110

SUBJECT: Unemployment Insurance

Received by Lieutenant Governor February 6, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2013

120 Day Period Tolled

Withdrawn and Resubmitted April 29, 2013

**Leave of Absence**

On motion of Senator McGILL, at 12:05 P.M., Senator O’DELL was granted a leave of absence for the week.

**Expression of Personal Interest**

Senator NICHOLSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**OBJECTION**

S. 204 -- Senators Bright, Bryant and Verdin: A BILL TO AMEND SECTION 44‑41‑10 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING ABORTIONS, TO PROVIDE THAT A LICENSED PHYSICIAN WHO PERFORMS AN ABORTION MUST ALSO BE BOARD CERTIFIED IN OBSTETRICS AND GYNECOLOGY; AND TO AMEND CHAPTER 41, TITLE 44, BY ADDING SECTION 44‑41‑25 TO PROVIDE THAT A PHYSICIAN PERFORMING AN ABORTION OUTSIDE OF A HOSPITAL MUST HAVE ADMITTING AND STAFF PRIVILEGES AT A LOCAL CERTIFIED HOSPITAL.

Senator BRIGHT asked unanimous consent to make a motion to place the Bill on the Calendar.

Senator SETZLER objected.

**CO-SPONSORS ADDED**

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

S. 191 Sens. Alexander, McElveen

S. 259 Sen. Ford

S. 562 Sen. Davis

**CO-SPONSOR REMOVED**

The following Senator was removed as a co-sponsor of the respective Bill:

S. 618 Sen. Grooms

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 661 -- Senators S. Martin, Bryant, Bright and Grooms: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, TO ENACT THE “AGENDA 21 PROTECTION ACT” BY ADDING CHAPTER 137 TO PROHIBIT THIS STATE AND ITS POLITICAL SUBDIVISIONS FROM ADOPTING AND DEVELOPING ENVIRONMENTAL AND DEVELOPMENTAL POLICIES THAT, WITHOUT DUE PROCESS, WOULD INFRINGE OR RESTRICT THE PRIVATE PROPERTY RIGHTS OF THE OWNER OF THE PROPERTY.

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

S. 662 -- Senator Thurmond: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 83 TO TITLE 44, SO AS TO AUTHORIZE ELECTRONIC MONITORING OF A RESIDENT'S ROOM IN A LONG-TERM CARE FACILITY, AND TO PROVIDE FOR PENALTIES FOR ANY PERSON OR ENTITY WHO HAMPERS, OBSTRUCTS, TAMPERS WITH, OR DESTROYS AN ELECTRONIC MONITORING DEVICE INSTALLED IN A LONG-TERM CARE FACILITY.

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Senator THURMOND spoke on the Bill.

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

S. 663 -- Senators McElveen, Campsen, Thurmond, McGill and Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE BEN MOÏSE OF CHARLESTON ON THE OCCASION OF HIS SEVENTIETH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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

S. 664 -- Senator Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOE PINNER FOR HIS OUTSTANDING CONTRIBUTIONS TO THE PALMETTO STATE AND TO CONGRATULATE HIM UPON HIS GOLDEN ANNIVERSARY WITH WIS TV.

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

S. 665 -- Senator Alexander: A SENATE RESOLUTION TO HONOR AND RECOGNIZE MR. ROBERT RICKETTS, ASSOCIATE ATHLETIC DIRECTOR FOR FACILITIES AND GROUNDS AT CLEMSON UNIVERSITY, UPON HIS RETIREMENT AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 666 -- Senator Malloy: A BILL TO AMEND ACT 748 OF 1978, AS AMENDED, RELATING TO THE BOARD OF EDUCATION OF DARLINGTON COUNTY, TO RESTRICT THE AUTHORITY OF THE BOARD TO INCREASE THE TAX LEVY WITHOUT THE APPROVAL OF A VOTE OF THE COUNTY ELECTORATE AND TO PROVIDE FOR THE BALLOTING FOR THE APPROVAL OF THE BUDGET AND THE MILLAGE.

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

S. 667 -- Senator Sheheen: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA’S YOUNG PEOPLE, TO THE PREVENTION OF TEEN PREGNANCY, AND TO DECLARE THE MONTH OF MAY AS “TEEN PREGNANCY PREVENTION MONTH” IN THE STATE OF SOUTH CAROLINA.

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

S. 668 -- Senators McGill and Cleary: A SENATE RESOLUTION TO COMMEND AND PUBLICLY RECOGNIZE DELTA SIGMA THETA SORORITY, INC., FOR MEANINGFUL CONTRIBUTIONS TO LOCAL COMMUNITIES WORLDWIDE, TO HONOR THE GEORGETOWN ALUMNAE CHAPTER OF DELTA SIGMA THETA FOR ALMOST FIFTY YEARS OF OUTSTANDING COMMUNITY SERVICE AND PUBLIC OUTREACH ACTIVITIES, AND TO CONGRATULATE THE MEMBERS UPON THE NATIONAL ORGANIZATION'S ONE HUNDREDTH ANNIVERSARY.

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The Senate Resolution was adopted.

H. 3102 -- Reps. Forrester, V. S. Moss, Allison, Atwater and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “JAIDON’S LAW”; TO AMEND SECTION 63-7-1680, AS AMENDED, RELATING TO THE CONTENTS, APPROVAL, AND AMENDMENT OF A PLACEMENT PLAN DEVELOPED BY THE DEPARTMENT OF SOCIAL SERVICES FOR A CHILD REMOVED FROM THE CUSTODY OF HIS OR HER PARENTS, SO AS TO FURTHER PROVIDE FOR THE VISITATION RIGHTS AND OBLIGATIONS OF THE PARENTS UNDER THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1690, RELATING TO CONTENTS OF A PLACEMENT PLAN WHEN THE CONDITIONS FOR REMOVAL OF A CHILD FROM THE CUSTODY OF HIS OR HER PARENTS INCLUDE CONTROLLED SUBSTANCE ABUSE BY THE PARENTS, SO AS TO MAKE THE CONTENTS OF THE PLAN MANDATORY, RATHER THAN IN THE DISCRETION OF THE COURT; TO AMEND SECTION 63-7-1710, RELATING TO CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF SOCIAL SERVICES SHALL FILE A PETITION TO TERMINATE PARENTAL RIGHTS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF THE PARENT IS CONVICTED OF HOMICIDE BY CHILD ABUSE, OR AIDING OR ABETTING TO COMMIT HOMICIDE BY CHILD ABUSE, OF ANOTHER CHILD OF THE PARENT; TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF A PARENT FAILED THREE HAIR-STRAND DRUG TESTS OVER A NINE-MONTH PERIOD; AND TO PROVIDE THAT THE DEPARTMENT SHALL FILE SUCH A PETITION IF A PARENT FAILED TWICE IN A TWELVE-MONTH PERIOD TO COMPLY WITH THE TERMS OF A TREATMENT PLAN OR PLACEMENT PLAN; TO AMEND SECTION 63-7-1940, RELATING TO COURT-ORDERED PLACEMENT OF A PERSON IN THE CENTRAL REGISTRY FOR CHILD ABUSE AND NEGLECT, SO AS TO PROVIDE THAT THE COURT SHALL ORDER THAT A PERSON BE PLACED IN THE REGISTRY IF THE PERSON GAVE BIRTH TO THE CHILD AND THE CHILD TESTED POSITIVE FOR DRUGS; AND TO AMEND SECTION 63-7-2570, AS AMENDED, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT TERMINATING THESE RIGHTS ON THE GROUNDS OF SEVERE AND REPETITIVE ABUSE OR NEGLECT INCLUDES HOSPITALIZATION OF A CHILD FOR MORE THAN FOURTEEN DAYS DUE TO ABUSE OR NEGLECT; TO INCLUDE IN THE GROUNDS FOR TERMINATING THESE RIGHTS A PARENT'S ADDICTION TO ALCOHOL OR ILLEGAL DRUGS OR PRESCRIPTION MEDICATION ABUSE WHEN THE PARENT'S ADDICTION IS UNLIKELY TO CHANGE WITHIN A REASONABLE TIME; AND TO PROVIDE AS A GROUND FOR TERMINATING THESE RIGHTS A PARENT BEING CONVICTED OF MURDER, VOLUNTARY MANSLAUGHTER, OR HOMICIDE BY CHILD ABUSE OF ANOTHER CHILD OF THE PARENT.

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

H. 3145 -- Reps. Huggins, Daning, Lowe, Weeks and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-37-45 SO AS TO PROVIDE FOR EXPEDITED EJECTMENTS OF CERTAIN TENANTS BY LANDLORDS; AND TO AMEND SECTION 8-21-1010, AS AMENDED, RELATING TO MAGISTRATES FEES, SO AS TO PROVIDE A FEE FOR FILING AN EXPEDITED EJECTMENT.

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

H. 3502 -- Reps. Murphy, Vick, Goldfinch, K. R. Crawford, Harrell, Horne, M. S. McLeod and Owens: A BILL TO AMEND SECTION 59-121-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD, SO AS TO REMOVE A LIMIT ON THE AMOUNT OF FUNDS OR PROPERTY THAT THE BOARD MAY TRANSFER TO THE CORPORATION.

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

H. 3505 -- Reps. Loftis, Bannister, Harrell, J. R. Smith, Brannon, Huggins, Kennedy, Ballentine, Cole, Hixon, McCoy, G. R. Smith, Hamilton, Tallon, Henderson, Forrester, Whipper and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE “HIGH GROWTH SMALL BUSINESS ACCESS TO CAPITAL ACT OF 2013” BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, TO MAKE THE CREDIT TRANSFERABLE, AND TO PROVIDE FOR CERTAIN ADJUSTED NET CAPITAL GAIN AND LOSS COMPUTATIONS FOR INVESTOR TAXPAYERS WHO RECOGNIZE SUCH A GAIN OR LOSS ON THE SALE OF CREDIT ASSETS AS DEFINED IN THIS CHAPTER.

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

H. 3618 -- Reps. K. R. Crawford, Sandifer, Whitmire, Cobb-Hunter and Murphy: 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.

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

H. 3725 -- Reps. Putnam, Ballentine, Patrick, Huggins, H. A. Crawford, Mitchell, Allison, Barfield, Chumley, Felder, Gagnon, Henderson, Hixon, Owens, Rivers, Ryhal, Simrill, Spires, Stringer, Taylor, Willis, Wood, Sellers, Long and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SAFE ACCESS TO VITAL EPINEPHRINE (SAVE) ACT”; BY ADDING SECTION 59-63-95 SO AS TO ALLOW SCHOOL DISTRICT AND PRIVATE SCHOOL GOVERNING AUTHORITIES TO OBTAIN SUPPLIES OF EPINEPHRINE AUTO-INJECTORS FOR SCHOOLS TO USE IN CERTAIN CIRCUMSTANCES; TO AUTHORIZE CERTAIN PEOPLE TO PRESCRIBE AND DISPENSE PRESCRIPTIONS FOR EPINEPHRINE AUTO-INJECTORS; TO AUTHORIZE CERTAIN SCHOOL PERSONNEL TO PROVIDE EPINEPHRINE AUTO-INJECTORS TO STUDENTS FOR SELF-ADMINISTRATION OF THE INJECTOR; TO AUTHORIZE CERTAIN PERSONNEL TO ADMINISTER EPINEPHRINE AUTO-INJECTORS TO STUDENTS AND OTHER PEOPLE; TO PROVIDE FOR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND SCHOOL DISTRICT AND PRIVATE SCHOOL GOVERNING AUTHORITIES TO DEVELOP AND FACILITATE IMPLEMENTATION OF GUIDELINES FOR MANAGEMENT OF STUDENTS WITH LIFE-THREATENING ALLERGIES, INCLUDING FOR ADMINISTRATION AND PROVISION OF EPINEPHRINE AUTO-INJECTORS TO STUDENTS AND OTHER PEOPLE; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY WITH REGARD TO USE OF EPINEPHRINE AUTO-INJECTORS BY SCHOOLS.

