**Tuesday, June 4, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:30 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In the Book of Acts we read:

“Immediately mist and darkness came over him, and he groped about, seeking someone to lead him by the hand.” (Acts 13:11b)

Bow in prayer with me, if you will:

O Lord, the story of what befell Elymas has the power to touch us all. How easy it is to find that we ourselves have been blinded by many of the values of the world around us, that we have lost our way, that we have failed to hold to Your teachings. Loving God, help every one of us to follow Your truth, to honor Your lessons, and to be diligent in seeing as You call upon us to see. May these Senators and their staff members -- may all of us -- never lose sight of how You desire that we spend our days. Allow each of us to serve You unfailingly, bringing glory to You through those things we say and by means of everything that we do. In Your wondrous name we pray, 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:

**Local Appointments**

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2014

Ellen Steinberg, 34 Smith Street, Charleston, SC 29401 *VICE* Bonnie L. Koontz

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Peter E. Becker, 1011 Mockingbird Circle, Florence, SC 29501 *VICE* Hon. James R. Harwell

Reappointment, Georgetown County Master-in-Equity, with the term to commence December 31, 2013, and to expire December 31, 2019

Joe M. Crosby, 405 Dozier Street, Georgetown, SC 29440

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Freddie Brown, Jr., 232 Burdette Street, Spartanburg, SC 29307 *VICE* James E. Talley

**COMMUNICATION**

The Senate of South Carolina

Office of Senator Robert Ford

P. O. Box 142

Columbia, S.C. 29202

May 31, 2013

The Honorable Glenn McConnell

President of the Senate

State House

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate,

Please accept this letter as my resignation from the South Carolina Senate, District 42, effective immediately.

My dear friends, from humblest beginnings in New Orleans, Louisiana, the work of my life has been dedicated to improving the lives of our brothers and sisters in every corner of this nation. As a brash young man from Grambling University, I stepped out into a world of conflict and chaos during a most tumultuous time in American history. I joined the Southern Christian Leadership Conference in 1964, and have fought every day since for the betterment of all people, particularly African-Americans, across all walks of life. Through many highs and lows, this work has shown me the wonders of the world and the many faces of mankind. I have kneeled with the lowliest man and walked with the giants of history.

And in 1993, I walked through the doors of the State House for the first time as a South Carolina Senator. I saw the work to be done here as a continuation of the conflict for greater civil rights -- constantly fighting for those whose voices could not be heard in these halls.

I sought to teach others about the struggles of my people. But, I learned a great deal as well. One of my proudest moments was watching as the Confederate Flag was lowered from the State House dome alongside my good friend, then Senator Glenn McConnell. This action was achieved only by both black and white working together to honor our shared history. That great compromise was years in the making, with long and acrimonious battles that threatened to permanently divide us. Fortunately, through faith and friendship we were able to find common ground; securing respect for those that fought for civil rights, including a permanent holiday for Dr. Martin Luther King, Jr., while honoring the soldiers of the Confederacy and protecting their heritage.

Today, I am proud that the ranks of African-Americans in public service continue to grow -- proud of the number of African-Americans presiding over our courts. We are closer today than ever to a legacy of hope and equality for those to come. And for that, I will be forever proud and humbled.

One of life’s most pervasive questions is, “What have you done for others?” My answer always has been to serve the least of those among us. I have not spent the time to financially reward myself or to adequately care for my health.

It is because of my health and with a heavy heart and great sadness that I announce my resignation. I will continue to be a soldier for peace, a drum major for justice and a working advocate for those that are less fortunate and those that need a helping hand in meeting the challenges of life.

As I depart, I leave the Senate in good stead. I am convinced my service in this Senate has made a difference, improved lives and left my beloved State of South Carolina better than I found her.

Very truly yours,

/s/ Robert Ford

cc: The Honorable John Courson, President *Pro Tempore*

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**Remarks by Senator MALLOY**

Thank you, Mr. PRESIDENT.

Lady and gentlemen of the Senate, I rise before you now with a heavy heart. I come on the backdrop of the letter that was just addressed to the Honorable GLENN McCONNELL, Mr. PRESIDENT and members of the Senate.

I will just say to you, very briefly, without condoning the acts that have taken place, we find ourselves at this difficult moment. I was sitting in my seat trying to find what words would be appropriate. I went down two roads -- one to say what happens when someone scores? Sometimes it is a touchdown. Just the same, someone could slam dunk a basketball or we may hit a home run and it would be a baseball score. Sports metaphors have been used in some great speeches over time. Martin Luther King, Jr. used the word five score ago. Signing the Emancipation Proclamation, Lincoln used “four score and seven years ago” in the Gettysburg Address. The Good Book gives us “three score and ten” as it relates to our lives. And plus ten gives you four score, if you have strength.

Then I went down another road, and looked at a bedtime story that we read to our children and it takes me back to Rip Van Winkle. He was asleep for 20 years. Someone said he was there to avoid a revolutionary war. Senator ROBERT FORD served in this body and came through these doors in 1993. A score ago, 20 years. So, I would just ask that each person, search through his or her heart in light of the circumstances that we find ourselves, and see what happened during that score. I think that what we are supposed to do is to find some good. I say that, again, understanding and knowing the circumstances and situation, where we find ourselves now. We are in a unique situation, where we have to police our members and I totally understand that. If we go back, we will look at those times that you have. Without going over each and every one, I just ask each person to look in their minds and take it within their hearts to see what happened during his score.

Briefly during my score, I met him right about the time he came to the Senate, when I got ready to run my campaign in 2002. I was prepared to not be a friend, to not be a person that would like the way that he did things, because he campaigned against me for a reason that he believed was right. Then,when I came here, he and I worked on certain issues on this floor together. So today, as we search our hearts to see where we are and as we see one of our fallen soldiers, I would ask you, “Who is his family? Who do you know in his family?” Well, I will submit to you that you are his family -- namely the only living relatives he has. I will submit to you, if you are his family, and as the Good Book says, “One, that we all have sinned and come short.” I would remind you of the story of Mary Magdalene that, “He who is without sin, cast the first stone.” That does not mean that you do not review what is before you. But, now that the situation has occurred, I just ask you to look around again. Think of him with a humble heart and just remember the score that he left with us from 1993-2013. This is no Rip Van Winkle story as Senator FORD did not sleep on his work in the last 20 years.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator MALLOY were ordered printed in the Journal.

**Doctor of the Day**

Senator VERDIN introduced Dr. Wendell James of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRYANT, at 10:33 A.M., Senator SHANE MARTIN was granted a leave of absence until 11:30 A.M.

**Leave of Absence**

At 10:35 A.M., Senator FAIR requested a leave of absence beginning at 6:00 P.M. and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

At 4:05 P.M., Senator THURMOND requested a leave of absence beginning at 5:15 P.M. and lasting until 10:00 A.M. in the morning.

**Privilege of the Chamber**

    On motion of Senator PEELER, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Ralph Greer and his family for the purpose of presenting a Resolution.

**CO-SPONSORS ADDED**

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

S. 516 Sen. Young

S. 313 Sen. Young

S. 330 Sen. Young

S. 749 Sens. Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, Larry Martin, Shane Martin, Massey, Matthews, McElveen, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young

**Presentation of Service Pins**

In commemoration of continuous service with the State of South Carolina, Senator COURSON, PRESIDENT *Pro Tempore* of the Senate, presented certificates and awarded service pins to the following Senate staff for their respective years of state service:

10 Year Pins

Carol R. DuBose

David J. Owens

20 Year Pins

Michele M. Neal

Jean L. Tisdale

E. Katherine Wells

30 Year Pins

Martha C. Casto

Barbara A. Lengel

40 Year Pins

Susan F. Craft

Senator COURSON presented a certificate and service pin to the following Senators for their years of service:

10 Year Pins

Ronnie W. Cromer

20 Year Pins

Creighton B. Coleman

Kent M. Williams

All were highly commended for their years of devoted and loyal service.

**RECALLED**

H. 4200 -- Rep. Howard: A CONCURRENT RESOLUTION TO RECOGNIZE THE DEVASTATING EFFECTS CAUSED BY MENINGOCOCCAL DISEASE AND RAISE PUBLIC AWARENESS OF ITS SERIOUS IMPACT ON CITIZENS AND COMMUNITIES IN THE PALMETTO STATE.

Senator PEELER asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

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

**RECALLED**

H. 4201 -- Rep. G.R. Smith: A CONCURRENT RESOLUTION TO RECOGNIZE AUGUST 20, 2013, AS DIABETIC PERIPHERAL NEUROPATHY DAY AT THE STATE CAPITOL TO RAISE AWARENESS OF THE DELETERIOUS EFFECTS OF NERVE DAMAGE DUE TO DIABETIC PERIPHERAL NEUROPATHY.

Senator PEELER asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

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

**RECALLED**

H. 4149 -- Rep. Erickson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION AND BEAUFORT COUNTY ERECT APPROPRIATE SIGNS OR MARKERS ALONG UNITED STATES HIGHWAY 21 IN BEAUFORT COUNTY AS IT ENTERS ST. HELENA ISLAND FROM BOTH LADY’S ISLAND AND HUNTING ISLAND THAT CONTAIN THE WORDS “ST. HELENA ISLAND‑HOME OF THE 2013 AMERICAN IDOL WINNER CANDICE GLOVER”.

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

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

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 758 -- Senator Hutto: A SENATE RESOLUTION TO RECOGNIZE AND HONOR OLIVER KERMIT MCCARTER, JR., FOR HIS CONTRIBUTIONS TO OUR STATE AND TO THE LIVES OF GENERATIONS OF STUDENTS AND CONGRATULATE HIM ON BEING NAMED THE 2013 SOUTH CAROLINA SPEECH-LANGUAGE-HEARING ASSOCIATION’S AMBASSADOR.

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The Senate Resolution was adopted.

S. 759 -- Senator Massey: A SENATE RESOLUTION TO DECLARE NOVEMBER 2013 THE PULMONARY HYPERTENSION AWARENESS MONTH IN SOUTH CAROLINA TO PROMOTE UNDERSTANDING OF THE GROWING RISK OF PULMONARY HYPERTENSION IN THE UNITED STATES.

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

S. 760 -- Senators Matthews and Pinckney: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DWAYNE BUCKNER, MEMBER OF THE WALTERBORO CITY COUNCIL, UPON THE OCCASION OF HIS RETIREMENT AFTER FOUR YEARS OF DEDICATED SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 761 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND ISAIAH OWENS FOR HIS OUTSTANDING SERVICE IN THE MORTUARY PROFESSION FOR FORTY-FOUR YEARS AND FOR THE COMPASSION AND KINDNESS HE HAS RENDERED TO HIS COMMUNITY.

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The Senate Resolution was adopted.

S. 762 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA STUDENT LEGISLATURE TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES IN 2013 AT A DATE AND TIME DETERMINED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE THAT IF SUBSEQUENT TO A DETERMINATION EITHER BODY IS IN SESSION, THE CHAMBERS MAY NOT BE USED AND ALTERNATE DATES AND TIMES MAY BE SELECTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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

**S. 762--Recalled and Adopted**

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

There was no objection.

Senator BRYANT asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

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

S. 763 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA PAY FOR SUCCESS PERFORMANCE ACCOUNTABILITY ACT” BY ADDING CHAPTER 55 TO TITLE 11 SO AS TO ESTABLISH THE TRUST FUND FOR PERFORMANCE ACCOUNTABILITY TO FUND PAY FOR SUCCESS CONTRACTS, WHEREBY THE STATE CONTRACTS WITH A PRIVATE-SECTOR ORGANIZATION TO ACHIEVE SPECIFICALLY DEFINED MEASUREABLE OUTCOMES IN WHICH THE STATE PAYS ONLY TO THE EXTENT THAT THE DESIRED OUTCOMES ARE ACHIEVED.

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

S. 764 -- Senators Alexander, Cromer and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2, CHAPTER 35, TITLE 43 SO AS TO CREATE THE VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM WITHIN THE OFFICE ON AGING TO RECRUIT, TRAIN, AND SUPERVISE VOLUNTEERS TO SERVE AS COURT APPOINTED GUARDIANS AD LITEM FOR VULNERABLE ADULTS IN ABUSE, NEGLECT, AND EXPLOITATION PROCEEDINGS; TO PROVIDE THE DUTIES AND RESPONSIBILITIES OF A GUARDIAN AD LITEM; TO PROVIDE THAT A GUARDIAN AD LITEM MAY BE A LAYPERSON OR AN ATTORNEY; TO PROVIDE QUALIFICATIONS TO BECOME A GUARDIAN AD LITEM; TO AUTHORIZE THE VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM TO INTERVENE IN PROCEEDINGS TO PETITION FOR REMOVAL OF A GUARDIAN AD LITEM UNDER CERTAIN CONDITIONS; TO PROVIDE THAT CERTAIN INFORMATION, REPORTS, AND RECORDS MUST BE MADE AVAILABLE TO GUARDIANS AD LITEM BY CERTAIN STATE AND FEDERAL AGENCIES, MEDICAL AND DENTAL PRACTITIONERS, AND FINANCIAL INSTITUTIONS; TO PROVIDE THAT REPORTS AND INFORMATION COLLECTED AND MAINTAINED BY THE PROGRAM ARE CONFIDENTIAL AND TO PROVIDE FOR CIVIL IMMUNITY WHEN ACTING IN GOOD FAITH AND IN THE ABSENCE OF GROSS NEGLIGENCE; AND TO AMEND SECTION 43-35-45, RELATING, AMONG OTHER THINGS, TO THE APPOINTMENT OF AN ATTORNEY AND A GUARDIAN AD LITEM FOR A VULNERABLE ADULT IN A PROCEEDING, SO AS TO FURTHER PROVIDE THAT THE COURT SHALL APPOINT AN ATTORNEY FOR A LAY GUARDIAN AD LITEM AND THAT THE GUARDIAN AD LITEM MAY BE REMOVED IF THE VULNERABLE ADULT HAS THE CAPACITY TO ASSIST IN THE CASE.

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Read the first time and referred to the General Committee.

S. 765 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-2-107, SO AS TO PROVIDE THAT STATE LAWS, ORDINANCES OF POLITICAL SUBDIVISIONS, AND REGULATIONS PROMULGATED PURSUANT TO SUCH LAWS AND ORDINANCES LIMITING WHERE AND WHEN AN ALL TERRAIN VEHICLE (ATV) MAY OPERATE DO NOT APPLY TO AN ATV USED BY A LAW ENFORCEMENT AGENCY IN CONNECTION WITH THE PERFORMANCE OF THE AGENCY’S DUTIES AND PROVIDE A DEFINITION FOR “ATV”.

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

S. 766 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE THE BLYTHEWOOD GARDEN CLUB ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY AND TO COMMEND THE CLUB ON SIX DECADES OF CONTRIBUTING TO THE BEAUTIFICATION OF THE STATE OF SOUTH CAROLINA.

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

S. 767 -- Senator Nicholson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COACH GARY ROPER FOR HIS OUTSTANDING CAREER AND TO THANK HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE YOUTH OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 768 -- Senator Peeler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SERGEANT WILLIAM “DON” RHODES OF THE SOUTH CAROLINA STATE TRANSPORT POLICE, UPON THE OCCASION OF HIS RETIREMENT, AND TO EXTEND SINCERE APPRECIATION FOR HIS DEDICATION TO THE CAUSE OF TRUCK SAFETY, EDUCATION, INDUSTRY PROFESSIONAL DEVELOPMENT, REASONABLE ENFORCEMENT PRACTICES, AND GENUINE DEVOTION TO HIS DUTIES, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

S. 769 -- Senator Lourie: A CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF EDUCATION AND THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ENCOURAGE ALL SCHOOLS TO PARTICIPATE IN A SCHOOL-BASED INFLUENZA VACCINATION PROGRAM.

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

S. 770 -- Senator Rankin: A SENATE RESOLUTION TO CONGRATULATE CAROL FOXWORTH CHESTNUT OF CONWAY UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER FORTY-TWO YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 771 -- Senator Davis: A BILL TO AMEND CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO CHILDREN'S SERVICES, BY ADDING ARTICLE 21, TO CREATE THE “MILITARY CONNECTED CHILDREN’S WELFARE TASK FORCE” AND TO PROVIDE FOR THE COMPOSITION AND RESPONSIBILITIES OF THE TASK FORCE.

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

S. 772 -- Senator Davis: A BILL TO AMEND SECTION 63-13-80 OF THE 1976 CODE, RELATING TO INSPECTIONS OF CHILDCARE FACILITIES, TO PROVIDE FOR ANNUAL INSPECTIONS OF CHILDCARE FACILITIES BY THE DEPARTMENT OF SOCIAL SERVICES.

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

S. 773 -- Senator Massey: A BILL TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, TO ENACT ARTICLE 2, THE “TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT”, TO PROVIDE DEFINITIONS, TO PROVIDE THAT THE STATE MAY NOT ENTER INTO CONTINGENCY FEE CONTRACTS WITHOUT A WRITTEN DETERMINATION BY THE ATTORNEY GENERAL, TO SET THE MAXIMUM FOR CONTINGENCY FEE CONTRACTS, TO PROVIDE FOR CERTAIN REQUIREMENTS THAT MUST BE MET DURING THE TERM OF THE CONTRACT, AND TO PROVIDE THAT BY FEBRUARY FIRST OF EACH YEAR, THE ATTORNEY GENERAL SHALL SUBMIT A REPORT TO THE PRESIDENT PRO TEMPORE OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR DESCRIBING THE USE OF CONTINGENCY FEE CONTRACTS WITH PRIVATE ATTORNEYS IN THE PRECEDING CALENDAR YEAR AND TO PROVIDE FOR THE CONTENTS OF THE REPORT; TO AMEND SECTION 15-36-100, RELATING TO ACTIONS FOR PROFESSIONAL NEGLIGENCE, TO PROVIDE THAT A DEFENDANT WHO FILES A COUNTERCLAIM ASSERTING A CLAIM FOR PROFESSIONAL NEGLIGENCE SHALL FILE THE REQUIRED AFFIDAVIT; TO AMEND CHAPTER 79, TITLE 15, RELATING TO MEDICAL MALPRACTICE ACTIONS, BY ADDING SECTION 15-79-135 TO PROVIDE THAT EVIDENCE OFFERED TO PROVE PAST MEDICAL EXPENSES SHALL BE LIMITED TO EVIDENCE OF THE AMOUNTS ACTUALLY PAID TO SATISFY THE BILLS THAT HAVE BEEN SATISFIED AND EVIDENCE OF THE AMOUNTS ACTUALLY NECESSARY TO SATISFY THE BILLS THAT HAVE BEEN INCURRED BUT NOT YET SATISFIED; TO AMEND CHAPTER 135, TITLE 44, RELATING TO THE ASBESTOS AND SILICA CLAIMS PROCEDURE ACT OF 2006, BY ADDING SECTION 44-135-65 TO DEFINE “ASBESTOS TRUST CLAIM”, TO PROVIDE THAT A CLAIMANT SHALL PROVIDE TO ALL OF THE PARTIES IN AN ASBESTOS TORT ACTION A SWORN STATEMENT BY THE CLAIMANT, UNDER PENALTY OF PERJURY, IDENTIFYING ALL EXISTING ASBESTOS TRUST CLAIMS MADE BY OR ON BEHALF OF THE CLAIMANT AND ALL TRUST CLAIMS MATERIAL PERTAINING TO EACH IDENTIFIED ASBESTOS TRUST CLAIM, AND TO PROVIDE THE MANNER IN WHICH A DEFENDANT MAY MAKE A MOTION TO STAY THE PROCEEDINGS OF AN ASBESTOS TORT ACTION AND OTHER PROCEDURES RELATED TO A DEFENDANT'S MOTION TO STAY THE PROCEEDINGS; TO AMEND CHAPTER 1, TITLE 56, RELATING TO DRIVER'S LICENSES, BY ADDING SECTION 56-1-2165 TO PROVIDE THAT NO PERSON OR ENTITY WHO EMPLOYS OR CONTRACTS WITH A PERSON WHO HOLDS A VALID COMMERCIAL DRIVER'S LICENSE SHALL BE HELD LIABLE IN ANY CIVIL ACTION ARISING OUT HIS OPERATION OF ANY MOTOR VEHICLE ON ANY THEORY OF NEGLIGENT HIRING, NEGLIGENT RETENTION, OR NEGLIGENT ENTRUSTMENT, PROVIDED THE PERSON MEETS ALL OF THE REQUIREMENTS OF CFR PARTS 383 AND 391 AT THE TIME OF THE ACCIDENT AND AT THE TIME OF HIRING, WITH CERTAIN EXCEPTIONS AND NO PERSON OR ENTITY WHO EMPLOYS OR CONTRACTS WITH A PERSON WHO DRIVES A MOTOR VEHICLE SHALL BE HELD LIABLE IN ANY CIVIL ACTION ARISING OUT HIS OPERATION OF ANY MOTOR VEHICLE ON ANY THEORY OF NEGLIGENT TRAINING OR SUPERVISION WITH CERTAIN EXCEPTIONS; TO AMEND CHAPTER 5, TITLE 56, RELATING TO THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS, BY ADDING SECTION 56-5-6255 TO PROVIDE THAT A VIOLATION OF A REGULATION ENACTED UNDER THE MOTOR VEHICLE TRAFFIC AND SAFETY STATUTES AND REGULATIONS OF THIS STATE, OR THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS, OR A CONVICTION OF A MOVING VIOLATION DOES NOT CONSTITUTE GROSS NEGLIGENCE, RECKLESSNESS, OR WILLFUL CONDUCT PER SE, BUT MAY BE USED AS EVIDENCE OF SUCH CONDUCT; AND TO AMEND SECTION 56-5-6540, RELATING TO ADMISSIBILITY AS EVIDENCE OF NEGLIGENCE IN A CIVIL ACTION, TO REMOVE THE PROVISION THAT A VIOLATION OF THIS ARTICLE IS NOT NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE, AND IT IS NOT ADMISSIBLE AS EVIDENCE IN A CIVIL ACTION.

