**Thursday, May 16, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator LARRY MARTIN.

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

Ezekiel states that:

“As I was prophesying, there was a noise, a rattling sound, and the bones came together, bone to bone.” (Ezekiel 37:7b)

Let us bow in prayer:

Gracious and Ever-loving Lord, just as Ezekiel followed Your command and everything “came together” and hope for the future was made real, so may it be that this body will act in ways that bring hope and promise for all South Carolinians. The lady and the gentlemen of this Senate have been laboring diligently to establish a meaningful and realistic budget for our State. May their work, dear God, prove worthy and promising. And may a clear sense of satisfaction and hope ultimately settle upon our State, thanks to the efforts of these leaders and the Senate’s dedicated staff. We further pray, O God, for Senator YANCEY McGILL and his family in the death this morning of the Senator’s mother. Keep the McGILL family in your tender care, Dear God, please. And, as ever, to You be the glory, O Lord, for we pray this in Your holy name.

Amen.

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

**Doctor of the Day**

Senator FAIR introduced Dr. William B. Jones of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SETZLER, at 10:05 A.M., Senator McGILL was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator PEELER, at 10:05 A.M., Senator MASSEY was granted a leave of absence for today.

**Leave of Absence**

At 10:05 A.M., Senator VERDIN requested a leave of absence for May 20 - 23, 2013.

**RECALLED**

H. 3421 -- Rep. G.A. Brown: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 527 IN LEE COUNTY FROM MOUNT PLEASANT HIGH SCHOOL TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 76 “ISAAC C. JOE HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “ISAAC C. JOE HIGHWAY”.

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

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

**RECALLED**

H. 3525 -- Reps. Hayes, Barfield, Clemmons, H.A. Crawford, George, Goldfinch, Hardee, Hardwick and Ryhal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 410 IN HORRY COUNTY “LIEUTENANT JOHN RONALD FLOYD INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “LIEUTENANT JOHN RONALD FLOYD INTERSECTION”.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 708 -- Senator Alexander: A SENATE RESOLUTION TO CELEBRATE THE DEDICATION OF THE BELL AT KEOWEE ELEMENTARY SCHOOL IN OCONEE COUNTY TO MR. JERRY OPPERMAN.

l:\s-res\tca\012oppe.mrh.tca.docx

The Senate Resolution was adopted.

H. 4114 -- Reps. Clemmons, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOHN WALSH, DEPUTY SECRETARY FOR ENGINEERING FOR THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, UPON THE OCCASION OF HIS RETIREMENT AFTER MORE THAN TWENTY YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 4120 -- Reps. Felder, Munnerlyn, 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, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, 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 RECOGNIZE AND HONOR MIKE EDWARDS, SENIOR VICE PRESIDENT OF PULP AND PAPER MANUFACTURING FOR DOMTAR, UPON THE OCCASION OF HIS RETIREMENT AFTER A REMARKABLE FIFTY YEARS OF OUTSTANDING SERVICE IN THE PULP AND PAPER INDUSTRY, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 4121 -- Reps. Hardee and Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE CONWAY CHRISTIAN SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS CLASS AA STATE CHAMPIONSHIP TITLE.

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

H. 4141 -- Reps. Barfield and Hardee: A CONCURRENT RESOLUTION TO ACKNOWLEDGE AND COMMEND THE CONWAY CHRISTIAN SCHOOL SOFTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR GARNERING THE 2013 SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS CLASS AA STATE CHAMPIONSHIP TITLE.

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

**REPORT OF STANDING COMMITTEE**

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

H. 3907 -- Reps. Willis, Owens, Stringer, Daning, Brannon, Rivers, Kennedy, King, Mitchell, Putnam, Wells and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 1, TITLE 56 SO AS TO AUTHORIZE THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT UNCERTIFIED CHECKS FOR PAYMENT FOR PRODUCTS OR SERVICES ISSUED BY THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT MAY REFUSE TO PROVIDE A PERSON ANY PRODUCT OR SERVICE, EXCEPT AN IDENTIFICATION CARD, UNTIL THE PERSON HAS PAID ALL FEES OWED THE DEPARTMENT AS A RESULT OF A RETURNED CHECK, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A FEE SPECIFIED IN SECTION 34‑11‑70 TO COVER THE COSTS ASSOCIATED WITH THE COLLECTION OF FEES, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A PROCESSING FEE FOR THE USE OF CREDIT CARDS, AND TO PROVIDE THAT ALL PROCESSING FEES COLLECTED PURSUANT TO THIS ARTICLE MUST BE PLACED IN A SPECIAL RESTRICTED ACCOUNT TO BE USED BY THE DEPARTMENT TO DEFRAY ITS COSTS.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCE**