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

H. 3735 -- Reps. Goldfinch, Hardwick, H. A. Crawford, Huggins, Hardee, Clemmons, Vick, Finlay, Chumley, Hamilton, Herbkersman, Hiott, Hixon, V. S. Moss, Owens, Pitts, Sottile, Wells, Wood, Powers Norrell, Knight and McCoy: A BILL TO AMEND SECTION 50-5-2730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE’S ADOPTION OF CERTAIN FEDERAL LAWS AND REGULATIONS THAT REGULATE THE TAKING OF FISH IN STATE WATERS, SO AS TO PROVIDE THAT LAWS AND REGULATIONS DO NOT APPLY TO BLACK SEA BASS (CENTROPRIATES STRIATA), TO PROVIDE A LAWFUL CATCH LIMIT AND SIZE FOR THIS SPECIES OF FISH, AND TO PROVIDE THAT THERE IS NO CLOSED SEASON ON THE CATCHING OF BLACK SEA BASS (CENTROPRIATES STRIATA).

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

H. 3762 -- Reps. Ott, Skelton, Hardwick, Hodges, Knight, Bales, Jefferson, Parks, Sellers, Finlay, Funderburk, Gagnon, Gambrell, George, Hayes, Hiott, Hixon, Horne, Lowe, D. C. Moss, Norman, Pitts, Putnam, Riley, White, Williams and Vick: A BILL TO AMEND SECTIONS 50-11-740, AS AMENDED, AND 50-11-745, RELATING TO THE CONFISCATION, FORFEITURE, SALE, AND RELEASE OF PROPERTY USED FOR THE UNLAWFUL HUNTING OF WILDLIFE, SO AS TO PROVIDE ADDITIONAL TYPES OF PROPERTY THAT ARE COVERED BY BOTH PROVISIONS, AND TO REVISE THE PENALTIES THAT MAY BE IMPOSED FOR THE UNLAWFUL HUNTING OF WILDLIFE.

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

H. 3774 -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J. R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2017; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

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

H. 3847 -- Reps. Hiott and Hardwick: A BILL TO AMEND SECTION 48-60-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR TERMS USED IN THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT OF 2010, SO AS TO ADD, AMONG OTHER DEFINITIONS, TERMS RELATED TO COMPUTER MONITORS; TO AMEND SECTION 48-60-30, RELATING TO REQUIREMENTS OF CERTAIN MANUFACTURERS TO PROVIDE LABELS ON DEVICES INDICATING THE BRAND, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; TO AMEND SECTION 48-60-50, RELATING TO THE REQUIREMENT FOR TELEVISION MANUFACTURERS TO PROVIDE A RECOVERY PROGRAM FOR RECYCLING TELEVISIONS, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; BY ADDING SECTION 48-60-55 SO AS TO PROVIDE FOR THE CREATION AND OPERATION OF STATEWIDE CONSUMER ELECTRONIC DEVICE STEWARDSHIP PROGRAMS AND THE DEVELOPMENT AND IMPLEMENTATION OF RELATED RECOVERY PLANS, INCLUDING REQUIREMENTS FOR APPROVAL OF PLANS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO ESTABLISH OTHER RESPONSIBILITIES AND AUTHORITY OF THE DEPARTMENT AND REQUIREMENTS OF REGULATED MANUFACTURERS; TO AMEND SECTION 48-60-60, RELATING TO PROTECTION FROM LIABILITY FOR CERTAIN DAMAGES, SO AS TO APPLY TO COMPUTER MONITOR MANUFACTURERS; TO AMEND SECTION 48-60-70, RELATING TO RETAILER SALE REQUIREMENTS, SO AS TO PROHIBIT RETAILERS FROM SELLING DEVICES MADE BY MANUFACTURERS WHO DO NOT COMPLY WITH THE REQUIREMENTS OF SECTION 48-60-55; TO AMEND SECTION 48-60-90, RELATING TO DISCARDING OR PLACING COVERED DEVICES IN A WASTE STREAM, TO PROHIBIT COMPONENTS OF COVERED DEVICES; TO AMEND SECTION 48-60-100, RELATING TO RECOVERY PROCESS FEES, SO AS TO LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO CHARGE CERTAIN FEES; TO AMEND SECTION 48-60-140, RELATING TO REQUIREMENTS THAT RECOVERY PROCESSES COMPLY WITH STATE AND FEDERAL LAW, SO AS TO REQUIRE RECYCLING OR REUSE FACILITIES TO MAINTAIN CERTIFICATION, TO IDENTIFY APPROVED CERTIFICATION PROGRAMS, AND TO REQUIRE MANUFACTURERS AND GOVERNMENTS ONLY TO USE FACILITIES THAT HAVE APPROPRIATE CERTIFICATION; TO AMEND SECTION 48-60-150, RELATING TO THE DEPARTMENT'S PROMULGATION OF REGULATIONS, SO AS TO ELIMINATE THE RIGHT TO CHARGE CERTAIN FEES TO MANUFACTURERS; BY ADDING SECTION 48-60-160 SO AS TO PROVIDE FOR CERTAIN FEES AND PENALTIES; BY ADDING SECTION 48-60-170 SO AS TO SET FORTH THE PURPOSES OF THE CHAPTER AND CERTAIN LIMITATIONS ON LIABILITY; TO PROVIDE EXPIRATION DATES FOR REGULATIONS PROMULGATED PURSUANT TO THIS CHAPTER, AND TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTION 48-60-50 JUNE 30, 2014, AND CERTAIN OTHER PROVISIONS JUNE 30, 2020.

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

H. 3853 -- Reps. Owens, Patrick, Bedingfield, Loftis, Taylor, Allison, Anthony, Brannon, Southard, Bowen, Whitmire, Limehouse, Cole, Erickson, Forrester, Harrell, Herbkersman, Hixon, Lucas, D. C. Moss, Norman, Pitts, Pope, Putnam, Simrill, G. R. Smith, Sottile, Stringer, Wells and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-111 SO AS TO AUTHORIZE AN ALTERNATIVE EDUCATION CAMPUS (AEC) TO BE ESTABLISHED BY A CHARTER SCHOOL SPONSOR WHICH SHALL CONSTITUTE A CHARTER SCHOOL SERVING A SPECIFIC STUDENT POPULATION, AND TO PROVIDE THE CRITERIA FOR A CHARTER SCHOOL TO BE DESIGNATED AS AN AEC; TO AMEND SECTION 59-40-55, RELATING TO A CHARTER SCHOOL SPONSOR’S POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES INCLUDING THE ADOPTION OF NATIONAL INDUSTRY STANDARDS FOR THE SCHOOL, AND THE CLOSURE OF LOW PERFORMING SCHOOLS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO CHARTER SCHOOL APPLICATIONS AND THE FORMATION OF CHARTER SCHOOLS, SO AS TO PROVIDE THAT THE CHARTER SCHOOL APPLICATION MUST BE BASED ON AN APPLICATION TEMPLATE WITH COMPLIANCE GUIDELINES DEVELOPED BY THE DEPARTMENT OF EDUCATION, AND TO FURTHER PROVIDE FOR THE CONTENTS OF THE APPLICATION AND FOR LETTERS OF INTENT TO BE SUBMITTED BY AN APPLICANT AND A CHARTER COMMITTEE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE AND ITS DUTY TO REVIEW CHARTER SCHOOL APPLICATIONS, SO AS TO DELETE THE COMMITTEE, TO REVISE THE PROCEDURES REQUIRED OF A CHARTER SCHOOL APPLICANT IN REGARD TO A CHARTER SCHOOL APPLICATION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL PROVIDE GUIDANCE ON COMPLIANCE TO BOTH SPONSORS AND APPLICANTS, AND TO FURTHER PROVIDE FOR THE STANDARDS FOR A SCHOOL BOARD OF TRUSTEES OR AREA COMMISSION TO FOLLOW WHEN CONSIDERING THE DENIAL OF AN APPLICATION; TO AMEND SECTION 59-40-90, AS AMENDED, RELATING TO APPEAL OF FINAL DECISIONS OF A SCHOOL DISTRICT TO THE ADMINISTRATION LAW COURT, SO AS TO ALSO INCLUDE FINAL DECISIONS OF A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING SPONSOR; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER SCHOOL SPONSOR AND THE RENEWAL OR TERMINATION OF A CHARTER BY THE SPONSOR, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN A CHARTER SCHOOL SHALL AUTOMATICALLY AND PERMANENTLY CLOSE, TO REVISE THE CRITERIA TO CONSIDER WHEN REVOKING OR NOT RENEWING A CHARTER, TO PROVIDE FOR WHEN A SPONSOR SUMMARILY MAY REVOKE A CHARTER, AND TO PROVIDE FOR THE MANNER IN WHICH STAYS OF THE REVOCATION OR NONRENEWAL OF THE CHARTER TAKE EFFECT OR MAY BE GRANTED; TO AMEND SECTION 59-40-115, AS AMENDED, RELATING TO THE TERMINATION OF A CHARTER SCHOOL’S CONTRACT WITH A SPONSOR, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE; AND TO AMEND SECTION 59-40-180, AS AMENDED, RELATING TO REGULATIONS AND GUIDELINES PERTAINING TO CHARTER SCHOOLS, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE.

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

H. 3896 -- Reps. Merrill, White and Limehouse: A BILL TO AMEND SECTION 59-4-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION ON TUITION INCREASES UNDER THE SOUTH CAROLINA TUITION PREPAYMENT PROGRAM, SO AS TO PROVIDE THAT, BEGINNING WITH THE 2013-2014 SCHOOL YEAR, A PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE SHALL ACCEPT AS FULL PAYMENT OF ALL TUITION AND FEES DUE FOR THOSE IN-STATE UNDERGRADUATE STUDENTS WHOSE TUITION AND FEES ARE PAID PURSUANT TO A TUITION PREPAYMENT CONTRACT UNDER THE TUITION PREPAYMENT PROGRAM THE AMOUNT OF TUITION AND FEES CHARGED IN-STATE UNDERGRADUATE STUDENTS FOR SCHOOL YEAR 2008-2009 WHO DID NOT PARTICIPATE IN THE PROGRAM, TO ALSO PROVIDE FOR THE MANNER IN WHICH THE TUITION PREPAYMENT PROGRAM, BEGINNING WITH THE 2013-2014 SCHOOL YEAR, SHALL PAY TUITION AND FEES FOR STUDENTS PARTICIPATING IN THE PROGRAM WHO ATTEND IN-STATE PRIVATE INSTITUTIONS OR OUT-OF-STATE INSTITUTIONS, AND TO PROVIDE FOR OTHER RELATED PROVISIONS TO IMPLEMENT THESE REQUIREMENTS.

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

H. 3974 -- Reps. Loftis, Brannon, Burns, Erickson, Bannister, Barfield, Hamilton, Harrell, Henderson, Hosey, Murphy, G. M. Smith, G. R. Smith and J. R. Smith: A BILL TO AMEND SECTION 12-54-240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCLOSURE OF RECORDS AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO ALLOW THE DISCLOSURE OF CERTAIN INFORMATION TO THE SECRETARY OF STATE ABOUT A TAXPAYER WHO FILED AN INITIAL OR FINAL CORPORATE RETURN; AND BY ADDING SECTION 12-58-165 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO EXPUNGE THE RECORDING OF A LIEN ONCE THE LIEN IS FULLY PAID AND SATISFIED.