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

H. 3125 -- Reps. Hodges, M. S. McLeod, Mitchell, Whipper, R. L. Brown, Hiott, Toole, Hardee, Cobb-Hunter, Dillard and Robinson-Simpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “MICROENTERPRISE DEVELOPMENT ACT” BY ADDING CHAPTER 55 TO TITLE 11 SO AS TO PROVIDE THAT THE DEPARTMENT OF COMMERCE SHALL ESTABLISH THE MICROENTERPRISE PARTNERSHIP PROGRAM TO PROMOTE AND FACILITATE THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE AND TO DEFINE “MICROENTERPRISE” AS A BUSINESS, WHETHER NEW OR EXISTING, INCLUDING STARTUP, HOME-BASED, AND SELF EMPLOYMENT, WITH FIVE OR FEWER EMPLOYEES; TO PROVIDE THAT THE DEPARTMENT SHALL AWARD GRANTS TO COMMUNITY ORGANIZATIONS TO MAKE LOANS AND DEVELOP LOAN SOURCES; TO ESTABLISH CRITERIA TO BE CONSIDERED IN AWARDING GRANTS; TO PROVIDE THAT APPROPRIATED FUNDS MAY BE AWARDED AS A GRANT TO MICROLOAN DELIVERY ORGANIZATIONS AND THAT SUCH GRANTS MUST BE MATCHED BY NONSTATE FUNDS; TO PROVIDE THE PURPOSE FOR WHICH GRANT FUNDS MAY BE EXPENDED; TO PROVIDE CERTAIN PROVISIONS THAT MUST BE IN A CONTRACT BETWEEN THE DEPARTMENT AND A STATEWIDE MICROLENDING SUPPORT ORGANIZATION; AND TO REQUIRE THE STATE TO SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY.

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

H. 3717 -- Reps. Quinn, Bannister, Allison, Sandifer, Sellers, Clemmons, Ballentine, Atwater, Toole, Kennedy, Vick, Erickson, Long, Bernstein, Munnerlyn, Horne, Funderburk, Brannon, Henderson, Wood, Dillard, M. S. McLeod, Whipper and R. L. Brown: A BILL TO AMEND SECTION 16-3-1700, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE OFFENSES OF HARASSMENT AND STALKING, SO AS TO INCLUDE IN THE PURVIEW OF THE OFFENSES PERSONS WHO COMMIT THE OFFENSES WHILE SUBJECT TO THE TERMS OF A RESTRAINING ORDER ISSUED BY THE FAMILY COURT; AND TO AMEND SECTIONS 16-3-1710, 16-3-1720, AND 16-3-1730, ALL AS AMENDED, RELATING TO PENALTIES FOR HARASSMENT IN THE SECOND DEGREE, HARASSMENT IN THE FIRST DEGREE, AND STALKING, RESPECTIVELY, ALL SO AS TO INCLUDE PERSONS SUBJECT TO A RESTRAINING ORDER ISSUED BY THE FAMILY COURT.

Read the first time and, on motion of Senator LARRY MARTIN, with unanimous consent, H. 3717 was ordered placed on the Calendar without reference.

H. 3987 -- Reps. Goldfinch, Herbkersman, Clemmons, Kennedy, Huggins, Hardee, McCoy, Stavrinakis, Sottile, Limehouse, Hardwick, H. A. Crawford, Riley, Murphy, Spires, Burns, Funderburk, Atwater, Barfield, Bingham, Cole, Finlay, Gagnon, George, Harrell, Owens, Pitts, Ryhal, Taylor, Vick, Wells, White, Knight, Erickson and Newton: A BILL TO AMEND SECTION 39-25-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF TERMS CONTAINED IN THE SOUTH CAROLINA FOOD AND COSMETIC ACT, SO AS TO REVISE THE DEFINITIONS OF THE TERM “FOOD”, AND TO DEFINE THE TERMS “SEAFOOD” AND “LOCAL SEAFOOD”; AND TO AMEND SECTION 39-25-30, AS AMENDED, RELATING TO ACTS PROHIBITED UNDER THE SOUTH CAROLINA FOOD AND COSMETIC ACT, SO AS TO PROVIDE THAT A RETAIL OR WHOLESALE ESTABLISHMENT IS PROHIBITED FROM SELLING SEAFOOD WHILE KNOWINGLY AND WILFULLY MISREPRESENTING THE IDENTITY OF THE SEAFOOD TO ITS PATRONS.

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

H. 4009 -- Reps. Jefferson, Southard, Vick, Williams and Gagnon: A JOINT RESOLUTION TO CREATE THE “FREE HEALTH CARE STUDY COMMITTEE” TO STUDY THE EXTENT TO WHICH MEDICAL PROFESSIONALS VOLUNTEER AT FREE MEDICAL CLINICS AND THE VARIETY AND EXTENT OF MEDICAL SERVICES PROVIDED BY MEDICAL PROFESSIONALS, TO PROVIDE FOR MEMBERSHIP OF THE STUDY COMMITTEE AND THE METHOD OF APPOINTMENT OF MEMBERS, TO SET FORTH THE DUTIES OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE TO PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GOVERNOR, GENERAL ASSEMBLY, AND DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND TO INCLUDE A SUNSET PROVISION FOR THE STUDY COMMITTEE.

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

H. 4216 -- Reps. Bales, Ballentine and Neal: A BILL TO AMEND SECTION 7-7-465, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN RICHLAND COUNTY, SO AS TO REVISE AND ADD CERTAIN PRECINCTS, TO REDESIGNATE 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, TO CORRECT REFERENCES, AND TO PROVIDE FOR ALTERNATE PRECINCT POLLING PLACES UNDER SPECIFIED CONDITIONS.

Read the first time and, on motion of Senator SCOTT, with unanimous consent, H. 4216 was ordered placed on the Calendar without reference.

H. 4268 -- Reps. D. C. Moss, V. S. Moss, Pope and King: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 55 IN YORK COUNTY FROM ITS INTERSECTION WITH THE YORK/CHEROKEE COUNTY LINE TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 161 “STATE REPRESENTATIVE HUGH J. LOVE HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “STATE REPRESENTATIVE HUGH J. LOVE HIGHWAY”.

On motion of Senator GROOMS, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

**REPORT OF STANDING COMMITTEE**

Senator ALEXANDER from the Committee on Labor, Commerce and Industry polled out H. 4133 favorable:

H. 4133 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO REQUIREMENTS OF LICENSURE IN THE FIELD OF COSMETOLOGY (EDUCATIONAL REQUIREMENTS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4336, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Poll of the Labor, Commerce and Industry Committee**

**Polled 15; Ayes 14; Nays 1; Not Voting 1**

**AYES**

Alexander Setzler O’Dell

Leatherman Bryant Massey

Williams Nicholson Davis

Scott Johnson Bennett

Corbin Turner

**Total--14**

**NAYS**

Bright

**Total--1**

**NOT VOTING**

Reese

**Total--1**

**H. 4133--Read the Second Time**

H. 4133 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO REQUIREMENTS OF LICENSURE IN THE FIELD OF COSMETOLOGY (EDUCATIONAL REQUIREMENTS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4336, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator ALEXANDER asked unanimous consent to take the Joint Resolution up for immediate consideration.

There was no objection.

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

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

**Ayes 36; Nays 5**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Hayes Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--36**

**NAYS**

Bright Bryant Corbin

*Martin, Shane* Thurmond

**Total--5**

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

**Message from the House**

Columbia, S.C., June 4, 2013

Mr. President and Senators:

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

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

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., June 4, 2013

Mr. President and Senators:

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

S. 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.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., June 30, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 22 -- Senators Sheheen, Massey, L. Martin, Hayes, Campsen, Nicholson, Young and Alexander: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2013” BY ESTABLISHING THE DEPARTMENT OF ADMINISTRATION; TO PROVIDE FOR ITS COMPOSITION, POWERS, AND DUTIES; AND TO MAKE CONFORMING AMENDMENTS.

(Abbreviated Title)

asks for a Committee of Conference, and has appointed Reps. Lucas, Delleney and Ott to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 22--CONFERENCE COMMITTEE APPOINTED**

S. 22 -- Senators Sheheen, Massey, L. Martin, Hayes, Campsen, Nicholson, Young and Alexander: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2013” BY ESTABLISHING THE DEPARTMENT OF ADMINISTRATION; TO PROVIDE FOR ITS COMPOSITION, POWERS, AND DUTIES; AND TO MAKE CONFORMING AMENDMENTS.

(Abbreviated Title)

Whereupon, Senators ALEXANDER, SHEHEEN and MASSEY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**HOUSE CONCURRENCE**

The following Resolutions were returned from the House with concurrence and received as information:

S. 750 -- Senators Alexander, Rankin and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE HONORABLE DAVID A. WRIGHT OF LEXINGTON COUNTY, COMMISSIONER FOR THE SECOND CONGRESSIONAL DISTRICT ON THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION, AND TO COMMEND HIM FOR HIS SERVICE TO THE STATE OF SOUTH CAROLINA.

S. 751 -- Senators Alexander, Rankin and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE RANDY MITCHELL FOR HIS SERVICE AS A COMMISSIONER OF THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION AND HIS LIFELONG SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

S. 752 -- Senators Alexander, Rankin and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE HONORABLE MIGNON L. CLYBURN, COMMISSIONER FOR THE FEDERAL COMMUNICATIONS COMMISSION, AND TO CONGRATULATE HER UPON HER SELECTION AS FIRST ACTING CHAIRWOMAN OF THE FEDERAL COMMUNICATIONS COMMISSION.

S. 762 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA STUDENT LEGISLATURE TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES IN 2013 AT A DATE AND TIME DETERMINED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE THAT IF SUBSEQUENT TO A DETERMINATION EITHER BODY IS IN SESSION, THE CHAMBERS MAY NOT BE USED AND ALTERNATE DATES AND TIMES MAY BE SELECTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

S. 766 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE THE BLYTHEWOOD GARDEN CLUB ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY AND TO COMMEND THE CLUB ON SIX DECADES OF CONTRIBUTING TO THE BEAUTIFICATION OF THE STATE OF SOUTH CAROLINA.

S. 768 -- Senator Peeler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SERGEANT WILLIAM “DON” RHODES OF THE SOUTH CAROLINA STATE TRANSPORT POLICE, UPON THE OCCASION OF HIS RETIREMENT, AND TO EXTEND SINCERE APPRECIATION FOR HIS DEDICATION TO THE CAUSE OF TRUCK SAFETY, EDUCATION, INDUSTRY PROFESSIONAL DEVELOPMENT, REASONABLE ENFORCEMENT PRACTICES, AND GENUINE DEVOTION TO HIS DUTIES, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

**Message from the House**

Columbia, S.C., June 4, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 4, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3451 -- Reps. Tallon, Cole, Forrester, Kennedy, Murphy, Pope, Rutherford and Weeks: A BILL TO AMEND SECTION 56‑7‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSES THAT A PERSON MAY BE CHARGED ON A UNIFORM TRAFFIC TICKET, SO AS TO PROVIDE THAT THE OFFENSES OF SHOPLIFTING AND CRIMINAL DOMESTIC VIOLENCE MUST BE CHARGED ON A UNIFORM TRAFFIC TICKET.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 4, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3409 -- Reps. Sandifer and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑59‑25 SO AS TO PROHIBIT CERTAIN ACTS BY RESIDENTIAL BUILDERS OR CONTRACTORS RELATING TO ROOFING SYSTEMS; AND TO AMEND SECTION 40‑59‑110, RELATING TO REVOCATION, SUSPENSION, OR RESTRICTION OF THE LICENSE BY THE RESIDENTIAL HOME BUILDERS COMMISSION, SO AS TO PROVIDE A CONFORMING CHANGE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 4, 2013, at 3:45 P.M. and the following Acts and Joint Resolutions were ratified:

(R44, S. 96) -- Senator Cleary: AN ACT TO AMEND SECTION 54-15-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA COMMISSIONERS OF PILOTAGE FOR THE UPPER COASTAL AREA, SO AS TO INCREASE THE NUMBER OF MEMBERS ON THE COMMISSION FROM SIX TO EIGHT, AND TO REVISE APPOINTMENT AND RELATED PROVISIONS.

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(R45, S. 117) -- Senators Hayes, Courson, O’Dell, Verdin and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑66‑75 SO AS TO REQUIRE A HEALTH CARE PROVIDER TO GIVE A PATIENT AN OPPORTUNITY TO ALLOW DISCLOSURE OF CERTAIN INFORMATION TO DESIGNATED FAMILY MEMBERS AND OTHER INDIVIDUALS AND TO AUTHORIZE THE INVOLVEMENT OF THESE FAMILY MEMBERS AND OTHER INDIVIDUALS IN THE TREATMENT OF THE PATIENT; TO SPECIFY THE CONTENTS OF THE AUTHORIZATION; TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR GOOD FAITH DISCLOSURE OF INFORMATION; AND TO AMEND SECTION 44‑66‑20, AS AMENDED, RELATING TO DEFINITIONS IN THE ADULT HEALTH CARE CONSENT ACT, SO AS TO DEFINE “PATIENT” AND “TREATMENT” AND TO AMEND OTHER DEFINITIONS.

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(R46, S. 143) -- Senators Malloy, Ford, Massey, S. Martin and Hayes: AN ACT TO AMEND ARTICLES 1, 2, 3, AND 4 OF TITLE 62, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO, AMONG OTHER THINGS, DEFINE THE JURISDICTION OF THE PROBATE CODE, TO DETERMINE INTESTATE SUCCESSION, TO PROVIDE FOR THE PROCESS OF EXECUTING A WILL, TO PROVIDE FOR THE PROCESS TO PROBATE AND ADMINISTER A WILL, AND TO PROVIDE FOR LOCAL AND FOREIGN PERSONAL REPRESENTATIVES; AND TO AMEND ARTICLES 6 AND 7 OF TITLE 62, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO PROVIDE FOR THE GOVERNANCE OF NONPROBATE TRANSFERS, AND TO AMEND THE SOUTH CAROLINA TRUST CODE.

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(R47, S. 191) -- Senators Verdin, Sheheen, Lourie, Cromer, O’Dell, Hutto, Jackson, Alexander and McElveen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46‑3‑25 SO AS TO REQUIRE THE DEPARTMENT OF AGRICULTURE TO CREATE AND MAINTAIN A PROGRAM 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.

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(R48, S. 214) -- Senators Fair and Ford: AN ACT TO AMEND SECTION 40‑30‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE MASSAGE/BODYWORK PRACTICE ACT, SO AS TO ADD, REVISE, AND DELETE DEFINITIONS; TO AMEND SECTION 40‑30‑40, RELATING TO THE ADVISORY PANEL FOR MASSAGE/BODYWORK THERAPY UNDER THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO REDESIGNATE THE ADVISORY PANEL TO BE KNOWN AS THE “PANEL”, TO REVISE QUALIFICATIONS AND MANNER OF APPOINTMENT OF PANEL MEMBERS, AND TO PROVIDE COMPENSATION FOR MEMBERS AND REIMBURSEMENT OF CERTAIN EXPENSES; TO AMEND SECTION 40‑30‑50, RELATING TO DUTIES OF THE PANEL, SO AS TO PROVIDE ADDITIONAL DUTIES AND POWERS; TO AMEND SECTION 40‑30‑60, RELATING TO USE OF EMPLOYEES OF THE DEPARTMENT AND PROMULGATION OF REGULATIONS BY THE BOARD, SO AS TO REMOVE OBSOLETE REFERENCES; TO AMEND SECTION 40‑30‑90, RELATING TO REPORTING REQUIREMENTS, SO AS TO REMOVE AN OBSOLETE REFERENCE; TO AMEND SECTION 40‑30‑110, RELATING TO QUALIFICATIONS FOR LICENSURE, SO AS TO REQUIRE CLASSROOM STUDY INSTEAD OF SUPERVISED STUDY, AND TO SPECIFY PROFESSIONAL EXAMINATIONS CONSIDERED ACCEPTABLE FOR LICENSURE; TO AMEND SECTION 40‑30‑200, RELATING TO COMPLAINTS CONCERNING THE FITNESS OF A LICENSEE TO PRACTICE, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40‑30‑220, RELATING TO EQUITABLE REMEDIES AVAILABLE TO THE PANEL, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40‑30‑230, RELATING TO GROUNDS OF MISCONDUCT, SO AS TO MAKE CONFORMING CHANGES AND REVISE THE GROUNDS RELATED TO CONVICTIONS FOR CERTAIN CRIMINAL CONDUCT; TO AMEND SECTION 40‑30‑240, RELATING TO INVESTIGATIONS OF MISCONDUCT RELATED TO SUBSTANCE ABUSE, SO AS TO MAKE CONFORMING CHANGES AND REVISE LANGUAGE CONCERNING RECORDS THE PANEL OBTAINS IN AN INVESTIGATION; TO AMEND SECTION 40‑30‑250, RELATING TO ACTIONS THE BOARD MAY TAKE IN RESPONSE TO A DISCIPLINARY VIOLATION, SO AS TO MAKE CONFORMING CHANGES AND ADD PROVISIONS CONCERNING A PRIVATE REPRIMAND; TO AMEND SECTION 40‑30‑260, RELATING TO VOLUNTARY SURRENDER OF A LICENSE, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40‑30‑270, RELATING TO APPEALS FROM DISCIPLINARY PANEL DECISIONS, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40‑30‑300, RELATING TO SERVICE OF PROCESS ON NONRESIDENTS, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40‑30‑310, RELATING TO CIVIL PENALTIES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 40‑30‑65 RELATING TO THE CREATION AND STRUCTURE OF THE DISCIPLINARY PANEL, SECTION 40‑30‑70 RELATING TO DUTIES OF THE DISCIPLINARY PANEL, AND SECTION 40‑30‑210 RELATING TO PROCEDURES BEFORE THE DISCIPLINARY PANEL.

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(R49, S. 221) -- Senator Hayes: AN ACT TO AMEND SECTION 36‑4A‑108, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNIFORM COMMERCIAL CODE‑FUNDS TRANSFERS, SO AS TO MAKE THE CHAPTER APPLICABLE TO REMITTANCE TRANSFERS, UNLESS THE REMITTANCE TRANSFER IS AN ELECTRONIC FUND TRANSFER, AND TO PROVIDE THAT, IN THE EVENT THERE IS AN INCONSISTENCY BETWEEN THE APPLICABLE PROVISION OF THE CHAPTER AND THE APPLICABLE PROVISION OF THE ELECTRONIC FUND TRANSFER ACT, THE PROVISION OF THE ELECTRONIC FUND TRANSFER ACT GOVERNS.

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(R50, S. 250) -- Senators Cromer and Ford: AN ACT TO AMEND SECTION 33‑56‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ORGANIZATIONS EXEMPT FROM FILING REGISTRATION STATEMENTS TO SOLICIT CHARITABLE CONTRIBUTIONS, SO AS TO ADD PUBLIC SCHOOL DISTRICTS AND PUBLIC SCHOOLS AS ORGANIZATIONS EXEMPT FROM THE FILING REQUIREMENT.