S. 677 -- Senators Courson and L. Martin: A CONCURRENT RESOLUTION TO CONGRATULATE SOUTH CAROLINA’S 2013 DISTRICT TEACHERS OF THE YEAR UPON BEING SELECTED TO REPRESENT THEIR RESPECTIVE SCHOOL DISTRICTS, TO EXPRESS APPRECIATION FOR THEIR DEDICATED SERVICE TO CHILDREN, AND TO WISH THEM CONTINUED SUCCESS IN THE FUTURE.

Returned with concurrence.

Received as information.

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

**HOUSE BILLS RETURNED**

The following House Bills were read the third time and ordered returned to the House with amendments:

H. 3193 -- Reps. Rutherford and King: A BILL TO AMEND SECTION 24‑13‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPUTATION OF TIME SERVED BY A PRISONER, SO AS TO PROVIDE THAT ANY TIME SERVED UNDER HOUSE ARREST BY A PRISONER MUST BE USED IN COMPUTING TIME SERVED BY THE PRISONER.

H. 3751 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO CONFORM WITH FEDERAL MANDATES ENACTED BY THE UNITED STATES CONGRESS IN THE TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011; BY ADDING SECTION 41‑41‑45 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL IMPOSE A PENALTY ON FRAUDULENT OVERPAYMENTS OF UNEMPLOYMENT BENEFITS; BY ADDING SECTION 41‑33‑910 SO AS TO CREATE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE INTEGRITY FUND AND PROVIDE FOR ITS SOURCE AND USE; BY ADDING SECTION 41‑35‑135 SO AS TO PROVIDE THE DEPARTMENT SHALL CHARGE THE ACCOUNT OF AN EMPLOYER WHEN THE EMPLOYER FAILS TO RESPOND TIMELY OR ADEQUATELY TO A REQUEST BY THE DEPARTMENT FOR INFORMATION CONCERNING A CLAIM FOR UNEMPLOYMENT BENEFITS WHEN THE EMPLOYER HAS DEMONSTRATED A PATTERN OF FAILING TO TIMELY OR ADEQUATELY RESPOND TO THESE REQUESTS; AND TO AMEND SECTION 43‑5‑598, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE SOUTH CAROLINA EMPLOYABLES PROGRAM ACT, SO AS TO REVISE THE DEFINITION OF “NEW HIRE” TO APPLY WHERE THE SEPARATION OF AN EMPLOYEE FROM EMPLOYMENT IS FOR AT LEAST SIXTY CONSECUTIVE DAYS.

Senator ALEXANDER explained the Bill.

**THIRD READING BILLS**

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

S. 348 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑10‑35 SO AS TO PROVIDE FOR REQUIREMENTS FOR FIREPLACES IN LIEU OF REQUIREMENTS OF THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

S. 690 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF ARCHITECTURAL EXAMINERS, RELATING TO OFFICERS, MEETINGS, APPLICATIONS AND FEES, RENEWALS, AND CONTINUING EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4334, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 692 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE RESIDENTIAL BUILDERS COMMISSION, RELATING TO RESIDENTIAL SPECIALTY CONTRACTORS LICENSE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4252, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**READ THE SECOND TIME**

S. 691 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL RESIDENTIAL CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4321, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