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

H. 4052 -- Reps. Limehouse, R. L. Brown, Crosby, Gilliard, Goldfinch, Harrell, Horne, Mack, McCoy, Merrill, Rivers, Sottile, Stavrinakis and Whipper: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE OUTSTANDING WORK OF THE AMERICAN CANCER SOCIETY’S HOPE LODGE IN CHARLESTON COUNTY FOR FORTY YEARS OF PROVIDING VITAL AND COMPASSIONATE SUPPORT FOR CANCER PATIENTS AND THEIR CAREGIVERS IN THE PALMETTO STATE.

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

H. 4060 -- Reps. D. C. Moss, 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, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, 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 HONOR AND COMMEND SENIOR TROOPER WILLIAM A. MCINVILLE OF FLORENCE UPON BEING NAMED SOUTH CAROLINA HIGHWAY PATROL TROOPER OF THE YEAR FOR 2012 AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

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

H. 4067 -- Rep. Horne: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA’S YOUNG PEOPLE, TO THE PREVENTION OF TEEN PREGNANCY, AND TO DECLARE THE MONTH OF MAY AS “TEEN PREGNANCY PREVENTION MONTH” IN THE STATE OF SOUTH CAROLINA.

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

**REPORTS OF STANDING COMMITTEES**

**Invitations Accepted**

On motion of Senator BRYANT, with unanimous consent, the following invitations were polled favorably from the Committee on Invitations and ordered placed on the Calendar:

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Bryant Alexander McGill

Reese Ford Verdin

Campsen Cromer Malloy

Cleary Johnson

**Total--11**

**NAYS**

**Total--0**

Wednesday, May 1, 2013 - 8:00 - 10:00 A.M.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the WIL LOU GRAY OPPORTUNITY SCHOOL

Wednesday, May 1, 2013 - 12:00 - 2:00 P.M.

Members of the Senate, Luncheon, Columbia Convention Center, by the SC CERTIFIED PUBLIC ACCOUNTANTS

Wednesday, May 1, 2013 - 6:00 - 9:00 P.M.

Members of the Senate, Reception, Columbia Convention Center, by the SOUTH CAROLINA FUTURE MINDS “TEACHER OF THE YEAR”

Wednesday, May 1, 2013 - 7:00 - 9:00 P.M.

Members of the Senate, Reception, The Inn at USC Wyndam Garden, by the ZETA PHI BETA SORORITY, INC.

Wednesday, May 8, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the SC HOME OWNERSHIP & EMPLOYEE LENDING

Wednesday, May 8, 2013 - 6:00 - 8:00 P.M.

Members of the Senate, Reception, Columbia Art Museum, by the THE SOUTH CAROLINA POWER TEAM

Wednesday, May 15, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the ASSOCIATION OF COMMUNITY ACTION PARTNERSHIPS

Wednesday, May 15, 2013 - 12:00 - 2:00 P.M.

Members of the Senate, Luncheon, The Palmetto Club, by the SC OPTOMETRIC PHYSICIANS ASSOCIATION

Thursday, May 16, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the LEADERSHIP SOUTH CAROLINA

Tuesday, May 21, 2013 - 6:00 - 8:00 P.M.

Members of the Senate and Staff, Reception, Nexsen-Pruet Law Firm, by the BMW, BOEING, GENERAL ELECTRIC & SC MANUFACTURERS ALLIANCE

Wednesday, May 22, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the ABSOLUTE TOTAL CARE

Wednesday, May 22, 2013 - 12:00 - 2:00 P.M.

Members of the Senate, Luncheon, Room 112, Blatt Building, by the SC ASSOCIATION OF COMMUNITY DEVELOPMENT CORPORATIONS

Thursday, May 23, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the SC ACADEMY OF PHYSICIANS ASSISTANTS

Tuesday, May 28, 2013 - 6:00 - 8:00 P.M.

Members of the Senate and Staff, Reception, USC Horseshoe, by the UNIVERSITY OF SOUTH CAROLINA

Wednesday, May 29, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the COLUMBIA METROPOLITAN AIRPORT

Wednesday, May 29, 2013 - 12:00 - 2:00 P.M.

Members of the Senate, Luncheon, State House Grounds, by the SC TIRE MANUFACTURER’S COUNCIL

Thursday, May 30, 2013 - 8:00 - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the SCAWWA WATER UTILITIES COUNCIL

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 531 -- Senator Alexander: A BILL TO AMEND CHAPTER 41, TITLE 41 OF THE 1976 CODE, RELATING TO OFFENSES, PENALTIES, AND LIABILITIES, BY ADDING SECTION 41‑41‑45 TO PROVIDE FOR A MANDATORY PENALTY ON FRAUDULENT OVERPAYMENTS IN CONNECTION WITH UNEMPLOYMENT INSURANCE COMPENSATION; TO AMEND CHAPTER 35, TITLE 41, RELATING TO BENEFITS AND CLAIMS, BY ADDING SECTION 41‑35‑135 TO PROVIDE THAT THE DEPARTMENT SHALL NOT RELIEVE THE CHARGE BENEFITS TO AN EMPLOYER’S ACCOUNT WHEN IT DETERMINES THAT THE OVERPAYMENT HAS BEEN MADE TO A CLAIMANT AND THE OVERPAYMENT OCCURRED BECAUSE THE EMPLOYER WAS AT FAULT FOR FAILING TO RESPOND TIMELY OR ADEQUATELY TO A WRITTEN REQUEST OF THE DEPARTMENT FOR INFORMATION RELATING TO AN UNEMPLOYMENT COMPENSATION CLAIM, AND THE EMPLOYER EXHIBITS A PATTERN OF FAILURE TO TIMELY OR ADEQUATELY RESPOND TO REQUESTS FROM THE DEPARTMENT FOR INFORMATION RELATING TO UNEMPLOYMENT COMPENSATION CLAIMS ON THREE OR MORE OCCASIONS WITHIN A SINGLE CALENDAR YEAR; AND TO AMEND SECTION 43‑5‑598, RELATING TO THE DEFINITION OF “NEW HIRE”, TO PROVIDE THAT A NEW HIRE INCLUDES A REHIRED EMPLOYEE WHO HAS BEEN SEPARATED FROM PRIOR EMPLOYMENT FOR AT LEAST SIXTY CONSECUTIVE DAYS.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCE**

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.

Returned with concurrence.

Received as information.

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

**THIRD READING BILLS**

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

S. 448 -- Senators Alexander, Peeler, Cleary and Shane 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.

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.

S. 540 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PERPETUAL CARE CEMETERY BOARD, RELATING TO PERPETUAL CARE CEMETERY BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4168, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 148 -- Senators Shealy, Bryant, Gregory and Alexander: 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.

S. 636 -- Senator Alexander: A BILL TO AMEND SECTION 7‑7‑430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO ADD THE “NEW HOPE” PRECINCT, 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, AND TO CORRECT ARCHAIC LANGUAGE.

**READ THE THIRD TIME, SENT TO THE HOUSE**

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.

Senator HAYES asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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

Senator MALLOY spoke on the Bill.

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

**Ayes 33; Nays 9**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Leatherman

Lourie *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Peeler Setzler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--33**

**NAYS**

Allen Ford Johnson

Malloy Nicholson Pinckney

Reese Scott Williams

**Total--9**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 193 -- Senator Verdin: A BILL TO AMEND SECTION 47‑1‑40 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, TO REVISE CERTAIN CRIMINAL PENALTIES; TO AMEND SECTION 47‑1‑130, RELATING TO ARRESTS FOR CRUELTY TO ANIMALS, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY ARREST PERSONS FOR VIOLATING LAWS RELATING TO CRULETY TO ANIMALS; TO AMEND SECTION 47‑1‑140, RELATING TO CARE OF ANIMALS AFTER AN ARREST, TO PROVIDE THAT LAW ENFORCEMENT OFFICERS ARE TO PROVIDE PROPER CARE FOR THE ANIMALS; AND TO AMEND SECTION 47‑1‑150, RELATING TO ORDERS TO PROVIDE CARE, TO PROVIDE THAT SUCH ORDERS ARE TO BE ISSUED BY THE MAGISTRATE OR MUNICIPAL JUDGE, ANY LAW ENFORCEMENT OFFICER, OR ANY AGENT OF THE COUNTY.

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

The Committee on Agriculture and Natural Resources proposed the following amendment (193R001.KLB), which was adopted:

Amend the bill, as and if amended, page 3, after line 38 by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Section 47-1-160 of the 1976 Code is repealed. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

The committee amendment was adopted.

**Motion Under Rule 26B Waived**

Senator VERDIN asked unanimous consent to make a motion to waive the provisions of Rule 26B on third reading of the Bill, so as to take up further amendments on third reading.

There was no objection.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 601 -- Senators Thurmond, Ford, Sheheen and Campsen: A BILL TO AMEND SECTION 2‑17‑10, RELATING TO TERMS REGARDING LOBBYISTS AND LOBBYING, TO DEFINE THE TERMS “LOBBYING”, “LOBBYIST”, “PUBLIC BODY”, AND “PUBLIC OFFICIAL” TO INCLUDE MEMBERS OF AND THE GOVERNING BODIES OF POLITICAL SUBDIVISIONS.

Senator THURMOND asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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

Senator THURMOND proposed the following amendment (JUD0601.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 35-40 and inserting:

/ ‘Lobbying’ does not include the activities of a member of the General Assembly, a member of the staff of a member of the Senate or House of Representatives, the Governor, the Lieutenant Governor, ~~or~~ a member of the executive staff of the Governor or Lieutenant Governor or a member or the staff of the governing body of a political subdivision acting in his capacity as a public official or public employee with regard to his public duties. /

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

/ SECTION \_\_. Section 2-17-80 of the 1976 Code is amended to read:

“Section 2-17-80. (A) A lobbyist or a person acting on behalf of a lobbyist shall not offer, solicit, facilitate, or provide to or on behalf of any member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees any of the following:

(1) lodging;

(2) transportation;

(3) entertainment;

(4) food, meals, beverages, money, or any other thing of value;

(5) contributions, as defined in Section 8‑13‑1300(7).

(B) A member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official ~~of any state agency~~ who engaged in covered agency actions, or any of their employees shall not solicit or receive from a lobbyist or a person acting on behalf of a lobbyist any of the following:

(1) lodging;

(2) transportation;

(3) entertainment;

(4) food, meals, beverages, money, or any other thing of value;

(5) contributions, as defined in Section 8‑13‑1300(7).

(C) Subsections (A)(1) through (A)(4) and subsections (B)(1) through (B)(4) of this section do not apply to the furnishing of lodging, transportation, entertainment, food, meals, beverages, or any other thing of value which also is furnished on the same terms or at the same expense to a member of the general public without regard to status as a public official or public employee.

(D) Subsections (A)(1), (A)(2), (B)(1), and (B)(2) of this section do not apply to the rendering of emergency assistance given gratuitously and in good faith by a lobbyist, a lobbyist’s principal, or any person acting on behalf of a lobbyist or a lobbyist’s principal to any member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official ~~of any state agency~~ who engaged in covered agency actions, or any of their employees.

(E) Subsections (A) and (B) do not apply to anything of value given to a family member for love and affection.” /

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

/ SECTION \_\_. Subsection 2-17-130(B) of the 1976 Code is amended to read:

“(B) A member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official ~~of any state agency~~ who engaged in covered agency actions, or any of their employees who willfully violate the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned for not more than one year, or both.” /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND explained the amendment.

The amendment was adopted.

**Motion Under Rule 26B Waived**

Senator MALLOY asked unanimous consent to make a motion to waive the provisions of Rule 26B on third reading of the Bill, so as to take up further amendments on third reading.

There was no objection.

The question then was second reading of the Bill.

On motion of Senator THURMOND, with unanimous consent, the Bill was given a second reading and ordered placed on the Third Reading Calendar.