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(R51, S. 323) -- Senator Hayes: AN ACT TO AMEND THE OFFICIAL COMMENT TO SECTION 36‑9‑101, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CHAPTER TITLED “UNIFORM COMMERCIAL CODE ‑ SECURED TRANSACTIONS”, SO AS TO, INTER ALIA, IDENTIFY THE SPECIFIC VERSION OF THE UNITED STATES BANKRUPTCY CODE REFERENCED THROUGHOUT THE COMMENTS TO CHAPTER 9, TITLE 36; TO AMEND SECTION 36‑9‑102, RELATING TO THE DEFINITIONS APPLICABLE TO CHAPTER 9, TITLE 36, SO AS TO REVISE EXISTING OR PROVIDE NEW DEFINITIONS FOR CERTAIN TERMS, AND TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 36‑9‑105, RELATING TO THE CONTROL OF ELECTRONIC CHATTEL PAPER, SO AS TO CLARIFY THE CONDITIONS UNDER WHICH A SECURED PARTY IS DEEMED TO HAVE CONTROL OF ELECTRONIC CHATTEL PAPER; TO AMEND SECTION 36‑9‑307, RELATING TO THE DEBTOR’S LOCATION, SO AS TO INCLUDE PROVISIONS FOR DESIGNATING A MAIN OFFICE, HOME OFFICE, OR OTHER COMPATIBLE OFFICE; TO AMEND SECTION 36‑9‑311, RELATING TO THE PERFECTION OF SECURITY INTERESTS IN PROPERTY SUBJECT TO CERTAIN STATUTES, REGULATIONS, AND TREATIES, SO AS TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION 36‑9‑316, RELATING TO THE CONTINUED PERFECTION OF A SECURITY INTEREST FOLLOWING A CHANGE IN THE GOVERNING LAW, SO AS TO PROVIDE RULES THAT APPLY TO COLLATERAL TO WHICH A SECURITY INTEREST ATTACHES WITHIN FOUR MONTHS AFTER A DEBTOR CHANGES LOCATION; TO AMEND SECTION 36‑9‑317, RELATING TO THE PRIORITY OF INTERESTS, SO AS REVISE THE TERMINOLOGY OF CERTAIN TYPES OF INTERESTS AND PRIORITIES; TO AMEND SECTION 36‑9‑326, RELATING TO THE PRIORITY OF SECURITY INTERESTS CREATED BY A NEW DEBTOR, SO AS TO CLARIFY PROVISIONS REGARDING THE PERFECTION OF A SECURITY INTEREST; TO AMEND SECTION 36‑9‑406, RELATING TO THE DISCHARGE OF AN ACCOUNT DEBTOR, SO AS TO CLARIFY PROVISIONS REGARDING A SALE UNDER A DISPOSITION PURSUANT TO SECTION 36‑9‑610, OR AN ACCEPTANCE OF COLLATERAL PURSUANT TO SECTION 36‑9‑620; TO AMEND SECTION 36‑9‑408, RELATING TO RESTRICTIONS ON ASSIGNMENT OF PROMISSORY NOTES, SO AS TO CLARIFY PROVISIONS REGARDING A SALE UNDER A DISPOSITION PURSUANT TO SECTION 36‑9‑610, OR AN ACCEPTANCE OF COLLATERAL PURSUANT TO SECTION 36‑9‑620; TO AMEND SECTION 36‑9‑502, RELATING TO THE CONTENTS OF A FINANCING STATEMENT AND A RECORD OF MORTGAGE AS A FINANCING STATEMENT, SO AS TO CLARIFY PROVISIONS REGARDING THE NAME OF A DEBTOR ON A RECORD OF MORTGAGE AS A FINANCING STATEMENT; TO AMEND SECTION 36‑9‑503, RELATING TO THE NAME OF A DEBTOR AND SECURED PARTY, SO AS TO REVISE PROVISIONS REGARDING THE PROPER NAME OF A DEBTOR ON A FINANCING STATEMENT; TO AMEND SECTION 36‑9‑507, RELATING TO THE EFFECT OF CERTAIN EVENTS ON THE EFFECTIVENESS OF A FINANCING STATEMENT, SO AS TO REVISE PROVISIONS REGARDING THE SUFFICIENCY OF THE DEBTOR’S NAME; TO AMEND SECTION 36‑9‑515, RELATING TO THE DURATION AND EFFECTIVENESS OF A FINANCING STATEMENT, SO AS TO CLARIFY THE EFFECTIVENESS OF CERTAIN INITIALLY FILED FINANCING STATEMENTS; TO AMEND SECTION 36‑9‑516, AS AMENDED, RELATING TO WHAT CONSTITUTES FILING AND THE EFFECTIVENESS OF FILING, SO AS TO CLARIFY WHEN A DEBTOR IS AN INDIVIDUAL OR AN ORGANIZATION; TO AMEND SECTION 36‑9‑518, AS AMENDED, RELATING TO A CLAIM CONCERNING AN INACCURATE OR WRONGFULLY FILED RECORD, SO AS TO INCLUDE PROVISIONS REGARDING THE FILING OF AN INFORMATION STATEMENT; TO AMEND SECTION 36‑9‑521, REGARDING THE UNIFORM FORM OF A WRITTEN FINANCING STATEMENT AND AMENDMENT, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 36‑9‑607, RELATING TO COLLECTION AND ENFORCEMENT BY A SECURED PARTY, SO AS TO REVISE PROVISIONS REGARDING THE SECURED PARTY’S SWORN AFFIDAVIT; BY ADDING PART 8 TO CHAPTER 9, TITLE 36, SO AS TO ENTITLE PART 8 AS “TRANSITION”; AND TO MAKE CORRESPONDING CHANGES TO APPROPRIATE OFFICIAL COMMENTS AS NECESSARY TO REFLECT THE CHANGES TO CHAPTER 9, TITLE 36.

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(R52, S. 382) -- Senators Grooms, Alexander, L. Martin, Campbell, Davis, McGill, Nicholson, O’Dell, Reese, Shealy, Johnson, Verdin, Williams, Cleary, Allen, Rankin, Setzler, Lourie, Scott, Ford, Turner, Bennett, Corbin, Bright, Hutto, Jackson, Sheheen, Pinckney, Cromer, Hembree, Matthews, McElveen, Young, Hayes and Malloy: AN ACT TO AMEND SECTION 56‑15‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR REGULATING MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO DEFINE THE TERMS “DUE CAUSE” AND “MATERIAL BREACH”; TO AMEND SECTION 56‑15‑40, RELATING TO SPECIFIC ACTS DEEMED UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, SO AS TO PROVIDE THAT A MANUFACTURER, DISTRIBUTOR, WHOLESALER, DISTRIBUTOR BRANCH OR DIVISION, FACTORY BRANCH OR DIVISION, WHOLESALE BRANCH OR DIVISION, OFFICER, AGENT, OR OTHER REPRESENTATIVE THEREOF, MAY NOT REQUIRE OR COERCE A MOTOR VEHICLE DEALER TO OFFER TO SELL OR SELL ANY EXTENDED SERVICE CONTRACT, EXTENDED MAINTENANCE PLAN, FINANCIAL PRODUCT, OR INSURANCE PRODUCT OFFERED, SOLD, OR SPONSORED BY THE MANUFACTURER OR TO SELL, ASSIGN, OR TRANSFER ANY RETAIL INSTALLMENT SALES CONTRACT OR LEASE OBTAINED BY THE MOTOR VEHICLE DEALER IN CONNECTION WITH THE SALE OR LEASE OF A NEW MOTOR VEHICLE MANUFACTURED BY THE MANUFACTURER TO A SPECIFIED FINANCE COMPANY, CLASS OF FINANCE COMPANIES, LEASING COMPANY, CLASS OF LEASING COMPANIES, OR TO ANY OTHER SPECIFIED PERSON; TO DEFINE THE TERM “FINANCIAL SERVICES COMPANY”; AND TO PROVIDE THAT A MANUFACTURER OR DISTRIBUTOR MAY NOT USE A CERTAIN FINANCIAL SERVICES COMPANIES OR LEASING COMPANIES TO ACCOMPLISH ILLEGAL CONDUCT; BY ADDING SECTION 56‑15‑47 SO AS TO PROVIDE THAT A MANUFACTURER MAY NOT PREVENT A MOTOR VEHICLE DEALER FROM DESIGNATING A SUCCESSOR TO THE DEALERSHIP IN THE EVENT OF DEATH OR INCAPACITY OF THE MOTOR VEHICLE DEALER, AND TO PROVIDE THE CONDITIONS UPON WHICH A PERSON MAY SUCCEED TO A FRANCHISE; TO AMEND SECTION 56‑15‑60, RELATING TO MOTOR VEHICLE DEALER’S CLAIMS FOR COMPENSATION, SO AS TO PROVIDE THAT ALL WARRANTY CLAIMS, SERVICE CLAIMS, OR INCENTIVE CLAIMS NOT SPECIFICALLY DISAPPROVED IN WRITING WITHIN THIRTY DAYS OF RECEIPT SHALL BE CONSTRUED AS APPROVED AND PAYMENT MUST FOLLOW WITHIN THIRTY DAYS, AND A MANUFACTURER SHALL NOT UNREASONABLY DISAPPROVE A CLAIM THAT RESULTS IN A CLERICAL OR ADMINISTRATIVE ERROR AND THAT CLAIM DISAPPROVAL MUST BE BASED ON A MATERIAL DEFECT; BY ADDING SECTION 56‑15‑95 SO AS TO PROVIDE THAT A MANUFACTURER MAY NOT TERMINATE OR CANCEL A FRANCHISE OR SELLING AGREEMENT OF A MOTOR VEHICLE DEALER WITHOUT DUE CAUSE, AND TO PROVIDE THE FACTORS THE COURT MUST USE WHEN IT DETERMINES WHETHER DUE CAUSE EXISTS; BY ADDING SECTION 56‑15‑96 SO AS TO PROVIDE THAT A PERFORMANCE STANDARD, SALES EFFECTIVENESS STANDARD, SALES OBJECTIVE, OR PROGRAM FOR MEASURING DEALERSHIP PERFORMANCE THAT MAY HAVE A MATERIAL EFFECT ON A MOTOR VEHICLE DEALER SHALL BE FAIR, REASONABLE, EQUITABLE, BASED ON ACCURATE INFORMATION, AND UNIFORMLY APPLIED TO OTHER SIMILARLY SITUATED MOTOR VEHICLE DEALERS; AND BY ADDING SECTION 56‑15‑98 SO AS TO PROVIDE THAT A MANUFACTURER OR DISTRIBUTOR, OFFICER, AGENT, OR ANY REPRESENTATIVE OF A MANUFACTURER OR DISTRIBUTOR MAY NOT UNREASONABLY ALTER A NEW MOTOR VEHICLE DEALER’S AREA OF RESPONSIBILITY, AND TO PROVIDE A PROCEDURE TO ALTER A NEW MOTOR VEHICLE DEALER’S AREA OF RESPONSIBILITY.

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(R53, S. 417) -- Senators Alexander and Davis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT”; BY ADDING SECTION 59‑101‑400 SO AS TO PROVIDE A PUBLIC, POST‑SECONDARY INSTITUTION OF HIGHER EDUCATION IN THIS STATE MAY AWARD EDUCATIONAL CREDIT TO AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES FOR A COURSE THAT IS PART OF HIS MILITARY TRAINING OR SERVICE, SUBJECT TO CERTAIN CONDITIONS, AND TO REQUIRE THE INSTITUTION TO IMPLEMENT RELATED POLICIES AND REGULATIONS WITHIN A SPECIFIED TIME FRAME; BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 40 SO AS TO PROVIDE MISCELLANEOUS LICENSURE PROVISIONS FOR MILITARY PERSONNEL, TO PROVIDE A PERSON LICENSED BY BOARD OR COMMISSION UNDER THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IS EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS AND FEE ASSESSMENTS DURING ACTIVE DUTY IN THE UNITED STATES ARMED FORCES, TO PROVIDE A BOARD OR COMMISSION MAY ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE A BOARD OR COMMISSION MAY ACCEPT CERTAIN COURSEWORK OR EXPERIENCE OBTAINED DURING THE COURSE OF MILITARY SERVICE TO SATISFY RELATED PROFESSIONAL OR OCCUPATIONAL EDUCATION OR TRAINING LICENSURE REQUIREMENTS; AND TO REPEAL SECTIONS 40‑1‑75 RELATING TO EXEMPTING ACTIVE DUTY MILITARY PERSONNEL FROM CONTINUING EDUCATION REQUIREMENTS, AND 40‑1‑77 RELATING TO TEMPORARY PROFESSIONAL OR OCCUPATIONAL LICENSES FOR MILITARY SPOUSES, THE SUBSTANCE OF WHICH IS INCORPORATED INTO THE NEW ARTICLE ADDED BY THIS ACT.

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(R54, S. 438) -- Senators L. Martin and Campbell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑15‑70 SO AS TO PROVIDE FOR THE FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONTRACTS BY STIPULATING THAT STATE OR LOCAL ENTITIES, OFFICIALS, AND EMPLOYEES, IN REGARD TO A PUBLIC BUILDING, MAY NOT REQUIRE OR PROHIBIT A BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR FROM ENTERING INTO OR ADHERING TO AN AGREEMENT WITH ONE OR MORE LABOR ORGANIZATIONS IN REGARD TO THE PROJECT AND MAY NOT OTHERWISE DISCRIMINATE AGAINST A BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR FOR BECOMING OR REFUSING TO BECOME A SIGNATORY TO AN AGREEMENT WITH ONE OR MORE LABOR ORGANIZATIONS IN REGARD TO THE PROJECT, TO PROVIDE THAT STATE AND LOCAL ENTITIES, OFFICIALS, AND EMPLOYEES SHALL NOT AWARD A GRANT, TAX ABATEMENT, OR TAX CREDIT CONDITIONED UPON THE INCLUSION OF SUCH AGREEMENTS IN THE AWARD, AND TO PROVIDE EXCEPTIONS TO AND EXEMPTIONS FROM THESE PROVISIONS.

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(R55, S. 464) -- Senators Hayes and Malloy: AN ACT TO AMEND SECTION 38‑77‑150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATORY MINIMUM UNINSURED MOTORIST INSURANCE COVERAGE, SO AS TO INCREASE THE MINIMUM COVERAGE TO TWENTY‑FIVE THOUSAND DOLLARS; TO AMEND SECTION 56‑9‑20, RELATING TO DEFINITIONS IN THE MOTOR VEHICLE RESPONSIBILITY ACT, SO AS TO REVISE THE DEFINITION OF “PROOF OF FINANCIAL RESPONSIBILITY” TO CONFORM AND TO INCREASE THE AMOUNT OF COVERAGE REQUIRED FOR MULTIPLE BODILY INJURIES; AND TO AMEND SECTION 56‑9‑353, RELATING TO POLICIES AND BONDS, AND SECTION 56‑9‑480, RELATING TO SATISFACTION OF JUDGMENTS, SO AS TO MAKE CONFORMING CHANGES.

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(R56, S. 465) -- Senator Hayes: AN ACT TO AMEND SECTION 38‑71‑1330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT, SO AS TO REVISE THE DEFINITION OF AN “ELIGIBLE EMPLOYEE”.

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(R57, S. 530) -- Senators Hayes, Campbell and L. Martin: AN ACT 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 WHO OFFER ONLY CLOSED PANEL HEALTH PLANS TO ITS EMPLOYEES ALSO OFFER A POINT‑OF‑SERVICE OPTION TO ITS EMPLOYEES, TO MAKE CONFORMING CHANGES, TO PROVIDE THAT A POINT‑OF‑SERVICE OPTION MAY NOT DISCRIMINATE AGAINST CERTAIN HEALTH CARE PROVIDERS BY EXCLUDING THEM FROM NETWORK PARTICIPATION ON THE BASIS OF THEIR PROFESSION, 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.

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(R58, S. 559) -- Senators Campsen and McGill: AN ACT TO AMEND SECTION 50‑5‑1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FLOUNDER CATCH LIMITS, SO AS TO DECREASE THE MAXIMUM CATCH LIMITS FOR FLOUNDER AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR POSSESS MORE THAN FIFTEEN FLOUNDER TAKEN BY MEANS OF GIG, SPEAR, HOOK AND LINE, OR SIMILAR DEVICE IN ANY ONE DAY, NOT TO EXCEED THIRTY FLOUNDER IN ANY ONE DAY ON ANY BOAT.

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(R59, S. 620) -- Senator Verdin: AN ACT TO AMEND SECTION 56‑3‑2335, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF RESEARCH AND DEVELOPMENT LICENSE PLATES, SO AS TO INCLUDE THE MANUFACTURE AND RESEARCH AND DEVELOPMENT OF TRANSMISSIONS IN THIS STATE AS A PART OF THE DEFINITION OF THE TERM “RESEARCH AND DEVELOPMENT BUSINESS”, TO INCLUDE A PERSON OR COMPANY IN THE BUSINESS OF OPERATING A GROUP OF VEHICLES DRIVEN BY THEIR EMPLOYEES FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF A RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS AS A PART OF THE DEFINITION OF THE TERM “CONTRACTED FLEET OWNER”, TO DEFINE THE TERM “TRANSMISSIONS”, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE RESEARCH AND DEVELOPMENT LICENSE PLATES FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF A RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS ON A MOTOR VEHICLE, TO PROVIDE THAT THE DEPARTMENT MAY ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER STATES CONCERNING THE REGISTRATION AND OPERATION OF VEHICLES OWNED BY A RESEARCH AND DEVELOPMENT BUSINESS FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS, AND TO PROVIDE THAT IT IS THE SOLE RESPONSIBILITY OF THE RESEARCH AND DEVELOPMENT BUSINESS OR CONTRACTED FLEET OWNER TO TAKE ANY OTHER ACTIONS REQUIRED BY ANOTHER STATE THAT ARE NECESSARY FOR THE RESEARCH AND DEVELOPMENT BUSINESS OR CONTRACTED FLEET OWNER, TO LEGALLY TEST AND EVALUATE THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS’ TRANSMISSIONS IN THAT STATE.

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(R60, S. 635) -- Senators Shealy, Campbell, Corbin, Turner, Bryant and Campsen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑23‑300 SO AS TO PROVIDE THAT A MAJOR FACILITY PROJECT REQUESTING THIRD‑PARTY CERTIFICATION SHALL NOT BE ALLOWED TO SEEK A RATING POINT THAT WOULD DISCRIMINATE AGAINST WOOD PRODUCTS OF THIS STATE DERIVED FROM FOREST LANDS CERTIFIED BY THE SUSTAINABLE FORESTRY INITIATIVE OR THE AMERICAN TREE FARM SYSTEM.

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(R61, S. 636) -- Senator Alexander: AN ACT 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.

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(R62, S. 641) -- Senator Campsen: A JOINT RESOLUTION TO DEFINE “FALCONRY” AND MAKE IT LAWFUL TO ENGAGE IN FALCONRY IN SOUTH CAROLINA JANUARY 1, 2014, THROUGH DECEMBER 31, 2014, TO PROVIDE FOR THE REGULATION OF FALCONRY, AND TO PROVIDE A PENALTY FOR VIOLATIONS.

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(R63, S. 643) -- Senators Hayes and Leatherman: AN ACT TO AMEND ACT 288 OF 2012, RELATING TO THE 2012‑2013 GENERAL APPROPRIATIONS ACT, SO AS TO REVISE PARAGRAPH 1A.48, SECTION 1A, PART IB, THAT DIRECTS THE DEPARTMENT OF EDUCATION TO TRANSFER CERTAIN FUNDS TO MEET MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY DELETING THE SET MAXIMUM AMOUNT THAT MAY BE TRANSFERRED.

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(R64, S. 674) -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERMS AND CONDITIONS FOR THE PUBLIC’S USE OF LAKES AND PONDS OWNED AND LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4341, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R65, H. 3061) -- Reps. McCoy, M.S. McLeod, Stavrinakis and Sellers: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑75 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, TO POST ON ITS WEBSITE NATIONALLY RECOGNIZED GUIDELINES AND PROCEDURES CONCERNING THE MANAGEMENT OF CONCUSSIONS SUSTAINED BY STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP ITS OWN GUIDELINES AND PROCEDURES BASED ON THE MODEL GUIDELINES AND PROCEDURES, TO REQUIRE AN INFORMATION SHEET ON CONCUSSIONS AND BRAIN INJURY BE PROVIDED TO CERTAIN PERSONS EACH YEAR WHO PARTICIPATE IN ATHLETICS, TO REQUIRE THE REMOVAL FROM PLAY AND EVALUATION OF A STUDENT ATHLETE BELIEVED TO HAVE SUSTAINED A CONCUSSION DURING PLAY, TO ALLOW FOR THE EVALUATION TO BE UNDERTAKEN BY CERTAIN TRAINED PERSONS, TO PROVIDE LIMITED LIABILITY FOR CERTAIN TRAINED PERSONS WHO EVALUATE STUDENT ATHLETES, TO PROVIDE A STUDENT ATHLETE REMOVED FROM PLAY AND EVALUATED MAY NOT RETURN TO PLAY UNTIL HE HAS RECEIVED WRITTEN MEDICAL CLEARANCE BY A PHYSICIAN, AND TO DEFINE NECESSARY TERMS.

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(R66, H. 3193) -- Reps. Rutherford and King: AN ACT 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 MAY BE USED IN COMPUTING TIME SERVED BY A PRISONER.