**Ayes 29; Nays 5**

**AYES**

Alexander Bennett Bright

Campbell Cleary Courson

Cromer Davis Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

*Martin, Larry* Matthews McElveen

Nicholson Peeler Reese

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--29**

**NAYS**

Bryant Corbin Malloy

*Martin, Shane* Sheheen

**Total--5**

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

**READ THE SECOND TIME**

S. 699 -- Senator Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46‑25‑815 SO AS TO IMPOSE AN INSPECTION FEE OF ONE DOLLAR A TON ON THE DISTRIBUTION OR SALE OF COMMERCIAL FERTILIZER IN THIS STATE, TO PROVIDE THAT THIS FEE MUST BE REPORTED, PAID, AND ENFORCED IN THE SAME MANNER THAT THE EXISTING FIFTY CENTS A TON INSPECTION TAX ON THE SALE OF COMMERCIAL FERTILIZER IS REPORTED, PAID, AND ENFORCED, TO PROVIDE THAT THE REVENUES OF THIS INSPECTION FEE MUST BE RETAINED AND EXPENDED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS OF CLEMSON UNIVERSITY (CLEMSON PSA) FOR THE SUPPORT OF THE DIVISION’S PROGRAMS, AND TO PROVIDE THAT UNEXPENDED FEE REVENUES AT THE END OF A FISCAL YEAR CARRY FORWARD TO THE SUCCEEDING FISCAL YEAR AND MUST BE USED FOR THE SAME PURPOSES.

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 25; Nays 10**

**AYES**

Alexander Allen Bennett

Campbell Cleary Coleman

Cromer Fair Hayes

Hembree Hutto Johnson

Leatherman Lourie Malloy

*Martin, Larry* McElveen Nicholson

Peeler Reese Scott

Setzler Sheheen Verdin

Williams

**Total--25**

**NAYS**

Bright Bryant Corbin

Courson Davis *Martin, Shane*

Shealy Thurmond Turner

Young

**Total--10**

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

**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 LEATHERMAN, the Bill was carried over.

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

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

S. 509 -- Senators Thurmond, Hembree and Rankin: A BILL TO AMEND CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO OFFENSES IN CONNECTION WITH ELECTRONIC MONITORING DEVICES, BY ADDING SECTION 24‑13‑425 TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY AND WITHOUT AUTHORITY TO REMOVE, DESTROY, OR CIRCUMVENT THE OPERATION OF AN ELECTRONIC MONITORING DEVICE WHICH IS BEING USED FOR THE PURPOSE OF MONITORING A PERSON, OR TO SOLICIT ANOTHER PERSON TO DO SO, AND TO PROVIDE FOR PENALTIES.

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

H. 3459 -- Reps. Sandifer, Bales, J.E. Smith and Erickson: A BILL TO AMEND SECTION 40‑2‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, SO AS TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE BOARD, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE BOARD, AND TO PROVIDE THESE PERSONNEL MAY BE TERMINATED BY THE DIRECTOR OF A MAJORITY OF THE BOARD; TO AMEND SECTION 40‑2‑30, RELATING TO THE PRACTICE OF ACCOUNTANCY, SO AS TO PROVIDE A CERTIFIED PUBLIC ACCOUNTANT LICENSED BY THE BOARD IS EXEMPT FROM LICENSURE REQUIREMENTS OF PRIVATE SECURITY AND INVESTIGATION AGENCIES; AND TO AMEND SECTION 40‑2‑70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD MAY CONDUCT PERIODIC INSPECTIONS OF LICENSEES OR FIRMS; AND TO AMEND SECTION 40‑2‑80, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT SHALL DIRECT THE INVESTIGATOR ASSIGNED TO THE BOARD TO INVESTIGATE AN ALLEGED VIOLATION TO DETERMINE THE EXISTENCE OF PROBABLE CAUSE MERITING FURTHER PROCEEDINGS.

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

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.

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

**AMENDMENT PROPOSED, CARRIED OVER**

H. 3061 -- Reps. McCoy, M.S. McLeod, Stavrinakis and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑95 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION TO DEVELOP AND DISTRIBUTE MODEL POLICIES CONCERNING THE NATURE AND RISK OF CONCUSSIONS SUSTAINED BY STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP ITS OWN POLICY, TO REQUIRE THE REVIEW OF THE POLICY BY STUDENT ATHLETES AND THEIR PARENTS OR GUARDIANS, TO REQUIRE THE REMOVAL FROM PLAY AND MEDICAL EVALUATION OF A STUDENT ATHLETE BELIEVED TO HAVE SUSTAINED A CONCUSSION DURING PLAY, TO ALLOW FOR THE EVALUATION TO BE UNDERTAKEN BY A VOLUNTEER HEALTH CARE PROVIDER, AND TO PROVIDE THAT LOCAL SCHOOL DISTRICTS ARE NOT REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

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

Senator THURMOND proposed the following amendment (AGM\3061C007.AGM.AB13):

Amend the committee report, as and if amended, Section 59‑63‑75(D)(1), as contained in SECTION 1, by deleting the subsection in its entirely and inserting:

/ (D)(1)(a) With respect to athletic contests, if an athletic trainer, official, or physician suspects that a student athlete, under the control of a coach, the athletic trainer, the official, or the physician, has sustained a concussion or brain injury in an athletic competition, the student athlete must be removed from competition at that time.