**AMENDED, READ THE SECOND TIME**

S. 8 -- Senator L. Martin: A BILL TO AMEND SECTION 47-3-110, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE LIABILITY OF AN OWNER OR KEEPER OF A DOG FOR A DOG ATTACK, TO PROVIDE THAT LIABILITY DOES NOT EXTEND TO TRAINED LAW ENFORCEMENT DOGS IN THE PERFORMANCE OF OFFICIAL DUTIES OR DOGS ACTING IN DEFENSE OF A PERSON; AND TO AMEND CHAPTER 23, TITLE 23 BY ADDING SECTION 23‑23‑140, RELATING TO PATROL CANINE TEAMS.

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

Senator MALLOY proposed the following amendment (JUD0008.004), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 6-24, and inserting:

/ (B) This section does not apply if:

(1) the person who was attacked provoked or harassed the dog leading to the attack;

(2) the dog is working in a law enforcement capacity with a governmental agency and in the performance of the dog’s official duties provided that:

(a) the dog is trained and certified according to the standards adopted by the South Carolina Law Enforcement Training Council;

(b) the governmental agency has adopted a written policy on the necessary and appropriate use of dogs in the dog’s official law enforcement duties;

(c) the actions of the dog’s handler or dog do not violate the agency’s written policy;

(d) the actions of the dog’s handler or dog do not constitute excessive force; and

(e) the attack or bite does not occur on a third party by-stander not involved in the criminal investigation, search, or arrest; or

(3) the dog is defending the life, health, or safety of the dog’s owner, handler, or another person.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

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

**Ayes 27; Nays 16**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Leatherman *Martin, Larry*

*Martin, Shane* Massey Peeler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--27**

**NAYS**

Allen Coleman Ford

Jackson Johnson Lourie

Malloy Matthews McElveen

McGill Nicholson Pinckney

Reese Scott Setzler

Williams

**Total--16**

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

**AMENDED, READ THE SECOND TIME**

S. 562 -- Senators Campsen and Davis: A BILL TO AMEND SECTION 27‑27‑10 OF THE 1976 CODE, RELATING TO RECOVERY FOR IMPROVEMENTS MADE IN GOOD FAITH, TO PROVIDE THAT THE DEFENDANT SHALL BE ENTITLED TO RECOVER THE FULL VALUE OF ALL IMPROVEMENTS IF HE HAS PURCHASED OR OTHERWISE ACQUIRED TITLE TO THE LANDS AND TENEMENTS IN THE ACTION.

Senator MALLOY asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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

Senators CAMPSEN and SHANE MARTIN proposed the following amendment (JUD0562.003), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 25 through 36, in Section 27‑27‑10, as contained in SECTION 1, and inserting therein the following:

/ “Section 27‑27‑10. After final judgment in favor of the plaintiff in an action to recover lands and tenements, if the defendant has purchased or acquired the lands and tenements recovered in such action or taken a lease thereof or those under whom he holds have purchased or acquired a title to such lands and tenements or taken a lease thereof, supposing at the time of such purchase or acquisition such title to be good in fee or such lease to convey and secure the title and interest therein expressed, such defendant shall be entitled to recover of the plaintiff in such action the full value of all improvements made upon such land by such defendant or those under whom he claims, in the manner provided in this chapter.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

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

**Ayes 40; Nays 1**

**AYES**

Alexander Allen Bennett

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 Peeler Pinckney

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

S. 259 -- Senators Thurmond and Ford: A BILL TO AMEND SECTION 59‑111‑320 OF THE 1976 CODE, RELATING TO PERSONS AGE SIXTY AND OVER ATTENDING CLASSES AT STATE‑SUPPORTED COLLEGES, UNIVERSITIES, AND TECHNICAL SCHOOLS WITHOUT PAYMENT OF TUITION, TO DELETE THE PROVISION THAT THESE PERSONS RECEIVING COMPENSATION AS FULL‑TIME EMPLOYEES MUST PAY TUITION.

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 41; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hembree Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McElveen McGill Nicholson

Peeler Pinckney Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams

**Total--41**

**NAYS**

Young

**Total--1**

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

**Statement by Senator YOUNG**

I voted against S. 259 because the fiscal impact statement suggests that implementing it will increase administrative fees to college students who are paying to attend.

**COMMITTEE AMENDMENT CARRIED OVER**

**READ THE SECOND TIME**

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.

Senator GROOMS asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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

Senator GROOMS asked unanimous consent to carry over the committee amendment to third reading.

There was no objection and the committee amendment was carried over.

The question then was second reading of the Bill.

On motion of Senator GROOMS, with unaninmous consent, the Bill was read the second time, passed and ordered to a third reading.

**Motion Under Rule 26B Waived**

Senator GROOMS asked unanimous consent to make a motion to waive the provisions of Rule 26B on third reading of the Bill, so as to take up further amendments on third reading.

There was no objection.

**READ THE SECOND TIME**

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 second reading of the Bill.

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

**Ayes 37; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Fair Ford

Gregory Grooms Hayes

Hembree Johnson Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McElveen McGill

Nicholson Peeler Pinckney

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--37**

**NAYS**

Bright Bryant

**Total--2**

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

**READ THE SECOND TIME**

S. 19 -- Senators Ford and Campsen: A BILL TO AMEND SECTION 17-15-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BOND AND THE AUTHORITY OF THE CIRCUIT COURT TO REVOKE BOND UNDER CERTAIN CIRCUMSTANCES, SO AS TO INCLUDE THE COMMISSION OF A SUBSEQUENT VIOLENT CRIME BY A PERSON RELEASED ON BOND IN THE PURVIEW OF THE STATUTE AND TO ADD AN ADDITIONAL PENALTY IF A PERSON COMMITS A GENERAL SESSIONS COURT OFFENSE WHILE ON RELEASE ON BOND.

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

**Motion Under Rule 26B Waived**

Senator MALLOY asked unanimous consent to make a motion to waive the provisions of Rule 26B on third reading of the Bill, so as to take up further amendments on third reading.

There was no objection.

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

**Ayes 42; Nays 0**

**AYES**

Allen Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hembree

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 610 -- Senators Rankin, Cleary, Hembree and McGill: A BILL TO AMEND SECTION 11‑41‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO CLARIFY THAT THE DEFINITION OF “ECONOMIC DEVELOPMENT PROJECT”, INCLUDING A NATIONAL AND INTERNATIONAL CONVENTION AND TRADE SHOW CENTER OWNED BY A PUBLIC ENTITY INCLUDES AN ADJACENT FACILITY ALLOWING SPECIFIC EVENTS THEREBY MAKING ADDITIONAL TIME AND SPACE AVAILABLE FOR THE MAJOR CONVENTIONS, TRADE SHOWS, AND SPECIAL EVENTS CONTEMPLATED BY THE ACT AND REQUIRE JOINT BOND REVIEW COMMITTEE REVIEW AND COMMENT ON SUCH AN ADJACENT FACILITY; AND TO AMEND SECTION 11‑41‑70, RELATING TO PURPOSES OF THE ISSUE OF BONDS PURSUANT TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT AND SPECIFIC REQUIREMENTS APPLICABLE TO A PUBLIC ENTITY RECEIVING BOND PROCEEDS, SO AS TO EXTEND FROM TEN TO FIFTEEN YEARS THE PERIOD IN WHICH A NATIONAL AND INTERNATIONAL CONVENTION AND TRADE SHOW CENTER MUST BE COMPLETED.

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 3**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Ford Grooms Hayes

Hembree Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey McElveen McGill

Nicholson Peeler Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--36**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 191 -- Senators Verdin, Sheheen, Lourie, Cromer, O’Dell, Hutto Jackson, Alexander and McElveen: A BILL TO AMEND CHAPTER 3, TITLE 46 OF THE 1976 CODE, RELATING TO DUTIES OF THE DEPARTMENT OF AGRICULTURE, BY ADDING SECTION 46‑3‑25 TO REQUIRE THE DEPARTMENT TO CREATE AND MAINTAIN A PROGRAM TO ENCOURAGE SCHOOLS TO SERVE LOCALLY GROWN, MINIMALLY PROCESSED FARM FOODS.

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

The Committee on Agriculture and Natural Resources proposed the following amendment (191R001.DBV), which was adopted:

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

/ SECTION 1. The General Assembly finds:

(A) A voluntary program to link local farms to school districts and other institutions to provide students and adults with fresh and minimally processed farm foods for use in their daily meals and snacks will:

(1) strengthen local economies by keeping money within the area;

(2) create jobs;

(3) open a substantial new market for farmers;

(4) provide beginning farmers with a consistent and secure customer base;

(5) help students develop lifelong healthy eating habits and reduce obesity related diseases in South Carolina;

(6) provide students with hands-on learning opportunities, such as farm visits, cooking demonstrations, and the planting and cultivating of school gardens; and

(7) encourage the integration of nutritional and agricultural education into programs of study.

(B) A successful South Carolina Fresh on the Campus program requires the expertise and collaboration of numerous state agencies, including, but not limited to, the State Department of Education, the Department of Agriculture, the Department of Health and Environmental Control, and Clemson University.

SECTION 2. Chapter 3, Title 46 of the 1976 Code is amended by adding:

“Section 46‑3‑25. (A) There is created a program within the South Carolina Department of Agriculture to foster relationships between South Carolina farms, school districts, and other institutions and to provide them with fresh and minimally processed foods for consumption by students.

(B) The program must:

(1) identify and promote local farms to food service programs and offer them information concerning actions and strategies to implement the program;

(2) establish a partnership with public and nonprofit resources to implement a public engagement campaign and establish a structure to facilitate communication between school districts, institutions, farmers, and produce distributors;

(3) encourage food service personnel to develop and implement school nutrition plans which purchase and use locally grown farm fresh products;

(4) offer assistance and outreach to school districts that choose to participate in the voluntary program. Assistance and outreach may include, but is not limited to, conducting workshops and training sessions, providing technical assistance regarding the availability of South Carolina farm products, and promoting the benefits of purchasing and consuming fresh food products from this State. School districts that choose to participate in the voluntary program are not required to participate or otherwise accept assistance or outreach; and

(5) regularly consult with the staff of the Department of Health and Environmental Control, the State Department of Education, Clemson University, and other state agencies concerning implementation of the program.

(C) The Department of Agriculture may seek grants and private funding for the program. This subsection may not be interpreted to explicitly or implicitly require any other state agency or department to participate or join the department in any grant applications or private funding efforts.

(D) The Department of Agriculture must establish a website for the program.”

SECTION 3. Regulations may not be promulgated pursuant to this act.

SECTION 4. The provisions contained in this act are repealed July 1, 2018 unless reauthorized by the General Assembly.

SECTION 5. This act takes effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

The committee amendment was adopted.

**Motion Under Rule 26B Waived**

Senator YOUNG asked unanimous consent to make a motion to waive the provisions of Rule 26B on third reading of the Bill, so as to take up further amendments on third reading.

There was no objection.

The question then was second reading of the Bill.

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

**Ayes 34; Nays 7**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Fair Gregory

Grooms Hayes Hembree

Johnson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson Peeler Pinckney

Reese Scott Setzler

Shealy Sheheen Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant Davis

*Martin, Shane* Thurmond Turner

Young

**Total--7**

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

**COMMITTEE AMENDMENT ADOPTED**

**OBJECTION TO WAIVING RULE 26B ON THIRD READING**

**AMENDED, READ THE SECOND TIME**

S. 412 -- Senators Thurmond, Lourie, Hayes, McElveen, Turner and Rankin: A BILL TO AMEND SECTION 8-13-1308 OF THE 1976 CODE, RELATING TO THE CONTENTS OF CERTIFIED CAMPAIGN REPORTS OF CANDIDATES AND COMMITTEES, AND TO AMEND SECTION 8-13-1309, RELATING TO THE CONTENTS OF CERTIFIED CAMPAIGN REPORTS OF BALLOT MEASURE COMMITTEES, TO REQUIRE A CANDIDATE OR COMMITTEE OR BALLOT MEASURE COMMITTEE TO ELECTRONICALLY REPORT DURING THE TWENTY DAY PERIOD PRIOR TO AN ELECTION THE RECEIPT OF A CONTRIBUTION FROM A PERSON THAT EXCEEDS TWO HUNDRED FIFTY DOLLARS BY A SINGLE CONTRIBUTION OR WHEN COMBINED WITH ALL OTHER CONTRIBUTIONS MADE DURING THE PERIOD.