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(R67, H. 3538) -- Reps. Bannister, Tallon, Sandifer, Hamilton, Erickson, Gambrell, Brannon, Allison, Felder and Weeks: AN ACT TO AMEND SECTION 16‑17‑500, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OR PURCHASE OF TOBACCO PRODUCTS FOR MINORS, SO AS TO INCLUDE ALTERNATIVE NICOTINE PRODUCTS IN THE PURVIEW OF THE STATUTE; TO AMEND SECTION 16‑17‑501, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF RELEVANT TOBACCO PRODUCT FOR MINORS OFFENSES, SO AS TO DEFINE THE TERMS “ALTERNATIVE NICOTINE PRODUCT” AND “ELECTRONIC CIGARETTE”; AND TO AMEND SECTIONS 16‑17‑502, 16‑17‑503, AND 16‑17‑504, RELATING TO DISTRIBUTION OF TOBACCO PRODUCT SAMPLES, ENFORCEMENT AND REPORTING, AND IMPLEMENTATION, RESPECTIVELY, ALL SO AS TO MAKE CONFORMING CHANGES TO INCLUDE ALTERNATIVE NICOTINE PRODUCTS.

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(R68, H. 3554) -- Reps. Cole, Forrester, G.M. Smith, Stavrinakis, Herbkersman and Merrill: AN ACT TO AMEND SECTION 61‑4‑1515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SAMPLES AND SALES OF BEER AT BREWERIES, SO AS TO SPECIFY THAT TWELVE PERCENT ALCOHOL BY WEIGHT IS THE MAXIMUM THAT MAY BE OFFERED FOR ON‑PREMISES CONSUMPTION, TO ALLOW FOR THE SALE OF FORTY‑EIGHT OUNCES OF BEER TO A CONSUMER EVERY TWENTY‑FOUR HOURS, OF WHICH ONLY SIXTEEN OUNCES MAY BE MORE THAN EIGHT PERCENT ALCOHOL BY WEIGHT, TO REQUIRE THE BREWERY TO ESTABLISH A SYSTEM TO MONITOR SUCH SALES AND SAMPLES, TO PROVIDE THE BEER MUST BE SOLD AT THE APPROXIMATE RETAIL PRICE, TO PROVIDE THAT APPROPRIATE TAXES MUST BE REMITTED, TO REQUIRE THE BREWERY TO POST CERTAIN INFORMATION, TO REQUIRE THE BREWERY TO PROVIDE CERTAIN ALCOHOL ENFORCEMENT TRAINING, TO REQUIRE THE BREWERY TO MAINTAIN CERTAIN LIABILITY INSURANCE, TO CLARIFY THAT A CERTAIN PROVISION APPLIES TO OFF‑PREMISES CONSUMPTION, TO INCREASE THE FINE AND PENALTIES FOR A BREWERY VIOLATING CERTAIN OFF‑PREMISES CONSUMPTION PROVISIONS; TO AMEND SECTION 61‑4‑960, RELATING TO RETAILERS OF BEER FOR OFF‑PREMISES CONSUMPTION AND BEER TASTINGS, SO AS TO ALLOW A BEER TASTING TO BE HELD IN CONJUNCTION WITH A WINE TASTING, AND TO REQUIRE THE DEPARTMENT OF REVENUE AND THE STATE LAW ENFORCEMENT DIVISION TO SUBMIT A REPORT DETAILING CERTAIN INFORMATION REGARDING THE EFFECT OF THE AMENDMENTS TO SECTION 61‑4‑1515.

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(R69, 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: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT 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 AND STORE 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 FOR ADMINISTRATION OR SELF‑ADMINISTRATION BY STUDENTS AND OTHER PEOPLE; 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 REQUIRE CERTAIN GOVERNING AUTHORITIES OF SCHOOL DISTRICTS AND PRIVATE SCHOOLS, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE STATE DEPARTMENT OF EDUCATION, TO DEVELOP AND IMPLEMENT A PLAN FOR MANAGEMENT OF STUDENTS WITH LIFE‑THREATENING ALLERGIES, INCLUDING FOR ADMINISTRATION AND PROVISION OF EPINEPHRINE AUTO‑INJECTORS TO STUDENTS AND OTHER PEOPLE; TO PROVIDE THAT SCHOOLS ARE NOT SUBJECT TO THE SOUTH CAROLINA PHARMACY ACT AND RELEVANT REGULATIONS GOVERNING THE PRACTICE OF PHARMACY FOR PURPOSES OF CERTAIN ACTIONS TAKEN PURSUANT TO THE SECTION; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY WITH REGARD TO USE OF EPINEPHRINE AUTO‑INJECTORS BY SCHOOLS.

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(R70, H. 3751) -- Rep. Sandifer: AN ACT 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 IN A CERTAIN MANNER; BY ADDING SECTION 41‑35‑135 SO AS TO PROVIDE CIRCUMSTANCES WHEN THE DEPARTMENT SHALL CHARGE THE ACCOUNT OF AN EMPLOYER FOR OVERPAYMENT OF 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, EFFECTIVE OCTOBER 1, 2013; 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”; AND TO MANDATE IMPLEMENTATION OF AN ONLINE, PREFILING PROGRAM BY THE DEPARTMENT FOR USE OF EMPLOYERS TO ADDRESS POTENTIAL BENEFIT CLAIMS.

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(R71, 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: AN ACT 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, TO REVISE THE DEFINITION OF THE TERM “HUNTING” BY EXCLUDING REFERENCES TO THE CARCASS OF A COYOTE, ARMADILLO, OR FERAL HOG, TO MAKE A TECHNICAL CHANGE, TO DELETE THE PROVISION THAT RELATES TO THE HUNTING OF CERTAIN ANIMALS UNDER SECTION 50-11-710, TO DELETE THE PROVISION THAT REQUIRES THE DEPARTMENT OF NATURAL RESOURCES TO PAY THE NET PROCEEDS FROM THE SALE OF A CONFISCATED DEVICE TO THE STATE TREASURER FOR DEPOSIT INTO THE FISH AND WILDLIFE PROTECTION FUND, AND REQUIRE THAT THE NET PROCEEDS FROM A SALE MUST BE DEPOSITED IN A COUNTY’S GAME AND FISH FUND, AND TO REVISE THE PENALTIES THAT MAY BE IMPOSED FOR THE UNLAWFUL HUNTING OF WILDLIFE.

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(R72, H. 3907) -- Reps. Willis, Owens, Stringer, Daning, Brannon, Rivers, Kennedy, King, Mitchell, Putnam, Wells and Wood: AN ACT 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 THESE PROVISIONS SHALL NOT INTERFERE WITH A BONA FIDE SALE OF A MOTOR VEHICLE BY A DEALER, 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.

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(R73, H. 4038) -- Reps. Sandifer and Harrell: AN ACT TO AMEND SECTION 40‑22‑280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE APPLICATION OF THE CHAPTER CONCERNING ENGINEERS AND SURVEYORS, SO AS TO ADD AN EXEMPTION FOR THE WORK OR PRACTICE OF RENDERING CERTAIN ENGINEERING SERVICES TO A CORPORATION OPERATING UNDER A PRODUCTION CERTIFICATE ISSUED BY THE FEDERAL AVIATION AUTHORITY, AND TO DEFINE A RELATED TERM.

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

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

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

Senator COLEMAN 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.

**Motion Under Rule 26B**

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

There was no objection.

Senator COLEMAN proposed the following amendment (234R008.CC), which was adopted:

Amend the bill, as and if amended, page 2 by striking line 37 and inserting:

/ immediate preceding use as a single‑family residence. For purposes of this item, use of any portion of a building or structure listed on the National Register for Historic Places when used solely for storage or warehouse purposes is considered nonoperational for income producing purposes; provided, however, that the credit provided under Section 12‑67‑140(B) is further limited by disqualifying for credit purposes the portion of the building or structure that was operational and used as a storage or warehouse for income producing purposes. This limitation is calculated based on the actual percentage of the space which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a ‘Notice of Intent to Rehabilitate’ divided by one hundred percent./

Renumber sections to conform.

Amend title to conform.

Senator COLEMAN explained the amendment.

The amendment was adopted.

The question then was third 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 Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**Motion Adopted**

Senator COURSON moved that when the Senate adjourns today, it stand adjourned to meet at 10:30 A.M. tomorrow.

The motion was adopted.

**RECESS**

At 12:12 P.M., on motion of Senator COURSON, the Senate receded from business until 1:30 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:40 P.M. and was called to order by the PRESIDENT.

**Point of Quorum**

At 1:44 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was present.

The Senate resumed.

**Motion to Ratify Adopted**

At 2:08 P.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 437 -- Senators Cleary, Reese, Rankin, Campsen, Hembree, Davis, McGill, Thurmond, Campbell, Cromer and Ford: A BILL TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VALUATION AND CLASSIFICATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE THAT THE OWNER‑OCCUPANT OF RESIDENTIAL PROPERTY QUALIFIES FOR THE FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER‑OCCUPIED RESIDENTIAL PROPERTY, IF THE OWNER IS OTHERWISE QUALIFIED AND THE RESIDENCE IS NOT RENTED FOR MORE THAN ONE HUNDRED DAYS A YEAR, AND TO DELETE OTHER REFERENCES TO RENTAL OF THESE RESIDENCES; AND TO AMEND SECTION 12‑54‑240, RELATING TO DISCLOSURE OF RECORDS, REPORTS, AND RETURNS WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE VERIFICATION THAT THE FEDERAL SCHEDULE E CONFORMS WITH THE SAME DOCUMENT REQUIRED BY A COUNTY ASSESSOR IS NOT PROHIBITED.

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

Senator CLEARY proposed the following amendment (NL\  
437C006.NL.DG13), which was adopted:

Amend the committee amendment, as and if amended, SECTION 1A, page [437‑1], by striking line 32 and inserting:

/ more than seventy-two days in a calendar year. For purposes of /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the perfecting amendment.

The amendment was adopted.

The Committee on Finance proposed the following amendment (NL\437C003.NL.DG13), which was adopted:

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

/ SECTION 1. A. Section 12‑43‑220(c)(2)(iv) of the 1976 Code is amended by adding a new paragraph before the last undesignated paragraph to read:

“If the owner or the owner’s agent has made a proper certificate as required pursuant to this subitem and the owner is otherwise eligible, the owner is deemed to have met the burden of proof and is allowed the four percent assessment ratio allowed by this item, if the residence that is the subject of the application is not rented for more than one hundred days in a calendar year. For purposes of determining eligibility, rental income, and residency, the assessor annually may require a copy of applicable portions of the owner’s federal and state tax returns, as well as the Schedule E from the applicant’s federal return for the applicable tax year.”

B. Section 12‑43‑220(c) of the 1976 Code, as added by Act 145 of 2005, is amended by deleting subitem (7) which reads:

“(7) Notwithstanding any other provision of law, the owner‑occupant of a legal residence is not disqualified from receiving the four percent assessment ratio allowed by this item, if the taxpayer’s residence meets the requirements of Internal Revenue Code Section 280A(g) as defined in Section 12‑6‑40(A) and the taxpayer otherwise is eligible to receive the four percent assessment ratio.”

C. This SECTION takes effect upon approval by the Governor and applies to property tax years beginning after property tax year 2013.

SECTION 2. Section 12‑54‑240(B) of the 1976 Code, as last amended by Act 110 of 2007, is further amended by adding an appropriately numbered item at the end to read:

“( ) verification that the federal Schedule E filed with the department is the same as the Schedule E required by the assessor pursuant to Section 12‑43‑220(c).”

SECTION 3. Except where otherwise provided, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson Peeler Pinckney

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**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**

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.

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

Senators LEATHERMAN, PEELER and SETZLER proposed the following amendment (3360R002.HKL), which was adopted:

Amend the bill, as and if amended, page 3, line 43, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. A. Article 1, Chapter 43, Title 11 of the 1976 Code is amended by adding:

“Section 11‑43‑165. Each fiscal year, the South Carolina Department of Transportation (DOT) shall transfer fifty million dollars from non‑tax sources to the South Carolina Transportation Infrastructure Bank (SIB). The DOT may transfer the total amount in one lump sum or it may transfer the amount quarterly in four equal installments. The general fund revenue appropriated to DOT for ‘Highway Engineering Permanent Improvements’ in the annual general appropriations act is exempt from any across‑the‑board reductions. The transferred funds must be used by SIB solely to finance bridge replacement, rehabilitation projects, and expansion and improvements to existing mainline interstates. The DOT shall submit a list of bridge and road projects to the SIB for its consideration. Transferred funds may not be used for projects approved by the SIB before July 1, 2013.”

B. This SECTION takes effect July 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

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

**Ayes 36; Nays 4**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson Peeler Pinckney

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--36**

**NAYS**

Bright Bryant Corbin

*Martin, Shane*

**Total--4**

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

**AMENDED, READ THE SECOND TIME**

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.

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

Senator MASSEY proposed the following amendment (3459R003.ASM), which was adopted:

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

/ SECTION 1. Section 40‑2‑10 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) The director, with the advice and consent of the board, shall designate for the use of the board one full‑time administrator who is a certified public accountant licensed in this State. The administrator’s primary responsibility is to administer the board; provided, however, that director may assign to the administrator additional duties and responsibilities within the department so long as the additional duties and responsibilities do not unreasonably occupy the administrator’s time so that he does not thoroughly fulfill his duties and responsibilities to the board.

(2) A person employed by the board under this section may be terminated by the director. /

Amend the bill further, as and if amended, by striking SECTION 4 in its entirety and inserting:

/ SECTION 4. Section 40‑2‑80(B) of the 1976 Code is amended to read:

“(B)(1) An investigation of a licensee pursuant this chapter must be performed by an inspector-investigator who has been licensed as a certified public accountant in this State for at least five years. The inspector-investigator must report the results of his investigation to the board no later than one hundred fifty days after the date upon which he initiated his investigation. If the inspector-investigator has not completed his investigation by that date, then the board may extend the investigation for a period defined by the board. The board may grant subsequent extensions to complete the investigation as needed. The ~~board~~ inspector-investigator may designate additional persons of appropriate competency to assist in an investigation.

(2) The department shall annually post a report related to the number of complaints received, the number of investigations initiated, the average length of investigations, and the number of investigations that exceeded one hundred fifty days.” /

Amend the bill further, as and if amended, page 4, by striking SECTION 6 and inserting:

/ SECTION 6. The Director of the Department of Labor, Licensing and Regulation must submit an annual report to the Chairmen of the Senate and House Committees on Labor, Licensing and Regulation concerning the workload of the Accountancy Board’s Administrator, specifically addressing the amount of time that the administrator must devote to the work of the Accountancy Board compared to the amount of time that he must devote to other duties and responsibilities. The time other duties and responsibilities, and the time devoted to them, must be itemized in the report.

SECTION 7. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 34; Nays 4**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Fair Grooms

Hayes Hembree Hutto

Johnson Leatherman Malloy

*Martin, Larry* Massey Matthews

McElveen McGill O'Dell

Peeler Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--34**

**NAYS**

Bright Corbin Davis

*Martin, Shane*

**Total--4**

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

**MINORITY REPORT REMOVED**

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 160 -- Senators Malloy, Cleary, Jackson, Shealy, Verdin, Fair, Alexander, L. Martin, Lourie, Nicholson, Johnson, Reese, Cromer, Thurmond, Massey, Rankin, Turner, Corbin, Setzler, Hayes and Hembree: A BILL TO AMEND CHAPTER 32, TITLE 59 OF THE 1976 CODE, RELATING TO THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, BY ADDING SECTION 59‑32‑35 TO REQUIRE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR TO ALL STUDENTS ENROLLED IN THE SCHOOL DISTRICT AS A REQUIREMENT FOR GRADUATION FROM HIGH SCHOOL.

Senator GROOMS asked unanimous consent to remove his name from the minority report of the Bill.

There was no objection and proper notation was made on the Bill.

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

The Committee on Education proposed the following amendment (160R002.GM), which was adopted:

Amend the bill, as and if amended, pages 1-2, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 59‑32‑30(A) of the 1976 Code is amended to read:

“Section 59-32-30. (A) Pursuant to guidelines developed by the board, each local school board shall implement the following program of instruction:

(1) Beginning with the 1988‑89 school year, for grades kindergarten through five, instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of Health and Environmental Control List of Reportable Diseases are to be excluded from instruction on the prevention and control of diseases and disorders. At the discretion of the local board, age‑appropriate instruction in reproductive health may be included.

(2) Beginning with the 1988‑89 school year, for grades six through eight, instruction in comprehensive health must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, mental and emotional health, and reproductive health education. Sexually transmitted diseases are to be included as a part of instruction. At the discretion of the local board, instruction in family life education or pregnancy prevention education or both may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the sixth grade.

(3) Beginning with the 1989‑90 school year, at least one time during the four years of grades nine through twelve, each student shall receive instruction in comprehensive health education, including at least seven hundred fifty minutes of reproductive health education and pregnancy prevention education.

(4) The South Carolina Educational Television Commission shall work with the department in developing instructional programs and materials that may be available to the school districts. Films and other materials may be designed for the purpose of explaining bodily functions or the human reproductive process. These materials may not contain actual or simulated portrayals of sexual activities or sexual intercourse.

(5) The program of instruction provided for in this section may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases.

(6) In grades nine through twelve, students must also be given appropriate instruction that adoption is a positive alternative.

(7) Beginning with the 2015‑16 school year, at least one time during the four years of grades nine through twelve, each student shall receive instruction in cardiopulmonary resuscitation (CPR), which must include, but is not limited to, hands‑only CPR and the use of an automated external defibrillator (AED). Each school district shall use a program that incorporates the instruction of the psychomotor skills necessary to perform CPR developed by the American Heart Association, American Red Cross, or an instructional program which is nationally recognized and based on the most current national evidence‑based Emergency Cardiovascular Care guidelines for CPR and the use of an AED. A school district must adopt a policy providing a waiver for this requirement for a student absent on the day the instruction occurred, a student with a disability whose individualized education program indicates such student is unable to complete all or a portion of the hands‑only CPR requirement, or a student whose parent or guardian completes, in writing, a form approved by the school district opting‑out of hands‑only CPR and AED instruction. The State Board of Education shall incorporate CPR and AED instruction into the South Carolina Health and Safety Education Curriculum Standards and promulgate regulations to implement this section.”/

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Hayes Hembree Hutto

Johnson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--36**

**NAYS**

Bright

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 35 -- Senator Campsen: A BILL TO AMEND CHAPTER 131, TITLE 44 OF THE 1976 CODE, TO ENACT THE “HEALTHCARE SHARING MINISTRIES FREEDOM TO SHARE ACT” BY ADDING SECTION 44‑131‑10 TO PROVIDE THAT A HEALTHCARE SHARING MINISTRY IS A FAITH‑BASED, NONPROFIT, TAX‑EXEMPT ORGANIZATION THAT ESTABLISHES CRITERIA AND PROCEDURES TO FACILITATE MATCHING PARTICIPANTS HAVING FINANCIAL OR MEDICAL NEEDS WITH OTHER PARTICIPANTS WHO ARE ABLE TO ASSIST IN MEETING THOSE NEEDS OR THAT HELPS PROVIDE FOR THE FINANCIAL OR MEDICAL NEEDS OF A PARTICIPANT THROUGH CONTRIBUTIONS OF ANOTHER PARTICIPANT AND TO FURTHER PROVIDE THAT SUCH A HEALTHCARE SHARING MINISTRY IS NOT ENGAGING IN THE BUSINESS OF INSURANCE.

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

The Committee on Medical Affairs proposed the following amendment (S-35):

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

/A BILL

TO AMEND CHAPTER 5, TITLE 38 OF THE 1976 CODE, TO ENACT THE “HEALTHCARE SHARING MINISTRIES FREEDOM TO SHARE ACT” BY ADDING SECTION 38-5-25 TO PROVIDE THAT A HEALTHCARE SHARING MINISTRY IS A FAITH‑BASED, NONPROFIT, TAX‑EXEMPT ORGANIZATION THAT ESTABLISHES CRITERIA AND PROCEDURES TO FACILITATE MATCHING PARTICIPANTS HAVING FINANCIAL OR MEDICAL NEEDS WITH OTHER PARTICIPANTS WHO ARE ABLE TO ASSIST IN MEETING THOSE NEEDS OR THAT HELPS PROVIDE FOR THE FINANCIAL OR MEDICAL NEEDS OF A PARTICIPANT THROUGH CONTRIBUTIONS OF ANOTHER PARTICIPANT AND TO FURTHER PROVIDE THAT SUCH A HEALTHCARE SHARING MINISTRY IS NOT ENGAGING IN THE BUSINESS OF INSURANCE.

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

SECTION 1. This act may be cited as the “Healthcare Sharing Ministries Freedom to Share Act”.

SECTION 2. Chapter 5, Title 38 of the 1976 Code is amended by adding:

“Section 38-5-25. (A) A healthcare sharing ministry is not considered to be engaging in the business of insurance and is not subject to the insurance laws of this State.