(b) With respect to practices, if a coach, athletic trainer, official, or physician suspects that a student athlete, under the control of the coach, athletic trainer, official, or physician, has sustained a concussion or brain injury in an athletic competition, the student athlete must be removed from practice at that time. /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND explained the amendment.

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

**RECESS**

At 10:45 A.M., on motion of Senator COURSON, the Senate receded from business until 11:10 A.M.

At 11:15 A.M., the Senate resumed.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3710, THE GENERAL APPROPRIATIONS BILL.**

**AMENDED, DEBATE INTERRUPTED**

**H. 3710--GENERAL APPROPRIATIONS BILL**

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 78 proposed by Senators CAMPSEN and LOURIE.

**Amendment No. 78**

Senators CAMPSEN and LOURIE proposed the following amendment (DAD 117 CHARTERING SVCS ANALYSIS), which was withdrawn:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *(GP: Aircraft Chartering Services Analysis) The Budget and Control Board is directed to conduct an analysis to determine the costs and benefits of selling the following state-owned aircraft operated by the Division of Aeronautics: Hawker Beechcraft King Air 350 and Hawker Beechcraft King Air C90; and authorizing private chartering services for use by state officials and state agencies to conduct the state’s official business. This analysis must be presented to the Governor and General Assembly no later than January 1, 2014. The Governor shall have the authority to sell the state-owned aircraft if the cost-benefit analysis justifies the sale.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSEN explained the amendment.

On motion of Senator CAMPSEN, with unanimous consent,   
Amendment No. 78 was withdrawn.

**MOTION ADOPTED**

**H. 3710--GENERAL APPROPRIATIONS BILL**

Senator COURSON asked unanimous consent to make a motion that when the Senate adjourns on Thursday, May 16, 2013, the Senate would stand adjourned to meet on Friday, May 17, 2013, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up; and, further, when the Senate stands adjourned on Friday, May 17, 2013, the Senate will stand adjourned to meet on at 10:00 A.M. on Tuesday, May 21, 2013, in Statewide Session.

The motion was adopted.

On motion of Senator CAMPSEN, with unanimous consent, Amendment No. 93 was taken up for immediate consideration.

**Amendment No. 93**

Senators CAMPSEN, CROMER, JACKSON, SHEHEEN, BRIGHT, PEELER and LARRY MARTIN proposed the following amendment (DAD 117 CHARTERING SVCS ANALYSIS2), which was adopted:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

*/ (GP: Aircraft Chartering Services Analysis) The Budget and Control Board is directed to conduct an analysis to determine the costs and benefits of selling the following state-owned aircraft operated by the Division of Aeronautics: Hawker Beechcraft King Air 350 and Hawker Beechcraft King Air C90; and authorizing private chartering services for use by state officials and state agencies to conduct the state’s official business. This analysis must be presented to the Governor and General Assembly no later than January 1, 2014. The Budget and Control Board shall have the authority to sell the state-owned aircraft if the cost-benefit analysis justifies the sale.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSEN explained the amendment.

**Motion Adopted**

On motion of Senator GREGORY, with unanimous consent, Senators BRIGHT, COLEMAN, McELVEEN, TURNER and GREGORY were granted leave to attend a meeting and were granted leave to vote from the balcony.

Senator CAMPSEN explained the amendment.

Senator HUTTO spoke on the amendment.

Senator COURSON spoke on the amendment.

The amendment was adopted.

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

**RECESS**

At 11:52 A.M., on motion of Senator COURSON, the Senate receded from business until 1:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:06 P.M. and was called to order by the PRESIDENT.

**Point of Quorum**

At 1:06 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bennett Bright

Bryant Campbell Courson

Cromer Davis Fair

Grooms Hayes Hembree

Johnson Leatherman Malloy

*Martin, Larry Martin, Shane* Matthews

Nicholson Peeler Scott

Setzler Shealy Sheheen

Turner Verdin Young

A quorum being present, the Senate resumed.

**AMENDED, DEBATE INTERRUPTED**

**H. 3710--GENERAL APPROPRIATIONS BILL**

The Senate resumed consideration of the Bill, the question being the second reading of the Bill.