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

The Committee on Judiciary proposed the following amendment (JUD0412.002), which was adopted:

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

/ SECTION 1. Section 8-13-1308 of the 1976 Code is amended to read:

“(A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8‑13‑1304(A) must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8‑13‑1370.

(C) Campaign reports filed by a candidate must be certified by the candidate. Campaign reports filed by a committee must be certified by a duly authorized officer of the committee.

(D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars and expenditures. The list must be open to public inspection upon request.

(2) A committee immediately shall file a campaign report listing expenditures if it makes an independent expenditure or an incurred expenditure within the calendar quarter in which the election is conducted or twenty days before the election, whichever period of time is greater, in excess of:

(a) ten thousand dollars in the case of a candidate for statewide office; or

(b) two thousand dollars in the case of a candidate for any other office.

(3) In the event of a runoff election, candidates or committees are not required to file another campaign report in addition to the reports already required under this section. However, records must remain open to public inspection upon request between the election and the runoff.

(E) Notwithstanding the provisions of subsections (B) and (D), if a pre‑election campaign report provided for in subsection (D) is required to be filed within thirty days of the end of the prior quarter, a candidate or committee must combine the quarterly report provided for in subsection (B) and the pre‑election report and file the combined report subject to the provisions of subsection (D) no later than fifteen days before the election.

(F) Five days before an election, a candidate or committee must amend and file the previously filed pre-election certified campaign report required under subsection (D) showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee to that date not previously reported and through the sixth day before the election. The report required by this section must be electronically filed and publicly accessible in the manner provided by Section 8‑13‑365.

~~(F)~~(G) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total of contributions accepted by the candidate or committee;

(2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total expenditures made by or on behalf of the candidate or committee;

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

~~(G)~~(H) Notwithstanding any other reporting requirements in this chapter, a political party, legislative caucus committee, and a party committee must file a certified campaign report upon the receipt of anything of value which totals in the aggregate five hundred dollars or more. For purposes of this section, ‘anything of value’ includes contributions received which may be used for the payment of operation expenses of a political party, legislative caucus committee, or a party committee. A political party also must comply with the reporting requirements of subsections (B), (C), ~~and~~ (F), and (G) of Section 8‑13‑1308 in the same manner as a candidate or committee.

~~(H)~~(I) A committee that solicits contributions pursuant to Section 8‑13‑1331 must certify compliance with that section on a form prescribed by the State Ethics Commission.”

SECTION 2. Section 8‑13‑1309 of the 1976 Code is amended to read:

“(A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling, in an accumulated aggregate, two thousand five hundred dollars or more, a ballot measure committee required to file a statement of organization pursuant to Section 8‑13‑1304(B) must file an initial certified campaign report within ten days of these initial receipts or expenditures.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after a ballot measure election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8‑13‑1370(C).

(C) At least fifteen days before a ballot measure election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the ballot measure committee for the period ending twenty days before the ballot measure election. The ballot measure committee must maintain a current list during the period before the ballot measure election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

(D) Notwithstanding the provisions of subsections (B) and (C), if a pre‑election campaign report provided for in subsection (C) is required to be filed within thirty days of the end of the prior quarter, a ballot measure committee must combine the quarterly report provided for in subsection (B) and the pre‑election report and file the combined report subject to the provisions of subsection (C) no later than fifteen days before the ballot measure election.

(E) Five days before a ballot measure election, a ballot measure committee must amend and file the previously filed pre-election certified campaign report required under subsection (C) showing contributions of more than one hundred dollars and expenditures to the committee to that date not previously reported and through the sixth day before the election. The report required by this section must be filed electronically and publicly accessible in the manner provided by Section 8-13-365.

~~(E)~~(F) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total amount of contributions accepted by the ballot measure committee;

(2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the ballot measure committee; and

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.”

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee amendment was adopted.

Senator THURMOND proposed the following amendment (JUD0412.005), which was adopted:

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

/ SECTION \_\_. Section 8-13-1510 of the 1976 Code is amended to read:

“Section 8‑13‑1510. (A) Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of ~~one hundred~~ one thousand dollars if the statement or report is not filed ~~within five days after~~ by the established deadline provided by law in this chapter; and

(2) after notice has been given by ~~certified or registered~~ electronic mail that a required statement or report has not been filed, a fine of ~~ten~~ five hundred dollars per calendar day ~~for the first ten days after notice has been given, and one hundred dollars~~ for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(2) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not less than a mandatory minimum of thirty days;

(3) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.” /

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

/ SECTION \_\_. Section 8-13-1312 of the 1976 Code is amended to read:

“Section 8-13-1312. Except as is required for the separation of funds and expenditures under the provisions of Section 8-13-1300(7), a candidate shall not establish more than one campaign checking account and one campaign savings account for each office sought, and a committee shall not establish more than one checking account and one savings account unless federal or state law requires additional accounts. For purposes of this article, certificates of deposit or other interest bearing instruments are not considered separate accounts. A candidate's accounts must be established in a financial institution that conducts business within the State and in an office located within the State that conducts business with the general public. The candidate or a duly authorized officer of a committee must maintain the accounts in the name of the candidate or committee. An acronym must not be used in the case of a candidate's accounts. An acronym or abbreviation may be used in the case of a committee's accounts if the acronym or abbreviation commonly is known or clearly recognized by the general public. Except as otherwise provided under Section 8-13-1348(C), expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate, ~~or~~ committee, or an agent of a candidate or committee within ~~ten days~~ two business days after receipt. ~~All contributions received by an agent of a candidate or committee must be forwarded to the candidate or committee not later than five days after receipt.~~ ~~A~~ However, a contribution must not be deposited until the candidate or committee receives information regarding the name and address of the contributor. If the name and address cannot be determined within seven days after receipt, the contribution must be remitted to the Children's Trust Fund. A contribution is deemed received on the day it is accepted by the candidate, committee member or official, or agent of the candidate or committee, the day submitted for online or other electronic means, or on the day it is delivered by the post office or other delivery method.” /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND explained the amendment.

The amendment was adopted.

**S. 412--Objection**

Senator THURMOND asked unanimous consent to make a motion to waive the provisions of Rule 26B on third reading of the Bill, so as to take up further amendments on third reading.

Senator BRIGHT objected.

Senator BRIGHT proposed the following amendment (412R002.LB), which was tabled:

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

/ SECTION 1. Section 8-13-1308 of the 1976 Code is amended to read:

“(A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8‑13‑1304(A) must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8‑13‑1370.

(C) Campaign reports filed by a candidate must be certified by the candidate. Campaign reports filed by a committee must be certified by a duly authorized officer of the committee.

(D)(1) ~~At least~~ ~~fifteen~~ Five days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending ~~twenty days before the election~~ the day before the report is filed. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars and expenditures. The list must be open to public inspection upon request.

(2) A committee immediately shall file a campaign report listing expenditures if it makes an independent expenditure or an incurred expenditure within the calendar quarter in which the election is conducted or twenty days before the election, whichever period of time is greater, in excess of:

(a) ten thousand dollars in the case of a candidate for statewide office; or

(b) two thousand dollars in the case of a candidate for any other office.

(3) In the event of a runoff election, candidates or committees are not required to file another campaign report in addition to the reports already required under this section. However, records must remain open to public inspection upon request between the election and the runoff.

(E) Notwithstanding the provisions of subsections (B) and (D), if a pre‑election campaign report provided for in subsection (D) is required to be filed within thirty days of the end of the prior quarter, a candidate or committee must combine the quarterly report provided for in subsection (B) and the pre‑election report and file the combined report subject to the provisions of subsection (D) no later than fifteen days before the election.

~~(F)~~(G) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total of contributions accepted by the candidate or committee;

(2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total expenditures made by or on behalf of the candidate or committee;

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

~~(G)~~(H) Notwithstanding any other reporting requirements in this chapter, a political party, legislative caucus committee, and a party committee must file a certified campaign report upon the receipt of anything of value which totals in the aggregate five hundred dollars or more. For purposes of this section, ‘anything of value’ includes contributions received which may be used for the payment of operation expenses of a political party, legislative caucus committee, or a party committee. A political party also must comply with the reporting requirements of subsections (B), (C), ~~and~~ (F), and (G) of Section 8‑13‑1308 in the same manner as a candidate or committee.

~~(H)~~(I) A committee that solicits contributions pursuant to Section 8‑13‑1331 must certify compliance with that section on a form prescribed by the State Ethics Commission.”

SECTION 2. Section 8‑13‑1309 of the 1976 Code is amended to read:

“Section 8-13-1309. (A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling, in an accumulated aggregate, two thousand five hundred dollars or more, a ballot measure committee required to file a statement of organization pursuant to Section 8‑13‑1304(B) must file an initial certified campaign report within ten days of these initial receipts or expenditures.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after a ballot measure election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8‑13‑1370(C).

(C) ~~At least~~ ~~fifteen~~ Five days before a ballot measure election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the ballot measure committee for the period ending ~~twenty days before the ballot measure election~~ the day before the report is filed. The ballot measure committee must maintain a current list during the period before the ballot measure election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

(D) Notwithstanding the provisions of subsections (B) and (C), if a pre‑election campaign report provided for in subsection (C) is required to be filed within thirty days of the end of the prior quarter, a ballot measure committee must combine the quarterly report provided for in subsection (B) and the pre‑election report and file the combined report subject to the provisions of subsection (C) no later than fifteen days before the ballot measure election.

~~(E)~~(F) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total amount of contributions accepted by the ballot measure committee;

(2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the ballot measure committee; and

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator HAYES moved to table the amendment.

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

**Ayes 25; Nays 16**

**AYES**

Alexander Bennett Campsen

Courson Cromer Davis

Ford Hayes Hembree

Johnson Leatherman Lourie

*Martin, Larry* Massey McElveen

McGill Nicholson Peeler

Scott Setzler Sheheen

Thurmond Turner Williams

Young

**Total--25**

**NAYS**

Allen Bright Bryant

Campbell Cleary Coleman

Corbin Fair Gregory

Grooms Malloy *Martin, Shane*

Pinckney Reese Shealy

Verdin

**Total--16**

The amendment was laid on the table.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson Peeler

Pinckney Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

Bright

**Total--1**

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

**OBJECTION**

S. 553 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE WORKERS’ COMPENSATION COMMISSION, RELATING TO MEDIATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4286, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator MALLOY spoke on the Joint Resolution.

Senator SCOTT moved to commit the Joint Resolution to the Committee on Judiciary.

Senator LARRY MARTIN moved to table the motion to commit the Joint Resolution to the Committee on Judiciary.

Senator MASSEY objected to further consideration.