(B) ‘Healthcare sharing ministry’ means a faith‑based, nonprofit organization that is tax‑exempt under the Internal Revenue Code that:

(1) limits its participants to those who are of a similar faith;

(2) acts as a facilitator among participants who have financial or medical needs, or both, and matches those participants with other participants with the present ability to assist those with financial or medical needs, or both, in accordance with criteria established by the healthcare sharing ministry;

(3) provides for the financial or medical needs, or both, of a participant through contributions from one participant or multiple participants to another;

(4) provides amounts that participants may contribute with no assumption of risk or promise to pay among the participants and no assumption of risk or promise to pay by the healthcare sharing ministry to the participants;

(5) provides a written monthly statement to all participants that lists the total dollar amount of qualified needs submitted to the healthcare sharing ministry, as well as the amount actually published or assigned to participants for their contributions;

(6) satisfies Title 26, Chapter 48, Section 5000A(d)(2)(B)(ii)(IV) of the United States Code;

(7) provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that reads:

‘Important Notice: The healthcare sharing ministry facilitating the sharing of medical expenses is not a health insurance company, and neither its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you with your medical bills will be totally voluntary because no other participant or group of participants will be compelled by law to contribute toward your medical bills. As such, participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive any payment for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills’; and

(8) provides a written disclaimer on all participation cards issued by or on behalf of the organization that states the healthcare sharing ministry is not insurance.”

SECTION 3. 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 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

**Motion Under Rule 26B Waived**

Senator SETZLER asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered 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 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Grooms

Hayes Hembree Hutto

Jackson Johnson Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3960 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑41‑35 SO AS TO REQUIRE EMPLOYERS PARTICIPATING IN A MULTIPLE EMPLOYER SELF‑INSURED HEALTH PLAN TO EXECUTE HOLD HARMLESS AGREEMENTS IN WHICH THE EMPLOYER AGREES TO PAY ALL UNPAID PORTIONS OF INSURED CLAIMS, AND TO REQUIRE THE DEPARTMENT OF INSURANCE TO PROVIDE FORMS THAT MUST BE USED FOR THESE AGREEMENTS, AMONG OTHER THINGS.

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 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--43**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

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.

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

Senator VERDIN proposed the following amendment (3847R001.DBV), which was adopted:

Amend the bill, as and if amended, page 9, by striking lines 41 - 42 and inserting:

/ (D) Representative organization’s annual plans must include, but not be limited to, the following: /

Amend the bill further, as and if amended, page 11, by striking lines 12 - 17 and inserting:

/ (3) If the plan is disapproved on appeal, the representative organization may resubmit a plan pursuant to item (1) which conforms with the guidance of the appellate opinion or member companies may comply with subsection (K).

(F) After the representative organization’s plan is approved, the representative organization is responsible for maintaining continuous service to local governments specified in the plan provided by the participating consumer electronic device stewardship programs. The representative organization shall establish fair and reasonable policies for administration and operation. /

Amend the bill further, as and if amended, page 17, after line 20, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. The department shall compile and submit annual reports concerning the implementation of the provisions contained in this act to the Chairman of the Senate Agriculture and Natural Resources Committee and the Chairman of the House Agriculture and Natural Resources Committee. The annual reports must also be posted on the department’s website. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--38**

**NAYS**

Bright Bryant Corbin

Davis *Martin, Shane* Thurmond

**Total--6**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 3033 -- Rep. G.M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3 OF TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL LICENSE PLATES TO RECIPIENTS OF THE DISTINGUISHED FLYING CROSS.

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 proposed the following amendment (3033R004.LKG), which was adopted:

Amend the committee amendment, as and if amended, page [3033-4], by striking SECTION 7 in its entirety and inserting:

/ SECTION 7. Article 82, Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56‑3‑8110. Motorcycle special license plates may be issued by the Department of Motor Vehicles for any special license plate under the same terms and conditions as prescribed by law for private passenger motor vehicles.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the perfecting amendment.

The amendment was adopted.

The Committee on Transportation proposed the following amendment (3033R001.LKG), which was adopted:

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

/ SECTION 2. (A) Section 56‑3‑1810 of the 1976 Code is amended to read:

“Section 56‑3‑1810. The number of plates that may be issued to members of the National Guard by the Department of Motor Vehicles shall equal the number of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in such person’s name in this State; provided, however, that the total number of such plates issued to any one person shall not exceed three. The department shall issue such plates for a particular private passenger motor vehicle or motorcycle registered in that person’s name and such plates may only be transferred to another vehicle upon compliance with the provisions of Section 56‑3‑1830.”

(B) Section 56‑3‑1815 of the 1976 Code is amended to read:

“Section 56‑3‑1815. The Department of Motor Vehicles may issue a special motor vehicle license plate to a retired member of the South Carolina National Guard and may issue a special motor vehicle license plate to a member of the South Carolina State Guard who is a resident of the State for a private passenger motor vehicle, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, owned or leased by a member or a retiree only after the current stock of South Carolina Guard, National Guard, and South Carolina National Guard Retired license plates is exhausted. An application for a special motor vehicle license plate must include a copy of the applicant’s military identification card or other evidence that shows the applicant is either a retired or active member of the South Carolina National Guard or the South Carolina State Guard.”

(C) Section 56‑3‑1820 of the 1976 Code is amended to read:

“Section 56‑3‑1820. The special license plates must be of the same size and general design of regular motor vehicle license plates upon which must be imprinted the figure of the Minute Man~~”~~ with numbers, or letters, or both, as determined by the Department of Motor Vehicles. The license plate must provide a space on the top of the plate to affix a decal indicating National Guard~~”~~, Retired National Guard~~”~~, Air National Guard~~”~~, or State Guard~~”~~. This license plate must be issued only after the current stock of South Carolina State Guard, National Guard, and South Carolina National Guard Retired license plates is exhausted. The biennial fee for the special license plate is the regular motor vehicle registration fee prescribed by Article 5 of this chapter. The plates must be issued for biennial periods ~~November first to October thirty‑first~~.”

SECTION 3. Section 56‑3‑10410(A) of the 1976 Code, as last amended by Act 272 of 2012, is further amended to read:

“Section 56‑3‑10410. (A) The department may issue a ‘Veteran’ special motor vehicle license plate for use on a private passenger motor vehicle, as defined in Section 56‑3‑630, or motorcycle as defined in Section 56‑3‑20, registered in a person’s name in this State who served in the United States Armed Forces, active or reserve components, and who was honorably discharged from service. An application for this special motor vehicle license plate must include official military documentation showing the applicant was honorably discharged from service. Only ~~two~~ four plates may be issued to a person.”

SECTION 4. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 132

Motorcycle Awareness Alliance Special License Plates

Section 56‑3‑13210. (A) The Department of Motor Vehicles may issue ‘Motorcycle Awareness Alliance’ special motor vehicle license plates to owners of private passenger motor vehicle, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in their names which may have imprinted on the plate the Motorcycle Awareness Alliance emblem. The Motorcycle Awareness Alliance shall submit to the department for its approval the proposed design it desires to be used for this special license plate. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the Motorcycle Awareness Alliance for the promotion of motorcycle safety, education and awareness programs and deposited into an appropriate nonprofit account designated by the Motorcycle Awareness Alliance.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.”

SECTION 5. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 133

S.C. Riverkeepers Special License Plates

Section 56‑3‑13310. (A) The Department of Motor Vehicles may issue S.C. Riverkeepers special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in their names which shall have a blue background and imprinted on them in white ‘SC Riverkeepers’, ‘Keep Our Rivers Clean’, a crescent, and a palmetto tree. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The additional fees collected pursuant to this section above the cost of production must be distributed equally to the Congaree Riverkeeper, Charleston Waterkeeper, Waccamaw Riverkeeper, Savannah Riverkeeper, Catawba Riverkeeper, and Santee Riverkeeper organizations.

(C) The guidelines for the production, collection, and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 6. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 134

Autism Awareness Special License Plates

Section 56‑3‑13410. This article may be cited as the ‘Savannah Lee Monroe Autism Awareness Special License Plates Act’.

Section 56‑3‑13420. (A) The Department of Motor Vehicles may issue ‘Autism Awareness’ special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56‑3‑20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56‑3‑8100. The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the South Carolina Autism Society.”

SECTION 7. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56‑3‑8110. Unless otherwise provided for by law, motorcycle special license plates may be issued by the Department of Motor Vehicles for any special license plate under the requirements set forth in Section 56‑3‑8100.”

SECTION 8. (A) Section 56‑3‑8000 of the 1976 Code, as last amended by Act 272 of 2012, is further amended to read:

“Section 56‑3‑8000. (A) An organization which has obtained certification pursuant to either Section 501(C)(3), 501(C)(6), 501(C)(7), or 501(C)(8) of the federal Internal Revenue Code and maintained this certification for a period of five years may apply to the Department of Motor Vehicles for a special license plate. The ~~Department of Motor Vehicles~~ department may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630, and motorcycles as defined in Section 56‑3‑20, registered in their names ~~which may have imprinted on the plate an emblem, a seal, or other symbol the department considers appropriate of an organization which has obtained certification pursuant to either Section 501(C)(3), 501(C)(6), 501(C)(7), or 501(C)(8) of the Federal Internal Revenue Code and maintained this certification for a period of five years~~.

(B) The department must develop a basic license plate design that will be used for all special organizational license plates. The plate must be the same size and general design of regular motor vehicle license plates but may be imprinted on the plate in an area specified by the department with an emblem, seal, insignia, or other identifying symbol of the sponsoring organization that the department considers appropriate. No text or slogans may be added to the plate design unless they are part of the approved emblem, seal, insignia, or other identifying symbol. The name of the organization may be imprinted across the top of the license plate. The standard plate design must be issued for all organizational license plates newly requested after July 1, 2013. Organizational license plate designs in production as of that date must be changed when the license plate, or license plate class, is replaced.

(C) The ~~special license plate must be the same size and general design of regular motor vehicle~~ license plates ~~and~~ must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The biennial fee for this special license plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the license plate. The initial fee amount requested may be changed only every five years from the first year the license plate is issued. Of the additional fee collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates. Any of the remaining fee not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate.

~~(B)~~(D) If the organization seeking issuance of the plate does not request an additional fee above the regular registration fee, the department may collect an additional fee of ten dollars.

~~(C)~~(E) Of the additional fee collected pursuant to subsections (A) and ~~(B)~~(D), the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates.

~~(D)~~(F) Any of the remaining additional fee collected pursuant to subsection ~~(B)~~(D) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

~~(E)~~(G) Before the department produces and distributes a plate pursuant to this section, it must receive:

(1) six thousand eight hundred dollars from the individual or organization seeking issuance of the license plate; and

(2) a plan to market the sale of the special license plate which must be approved by the department. ~~If the individual or organization seeking issuance of the plate submits six thousand eight hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate.~~

(H) The Comptroller General shall place the six thousand eight hundred dollar application fee pursuant to subsection (G)(1) above into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

~~(F)~~(I) If the department receives less than three hundred biennial applications and renewals for a particular plate authorized under this section, it shall not produce additional plates in that series. The department shall continue to issue license plates of that series until the existing inventory is exhausted.

~~(G)~~(J) License plates issued pursuant to this section shall not contain a reference to a private or public college or university in this State or use symbols, designs, or logos of these institutions without the institution’s written authorization.

~~(H)~~(K) Before a design is approved, the organization must submit to the department written authorization of legal authority for the use of any copyrighted or registered logo, trademark, or design, and the organization’s acceptance of legal responsibility for the use.

~~(I)~~(L) The department may alter, modify, or refuse to produce any special license plate that it deems offensive or fails to meet community standards. If the department alters, modifies, or refuses to produce a special license plate, the organization or individual applying for the license plate may appeal the department’s decision to a special joint legislative committee. This committee shall be comprised of two members from the House Education and Public Works Committee and two members from the Senate Transportation Committee.

Appointments to the joint legislative committee shall be made by the ~~chairmen~~ Chairmen of the House Education and Public Works Committee and the Senate Transportation Committee. The department’s decision may be reversed by a majority of the joint legislative committee. If the committee reverses the department’s decision, the department must issue the license plate pursuant to the committee’s decision. However, the provision contained in subsection ~~(E)~~(G) also must be met. The joint legislative committee may also review all license plates issued by the department and instruct the department to cease issuing or renewing a plate it deems offensive or fails to meet community standards.

~~(J)~~(M) Each new classification of special vehicle license plates including, but not limited to, motorcycle license plates, created pursuant to this section must meet the requirements of Articles 81 and 82, Chapter 3, Title 56, as appropriate.

~~(K)~~(N) The fee required in subsection ~~(E)~~(G)(1) must be reviewed by the General Assembly during the 2013 legislative session, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a separate bill separate and apart from any other matter.”

(B) Section 56‑3‑8100 of the 1976 Code, as last amended by Act 272 of 2012, is further amended to read:

“Section 56‑3‑8100. (A) Before the Department of Motor Vehicles produces and distributes a special license plate created by the General Assembly after January 1, 2006, it must receive:

(1) six thousand eight hundred dollars from the individual or organization seeking issuance of the license plate; and

(2) a plan to market the sale of the special license plate which must be approved by the department~~; and~~

~~(3) the emblem, a seal, or other symbol to be used for the plate and, if necessary, written authorization for the department to use a logo, trademark, or design that is copyrighted or registered. If the individual or organization seeking issuance of the plate submits six thousand eight hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate~~.

(B) The Comptroller General shall place the six thousand eight hundred dollar application fee pursuant to subsection (A)(1) into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

(C) The department must develop a basic plate design that will be used for all special license plates authorized by the General Assembly. The license plate must be the same size and general design of regular motor vehicle license plates but may be imprinted on the license plate in an area specified by the department with an emblem, seal, insignia, or other identifying symbol of the sponsoring organization that the department considers appropriate. No text or slogans may be added to the license plate design unless they are part of the approved emblem, seal, insignia, or other identifying symbol. The name of the organization may be imprinted across the top of the license plate. The standard license plate design must be issued for all organizational license plates newly requested after July 1, 2013. License plate designs in production as of that date must be changed when the license plate, or license plate class, is replaced.

~~(B)~~(D) The fee for all special license plates created by the General Assembly after January 1, 2006, is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate, as authorized by law. The initial fee amount requested can only be changed every five years from the first year the plate is issued. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued.

~~(C)~~(E) If the individual or organization seeking issuance of the plate does not request an additional fee above the regular registration fee, and no other additional fee is prescribed by law, the department may collect an additional fee of ten dollars.

~~(D)~~(F) Of the additional fee collected pursuant to subsections ~~(B)~~(D) and ~~(C)~~(E), the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates.

~~(E)~~(G) Any of the remaining additional fee collected pursuant to subsections ~~(B)~~(D) and ~~(C)~~(E) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

~~(F)~~(H) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

~~(G)~~(I) If the department receives less than three hundred biennial applications and renewals for plates created pursuant to Article 12, Chapter 3, Title 56; Article 14, Chapter 3, Title 56; Article 31, Chapter 3, Title 56; Article 39, Chapter 3, Title 56; Article 40, Chapter 3, Title 56; Article 43, Chapter 3, Title 56; Article 45, Chapter 3, Title 56; Article 49, Chapter 3, Title 56; Article 50, Chapter 3, Title 56; Article 60, Chapter 3, Title 56; Article 70, Chapter 3, Title 56; Article 72, Chapter 3, Title 56; and Article 76, Chapter 3, Title 56~~,~~ it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

~~(H)~~(J) The provisions contained in subsection (A)(1) and (2) do not apply to the production and distribution of the Korean War Veterans Special License Plates contained in Article 68, Chapter 3, Title 56.

~~(I)~~(K) For each new classification of special vehicle license plate, including, but not limited to, motorcycle license plates, created pursuant to this section, must meet the requirements of Articles 81 and 82, Chapter 3, Title 56, as appropriate.

~~(J)~~(L) The fee required in subsection (A)(1) must be reviewed by the General Assembly during the 2013 legislative session, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a separate bill separate and apart from any other matter.”

SECTION 9. SECTION 1 takes effect three months after its approval by the Governor. SECTION 5 takes effect six months after its approval by the Governor. All other SECTIONS take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the committee amendment.

The committee amendment was adopted.

Senator HEMBREE proposed the following amendment (3033R002.GH), which was withdrawn:

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

/ SECTION 2. (A) Section 56‑5‑130 of the 1976 Code is amended to read:

“Section 56‑5‑130. Every vehicle which is self‑propelled~~, except mopeds,~~ and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, is a ‘motor vehicle’.”

(B) Section 56‑5‑140 of the 1976 Code is amended to read:

“Section 56‑5‑140. Every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor or a moped, is a ‘motorcycle’.”

SECTION 3. SECTION 1 takes effect three months after its approval by the Governor. SECTION 2 takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

On motion of Senator GROOMS, the amendment was withdrawn.

The question then was second reading of the Bill.

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

**Ayes 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3099 -- Reps. Nanney and Long: A BILL TO AMEND SECTION 63‑17‑2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES REQUIRED TO PROVIDE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSE OF ESTABLISHING, MODIFYING, AND ENFORCING CHILD SUPPORT OBLIGATIONS, SO AS TO ALSO REQUIRE THESE ENTITIES TO PROVIDE THIS INFORMATION TO CLERKS OF COURT FOR THE SAME PURPOSE IN CASES NOT BEING ADMINISTERED PURSUANT TO TITLE IV‑D OF THE SOCIAL SECURITY ACT BY THE DEPARTMENT OF SOCIAL SERVICES; AND TO 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 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3184 -- Reps. Pope, R.L. Brown, M.S. McLeod, Weeks, Bales, Gilliard, Whipper, W.J. McLeod and Mitchell: A BILL TO AMEND SECTION 22‑5‑910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO PROVIDE THAT A PERSON MAY BE ELIGIBLE FOR EXPUNGEMENT OF A FIRST OFFENSE CRIME WHICH CARRIES A FINE OF ONE THOUSAND DOLLARS RATHER THAN FIVE HUNDRED DOLLARS.

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 (JUD3184.001), which was adopted:

Amend the bill, as and if amended, pages 2 and 3, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Section 17‑1‑40 of the 1976 Code is amended to read:

“Section 17-1-40. (A)(1) A person who after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge may be retained by any municipal, county, or state law enforcement agency. Provided, however, that local and state detention and correctional facilities may retain booking records, identifying documentation and materials, and other institutional reports and files under seal, on all persons who have been processed, detained, or incarcerated, for a period not to exceed three years from the date of the expungement order to manage their statistical and professional information needs and, where necessary, to defend such facilities during litigation proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or correctional facility as permitted under this section after an expungement order has been issued is not a public document and is exempt from disclosure. Such information only may be disclosed by judicial order, pursuant to a subpoena filed in a civil action, or as needed during litigation proceedings. A person who otherwise intentionally retains the arrest and booking record, files, mug shots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court.

(2) If a person has been issued a courtesy summons pursuant to Section 22‑3‑330 or another provision of law and the charge for which the courtesy summons was issued is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge may be retained by any municipal, county, or state law enforcement agency in accordance with the provisions of item (1).

In addition, a person who violates the provisions of this item is subject to the same penalty as provided in item (1).

(B) A municipal, county, or state agency may not collect a fee for the destruction of records pursuant to the provisions of this section.

(C) This section does not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation.

(D) If a charge enumerated in subsection (C) is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the charge must be removed from any Internet-based public record no later than thirty days from the disposition date.

(E) The State Law Enforcement Division is authorized to promulgate regulations that allow for the electronic transmission of information pursuant to this section.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3378 -- Reps. Sandifer, Whitmire and Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑90 SO AS TO ENACT THE “VOLUNTEER SERVICE PERSONNEL APPRECIATION ACT” AND TO ALLOW THE GOVERNING BODY OF A LOCAL GOVERNMENT TO AUTHORIZE THE DISTRIBUTION OF CERTAIN REWARDS TO THREE ENUMERATED CATEGORIES OF VOLUNTEER SERVICE PERSONNEL SO LONG AS ALL PERSONNEL IN A RESPECTIVE CATEGORY ARE TREATED EQUALLY.

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 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3464 -- Reps. Allison, Brannon, Erickson, Bedingfield, Taylor, Kennedy, Clyburn, Anderson, G.A. Brown, Clemmons, H.A. Crawford, Douglas, Forrester, Goldfinch, Hamilton, Hardwick, Hixon, Horne, Hosey, Nanney, Pope, Powers Norrell, G.R. Smith, J.R. Smith, Stringer, Wood, Felder, Cobb‑Hunter and Gilliard: A BILL TO AMEND SECTION 63‑7‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPEDITED RELATIVE PLACEMENTS OF CHILDREN AT THE PROBABLE CAUSE HEARING, SO AS TO ENCOURAGE PLACEMENT OF THE CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE UNDER CERTAIN CIRCUMSTANCES; TO SET FORTH CRITERIA FOR THE COURT TO CONSIDER WHEN DECIDING WHETHER TO PLACE A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING, THE INDIVIDUAL MUST BE ADDED AS A PARTY TO THE ACTION FOR THE DURATION OF THE CASE OR UNTIL FURTHER ORDER OF THE COURT.

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 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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.

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 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

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 (JUD3602.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16‑13‑131. (A) It is unlawful for a person to create or conspire with another person to create a product code for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sale price.

(B) It is unlawful for a person to commit or conspire with another person to commit larceny against a merchant by affixing a product code created for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sale price.

(C) A person who violates this section:

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years, or both; and

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than ten years, or both.” /

Amend the bill further, as and if amended, pages 2-3, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16‑13‑135. (A) As used in this section:

(1) ‘Retail property’ means a new article, product, commodity, item, or component intended to be sold in retail commerce.