**Amendment No. 84**

Senators CLEARY, HEMBREE and CAMPBELL proposed the following amendment (DG RECNONPROFGIFT), which was adopted:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *117.\_\_\_. (GP: Donation of Alcoholic Liquors) In the current fiscal year, a wholesaler may donate beer, wine, and alcoholic liquors to a nonprofit organization that has a license, including a temporary license, to serve the applicable beverage. This provision only applies if the event hosted by the nonprofit organization creates an economic impact on State revenues.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPBELL spoke on the amendment.

The amendment was adopted.

**Amendment No. 94**

Senator BRIGHT proposed the following amendment (LC LB10%), which was tabled:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *(GP: County Roads and Bridges) All general fund appropriations contained in this act are reduced by ten percent, excluding constitutional officers' salaries, judges' salaries, Section 104 Capital Reserve Fund, and Section 109 Debt Service. The revenue resulting from the across-the-board cut is credited to the County Transportation Fund and shall be apportioned among the counties and distributed pursuant to the C-Fund formula contained in Section 12-28-2740 of the 1976 Code and must be used for roads and bridges. A county may not receive any funds pursuant to this provision until it expends an amount on road improvements in the current fiscal year totaling at least the amount spent in the prior fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

**Point of Order**

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

The PRESIDENT overruled the Point of Order.

**Objection**

With Senator BRIGHT retaining the floor on Amendment No. 94, Senator PEELER asked for unanimous consent to make a motion to carry over Amendment No. 94 and take up Amendment No. 54 for immediate consideration.

Senator MALLOY objected.

Senator BRIGHT explained the amendment.

**Point of Order**

Senator BRYANT raised a Point of Order that Proviso 1.18 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.18.** (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may be filled either by an individual receiving a W-2 from the hiring school district, or in the case of a charter school authorized under title 59, Chapter 49, an individual employed by an entity under contract with the school district may fill such a position. However, if such a position in a charter school is filled by an individual that does not receive a W-2 from the hiring school district, the total compensation for the individual shall not exceed the total compensation of the highest paid individual in a similar position at a school district of the same or lesser size of the charter school in the state of South Carolina. If such total compensation does exceed that amount, the school’s EFA and/or EIA allocation shall be reduced by the amount which such compensation exceeds that amount specified in the previous sentence. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education.

The PRESIDENT sustained the Point of Order.

Proviso 1.18 was ruled out of order.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 27; Nays 14**

**AYES**

Alexander Allen Campbell

Campsen Cleary Coleman

Courson Cromer Fair

Ford Gregory Hayes

Hutto Jackson Leatherman

Lourie Malloy *Martin, Larry*

Matthews McElveen Nicholson

Rankin Reese Scott

Setzler Sheheen Williams

**Total--27**

**NAYS**

Bennett Bright Bryant

Corbin Davis Grooms

Hembree *Martin, Shane* Peeler

Shealy Thurmond Turner

Verdin Young

**Total--14**

The amendment was laid on the table.

**Objection**

Senator PEELER asked for unanimous consent to make a motion to take up Amendment No. 54 for immediate consideration.

Senator MALLOY objected.

**Amendment No. 95**

Senator BRIGHT proposed the following amendment (DAD 117 LB 5%GF), which was tabled:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *(GP: County Roads and Bridges) All general fund appropriations contained in this act are reduced by five percent,*  *excluding constitutional officers' salaries, judges' salaries, Section 104 Capital Reserve Fund, and Section 109 Debt Service. The revenue resulting from the across-the-board cut is credited to the County Transportation Fund and shall be apportioned among the counties and distributed pursuant to the C-Fund formula contained in Section 12-28-2740 of the 1976 Code and must be used for roads and bridges. A county may not receive any funds pursuant to this provision until it expends an amount on road improvements in the current fiscal year totaling at least the amount spent in the prior fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 27; Nays 14**

**AYES**

Alexander Bennett Campbell

Cleary Coleman Courson

Cromer Fair Ford

Gregory Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie *Martin, Larry*

Matthews McElveen Nicholson

Rankin Reese Scott

Setzler Sheheen Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Corbin Davis Grooms

Malloy *Martin, Shane* Peeler

Shealy Thurmond Turner

Verdin Young

**Total--14**

The amendment was laid on the table.