**COMMITTEE AMENDMENT ADOPTED**

**OBJECTION TO FURTHER CONSIDERATION, AS AMENDED**

S. 535 -- Senators Peeler, Alexander, L. Martin, McGill, Coleman, Jackson, Campbell, Setzler, Cromer, O’Dell, Sheheen, Turner, Fair, Ford, Nicholson, Hayes and Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 119, TITLE 59, ENACTING THE “CLEMSON UNIVERSITY ENTERPRISE ACT”, SO AS TO ALLOW THE BOARD OF TRUSTEES OF CLEMSON UNIVERSITY BY RESOLUTION TO ESTABLISH AN ENTERPRISE DIVISION AS PART OF CLEMSON UNIVERSITY, TO PROVIDE THAT CERTAIN ASSETS, PROGRAMS, AND OPERATIONS OF CLEMSON UNIVERSITY MAY BE TRANSFERRED TO THE ENTERPRISE DIVISION, TO PROVIDE THAT THE ENTERPRISE DIVISION IS EXEMPT FROM VARIOUS STATE LAWS GOVERNING PROCUREMENT, HUMAN RESOURCES, PERSONNEL, AND DISPOSITION OF REAL AND PERSONAL PROPERTY WITH SOME SUCH EXEMPTIONS APPLYING AUTOMATICALLY AND OTHERS REQUIRING ADDITIONAL ACTIONS BY THE BOARD OF TRUSTEES, TO PROVIDE THAT BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS MAY BE ISSUED FOR THE ENTERPRISE DIVISION AND PROVIDE AUDIT AND REPORTING REQUIREMENTS; AND TO AMEND SECTIONS 8‑11‑260, 8‑17‑370, AND 11‑35‑710, ALL AS AMENDED, AND RELATING RESPECTIVELY TO EXEMPTIONS FROM STATE PERSONNEL ADMINISTRATIONS, THE STATE EMPLOYEE GRIEVANCE PROCEDURE ACT, AND THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO ADD EXEMPTIONS CONFORMING TO THE CLEMSON UNIVERSITY ENTERPRISE ACT.

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

The Committee on Finance proposed the following amendment (NL\535C001.NL.DG13), which was adopted:

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

/ SECTION 1. Chapter 119, Title 59 of the 1976 Code is amended by adding:

“Article 11

The Clemson University Enterprise Act

Section 59‑119‑1110. This article may be cited as The “Clemson University Enterprise Act”.

Section 59‑119‑1120. As used in this article:

(1) ‘Board of Trustees’ means the Board of Trustees of Clemson University.

(2) ‘Capital improvement’ means the constructing, improving, equipping, renovating and/or repairing of any buildings, structure, facility, or other permanent improvement, or the cost of the acquisition of land whereon to construct or establish such building, structure, facility, or other permanent improvement.

(3) ‘Clemson University’ means Clemson University, an educational institution of higher learning and an agency of the State of South Carolina.

(4) ‘Enterprise activities’ means those programs or functions primarily related to economic development, graduate level research related to economic development, and athletics, with each constituting an enterprise activity.

(5) ‘Enterprise division’ means the Clemson University Enterprise Division, an operational unit of Clemson University created pursuant to this article.

(6) ‘Enterprise division personnel’ means all Clemson University employees or personnel: (a) who are allocated by the board of trustees to one or more enterprise activities, and (b) who devote a significant portion of their efforts for Clemson University supporting those enterprise activities.

(7) ‘Procurement’ has the same meaning as defined in Section 11‑35‑310(24).

(8) ‘SCCPC’ means the South Carolina Consolidated Procurement Code, as provided in Chapter 35, Title 11 and regulations promulgated pursuant to it.

(9) ‘Transferable items’ means, collectively, the duties, responsibilities, assets, personnel, and resources of, allocated to, or supporting, an enterprise activity.

Section 59‑119‑1130. (A) The board of trustees, by resolution, may establish the Clemson University Enterprise Division.

(B) The enterprise division created pursuant to this article is a constituent part of Clemson University.

(C) The resolution creating the enterprise division must provide for the allocation to the enterprise division of the transferable items of one or more enterprise activities as the board of trustees may consider appropriate. The board of trustees may amend the resolution from time to time to allocate transferable items to the enterprise division or to reallocate transferable items between Clemson University and the enterprise division as it considers appropriate.

(D) The board of trustees may adopt a resolution assigning direct oversight and management responsibility over the enterprise division to an existing committee of the board of trustees, or to a new committee established by the board of trustees, but final decision‑making responsibility with respect to the enterprise division remains with the board of trustees.

Section 59‑119‑1140. (A) The board of trustees has the same powers, duties, and responsibilities to manage and control the enterprise division as it does with other duties, responsibilities, assets, personnel, and resources of Clemson University. Without limiting the foregoing, the board of trustees has the following additional authority with respect to the enterprise division:

(1) It may purchase, lease as lessee, accept, and otherwise acquire any real and personal property and other assets upon such terms and conditions as it considers appropriate. Contracts or agreements effecting or governing such a purchase, lease, acceptance, or other acquisition are exempt from provisions of Sections 1‑11‑55 through 1‑11‑65 and Section 59‑103‑110. The board of trustees shall provide on an annual basis a report of property acquired, and any contract or agreement thereto, to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. This report must be based on the fiscal year of Clemson University and must be provided not more than one hundred eighty days after the end of the fiscal year.

(2) It may sell, convey, lease as lessor, exchange, and otherwise dispose of any real and personal property and other assets upon the terms and conditions it considers appropriate. The proceeds derived from the sale, conveyance, lease, exchange, or disposition of any real and personal property, net of transaction costs and payment of any debts secured by the sold, conveyed, leased, exchanged, or disposed property, must be remitted to the board to be used exclusively for the support of the enterprise division or Clemson University. Contracts or agreements effecting or governing the sale, conveyance, lease, exchange, or other disposition are exempt from the provisions of Sections 1‑11‑55 through 1‑11‑65, Section 10‑1‑130, and Section 59‑101‑180. The board of trustees shall provide on an annual basis a report of property disposed of pursuant to this item, and any contract or agreement thereto, to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. This report must be based on the fiscal year of Clemson University and must be provided not more than one hundred eighty days after the end of the fiscal year.

(3) It may retain the services of advisors, consultants, attorneys, accountants, and financial experts as necessary in the board of trustees’ judgment in connection with any aspect of the enterprise division and to determine their duties and to fix their compensation.

(4)(a) Upon the approval and implementation by the State Budget and Control Board, it shall participate in the comprehensive human resources system for the public institutions of higher learning and technical colleges pursuant to SECTION 3 of Act 74 of 2011; provided however, that any existing exemptions from general state government personnel policies and applicable laws that generally regulate state employee workforce are preserved and shall be preserved if such personnel are moved into the enterprise division.

(b) Each of the enterprise division’s personnel are state employees for purposes of eligibility for participation in retirement and health insurance and other insurance plans and programs administered by the South Carolina Public Employee Benefit Authority and for purposes of the South Carolina Tort Claims Act.

(5) It shall establish the management controls and staffing of enterprise division’s personnel as the board considers appropriate for the prudent conduct of the enterprise division, including the establishment of an internal audit function to monitor the activities of the enterprise division.

(6) It may enter into relationships or transactions with not‑for‑profit entities established, in whole or in part, to support the mission of Clemson University, it being understood that these support entities are not considered an entity owned or controlled by the enterprise division or Clemson University and are not subject to the laws and regulations applicable to the enterprise division. However, if a not‑for‑profit entity acquires a capital improvement on behalf of or for the use of the enterprise division and funds of the enterprise division or Clemson University are used in the acquisition, financing, construction, or current or subsequent leasing of the capital improvement, that acquisition is subject to the provisions of the enterprise division’s procurement policy that the board adopts pursuant to this article.

(7) It may issue bonds, notes, or other obligations or evidences of indebtedness in the name of Clemson University and on behalf of the enterprise division in the same manner and for the same purposes, including the purposes of the enterprise division. Also, it may utilize or benefit, as the case may be, from the provisions of the Higher Education Revenue Bond Act, as provided in Chapter 147, Title 59 and the provisions of the South Carolina Jobs‑Economic Development Fund Act, as provided in Chapter 43, Title 41. This item only applies so long as the proceeds of the bonds, notes, or obligations are not utilized to fund a capital improvement project.

(B)(1) Capital improvements of the enterprise division, and the financing of these capital improvements, are exempt from the provisions of Section 1‑11‑180, Chapter 47, Title 2 and Section 59‑103‑110. The board shall provide on an annual basis a report of capital projects authorized by the board of trustees to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education. This report must be based on the fiscal year of Clemson University and must be provided not more than one hundred eighty days after the end of the fiscal year.

(2) The board of trustees must establish a review process for the consideration of any permanent improvement project proposal by the enterprise division similar to that set forth in Chapter 47, Title 2.

(3) Notwithstanding any other provision of this subsection, after full architecture and engineering design work is completed on a permanent improvement project, but prior to execution of a construction contract, the project must be submitted to the Joint Bond Review Committee for review and comment.

(4) The exemptions provided by this subsection do not apply to capital improvements for athletics that expends, secures bonding with, or otherwise utilizes state appropriated funds, state general obligation capital improvement bonds, student tuition, student fees, or any other student charge except for non‑mandatory ticket charges to athletic events. For purposes of this item, ‘state appropriated funds’ excludes federal funds and other funds that do not otherwise make this subsection inapplicable.

(5) If a capital improvement project serves multiple purposes and one or more of the purposes is not an enterprise activity thereby causing the exemptions provided by this subsection to not apply, then the exemptions provided by this subsection do not apply for the entire capital improvement project.

(C) The board of trustees shall conduct an annual audit by independent certified public accountants selected by the board of trustees, which accountants shall review the accounts of the enterprise division and report the findings of the audit to the Governor, the Chairman of the Senate Finance Committee, and Chairman of the House Ways and Means Committee in accordance with generally accepted auditing standards and procedures.

(D)(1) Subject to the provisions of item (2), the board of trustees shall adopt for the enterprise division a procurement policy and amend the policy as it considers appropriate. Before the implementation of the procurement policy, or any amendment thereto, the policy or amendment must be approved by the State Budget and Control Board. Thereafter, every procurement of the enterprise division is exempt from the SCCPC and each such procurement instead is subject to the procurement policy adopted by the board.

(2)(a) The procurement policy adopted by the enterprise division may not include provisions relating to telecommunications, and the enterprise division is subject to all procurement provisions relating to telecommunications and telecommunications equipment and service as set forth in the SCCPC and Section 1‑11‑430 unless otherwise exempt by Section 11‑35‑710(6).

(b) The enterprise division may not construct, own, or operate a network that carries commercial traffic, commercial internet traffic, or K‑12 traffic originated in South Carolina.

Section 59‑119‑1150. The requirements imposed upon Clemson University, the board of trustees, and the enterprise division by the provisions of this article may be enforced by mandamus. However, failure to comply with requirements do not invalidate the powers granted pursuant to this article.

Section 59‑119‑1160. Notwithstanding any other provision of this article, enterprise activities only include athletics if Clemson University’s Athletics Grand Total Revenues as reported under the Equity in Athletics Disclosure Act as required by The Higher Education Opportunity Act (Public Law 110‑315) are equal to or exceed forty million dollars a year.

Section 59‑119‑1170. Four years after the adoption of a resolution providing for the allocation to the enterprise division of the transferable items of one or more enterprise activities pursuant to Section 59‑119‑1130(C), and every four years thereafter, the provisions of this act must be reauthorized by the adoption of a joint resolution by the General Assembly, in separate legislation and solely for that purpose. If this act, or any part thereof, is not reauthorized, those provisions are no longer effective.

Section 59‑119‑1180. It is the intent of the General Assembly to review the provisions of this article, and to determine the merit of this pilot enterprise program after the program has been in effect for at least four years. After reviewing this article and making a determination, the General Assembly may consider the costs and benefits of expanding the provisions of this article to additional institutions of higher learning.

Section 59‑119‑1190. Nothing in this article may be construed so as to exempt the enterprise division from the provisions of Section 59‑103‑35 relating to the approval of new programs by the Commission on Higher Education.”