(2) ‘Retail property fence’ means a person or business that buys retail property knowing or believing that the retail property is stolen.

(3) ‘Theft’ means to take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.

(4) ‘Value’ means the retail value of an item as offered for sale to the public by the affected retail establishment and includes all applicable taxes.

(B) It is unlawful for a person to:

(1) commit theft of retail property from a retail establishment, with a value exceeding two thousand dollars aggregated over a ninety‑day period, with the intent to sell the retail property for monetary or other gain, and sell, barter, take, or cause the retail property to be placed in the control of a retail property fence or other person in exchange for consideration;

(2) conspire with another person to commit theft of retail property from a retail establishment, with a value exceeding two thousand dollars aggregated over a ninety‑day period, with the intent to:

(a) sell, barter, or exchange the retail property for monetary or other gain; or

(b) place the retail property in the control of a retail property fence or other person in exchange for consideration; or

(3) receive, possess, or sell retail property that has been taken or stolen in violation of item (1) or (2) while knowing or having reasonable grounds to believe the property is stolen. A person is guilty of this offense whether or not anyone is convicted of the property theft.

(C) Acts committed in different counties that have been aggregated in one count may be indicted and prosecuted in any one of the counties in which the acts occurred. In a prosecution for a violation of this section, the State is not required to establish and it is not a defense that some of the acts constituting the crime did not occur within one city, county, or local jurisdiction.

(D) Property, funds, and interest a person has acquired or maintained in violation of this section is subject to forfeiture pursuant to the procedures for forfeiture as provided in Section 44‑53‑530.

(E) A person who violates this section:

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years, or both; and

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than twenty years, or both.” /

Amend the bill further, as and if amended, page 6, by striking lines 9-12, and inserting:

/ ~~(F)~~(H) Upon full satisfaction of a judgment entered ~~under~~ pursuant to this section, the judgment creditor must record the satisfaction on the margin of the copy of the judgment on file in the civil judgment records of the court.

(I) Any funds resulting from the collection of a judgement for unpaid fines, costs, fees, surcharges, or assessments must be distributed in the same manner and proportion as fines, costs, fees, surcharges, or assessments are distributed as otherwise set forth by law.” /

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

/ SECTION \_\_. Section 16‑13‑180 of the 1976 Code is amended to read:

“Section 16‑13‑180. (A) It is unlawful for a person to buy, receive, or possess stolen goods, chattels, or other property if the person knows or has reason to believe the goods, chattels, or property is stolen. A person is guilty of this offense whether or not anyone is convicted of the property theft ~~of the property~~.

(B) It is unlawful for a person to knowingly receive or possess property from an agent of a law enforcement agency that was represented to the person by the same or other agent of the law enforcement agency as stolen. For purposes of this section, the person receiving or possessing the property need not know the person is receiving or has received the property from an agent of a law enforcement agency, and the property need not be actually stolen.

(C) A person who violates ~~the provisions of~~ this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars~~,~~ or imprisoned not more than thirty days;

(2) ~~felony~~ misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than ~~five~~ three years, if the value of the property is more than two thousand dollars but less than ten thousand dollars; or

(3) felony, and, upon conviction, must be fined not less than two thousand dollars or imprisoned not more than ten years, if the value of the property is ten thousand dollars or more.

~~(C)~~(D) For ~~the~~ purposes of this section, the receipt of multiple items in a single transaction or event constitutes a single offense.

(E) For purposes of this section, multiple offenses occurring within a ninety‑day period may be aggregated into a single count with the aggregated value used to determine whether the violation is a misdemeanor or felony as provided in subsection (C).” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The committee amendment was adopted.

**Motion Under Rule 26B Waived**

Senator MALLOY asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered 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 43; 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

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**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**

H. 3632 -- Reps. G.M. Smith, White, Sandifer, J.R. Smith, Bannister and Lucas: A BILL TO AMEND SECTION 42‑5‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAINTENANCE TAX IMPOSED BY THE WORKERS’ COMPENSATION COMMISSION ON SELF INSURERS, SO AS TO PROVIDE THAT THE COMMISSION SHALL RETAIN A PORTION OF THE ANNUAL MAINTENANCE TAX REVENUE TO PAY THE SALARIES AND EXPENSES OF THE COMMISSION AND TO PROVIDE THAT THE COMMISSION SHALL RETAIN ONE-HALF OF THE INTEREST CHARGED ON DELINQUENT MAINTENANCE TAX FOR THE SAME PURPOSE.

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

Senators MASSEY and McELVEEN proposed the following amendment (JUD3632.001), which was adopted:

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

/ SECTION 2. This act takes effect July 1, 2013, and must be terminated five years after the effective date of the act unless otherwise authorized by the General Assembly. Beginning on July 1, 2014, and on each July 1st thereafter, the South Carolina Workers’ Compensation Commission must report to the Chairman of House Ways and Means Committee, the Chairman of Senate Finance Committee, and the Governor the amount of money the agency has received in the previous fiscal year pursuant to this act. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

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

**Ayes 31; Nays 0; Abstain 12**

**AYES**

Alexander Bennett Bright

Bryant Campsen Cleary

Corbin Courson Cromer

Fair Gregory Grooms

Hembree Jackson Johnson

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Matthews McGill

Nicholson O'Dell Peeler

Pinckney Reese Shealy

Thurmond Turner Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

**ABSTAIN**

Allen Coleman Davis

Hayes Hutto Malloy

Massey McElveen Rankin

Setzler Sheheen Young

**Total--12**

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

**AMENDED, READ THE SECOND TIME**

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).

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

Senators CAMPSEN and HEMBREE proposed the following amendment (3735R001.GEC), which was adopted:

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

/ SECTION 1. Section 50‑5‑2730 of the 1976 Code is amended to read:

“Section 50‑5‑2730. (A) Unless otherwise provided by law, any regulations promulgated by the federal government under the Fishery Conservation and Management Act (PL 94‑265) or the Atlantic Tuna Conservation Act (PL 94‑70) which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and apply statewide including in state waters.

(B) This provision does not apply to Black Sea Bass (Centropristis striata), whose lawful catch limit is the federal catch limit and whose lawful minimum size is the federal minimum size. Also, there is no closed season for the catching of Black Sea Bass.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

Bryant

**Total--1**

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

**READ THE SECOND TIME**

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

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 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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

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 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 671 -- Senator Massey: A BILL TO AMEND SECTION 7‑7‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN EDGEFIELD COUNTY, SO AS TO REVISE CERTAIN PRECINCTS AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

Senator MASSEY proposed the following amendment (JUD0671.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 30 through 32, in Section 7‑7‑240(A), as contained in SECTION 1, and inserting therein the following:

/ Edgefield No. 2

~~Kendall~~ /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3225 -- Reps. J.E. Smith and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF “SC RIVERKEEPERS” SPECIAL LICENSE PLATES.

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

Bryant Campbell Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McElveen McGill

Nicholson O'Dell Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

H. 3956 -- Reps. Horne and Whipper: A BILL TO AMEND SECTION 61‑6‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO REVISE THE DEFINITION OF “FURNISHING LODGING” TO PROVIDE FOR AT LEAST EIGHTEEN INSTEAD OF TWENTY ROOMS THAT A BUSINESS MUST OFFER FOR ACCOMMODATIONS ON A REGULAR BASIS.

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 40; Nays 3**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Gregory

Grooms Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Bright Corbin Fair

**Total--3**

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

**AMENDED, READ THE SECOND TIME**

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

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

Senator NICHOLSON proposed the following amendment (JUD3962.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 30 through 33, in Section 7-7-290(A), as contained in SECTION 1, and inserting therein the following:

/ Mountain Laurel

Allie's Crossing

Gideon's Way

Parson's Mill /

Renumber sections to conform.

Amend title to conform.

Senator NICHOLSON explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**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**

H. 4192 -- Reps. Merrill, Crosby, Daning, Jefferson, Rivers and Southard: A BILL TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO ADD FOUR PRECINCTS AND TO REDESIGNATE THE 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.

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

Senator GROOMS proposed the following amendment (MS\  
4192C001.MS.AB13), which was adopted:

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

/SECTION 1. Section 7‑7‑120 of the 1976 Code, as last amended by Act 163 of 2010, is further amended to read:

“Section 7‑7‑120. (A) In Berkeley County there are the following voting precincts:

Alvin

Bethera

Beverly Hills

Bonneau

Bonneau Beach

~~Boulder Bluff No. 1~~ Central

Cainhoy

Carnes Cross Road No. 1

Carnes Cross Road No. 2

Cordesville

Cross

Daniel Island No. 1

Daniel Island No. 2

Daniel Island No. 3

Daniel Island No. 4

Devon Forest No. 1

Devon Forest No. 2

Eadytown

Foster Creek

Goose Creek No. 1

Goose Creek No. 2

Hanahan No. 1

Hanahan No. 2

Hanahan No. 3

Hanahan No. 4

Hilton Cross Roads

Howe Hall No. 1

Howe Hall No. 2

Huger

Jamestown

Lebanon

Liberty Hall

Macedonia

McBeth

Medway

Moncks Corner No. 1

Moncks Corner No. 2

Moncks Corner No. 3

Moncks Corner No. 4

Pimlico

Pinopolis

Russellville

Sangaree No. 1

Sangaree No. 2

Sangaree No. 3

Shulerville

St. Stephen No. 1

St. Stephen No. 2

Stratford No. 1

Stratford No. 2

Stratford No. 3

Stratford No. 4

The Village

Wassamassaw No. 1

Wassamassaw No. 2

Westview No. 1

Westview No. 2

Westview No. 3

Whitesville No. 1

Whitesville No. 2

Yellow House

~~Absentee~~

(B) The precinct lines defining the precincts provided in subsection (A) are as shown on the official map prepared by and on file with the Office of Research and Statistics of the State Budget and Control Board designated as document ~~P‑15‑10~~ P‑15‑13 and as shown on copies provided to the Board of Elections and Voter Registration of Berkeley County.

(C) The polling places for the precincts provided in this section must be established by the Board of Elections and Voter Registration of Berkeley County subject to the approval of a majority of the Senators and a majority of the House members of the Berkeley County Delegation.”

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Allen Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* McElveen McGill

Nicholson O'Dell Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4204 -- Rep. Delleney: A BILL TO AMEND SECTION 7‑7‑170, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN CHESTER COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, 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.

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 39; Nays 0**

**AYES**

Allen Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy 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.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 387 -- Senators O’Dell, Campbell, Cromer, Hembree, Setzler, McGill, Johnson and Ford: A BILL TO AMEND SECTION 12‑10‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO INCREASE THE CREDIT, TO SPECIFY ELIGIBLE EMPLOYEES AND PROGRAMS, TO PROVIDE THAT A BUSINESS MAY NOT CLAIM THE CREDIT IF THE EMPLOYEE IS REQUIRED TO REIMBURSE OR PAY FOR THE COSTS OF THE RETRAINING, TO INCREASE THE MATCH AMOUNT FOR THE BUSINESS, AND TO PROVIDE THE PROGRAMS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF REVENUE AND THE STATE BOARD OF TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 12‑10‑105, AS AMENDED, RELATING TO THE ANNUAL FEE FOR A BUSINESS CLAIMING THE CREDIT, SO AS TO PROVIDE THAT THE ANNUAL FEE IS NOT APPLICABLE TO THE RETRAINING CREDIT; AND TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO THE CREDIT AGAINST THE LICENSE TAX FOR CERTAIN INFRASTRUCTURE EXPENSES, SO AS TO PROVIDE THAT AN ELIGIBLE PROJECT MAY BE OWNED OR CONSTRUCTED BY A GOVERNMENTAL ENTITY IF THE PROJECT IS EXPECTED TO CONTRIBUTE TO THE ECONOMIC DEVELOPMENT OF THE GOVERNMENTAL ENTITY, TO FURTHER SPECIFY ELIGIBLE INFRASTRUCTURE, AND TO PROVIDE THAT A GOVERNMENTAL ENTITY MAY SELL THE PROJECT AFTER THE COMPANY PAYS FOR THE INFRASTRUCTURE.

Senator O’DELL 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 Finance.

The Committee on Finance proposed the following amendment (NL\387C001.NL.DG13), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1 and 2 and inserting:

/ SECTION 1. Section 12‑10‑95 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 12‑10‑95. (A)(1) Subject to the conditions in this section, a business engaged in manufacturing or processing operations or technology intensive activities at a manufacturing, processing, or technology intensive facility as defined in Section 12‑6‑3360(M) and that meets the requirements of Section 12‑10‑50(B)(2) may negotiate with ~~the council~~ a technical college, with approval from the State Board for Technical and Comprehensive Education, to claim as a credit against withholding ~~five hundred~~ one thousand dollars a year for the retraining of a production or technology first line employee or immediate supervisor who has been continuously employed by the business for a minimum of two years and is a full‑time employee, so long as ~~if~~ retraining is necessary for the qualifying business to remain competitive or to introduce new technologies. In addition to the yearly limits, the retraining credit claimed against withholding may not exceed ~~two~~ five thousand dollars over five consecutive years for each retrained production or technology first line employee or immediate supervisor.

(2) Retraining programs that are eligible for the credit include, but are not limited to:

(a) retraining of current employees on newly installed equipment; and

(b) retraining of current employees on newly implemented technology, such as computer platforms, software implementation and upgrades, Total Quality Management, ISO 9000, and self‑directed work teams.

Executive training, management development training, career development, personal enrichment training, and cross‑training of employees on equipment or technology that is not new to the company are not eligible for the credit.

(B) A qualifying business is eligible to claim as a retraining credit against withholding the lower amount of the following:

(1) the retraining credit for the applicable withholding period as determined by subsection (A); or

(2) withholding paid to the State for the applicable withholding period.

(C) All retraining must be approved by a technical college under the jurisdiction of the State Board for Technical and Comprehensive Education. A qualifying business must submit a retraining program for approval by the appropriate technical college. The approving technical college may provide the retraining itself, subject to the retraining program, or contract with other training entities to provide the required retraining, or supervise the employer’s approved internal training program.

(D) ~~Travel and lodging expenses and wages for retraining participants are not reimbursable.~~ An employer may not receive the credit allowed by this section if the employer requires that the employee reimburse or pay the employer for the direct costs of retraining, or if the employee is required to reimburse or pay the employer indirectly through the forfeiture of leave time, vacation time, or other compensable time. Direct costs of retraining include instructor salaries, development of retraining programs, purchase or rental of materials and supplies, textbooks and manuals, instructional media, such as video tapes, presentations, equipment used for retraining only, not to include production equipment, and reasonable travel costs as limited by the State’s travel expense reimbursement policy.

(E) The qualifying business must ~~match on a dollar‑for‑dollar basis~~ expend at least one dollar and fifty cents on retraining eligible employees for every dollar ~~the amount~~ claimed as a credit against withholding for retraining. ~~When applicable, the total amount of retraining credits and matching funds must be paid to the technical college that provides the training.~~ All training costs, including costs in excess of the retraining credits and matching funds, are the responsibility of the business.

(F) ~~A qualifying business claiming retraining credits pursuant to this section is subject to the reporting and audit requirements in Section 12‑10‑80(A).~~

~~(G)~~ A qualifying business may not claim retraining credit for training provided to the following production or technology first line employees or immediate supervisors:

(a) temporary or contract employees; and

(b) employees who are subject to a revitalization agreement, including a preliminary revitalization agreement.

~~(H)~~(G) Notwithstanding another provision of this section, the retraining credit allowed by this section is for:

(1) apprenticeship programs; and

(2) retraining for all relevant employees that enable a company to export or increase its ability to export its products, including training for logistics, regulatory, and administrative areas connected to its export process and other export process training that allows a qualified company to maintain or expand its business in this State.

~~(I)~~(H) ~~The council may establish~~ There is hereby established an annual renewal fee of ~~five hundred~~ twohundred and fiftydollars to be ~~shared equally with the department for administrative, data collection, reporting, and other obligations of this chapter~~ billed and collected by the department.

(I)(1) All approved programs and training must be reviewed annually by the State Board for Technical and Comprehensive Education.

(2) Every three years, the Department of Revenue must audit any business that claimed the job retraining credit pursuant to this section during that time period, solely for the purpose of verifying proper sources and uses of the credits.

(J) The State Board for Technical and Comprehensive Education shall establish policies and procedures to provide the oversight and review provisions of this section. By November fifteenth of each year, the State Board for Technical and Comprehensive Education shall submit a statewide aggregated report detailing the utilization of the retraining credit pursuant to this section, as well as the board’s activities in regard to oversight, to the Governor, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, the Coordinating Council for Economic Development, and the Department of Revenue. Also, the board shall make the report available in a conspicuous place on the website maintained by the board.”

SECTION 2. Section 12‑10‑105 of the 1976 Code, as last amended by Act 145 of 2005, is further amended to read:

“Section 12‑10‑105. In addition to the application fee provided in Section 12‑10‑100, an additional annual fee of one thousand dollars must be remitted by those qualifying businesses claiming in excess of ten thousand dollars of job development credits or in excess of ~~ten~~ forty thousand dollars in job retraining credits in one calendar year. The fee is due for each project that is subject to a revitalization ~~or retraining~~ agreement that exceeds ten thousand dollars or retraining agreement that exceeds forty thousand dollars in one calendar year and must be remitted to the Department of Revenue to be used to reimburse the department for costs incurred auditing reports required pursuant to Section 12‑10‑80(A). The fee becomes due at the time the single project’s claims for job development credits ~~or job retraining credits~~ exceeds ten thousand dollars or job retraining credits exceed forty thousand dollars for that calendar year.” /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 2**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--41**

**NAYS**

Bright Thurmond

**Total--2**

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

**READ THE SECOND TIME**

S. 474 -- Senator Setzler: A BILL TO AMEND SECTION 12‑21‑2420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE ADMISSIONS LICENSE TAX, SO AS TO EXEMPT ADMISSIONS CHARGED BY THE STATE MUSEUM.

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

**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.

Senator SETZLER moved under Rule 37 to suspend the one day requirement on H. 3093.

The motion was adopted.

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

**Ayes 38; Nays 5**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Courson Cromer Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

Bright Bryant Corbin

Davis *Martin, Shane*

**Total--5**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 3093 -- Reps. J.E. Smith, W.J. McLeod and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE “SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT”, TO PROVIDE THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING BASED ON THE POPULATION OF THE POLITICAL SUBDIVISION IN WHICH THE BUILDING IS LOCATED MAY AT THE TAXPAYER’S OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

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

**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.

Senator SETZLER moved under Rule 37 to suspend the one day requirement on H. 3093.

The motion was adopted.

Senator COLEMAN proposed the following amendment (3093R002.CC), which was adopted:

Amend the committee amendment, as and if amended, page [3093‑2], by striking line 31 and inserting:

/ immediate preceding use as a single‑family residence. For purposes of this item, use of any portion of a building or structure listed on the National Register for Historic Places when used solely for storage or warehouse purposes is considered nonoperational for income producing purposes; provided, however, that the credit provided under Section 12‑67‑140(B) is further limited by disqualifying for credit purposes the portion of the building or structure that was operational and used as a storage or warehouse for income producing purposes. This limitation is calculated based on the actual percentage of the space which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a ‘Notice of Intent to Rehabilitate’ divided by one hundred percent./

Renumber sections to conform.

Amend title to conform.

Senator COLEMAN explained the amendment.

The amendment was adopted.

Senator DAVIS proposed the following amendment (3093R003.TD), which was adopted:

Amend the committee amendment, as and if amended, page [3093-4], by striking lines 15 - 20 and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The Committee on Finance proposed the following amendment (NL\3093C002.NL.DG13), which was adopted:

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

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

“CHAPTER 67

South Carolina Abandoned Buildings

Revitalization Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. This act takes effect upon approval by the Governor, and applies to the rehabilitation, renovation, and redevelopment of abandoned buildings begun in tax years beginning after 2012. /

Renumber sections to conform.

Amend title to conform.

Senator COLEMAN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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

The Committee on Finance proposed the following amendment (NL\3505C001.NL.DG13), which was adopted:

Amend the bill, as and if amended, SECTION 1, beginning on page 5, by striking Section 11-44-60(D) and inserting:

/ (D) By January thirty‑first each year, the secretary shall report to the House Ways and Means Committee, the Senate Finance Committee, and the Governor, a list of the businesses that have registered with the secretary as a qualified business. The report must include, by county, the name and address of each business, the location of its headquarters, a description of the type of business in which it engages, the amount of capital it has raised including the amount of qualified investment as defined by this chapter, the number of full time, part time, and temporary jobs created by the business during the period covered by the report, and the average wages paid by these jobs. An aggregated statewide report containing the number of businesses, the amount of capital raised by the businesses including the amount of qualified investment as defined by this chapter, the number of full time, part time and temporary jobs created by the businesses, and the average wages paid by these jobs also must be made available in a conspicuous place on the secretary’s website. The report must be updated annually. /

Amend the bill further, as and if amended, SECTION 1, page 7, by striking line 28 and inserting:

/ applies.