**Amendment No. 96**

Senator BRIGHT proposed the following amendment (DAD 117 LB1%GF), which was tabled:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *(GP: County Roads and Bridges) All general fund appropriations contained in this act are reduced by one percent, excluding constitutional officers' salaries, judges' salaries, Section 104 Capital Reserve Fund, and Section 109 Debt Service. The revenue resulting from the across-the-board cut is credited to the County Transportation Fund and shall be apportioned among the counties and distributed pursuant to the C-Fund formula contained in Section 12-28-2740 of the 1976 Code and must be used for roads and bridges. A county may not receive any funds pursuant to this provision until it expends an amount on road improvements in the current fiscal year totaling at least the amount spent in the prior fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator SETZLER moved to lay the amendment on the table.

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

**Ayes 24; Nays 18**

**AYES**

Alexander Allen Campbell

Cleary Coleman Courson

Cromer Ford Hayes

Hutto Jackson Johnson

Leatherman Lourie *Martin, Larry*

Matthews McElveen Nicholson

Rankin Reese Scott

Setzler Sheheen Williams

**Total--24**

**NAYS**

Bennett Bright Bryant

Campsen Corbin Davis

Fair Gregory Grooms

Hembree Malloy *Martin, Shane*

Peeler Shealy Thurmond

Turner Verdin Young

**Total--18**

The amendment was laid on the table.

**Amendment No. 97A**

Senators JACKSON, PEELER, MATTHEWS, SHEHEEN, LOURIE, BRIGHT and RANKIN proposed the following amendment (DG DJPLANECOMM), which was adopted:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *117.\_\_\_ (GP: Sale of State Aircraft)* *The State Budget and Control Board is directed to sell the two airplanes owned by the State, specifically, the Hawker Beechcraft King Air 350 and the Hawker Beechcraft King Air C90. The sale shall be made under terms and conditions the board considers most advantageous to the State of South Carolina. The proceeds of the sale must be used to provide private chartering services or commercial flights for state officials and agencies to conduct official state business, as authorized by this act or any other provision of law.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

Senator LOURIE spoke on the amendment.

Senator CAMPSEN moved to lay the amendment on the table.

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

**Ayes 13; Nays 29**

**AYES**

Alexander Bennett Campbell

Campsen Corbin Cromer

Fair Gregory Hayes

Hembree Leatherman *Martin, Larry*

Verdin

**Total--13**

**NAYS**

Allen Bright Bryant

Cleary Coleman Courson

Davis Ford Grooms

Hutto Jackson Johnson

Lourie Malloy *Martin, Shane*

Matthews McElveen Nicholson

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--29**

The Senate refused to table the amendment. The question then was the adoption of the amendment.

Senator VERDIN spoke on the amendment.

Senator BRIGHT spoke on the amendment.

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

**Ayes 26; Nays 14**

**AYES**

Allen Bright Bryant

Cleary Coleman Courson

Ford Gregory Hutto

Jackson Johnson Lourie

Malloy *Martin, Shane* Matthews

McElveen Nicholson Peeler

Rankin Reese Scott

Setzler Sheheen Thurmond

Turner Williams

**Total--26**

**NAYS**

Alexander Bennett Campsen

Corbin Davis Fair

Grooms Hayes Hembree

Leatherman *Martin, Larry* Shealy

Verdin Young

**Total--14**

The amendment was adopted.

On motion of Senator COURSON, debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senators SETZLER, COURSON, ALEXANDER, ALLEN, BENNETT, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, CORBIN, CROMER, DAVIS, FAIR, FORD, GREGORY, GROOMS, HAYES, HEMBREE, HUTTO, JACKSON, JOHNSON, LEATHERMAN, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McELVEEN, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, SCOTT, SHEALY, SHEHEEN, THURMOND, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Peggy Tomlinson McGill of Kingstree, S.C., beloved widow of our former colleague and friend,

former Senator Frank McGill, and devoted mother of our colleague and friend, Senator Yancey McGill. Mrs. McGill was a gifted and well-known artist who featured scenes from all over the State in her paintings.

and

**MOTION ADOPTED**

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Theresa Ann “Terry” Mason of Hartsville, S.C. Mrs. Mason was employed with Wilson Senior Care as a transport driver for many years for Morrell Nursing Center. Mrs. Mason was a loving wife of P.K., devoted mother and doting grandmother and step‑grandmother.

**ADJOURNMENT**

At 4:13 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

\* \* \*