SECTION 2. Section 11‑35‑710 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) the Clemson University Enterprise Division, if such a division is established pursuant to Article 11, Chapter 119, Title 59, the Clemson University Enterprise Act, and the Board of Trustees of Clemson University, pursuant to that act, has adopted a procurement policy for the division and that procurement policy was approved by the State Budget and Control Board pursuant to Section 59‑119‑1140(D).”

SECTION 3. This act takes effect July 1, 2013. /

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.

Senator SHANE MARTIN objected to further consideration of the Bill, as amended.

**READ THE SECOND TIME**

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.

Senator FAIR asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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

Senator FAIR 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

Johnson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McElveen McGill Nicholson

Peeler Pinckney Rankin

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.

**OBJECTION TO REMOVING MINORITY REPORT**

S. 495 -- Senators Lourie and Rankin: A BILL TO AMEND SECTION 23‑3‑115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, COUNTY, OR THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM.

Senator LOURIE asked unanimous consent to take the Bill up for immediate consideration and remove the minority report from the Bill.

Senator SHANE MARTIN objected.

**POINT OF ORDER**

S. 655 -- Senators Campbell, Leatherman, Alexander, O’Dell, Setzler and Bennett: A BILL TO AMEND SECTION 40-22-280 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE APPLICATION OF THE CHAPTER CONCERNING ENGINEERS AND SURVEYORS, TO ADD AN EXEMPTION FOR CERTAIN ENGINEERS.

**Point of Order**

Senator SHANE MARTIN 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.

**SECOND READING OF THE BILL FAILED**

**VOTE ON SECOND READING RECONSIDERED**

**CARRIED OVER**

S. 190 -- Senator Verdin: A BILL TO AMEND ARTICLE 11, CHAPTER 9, TITLE 48 OF THE 1976 CODE, RELATING TO SOIL AND WATER CONSERVATION DISTRICT COMMISSIONERS AND THE POWERS OF THE COMMISSIONERS AND THE DISTRICTS, BY ADDING SECTION 48‑9‑1330 TO PROVIDE FOR AN EXEMPTION FOR APPOINTED COMMISSIONERS FROM FINANCIAL DISCLOSURE REQUIREMENTS CONTAINED IN ARTICLE 11, CHAPTER 13, TITLE 8.

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

Senator VERDIN explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 6; Nays 36**

**AYES**

Bryant Fair Ford

Hembree McGill Shealy

**Total--6**

**NAYS**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Gregory Grooms Hayes

Jackson Johnson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

Nicholson Peeler Pinckney

Reese Scott Setzler

Sheheen Thurmond Turner

Verdin Williams Young

**Total--36**

Having failed to receive the necessary vote, second reading of the Bill failed.

Having voted on the prevailing side, Senator VERDIN moved to reconsider the vote whereby second reading of the Bill failed.

The motion to reconsider was adopted.

On motion of Senator VERDIN, the Bill was carried over and ordered returned to the Second Reading Calendar.

**AMENDMENT PROPOSED, CARRIED OVER**

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

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

**Motion Under Rule 26B**

Senator MALLOY asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senators HUTTO and PEELER proposed the following amendment (JUD0142.004):

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

/ SECTION \_\_. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-630. A person convicted of assault and battery upon a state or local correctional facility employee who is performing job-related duties must serve a mandatory minimum sentence of not less than six months nor more than five years. The sentence must be served consecutively to any other sentence the person is serving.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

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

**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.

On motion of Senator MALLOY, 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.

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 SETZLER, the Bill was carried over.

S. 503 -- Senators Thurmond, Hembree, Campsen, Cleary, Rankin and Ford: A BILL TO AMEND CHAPTER 1, TITLE 6 OF THE 1976 CODE, BY ADDING ARTICLE 6 TO ENACT THE “BEACH PRESERVATION ACT”, TO ALLOW A QUALIFIED COASTAL MUNICIPALITY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT ON THE GROSS PROCEEDS DERIVED FROM THE RENTAL OR CHARGES FOR ACCOMMODATIONS FURNISHED TO TRANSIENTS SUBJECT TO THE MUNICIPALITY’S LOCAL ACCOMMODATIONS TAX, TO PROVIDE THAT THE MUNICIPALITY MAY IMPOSE THE FEE ONLY AFTER ITS APPROVAL IN A REFERENDUM HELD IN THE MUNICIPALITY, TO PROVIDE THAT THE FEE IS IN ADDITION TO ALL OTHER LOCAL ACCOMMODATIONS TAXES IMPOSED AND MUST NOT BE DEEMED CUMULATIVE TO OTHER LOCAL ACCOMMODATIONS TAXES IMPOSED BY THE MUNICIPALITY, TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, TO PROVIDE FOR REPORTING AND FOR REMITTANCE OF THESE FEES, AND TO PROVIDE DEFINITIONS.

Senator CLEARY explained the Bill.

**S. 503--Objection**

Senator MALLOY asked unanimous consent to waive the provisions of Rule 26B on third reading.

Senator PEELER objected.

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

**OBJECTION TO FURTHER CONSIDERATION**

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.

Senator THURMOND spoke on the Bill.

Senator HEMBREE spoke on the Bill.

Senator MALLOY spoke on the Bill.

Senator CAMPSEN spoke on the Bill.

Senator MASSEY objected to further consideration of the Bill.

**ADOPTED**

H. 3937 -- Rep. Funderburk: A CONCURRENT RESOLUTION TO DECLARE THURSDAY, APRIL 11, 2013, AS “CITY OF CAMDEN DAY” IN SOUTH CAROLINA.

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

**ADOPTED**

H. 3969 -- Reps. Lucas, 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, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, 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 BELIEF OF THE GENERAL ASSEMBLY THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE OF SOUTH CAROLINA AND ITS ECONOMY, TO RECOGNIZE THE DARLINGTON RACEWAY AS ONE OF OUR STATE’S MOST TREASURED ATTRACTIONS, AS WELL AS IDENTIFY NASCAR’S RICH HISTORY IN THE STATE OF SOUTH CAROLINA, AND TO NAME THE WEEK OF MAY 5, 2013, THROUGH MAY 12, 2013, AS “DARLINGTON RACEWAY WEEK ‑ A WEEK TOO TOUGH TO TAME” IN SOUTH CAROLINA.

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

**ADOPTED**

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 adopted, ordered returned to the House.

**ADOPTION FAILED**

**VOTE ON ADOPTION RECONSIDERED**

**ADOPTED, RETURNED TO THE HOUSE**

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

Having failed to receive the necessary vote, adoption of the Resolution failed.

Having voted on the prevailing side, Senator MASSEY moved to reconsider the vote whereby the adoption of the Resolution failed.

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

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.**

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

S. 163 -- Senators Campbell, McGill, O’Dell, Cleary, Ford and Alexander: A BILL TO AMEND SECTION 12-62-50 OF THE 1976 CODE, RELATING TO THE TAX REBATE TO A MOTION PICTURE PRODUCTION COMPANY BY THE SOUTH CAROLINA FILM COMMISSION, TO PROVIDE THAT THE REBATE MAY NOT EXCEED TWENTY PERCENT OF THE TOTAL AGGREGATE PAYROLL FOR PERSONS SUBJECT TO INCOME TAX WITHHOLDINGS OF SOUTH CAROLINA AND MAY NOT EXCEED TWENTY-FIVE PERCENT FOR RESIDENTS OF SOUTH CAROLINA AND FOR PERSONS EMPLOYED WITH THE PRODUCTION WHEN TOTAL PRODUCTION COSTS IN THIS STATE EQUAL OR EXCEED ONE MILLION DOLLARS DURING THE TAXABLE YEAR; AND TO AMEND SECTION 12-62-60, RELATING TO REBATES TO MOTION PICTURE PRODUCTION COMPANIES, TO PROVIDE THAT THE DEPARTMENT MAY REBATE UP TO THIRTY PERCENT OF THE EXPENDITURES IN SOUTH CAROLINA IF THERE IS A MINIMUM IN‑STATE EXPENDITURE OF ONE MILLION DOLLARS.

The House returned the Bill with amendments.

The question was concurrence in the House amendments.

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

**Ayes 28; Nays 12**

**AYES**

Alexander Allen Bennett

Campbell Cleary Coleman

Courson Cromer Hembree

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson Peeler

Pinckney Reese Scott

Setzler Sheheen Turner

Williams

**Total--28**

**NAYS**

Bright Bryant Campsen

Corbin Davis Fair

Gregory *Martin, Shane* Shealy

Thurmond Verdin Young

**Total--12**

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

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

**ACTING PRESIDENT PRESIDES**

At 4:04 P.M., Senator LARRY MARTIN assumed the Chair.

**AMENDED, READ THE SECOND TIME**

**RETURNED TO THE STATUS OF SPECIAL ORDER**

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.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the Amendment No. 7 (JUD3560.011) proposed by Senators MASSEY and CAMPSEN and previously printed in the Journal of Thursday, April 25, 2013.

On motion of Senator MASSEY, with unanimous consent, Amendment No. 7 was withdrawn.

**Amendment No. 9**

Senators LARRY MARTIN, CAMPSEN, MASSEY, YOUNG and DAVIS proposed the following Amendment No. 9 (JUD3560.013), which was adopted:

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

/ SECTION 1. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 10

NICS: Mental Health Adjudication and Commitment Reporting

Section 23‑31‑1010. As used in this article:

(1) ‘Adjudicated as a mental defective’ means a determination by a court of competent jurisdiction that a person, as a result of marked subnormal intelligence, mental illness, mental incompetency, mental condition, or mental disease:

(a) is a danger to himself or to others; or

(b) lacks the mental capacity to contract or manage the person’s own affairs.

The term includes:

(a) a finding of insanity by a court in a criminal case; and

(b) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. Sections 850(a) and 876(b).

(2) ‘Committed to a mental institution’ means a formal commitment of a person to a mental institution by a court of competent jurisdiction. The term includes a commitment to a mental institution involuntarily, and a commitment to a mental institution for mental defectiveness, mental illness, and other reasons, such as drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

(3) ‘Mental institution’ includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and other facilities that provide diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.

Section 23‑31‑1020. (A) The Judicial Department and the Chief of SLED, or the chief’s designee, shall work in conjunction with a court of competent jurisdiction in developing procedures for the collection and submission of information of persons who have been adjudicated as a mental defective or who have been committed to a mental institution.

(B) When a court submits this information to SLED by court order, SLED shall transmit the information to the National Instant Criminal Background Check System (NICS) established pursuant to the Brady Handgun Violence Protection Act of 1993, Pub. Law 103-159.

(C) The court shall submit the information to SLED by court order within five days from the filing of each order related to adjudications and commitments. Under no circumstances may the court or SLED submit information pursuant to this section relating to a person’s diagnosis or treatment.

(D) SLED shall keep information submitted by the court confidential, and such information may only be disclosed to NICS pursuant to this section, for purposes directly related to the Brady Act, or as provided in subsection (E).

(E) If the court, by court order, has submitted a person’s name and other identifying information to SLED to be transmitted to NICS, SLED shall review the state concealed weapons permit holders list, and if the review reveals that the person possesses a current concealed weapons permit, the permit must be revoked and surrendered to a sheriff, police department, SLED agent, or by certified mail to the Chief of SLED. If the permit holder fails to return the permit within ten days of being notified of the permit’s revocation, SLED shall retrieve the permit from the permit holder.

(F) Information submitted by the court pursuant to this section, which is also contained in court orders or in other state or local agency records, is not affected by this section, and such court orders or other state or local agency records may be disclosed in accordance with existing laws and procedures.