(D) By March thirty‑first each year, the Department of Revenue shall report to the House Ways and Means Committee, the Senate Finance Committee, and the Governor, by county, the number of angel investor tax credit applications the department has received, the number of tax credit applications approved, and the tax credits approved. This report must be made available in a conspicuous place on the department’s website. /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 4**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Corbin Courson Cromer

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--38**

**NAYS**

Bright Bryant Davis

Thurmond

**Total--4**

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

**READ THE SECOND TIME**

H. 3557 -- Reps. Cobb‑Hunter, White, Bannister, Rutherford, Harrell, Merrill, Simrill, Stavrinakis, Loftis, Horne, Weeks, Mitchell, Ott, Sellers, Hodges and Whipper: A BILL TO AMEND SECTION 12‑6‑3375, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR PORT CARGO VOLUME INCREASE, SO AS TO EXPAND THE TYPES OF BUSINESSES THAT QUALIFY FOR THE CREDIT, TO GIVE THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT DISCRETION IN AWARDING CREDITS, TO FURTHER DEFINE TERMS, TO PROVIDE THAT TAXPAYERS ENGAGED IN THE MOVEMENT OF GOODS IMPORTED OR EXPORTED THROUGH SOUTH CAROLINA’S PORT FACILITIES MAY BE ELIGIBLE FOR THE CREDIT IF THE CARGO SUPPORTS A PRESENCE IN THE STATE AND MEETS OTHER JOB AND CAPITAL INVESTMENT REQUIREMENTS, AND TO PROVIDE THAT A TAXPAYER THAT FAILS TO MEET THE REQUIREMENTS OF THE CREDIT MUST REPAY A PRO RATA PORTION OF THE CREDIT.

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 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

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.

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

The Committee on Finance proposed the following amendment (NL\3974C001.NL.DG13), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 1 and 2.

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the committee amendment.

The committee amendment was adopted.

Senators PEELER, LOURIE, SETZLER and RANKIN proposed the following amendment (H-3974-1), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 14-20 and inserting:

/ “Section 12‑58‑165. The department may take necessary action to expunge the recording of any lien imposed pursuant to Section 12‑54‑120, or any other provision authorizing the department to collect monies due, once the lien is fully paid and satisfied. If, upon investigation, the department determines that no taxes were due, the provisions of this section apply and the recorded lien shall be expunged as if it were fully paid and satisfied.” /

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 502 -- Senator O’Dell: A BILL TO AUTHORIZE THE STARR‑IVA WATER AND SEWER DISTRICT IN ANDERSON COUNTY TO PROVIDE WATER SERVICE TO A SPECIFIED AREA OF ABBEVILLE COUNTY, UPON THE CONSENT OF THE GOVERNING BODY OF ABBEVILLE COUNTY, TO SOLVE A CRITICAL WATER SERVICE PROBLEM.

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 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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

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 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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

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 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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 MALLOY, the Bill was carried over.

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.

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

**AMENDMENT PROPOSED, CARRIED OVER**

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.

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

Senator HUTTO proposed the following amendment (3774MW1):

Amend the joint resolution, as and if amended, page 4, by striking lines 41-42.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the Joint Resolution.

Senator CLEARY spoke on the Joint Resolution.

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

**OBJECTION**

H. 3161 -- Reps. Spires and Toole: A BILL TO AMEND SECTION 40‑43‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA PHARMACY PRACTICE ACT, SO AS TO DEFINE ADDITIONAL TERMS; TO AMEND SECTION 40‑43‑86, RELATING TO COMPOUNDING PHARMACIES, SO AS TO REVISE MINIMUM GOOD COMPOUNDING PRACTICES, TO PROVIDE A PHARMACIST MUST PERFORM A FINAL CHECK ON A PRODUCT COMPOUNDED BY A PHARMACY TECHNICIAN, TO MODIFY REQUIREMENTS FOR AN AREA USED FOR COMPOUNDING IN A PHARMACY, TO PROVIDE PHARMACISTS SHALL ENSURE CERTAIN EXPECTED FEATURES OF INGREDIENTS USED IN A FORMULATION, TO PROVIDE A MEANS FOR DETERMINING THE MAXIMUM BEYOND‑USE DATE OF AN EXCESS AMOUNT OF A SPECIFIC COMPOUND IN CERTAIN CIRCUMSTANCES, TO REQUIRE CERTAIN WRITTEN POLICIES AND PROCEDURES APPLICABLE TO A COMPOUNDING AREA, AND TO PROVIDE THAT MATERIAL DATA SAFETY MUST BE READILY ACCESSIBLE TO PHARMACY PERSONNEL WHO WORK WITH DRUG SUBSTANCES OR BULK CHEMICALS, AND TO DELETE OBSOLETE LANGUAGE; AND TO AMEND SECTION 40‑43‑88, RELATING TO THE HANDLING OF STERILE PRODUCTS BY PHARMACIES, SO AS TO REVISE ASSOCIATED STANDARDS AND TO BROADEN THE APPLICATION OF THESE STANDARDS TO INCLUDE OTHER FACILITIES PERMITTED BY THE BOARD, AMONG OTHER THINGS.

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

Senator BRYANT proposed the following amendment (AGM\  
3161C003.AGM.AB13):

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

/ SECTION \_\_\_. Section 40‑43‑130(B) and (G)(1) of the 1976 Code is amended to read:

“(B) Each licensed pharmacist, as a condition of an active status license renewal, shall complete fifteen hours (1.5 CEU’s) of American Council on Pharmaceutical Education (ACPE) accredited continuing pharmacy education or continuing medical education (CME), Category I, or both, each license year. ~~Of~~ The fifteen hours~~, a minimum of six hours must~~ may be obtained through any combination of online courses and attendance at lectures, seminars, or workshops. At least fifty percent of the total number of hours required must be in drug therapy or patient management.

(G)(1) As a condition of registration renewal, a registered pharmacy technician shall complete ten hours of American Council on Pharmaceutical Education or CME I approved continuing education each year, beginning with the next renewal period after June 30, 2003. ~~A minimum of four hours of the total~~ These hours must be obtained through any combination of online courses and attendance at lectures, seminars, or workshops.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

Senator HUTTO spoke on the Bill.

Senator BRYANT objected to further consideration of the Bill.

**OBJECTION**

S. 731 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑43‑165 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (DOT) TO TRANSFER TO THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK (SIB) FROM NON‑TAX SOURCES AN AMOUNT EQUAL TO THE AMOUNT OF GENERAL FUND REVENUE APPROPRIATED TO DOT IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR “HIGHWAY ENGINEERING PERMANENT IMPROVEMENTS”, TO PROVIDE THAT THE AMOUNT APPROPRIATED TO DOT IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR “HIGHWAY ENGINEERING PERMANENT IMPROVEMENTS” ARE NOT SUBJECT TO ANY ACROSS THE BOARD REDUCTIONS, TO REQUIRE SIB TO USE THE TRANSFERRED FUNDS SOLELY TO FINANCE BRIDGE REPLACEMENT, REHABILITATION PROJECTS, AND EXPANSION AND IMPROVEMENTS TO EXISTING MAINLINE INTERSTATES, TO PROVIDE THAT DOT SHALL SUBMIT A LIST OF APPROPRIATE PROJECT RECOMMENDATIONS TO SIB, AND TO PROVIDE THAT THE FUNDS TRANSFERRED PURSUANT TO THIS SECTION MAY NOT BE EXPENDED ON ANY PROJECT APPROVED BY SIB BEFORE JULY 1, 2013.

Senator CLEARY objected to the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**OBJECTION TO FURTHER CONSIDERATION OF THE BILL**

H. 3342 -- Reps. Hart and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑15‑175 SO AS TO PROVIDE THAT A JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UNLESS THE SOLICITOR OR CLERK OF COURT HAS PROVIDED NOTICE TO THE ATTORNEY OF RECORD BEFORE ISSUING THE BENCH WARRANT.

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 (JUD3342.001), which was adopted:

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

/ SECTION 1. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑175. After an initial appearance, a judge may not issue a bench warrant for failure to appear in court upon motion by the solicitor or other prosecuting entity, unless the solicitor or the party charged with administering the general sessions docket has provided notice to the attorney of record and the bond surety company, if applicable, at least seventy‑two hours before the bench warrant is issued. This section does not apply if the presiding judge sua sponte issues the bench warrant for failure to appear or the person has been personally served with an appearance date.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**RECOMMITTED**

S. 391 -- Senators Matthews, Courson, Hayes, Jackson, Setzler, Williams, Nicholson and Scott: A SENATE RESOLUTION TO STRONGLY ENCOURAGE THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY TO DELAY ITS SEARCH AND SELECTION OF A PRESIDENT OF THE UNIVERSITY UNTIL AFTER THE MEMBERS TO SEATS REPRESENTING THE FIFTH, SIXTH, AND SEVENTH CONGRESSIONAL DISTRICTS AND AT‑LARGE SEATS NINE, ELEVEN, AND TWELVE ARE ELECTED DURING THE 2013 SOUTH CAROLINA LEGISLATIVE SESSION.

Senator MATTHEWS asked unanimous consent to recommit the Resolution to the Committee on Education.

There was no objection.

The Senate Resolution was recommitted to the Committee on Education.

**CARRIED OVER**

H. 3878 -- Reps. Murphy, 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, D.C. Moss, V.S. Moss, Munnerlyn, 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 MEMORIALIZE THE FULL COMMITTEE OF THE INTERNATIONAL OLYMPIC COMMITTEE TO OPPOSE THE DECISION OF ITS EXECUTIVE BOARD AND REINSTATE WRESTLING AS A CORE SPORT OF THE SUMMER OLYMPIC GAMES.

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

**ADOPTED**

S. 749 -- Senators Courson, Alexander, Bryant, Cromer, Hayes, Allen, Bright, Campsen, Coleman, Davis, Fair, Bennett, Cleary, Campbell, Corbin, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO AWARD THE SOUTH CAROLINA MEDAL OF VALOR TO THOSE SOUTH CAROLINIANS WHO LOST THEIR LIVES WHILE SERVING IN THE ARMED FORCES DURING THE GLOBAL WAR ON TERRORISM.

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

**ADOPTED**

S. 740 -- Senators Sheheen and Lourie: A CONCURRENT RESOLUTION REQUESTING THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY DEPUTY SHERIFF ERNEST CHRISTIAN “CHRIS” POTTER, III OF THE KERSHAW COUNTY SHERIFF’S DEPARTMENT BY ERECTING APPROPRIATE MARKERS OR SIGNS ALONG I‑20 IN KERSHAW COUNTY AT MILE MARKER 87.9 EAST AND THE CORRESPONDING MILE MARKER ON THE OPPOSITE SIDE OF THE HIGHWAY THAT CONTAIN THE WORDS “IN MEMORY OF DEPUTY SHERIFF ERNEST CHRISTIAN ‘CHRIS’ POTTER, III”.

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

**ADOPTED**

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

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

**ADOPTED**

H. 4006 -- Rep. Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 95 BETWEEN MILE MARKERS 165 AND 167 “SCHP LANCE CORPORAL JACOB HAM, JR. MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “SCHP LANCE CORPORAL JACOB HAM, JR. MEMORIAL HIGHWAY”.

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

**ADOPTED**

S. 743 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN CHESTER COUNTY FROM ITS NORTHEASTERN INTERSECTION WITH THE J. A. COCHRAN BYPASS TO THE CHESTER‑YORK COUNTY LINE THE “PAUL G. CAMPBELL, SR. HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “PAUL G. CAMPBELL, SR. HIGHWAY”.

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

**ADOPTED**

H. 3458 -- Reps. Hosey, Clyburn and Sellers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 278 IN ALLENDALE COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 TO FEED LOT ROAD “LIEUTENANT WINSTON ROBINSON, JR. HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “LIEUTENANT WINSTON ROBINSON, JR. HIGHWAY”.

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

**THE SENATE PROCEEDED TO THE *SINE DIE* RESOLUTION.**

**ADOPTED**

S. 744 -- Senator Courson: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 6, 2013, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, JUNE 18, 2013, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 20, 2013, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN 12:00 NOON, TUESDAY, JANUARY 14, 2014, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

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

Senator GROOMS moved to carry over the resolution.

Senator COURSON moved to lay the motion to carry over on the table.

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

**Ayes 39; Nays 5**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Fair Gregory

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

Bright Bryant Davis

Grooms *Martin, Shane*

**Total--5**

The motion to carry over was laid on the table.

The question was the adoption of the resolution.

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

**Ayes 39; Nays 4**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Hayes Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

Bright Bryant Grooms

*Martin, Shane*

**Total--4**

The Concurrent Resolution was adopted.

**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.**

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 460 -- Senator Hayes: A BILL TO AMEND SECTION 38‑45‑90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTY OF DUE CARE THAT A SURPLUS LINES INSURANCE BROKER MUST EXERCISE WHEN PLACING BUSINESS WITH NONADMITTED INSURERS, SO AS TO EXEMPT THOSE BROKERS FROM THIS REQUIREMENT WHEN SEEKING TO PROCURE OR PLACE NONADMITTED INSURANCE FOR AN EXEMPT COMMERCIAL PURCHASER IN CERTAIN CIRCUMSTANCES.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HUTTO explained the House amendments.

Senator HUTTO proposed the following amendment (460MW1), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 36 and inserting the following:

/ state, that ~~it is solvent~~ meets at least the minimum capital and surplus /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 42; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--42**

**NAYS**

Bright

**Total--1**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 341 -- Senators Alexander, Reese, Fair, Lourie, Cromer, L. Martin, Campbell, Shealy and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “EMERSON ROSE ACT” BY ADDING SECTION 44‑37‑70 SO AS TO REQUIRE EACH BIRTHING FACILITY LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PERFORM A PULSE OXIMETRY SCREENING ON EVERY NEWBORN IN ITS CARE, WHEN THE BABY IS TWENTY‑FOUR TO FORTY‑EIGHT HOURS OF AGE, OR AS LATE AS POSSIBLE IF THE BABY IS DISCHARGED FROM THE HOSPITAL BEFORE REACHING TWENTY‑FOUR HOURS OF AGE.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator ALEXANDER explained the House amendments.

Senator ALEXANDER proposed the following amendment (341R003.TCA), which was adopted:

Amend the bill, as and if amended, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Chapter 37, Title 44 of the 1976 Code is amended by adding:

“Section 44‑37‑70. (A) The Department of Health and Environmental Control shall require each birthing facility licensed by the department to perform on every newborn in its care a pulse oximetry or other department‑approved screening to detect critical congenital heart defects when the baby is twenty‑four to forty‑eight hours of age, or as late as possible if the baby is discharged from the hospital before reaching twenty‑four hours of age. A department‑approved screening must be based on standards set forth by the United States Secretary of Health and Human Services’ Advisory Committee on Heritable Disorders in Newborns and Children, the American Heart Association, and the American Academy of Pediatrics.

(B) The Department of Health and Human Services shall work with birthing facilities through its partnership with the Birth Outcomes Initiative to recommend policies for critical congenital heart defect screening. The Department of Health and Human Services shall provide reimbursement for services provided pursuant to this section.

(C) For purposes of this section, ‘birthing facility’ means an inpatient or ambulatory health care facility licensed by the Department of Health and Environmental Control that provides birthing and newborn care services.

(D) The department with advice from the Birth Outcome Initiative Leadership Team under the Department of Health and Human Services shall promulgate regulations necessary to implement the provisions of this section. In promulgating the regulations, the department must consider the best practices in screening, current scientific guidelines and recommendations, and advances in medical technology.” /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

The amendment was adopted.

Senator HUTTO proposed the following amendment (NL\  
341C001.NL.DG13), which was adopted:

Amend the bill, as and if amended, SECTION 3, Section 44‑37‑70(A), page 3, after line 2, by inserting an unnumbered paragraph to read:

/ If a parent of a newborn objects, in writing, to the screening, for reasons pertaining to religious beliefs only, the newborn is exempt from the screening required by this subsection. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

The amendment was adopted.

**RECESS**

At 5:49 P.M., with Senator HUTTO retaining the floor, on motion of Senator LARRY MARTIN, with unanimous consent, the Senate receded from business until 6:15 P.M.

At 6:15 P.M., the Senate resumed.

**MOTION ADOPTED**

With Senator HUTTO retaining the floor, Senator LARRY MARTIN asked unanimous consent to make a motion that at the conclusion of consideration of S. 341, the Senate would carry over S. 75, S. 127 and S. 310; and further, the Senate would proceed to a consideration of H. 3711; and further, the Senate would proceed to H. 3945, taking up for immediate consideration Amendment No. 1, recognizing Senator JACKSON to make remarks and at the conclusion of his remarks, H. 3945 would be placed in the status of Interrupted Debate.

The Senate resumed consideration of S. 341.

Senator HUTTO proposed the following amendment (NL\  
341C002.NL.DG13), which was withdrawn:

Amend the bill, as and if amended, SECTION 3, Section 44‑37‑70, by adding an appropriately lettered subsection at the end to read:

/ ( ) Any facility that is subject to the provisions of this section must submit an annual report to the Department of Health and Environmental Control. The report must be submitted in a manner and format required by the department, and must include, but is not limited to, the results of each screening and the cost per screening. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, the amendment was withdrawn.

The Bill was ordered returned to the House of Representatives with amendments.

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

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

H. 3711 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2012‑2013, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

The Joint Resolution was read the third time, passed and ordered returned to the House of Representatives with amendments.

**Recorded Vote**

Senators BRYANT, BRIGHT, SHANE MARTIN, DAVIS, SHEHEEN, SHEALY, MASSEY, CORBIN and MALLOY desired to be recorded as voting against the third reading of the Joint Resolution.

**AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

H. 3945 -- Reps. G.M. Smith, Harrell, Lucas, Bannister, Toole, Stringer, Hamilton, Sottile, Barfield, Bingham, Spires, Hardwick, Owens, Hiott, Long, Erickson, Murphy, Horne, Willis, Gagnon, Simrill, Funderburk and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, TO PROVIDE FOR ITS POWERS, DUTIES, PROCEDURES, AND JURISDICTION, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO REPEAL ARTICLE 3, CHAPTER 13, TITLE 8 RELATING TO THE STATE ETHICS COMMISSION; TO REPEAL ARTICLE 5, CHAPTER 13, TITLE 8 RELATING TO THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES; TO AMEND SECTION 8‑13‑100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8‑13‑700, AS AMENDED, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, SO AS TO PROVIDE THAT IF A MEMBER OF THE GENERAL ASSEMBLY DETERMINES THAT HE HAS A CONFLICT OF INTEREST, HE MUST COMPLY WITH CERTAIN REQUIREMENTS BEFORE ABSTAINING FROM ALL VOTES ON THE MATTER, AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL WHO IS REQUIRED TO RECUSE HIMSELF FROM A MATTER MUST DO SO; TO AMEND SECTION 8‑13‑740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL ENTITY, SO AS TO FURTHER DELINEATE WHAT IS CONSIDERED A CONTESTED CASE WHEN REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY IS PERMITTED; TO AMEND SECTION 8‑13‑745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY OR AN ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO DELETE A PROHIBITION AGAINST CERTAIN CONTRACTS WITH AN ENTITY FUNDED WITH GENERAL FUNDS; TO AMEND SECTION 8‑13‑1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 8‑13‑1300, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8‑13‑1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, SO AS TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8‑13‑1338, RELATING TO PERSONS WHO MAY NOT SOLICIT CONTRIBUTIONS, SO AS TO INCLUDE THE HEAD OF ANY STATE AGENCY WHO IS SELECTED BY THE GOVERNOR, THE GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8‑13‑1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, SO AS TO DELETE AN EXCEPTION FOR A COMMITTEE CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 8‑13‑1510 AND 8‑13‑1520, BOTH AS AMENDED, RELATING TO PENALTIES FOR ETHICAL AND OTHER VIOLATIONS, AND BY ADDING SECTION 8‑13‑1530 SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS AND FOR WHERE CERTAIN WILFUL VIOLATIONS MUST BE TRIED; AND TO REPEAL SECTIONS 8‑13‑710 AND 8‑13‑715 RELATING TO REPORTING OF PARTICULAR GIFTS AND AUTHORIZED REIMBURSEMENTS FOR SPEAKING ENGAGEMENTS.

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

By prior motion of Senator LARRY MARTIN, Amendment No. 1 was taken up for immediate consideration.

**Amendment No. 1**

Senators CAMPSEN, MALLOY, HUTTO and MASSEY proposed the following amendment (JUD3945.078):

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

/ PART I

LOBBYISTS AND LOBBYIST PRINCIPALS

SECTION 1. Section 2‑17‑20(A) of the 1976 Code is amended to read:

“(A) ~~Any~~ A person who acts as a lobbyist ~~must~~, within fifteen days of being employed, appointed, or retained as a lobbyist, shall register with the State Ethics Commission as provided in this section. Each person registering ~~must~~ shall pay a fee of ~~one~~ two hundred dollars and present to the State Ethics Commission a communication reflecting the authority of the registrant to represent the person by whom he is employed, appointed, or retained. If a partnership, committee, association, corporation, labor organization, or any other organization or group of persons registers as a lobbyist, it ~~must~~ shall identify each person who will act as a lobbyist on its behalf during the covered period. There is no registration fee for a lobbyist who is a full‑time employee of a state agency and limits his lobbying to efforts on behalf of that particular state agency.”