Section 23‑31‑1030. (A) If a person is prohibited from shipping, transporting, possessing, or receiving a firearm or ammunition pursuant to 18 U.S.C. Section 922(g)(4) or Section 23‑31‑1040 as a result of adjudication as a mental defective or commitment to a mental institution, the person may petition the court that issued the original order to remove the prohibitions. The person may file the petition upon the expiration of any current commitment order; however, the court only may consider petitions for relief due to adjudications and commitments that occurred in this State.

(B) The petition must be accompanied by an authorization and release signed by the petitioner authorizing disclosure of the petitioner’s current and past medical records, including mental health records.

(C) If the petition is filed pro se, the court shall provide notice to all parties of record. If the petitioner is represented by counsel, counsel shall provide notice to all parties of record.

(D) Notwithstanding the exclusive jurisdiction of the court to preside over hearings initiated pursuant to this section, the case may be removed to the circuit court upon motion of the petitioner or on motion of the court, made not later than ten days following the date the petition is filed. Upon such motion, the case must be removed to the circuit court where the court shall proceed with the case de novo.

(E)(1) Within ninety days of receiving the petition, unless the court grants an extension upon request of the petitioner, the court shall conduct a hearing which must be presided over by a person other than the person who gathered evidence for use by the court in the hearing.

(2) At the hearing on the petition, the petitioner shall have the opportunity to submit evidence, and a record of the hearing must be made and maintained for review. The court shall consider information and records, which otherwise are confidential or privileged, relevant to the criteria for removing firearm and ammunition prohibitions and shall receive and consider evidence concerning the following:

(a) the circumstances regarding the firearm and ammunitions prohibitions imposed by 18 U.S.C. Section 922(g)(4) and Section 23‑31‑1040;

(b) the petitioner’s record, which must include, at a minimum, the petitioner’s mental health and criminal history records;

(c) evidence of the petitioner’s reputation developed through character witness statements, testimony, or other character evidence; and

(d) a current evaluation presented by the petitioner conducted by the Department of Mental Health or a physician licensed in this State specializing in mental health specifically addressing whether due to mental defectiveness or mental illness the petitioner poses a threat to the safety of the public or himself or herself.

(F) The hearing must be closed to the public, and the petitioner’s mental health records must be restricted from public disclosure. However, upon motion by the petitioner, the hearing may be open to the public, and the court may allow for the in camera inspection of the petitioner’s mental health records and for the use of these records, but these records must be restricted from public disclosure.

(G)(1) The court shall make findings of fact regarding the following and shall remove the firearm and ammunition prohibitions if the petitioner proves by a preponderance of the evidence that:

(a) the petitioner is no longer required to participate in court‑ordered psychiatric treatment;

(b) the petitioner is determined by the Department of Mental Health or by a physician licensed in this State specializing in mental health to benot likely to act in a manner dangerous to public safety; and

(c) granting the petitioner relief will not be contrary to the public interest.

(2) Notwithstanding subsection (F)(1), the court must not remove the firearm and ammunition prohibitions if, by a preponderance of the evidence, it is proven that the petitioner has engaged in acts of violence subsequent to the petitioner’s last adjudication as a mental defective or last commitment to a mental institution, unless the petitioner, by clear and convincing evidence, proves that he is not likely to act in a manner dangerous to public safety.

(H) If the petitioner is denied relief and the firearm and ammunition prohibitions are not removed, the petitioner may appeal to the circuit court for de novo review. In conducting its review, the circuit court:

(1) shall review the record;

(2) may give deference to the decision of the court denying the petitioner relief; and

(3) may receive additional evidence as necessary to conduct an adequate review.

(I) Medical records, psychological reports, and other treatment records which have been submitted to the court or admitted into evidence under this section must be part of the record, but must be sealed and opened only on order of the court.

(J) If a court issues an order pursuant to this section that removes the firearm and ammunition prohibitions that prohibited the petitioner from shipping, transporting, possessing, or receiving a firearm or ammunition pursuant to 18 U.S.C. Section 922(g)(4) or Section 23‑31‑1040, arising from adjudication as a mental defective or commitment to a mental institution, the court shall provide SLED with a certified copy of the order which may be transmitted through electronic means. SLED promptly shall inform the NICS of the court action removing these firearm and ammunition prohibitions.

Section 23-31-1040. (A) It is unlawful for a person who has been adjudicated as a mental defective or who has been committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition.

(B) A person who violates 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) 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 the firearm or ammunition within the agency, transfer the firearm or ammunition to another law enforcement agency for the lawful use of that agency, trade 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 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 the firearm or ammunition may be involved are finally determined. If SLED seized the firearm or ammunition, SLED may keep the firearm or ammunition for use by SLED’s forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies pursuant to this section. A law enforcement agency that receives a firearm or ammunition pursuant to this subsection may administratively release the firearm or ammunition to an innocent owner. If possession of the firearm or ammunition is necessary for legal proceedings, the firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally concluded. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this subsection which resulted in the firearm’s or ammunition’s confiscation. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this subsection.

(D) At the time the person is adjudicated as a mental defective or is committed to a mental institution, the court shall provide to the person or the person’s representative, as appropriate, a written form that conspicuously informs the person or the person’s representative, as appropriate, of the provisions of this section.

Section 23-31-1050. As used in Section 23-31-1030 and Section 23-31-1040:

(1) ‘Ammunition’ means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in a firearm other than an antique firearm. The term does not include:

(a) a shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing; or

(b) an unloaded, non-metallic shotgun hull or casing not having a primer.

(2) ‘Antique firearm’ means:

(a) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; and

(b) a replica of a firearm described in subitem (2)(a) if such replica:

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(3) ‘Firearm’ means a weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; a firearm muffler or firearm silencer; or a destructive device; but the term does not include an antique firearm. In the case of a licensed collector, the term means only curios and relics.

(4) ‘Firearm frame or receiver’ means that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

(5) ‘Firearm muffler or firearm silencer’ means a device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.”

SECTION 2. Section 44‑22‑100 of the 1976 Code is amended to read:

“Section 44‑22‑100. (A) Certificates, applications, records, and reports made for the purpose of this chapter or Chapter 9, Chapter 11, Chapter 13, ~~Article 1 of~~ Chapter 15, Chapter 17, Chapter 20, Chapter 23, Chapter 24, Chapter 25, Chapter 27, or Chapter 52, ~~of this title~~ and directly or indirectly identifying a mentally ill or alcohol and drug abuse patient or former patient or individual whose commitment has been sought, must be kept confidential, and must not be disclosed unless:

(1) the individual identified or ~~his~~ the individual’s guardian consents;

(2) a court directs that disclosure is necessary for the conduct of proceedings before ~~it~~ the court and that failure to make the disclosure is contrary to ~~the~~ public interest;

(3) disclosure is required for research conducted or authorized by the department or the Department of Alcohol and Other Drug Abuse Services and with the patient’s consent;

(4) disclosure is necessary to cooperate with law enforcement, health, welfare, and other state or federal agencies, or when furthering the welfare of the patient or ~~his~~ the patient’s family; ~~or~~

(5) disclosure to a court of competent jurisdiction is necessary for the limited purpose of providing a court order to SLED in order to submit information to the federal National Instant Criminal Background Check System (NICS), established pursuant to the Brady Handgun Violence Prevention Act of 1993, Pub.L. 103-159, and in accordance with Article 10, Chapter 31, Title 23; or

(6) disclosure is necessary to carry out the provisions of this chapter or Chapter 9, Chapter 11, Chapter 13, ~~Article 1 of~~ Chapter 15, Chapter 17, Chapter 20, Chapter 23, Chapter 24, Chapter 25, Chapter 27, or Chapter 52 ~~of this title~~.

(B) Nothing in this section:

(1) precludes disclosure, upon proper inquiry, of information as to a patient’s current medical condition to members of ~~his~~ the patient’s family, or the Governor’s ombudsman office; or

(2) requires the release of records of which disclosure is prohibited or regulated by federal law.

(C) A person who violates this section is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both.”

SECTION 3. A court required to submit information to SLED pursuant to this act concerning individuals who have been adjudicated as a mental defective or who have been committed to a mental institution shall, from the effective date of this act forward, submit information by court order within five days from the filing of each order and in accordance with procedures developed as required by this act and have one year from this act's effective date to submit retroactive information by court order on such individuals going back a minimum of ten years or, if records are not available as far back as ten years, as far back as records exist.

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 10**

Senator CORBIN proposed the following Amendment No. 10 (JUD3560.014), which was tabled:

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

/ SECTION 1. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 10

Section 23‑31‑1010. As used in this article:

(1) ‘Adjudicated as a mental defective’ means a determination by a court of competent jurisdiction that a person, as a result of marked subnormal intelligence, mental illness, mental incompetency, mental condition, or mental disease:

(a) is a danger to himself or to others; or

(b) lacks the mental capacity to contract or manage the person’s own affairs.

The term includes:

(a) a finding of insanity by a court in a criminal case; and

(b) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. Sections 850(a) and 876(b).

(2) ‘Committed to a mental institution’ means a formal commitment of a person to a mental institution by a court of competent jurisdiction. The term includes a commitment to a mental institution involuntarily, and a commitment to a mental institution for mental defectiveness, mental illness, and other reasons, such as drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

(3) ‘Mental institution’ includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and other facilities that provide diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.

Section 23‑31‑1020. (A) If a person is adjudicated as a mental defective by a court of competent jurisdiction, the person must be committed to a mental institution until the mental institution determines that the person is no longer a danger to himself or to others.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 34; Nays 7**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Fair Gregory Hayes

Hembree Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Reese

Scott Setzler Shealy

Thurmond Turner Williams

Young

**Total--34**

**NAYS**

Bright Bryant Corbin

Davis Grooms *Martin, Shane*

Verdin

**Total--7**

The amendment was laid on the table.

**Amendment No. 8**

Senator THURMOND proposed the following Amendment No. 8 (JUD3560.012), which was adopted:

Amend the bill, as and if amended, page 8, by striking lines 7-12, and inserting:

/ (5) ‘Firearm muffler or firearm silencer’ means a device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

Section 23-31-1060. Nothing in this article affects a court’s duty to conduct a hearing on the issue of a person’s fitness to stand trial pursuant to Section 44-23-430. A solicitor shall not dismiss charges against a person prior to such hearing based solely on the person’s fitness to stand trial.” /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 35; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Hayes Hembree Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson Peeler Pinckney

Reese Scott Setzler

Shealy Thurmond Turner

Williams Young

**Total--35**

**NAYS**

Bright Bryant Corbin

Grooms *Martin, Shane* Verdin

**Total--6**

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

The Bill was returned to the status of Special Order.

**MOTION ADOPTED**

On motion of Senator COURSON, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 11:00 A.M.

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Lee Heyward Blocker of Greenwood, S.C., beloved husband of Kay, devoted father and doting grandfather. Mr. Blocker was a supervisor at Professional Medical Products and retired after over 30 years of service and after his retirement was employed at the Greenwood Center of the S.C. Vocational Rehabilitation.

and

MOTION ADOPTED

On motion of Senator REESE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Judge John Amick “Johnny” Morrow of Spartanburg, S.C. Judge Morrow was an educator, then appointed youngest head football and basketball coach in S.C., transportation and safety coordinator for the State Department of Education in eight Upstate counties and culminated in being appointed as magistrate, holding court in Chesnee, Cowpens and filling in at the county jail. He was a loving father to Joshua and was a doting grandfather to Nataleigh and Zoeigh.

and

MOTION ADOPTED

On motion of Senator FAIR, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Frank Elliott “Chuck” Poole, Jr., 65, of Greenville, S.C. Mr. Poole was an independent representative of the furniture industry and member of Sans Souci Baptist Church. He was a loving husband of Lucia Elizabeth “Betsy” Davenport Poole, devoted father and doting grandfather.

**ADJOURNMENT**

At 4:50 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

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