SECTION 2. Section 2‑17‑25(A) of the 1976 Code is amended to read:

“(A) ~~Any~~ A lobbyist’s principal ~~must~~, within fifteen days of employing, appointing, or retaining a lobbyist, shall register with the State Ethics Commission as provided in this section. Each person registering ~~must~~ shall pay a fee of ~~one~~ two hundred dollars. If a partnership, committee, an association, a corporation, labor organization, or any other organization or group of persons registers as a lobbyist’s principal, it ~~must~~ shall identify each person who will act as a lobbyist on its behalf during the covered period. If the State is a lobbyist’s principal, the State is exempt from paying a registration fee and filing a lobbyist’s principal registration statement.”

SECTION 3. Section 2‑17‑30(A) of the 1976 Code is amended to read:

“(A) Each lobbyist, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, must file a report with the State Ethics Commission covering that lobbyist’s lobbying during that filing period. The filing periods are from January first to ~~May thirty‑first~~  June thirtieth for the ~~June thirtieth~~ July tenth report, and are from ~~June~~ July first to December thirty‑first for the January ~~thirty‑first~~ tenth report. Any lobbying activity not reflected on the ~~June thirtieth~~ July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑20(C) must be reported no later than January ~~thirty‑first~~ tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the full name, address, and telephone number of the reporting lobbyist;

(2) an identification of each person on whose behalf the reporting lobbyist engaged in lobbying during the covered period;

(3) the official name, number, or description, designated by the House or Senate or by an agency, of legislation, covered agency actions, or covered gubernatorial actions for which the reporting lobbyist engaged in lobbying during the covered period;

(4) the identification of each person from whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of the totals of all amounts expended by a lobbyist in the performance of his lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while engaged in the general course of lobbying and if reimbursed by the lobbyist’s principal;

(6) the name of each member of the judiciary on whose behalf a lobbyist initiated or made expenditures and a complete and itemized account of the amount expended by the lobbyist for each member of the judiciary;

(7) a statement detailing any direct business association of a lobbyist with any current 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. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a lobbyist or a lobbyist’s principal and 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 in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in such entity;

(b) an interest held by 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 in a partnership or corporation represented by a lobbyist or a lobbyist’s principal if the interest is less than five percent of the total shares outstanding or partnership interests in such entity; or

(c) any commercial transaction between a lobbyist or a lobbyist’s principal and 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 in which the fair market value of the goods transferred or services rendered is paid.”

SECTION 4. Section 2‑17‑35(A) of the 1976 Code is amended to read:

“(A) Except as otherwise provided by Section 2‑17‑90(E), each lobbyist’s principal, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, must file a report with the State Ethics Commission covering that lobbyist’s principal’s expenditures attributable to lobbying during that filing period. The filing periods are from January first to ~~May thirty‑first~~ June thirtieth for the ~~June thirtieth~~ July tenth report, and are from ~~June~~ July first to December thirty‑first for the January ~~thirty‑first~~ tenth report. Any lobbying activity not reflected on the ~~June thirtieth~~ July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑25(C) must be reported no later than January ~~thirty‑first~~ tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the full name, address, and telephone number of the reporting lobbyist’s principal;

(2) an identification of each person who acted as a lobbyist on behalf of the reporting lobbyist’s principal during the covered period;

(3) the official name, number, or description, designated by the House or Senate or by an agency, of legislation, covered agency actions, or covered gubernatorial actions for which its lobbyist engaged in lobbying during the covered period;

(4) the identification of each person to whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of all amounts expended by a lobbyist’s principal for lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while a lobbyist’s principal or his lobbyist is engaged in the general course of lobbying;

(c) the name of each public official on whose behalf a lobbyist’s principal initiated or made expenditures pursuant to Section 2‑17‑90 and a complete and itemized account of the amount expended by the lobbyist’s principal for each public official;

(d) any reimbursements of or expenditures for actual expenses as allowed in Section 2‑17‑100;

(6) the name of each member of the judiciary on whose behalf a lobbyist’s principal initiated or made expenditures and a complete and itemized account of the amount expended by the lobbyist’s principal for each member of the judiciary;

(7) a statement detailing any direct business association of a lobbyist’s principal with any current 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. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a lobbyist or a lobbyist’s principal and 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 in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in the entity;

(b) an interest held by 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 in a partnership or corporation represented by a lobbyist or a lobbyist’s principal if the interest is less than five percent of the total shares outstanding or partnership interests in such entity; or

(c) any commercial transaction between a lobbyist or lobbyist’s principal and 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 in which the fair market value of the goods transferred or services rendered is paid;

(8) any contribution, as defined by Section 8‑13‑1300(7), made by the lobbyist’s principal to any candidate or public official, including an itemization of:

(a) the name and address of the public official or candidate to whom the contribution was made;

(b) the amount of the contribution;

(c) the date of the contribution;

(9) in the case of a voluntary membership organization, dues, fees, or other amounts payable to the organization during any calendar year from a member need be recorded only if the contribution to the organization is more than five hundred dollars and more than twenty percent of the total contributions of the organization during that calendar year.”

SECTION 5. Section 2-17‑40 of the 1976 Code of Laws is amended to read:

“(A) Each state agency or department must, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, file a report with the State Ethics Commission covering that agency's lobbying during that filing period. The filing periods are from January first to ~~May thirty‑first~~ June thirtieth for the ~~June thirtieth~~ July tenth report, and are from ~~June~~ July first to December thirty‑first for the January ~~thirty‑first~~ tenth report. Any lobbying activity not reflected on the ~~June thirtieth~~ July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑25(C) must be reported no later than January ~~thirty‑first~~ tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) an identification of each public official, public employee, or other person who engaged in lobbying for that agency during the covered period;

(2) legislation, covered agency actions, or covered gubernatorial actions the persons identified in item (1) engaged in lobbying during the covered period;

(3) the identification of each person to whom income attributable to the lobbyist's lobbying is paid or promised and the amount of the income attributable to the lobbyist's lobbying paid or promised;

(4)(a) a complete and itemized account of all expenditures made or incurred by those persons identified in item (1) in the performance of their lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) the name of each public official on whose behalf the state agency or department initiated or made expenditures pursuant to Section 2‑17‑90 and a complete and itemized account of the amount expended by the state agency or department for each public official;

(c) any reimbursements of or expenditures for actual expenses as allowed in Section 2‑17‑100.

(B) Where total amounts are required to be reported, totals must be reported for the entire calendar year to date. The reports required by this section are not required from any agency whose only lobbying is appearing before any committee of the General Assembly at the request of that committee or at the request of any member or members of that committee.”

PART II

GENERAL PROVISIONS

SECTION 6. Section 2‑19‑70(A) of the 1976 Code is amended to read:

“(A) No member of the General Assembly may be elected to a judicial office while he is serving in the General Assembly nor shall that person be elected to a judicial office for a period of ~~one year~~ two years after he either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.”

SECTION 7. Section 8‑13‑100 of the 1976 Code is amended by adding an appropriately numbered item to read:

“() ‘Elected official’ means an elected official of the State, a county, a municipality, or a political subdivision thereof, including a candidate for the office. Elected official does not mean a member of the judiciary; except that for the purposes of campaign practices, campaign disclosure, and disclosure of economic interests, a probate judge or a candidate for the position of probate judge is considered an elected official and must meet the requirements of this chapter.”

SECTION 8. Section 8‑13‑130 of the 1976 Code is amended to read:

“Section 8‑13‑130. The State Ethics Commission, Senate Ethics Committee, and House of Representatives Ethics Committee may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, ~~of the “Ethics, Government Accountability and Campaign Reform Act of 1991”~~ pursuant to Title 2 or Title 8. The fee must be used to reimburse the commission or the appropriate legislative Ethics Committee for costs associated with the investigation and hearing of a violation. The costs associated include:

(1) the investigator’s time;

(2) mileage, meals, and lodging;

(3) the prosecutor’s time;

(4) the hearing panel’s travel, per diem, and meals;

(5) administrative time;

(6) subpoena costs to include witness fees and mileage; and

(7) miscellaneous costs such as postage and supplies.

This fee is in addition to any fines as otherwise provided by law.”

PART III

ETHICS COMMITTEES

SECTION 9. A. Section 8-13-310 of the 1976 Code is amended to read:

“Section 8-13-310. ~~(A) The State Ethics Commission as constituted under law in effect before July 1, 1992, is reconstituted to continue in existence with the appointment and qualification of the at‑large members as prescribed in this section and with the changes in duties and powers as prescribed in this chapter. On July 1, 1993, when the duties and powers given to the Secretary of State in Chapter 17 of Title 2 are transferred to the State Ethics Commission, the Code Commissioner is directed to change all references to "this chapter" in Article 3 of Chapter 13 of Title 8 to "this chapter and Chapter 17 of Title 2”.~~

~~(B)~~(A) There is created the State Ethics Commission composed of ~~nine~~ eight members of which:

(1) four members must be appointed by the Governor~~, upon the advice and consent of the General Assembly~~no more than two of whom are members of the appointing Governor's political party;

(2) two members must be nominated by the President Pro Tempore of the Senate with one nomination in consultation withthe Senate Majority Leader and with one nomination in consultation with the Senate Minority Leader of the largest minority party, and upon confirmation by the Senate Ethics Committee, unless otherwise provided for by the rules of the Senate; and

(3) two members must be nominated by the Speaker of the House of Representatives with one nomination in consultation with the House Majority Leader and with one nomination in consultation with the House Minority Leader of the largest minority party, and upon confirmation by the House of Representatives Ethics Committee, unless otherwise provided for by the rules of the House of Representatives. ~~One member shall represent each of the seven congressional districts, and two members must be appointed from the State at large.~~

(B) Upon the nomination of candidates by the General Assembly for the State Ethic Commission, the appropriate ethics committee shall conduct an investigation and hold a public hearing to determine the qualifications of each candidate for office. Any person who desires to testify at the hearing, including candidates, shall furnish a written statement of his proposed testimony to the chairman of the committee. These statements shall be furnished no later than forty‑eight hours prior to the date and time set for the hearing. The committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the committee, shall be submitted under oath and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing. During the course of the investigation, the committee may schedule an executive session at which each candidate, and other persons whom the committee wishes to interview, may be interviewed by the committee on matters pertinent to the candidate’s qualification for the office to be filled. A reasonable time thereafter the committee shall render its findings as to whether the candidate is qualified for the office and whether the candidate has been confirmed for the office for which he was nominated.

(C) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact shall be made available to the members of both houses and to the public.

(D)(1)The qualifications the appointing authorities shall consider for the appointees include, but are not limited to:

(a) constitutional qualifications;

(b) ethical fitness;

(c) character;

(d) mental stability;

(e) experience;

(f) judicial temperament; and

(g) if the appointee has contributed to the election campaign of the individual appointing or nominating him to the State Ethics Commission within the previous four years.

(2) The appointing authorities shall make their appointments based on merit. However, in making appointments to the commission, the appointing authorities shall ensure that race, color, gender, national origin, and other demographic factors are considered to ensure the geographic and political balance of the appointments, and shall strive to assure that the membership of the commission will represent, to the greatest extent possible, all segments of the population of the State.

(3) The following are not eligible to serve on the State Ethics Commission:

(a) a member of the General Assembly;

(b) a former member of the General Assembly within eight years following the termination of his service in the General Assembly;

(c) a family member, as defined by Section 8-13-100(15), of a member of the General Assembly or the Governor;

(d) a person who made a campaign contribution, as defined by Section 8-13-1300(7), within the previous four years to the individual who nominated or appointed the person to serve on the State Ethics Commission;

(e) a person who registered as a lobbyist within four years of being nominated or appointed to serve on the State Ethics Commission;

(f) a person who is under the jurisdiction of the State Ethics Commission, House of Representatives Ethics Committee or Senate Ethics Committee.

~~No member of the General Assembly or other public official must be eligible to serve on the State Ethics Commission.~~

~~The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.~~

~~(C)~~(E) The terms of the members are for five years and until their successors are appointed and qualify. The terms of the members currently serving expire upon the effective date of this section; however, a member whose term expires may serve until his successor is appointed and qualifies and may be appointed for a new five-year term. For the initial appointments made by the Governor, two shall be for a term of two years, the third shall be for a term of four years, and the fourth shall be for a full five-year term. For the initial appointments made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, one shall be for a three-year term and the other shall be for a full five-year term. The initial members who serve terms that are less than five years are eligible to be reappointed for one full five-year term. ~~The members of the State Ethics Commission serving on this chapter's effective date may continue to serve until the expiration of their terms. These members may then be appointed to serve one full five‑year term under the provisions of this chapter. Members representing the first, third, and sixth congressional districts on this chapter's effective date are eligible to be appointed for a full five‑year term in or after 1991. Members currently representing the second, fourth, and fifth congressional districts on this chapter's effective date are eligible to be appointed for a full five‑year term in or after 1993. The initial appointments for the at large members of the commission created by this chapter must be for a one‑, two‑, or three-year term, but these at large members are eligible subsequently for a full five-year term. Under this section, the at large members of the commission are to be appointed to begin service on or after July 1, 1992.~~ Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. Members of the commission who have completed a full five‑year term are not eligible for reappointment, except as provided in this subsection.

~~(D)~~(F) The commission shall elect a chairman, a vice‑chairman, and such other officers as it considers necessary. Five members of the commission shall constitute a quorum. The commission must adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority of its members. Members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions."

D. Section 8‑13‑320(10)(g) of the 1976 Code, is amended to read:

“(g) All investigations, inquiries, hearings, and accompanying documents ~~must remain~~ are confidential and may only be released pursuant to this subsection. ~~until a finding of probable cause or dismissal, unless the respondent waives the right to confidentiality.~~ After a finding of probable cause by the commission, the following documents become public record: the complaint, the response by the respondent, the notice of hearing, exhibits introduced at a hearing, the commission’s findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. The respondent may waive the right to confidentiality. The willful release of confidential information is a misdemeanor, and any person releasing ~~such~~ confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.”

E. Section 8-13-320 of the 1976 Code is amended by adding an appropriately numbered new subsection to read:

“( ) to initiate upon the vote of a majority of the membership, and to receive complaints against a member or staff of the appropriate house or legislative caucus committee, or a candidate for the appropriate house, alleging a violation of this chapter or Chapter 17 of Title 2 and to conduct an investigation into the complaint pursuant to Section 8-13-540.”

F Section 8-13-320(10)(j) of the 1976 Code is amended to read:

“(j) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the commission’s possession relating to the charges. The same discovery techniques which are available to the commission must be equally available to the respondent, including the right to request the commission to subpoena witnesses or materials and the right to conduct depositions as prescribed by subitem (f). A panel of three commissioners must conduct a hearing in accordance with Chapter 23 of Title 1 (Administrative Procedures Act), except as otherwise expressly provided. Panel action requires the participation of the three panel members. During a commission panel hearing conducted to determine whether a violation of the chapter has occurred, the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All evidence, including records the commission considers, must be offered fully and made a part of the record in the proceedings. The hearings must be ~~held in executive session unless the respondent requests an open hearing~~ open to the public.”

G. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑322.(A) A formal advisory opinion issued by the committee is binding on the Ethics Commission, until amended or revoked, in any subsequent charges concerning the person who requested the formal opinion and any other person who acted in reliance on the opinion in good faith unless material facts were omitted or misstated by the person in the request for the opinion. A formal advisory opinion must be in writing and is considered rendered when approved by five or more commission members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the commission, by majority vote of the commission members present, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.

(B) The Commission may issue a written informal advisory opinion to a person or governmental entity within the Commission’s jurisdiction upon that person’s or governmental entity’s request. If raised in response to a complaint, the Commission shall consider whether the person who requested the opinion or who is a member of the governmental entity who requested the informal opinion and who is affected by the circumstances described within the request for the informal opinion, relied in good faith upon on a written informal opinion prior to making a probable cause determination. A written informal advisory opinion is binding on the Ethics Commission, until amended or revoked, in any subsequent charges concerning the person who either requested the informal opinion or a member of the governmental entity who requested the informal opinion and who is affected by the circumstances described within the request for the informal opinion unless material facts were omitted or misstated by the person in the request for the opinion.”

H. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑515. The General Assembly recognizes that the authority of each house to punish its members for disorderly behavior pursuant to Section 12, Article III of the South Carolina Constitution is not limited to violations of this chapter and Chapter 17, Title 2 and specifically includes any conduct the house determines to constitute disorderly behavior.”

I. Section 8-13-530 of the 1976 Code is amended to read

“Section 8-13-530. Each ethics committee shall:

(1) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of this chapter and promptly notify the person to file the necessary notices and reports to satisfy the requirements of this chapter;

(2) receive complaints filed by individuals and, upon a majority vote of the total membership of the committee, file complaints when alleged violations are identified;

(3) upon the filing of a complaint, investigate possible violations of a rule or breach of a privilege governing a member or staff of the appropriate house, the alleged breach of a rule governing a member of, legislative caucus committees for, or a candidate, or staff for the appropriate house~~, misconduct of a member or staff of, legislative caucus committees for, or a candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2~~. Upon the filing of a complaint alleging a violation by a member or staff of the appropriate house or legislative caucus committee, or a candidate for the appropriate house, for a violation of this chapter or Chapter 17 of Title 2*,* except a technical violation pursuant to Section 8-13-1372, the ethics committee shall refer the complaint to the Ethics Commission for an investigation pursuant to Section 8-13-540;

(4) receive and hear a complaint which alleges a breach of a privilege governing a member or staff of the appropriate house, the alleged breach of a rule governing a member or staff of or candidate for the appropriate house~~, misconduct of a member or staff of or candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2~~.

(5) No complaint may be accepted by the ethics committee or the Ethics Commission concerning a member of or candidate for the appropriate house during the fifty‑day period before an election in which the member or candidate is a candidate. During this fifty‑day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty‑day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorney's fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

(i) petition is being presented for an improper purpose such as harassment or to cause delay;

(ii) claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(iii) allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after reasonable opportunity for further investigation or discovery.

Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ethics committee at least thirty days before the election must be postponed until after the election;

~~(5)~~(6) ~~obtain information and investigate~~ hear complaints as provided in Section 8‑13‑540 with respect to any complaint filed pursuant to this chapter or Chapter 17 of Title 2 and to that end may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers;

~~(6)~~(7) administer or recommend sanctions appropriate to a particular member, or staff of, or candidate for, the appropriate house pursuant to Section 8‑13‑540, including the recovery of the value of anything transferred or received in breach of the ethical standards, or dismiss the charges; and

~~(7)~~(8) act as an advisory body to the General Assembly and to individual members of or candidates for the appropriate house on questions pertaining to the disclosure and filing requirements of members of or candidates for the appropriate house~~.~~ and to issue, upon request from persons covered by this chapter and Chapter 17 of Title 2, and publish advisory opinions on the requirements of these chapters, based on real or hypothetical sets of circumstances; provided, that an opinion rendered by the committee, until amended or revoked, is binding on the Ethics Commission and the committee in any subsequent charges concerning the person who requested the opinion and who acted in reliance on it in good faith unless material facts were omitted or misstated by the person in the request for the opinion. A published opinion relied upon in good faith by a person other than the person who requested the opinion is also binding upon the Ethics Commission and the committee. If raised in response to a complaint, the Ethics Commission and the committee shall consider whether the member relied upon an advisory opinion in good faith prior to making a probable cause determination or concurring in a determination, as applicable. Advisory opinions must be in writing and are considered rendered when approved by a majority of the committee members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the committee, by majority vote of the total membership of the committee, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.”

J. Section 8-13-540 of the 1976 Code is amended to read:

“Section 8-13-540. ~~Unless otherwise provided for by House or Senate rule, as appropriate, each ethics committee must conduct its investigation of a complaint filed pursuant to this chapter or Chapter 17 of Title 2 in accordance with this section.~~

(A)(1) When a complaint is filed with or by the ethics committee, a copy must promptly be sent to the person alleged to have committed the violation and to the Ethics Commission for an investigation as provided in this subsection. ~~If the ethics committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the ethics committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to appropriate law enforcement authorities. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this subsection, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice. If the ethics committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers.~~ The commission may commence an investigation upon the filing of a complaint by the commission or an individual, or by the referral of a complaint by the appropriate ethics committee. A copy of the complaint must be sent to the appropriate ethics committee.

(2) If an alleged violation is found to be groundless by the commission, a report must be provided to the appropriate ethics committee which may concur with the commission's finding or request the commission to continue the investigation and consider additional matters not considered by the commission. If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this item, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was wilful and without just cause or with malice.

(3) Action may not be taken on a complaint filed more than four years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

(4) To conduct its investigation:

(a) The commission, upon receipt of information, may initiate a complaint upon an affirmative vote of the majority of the total membership of the commission or shall accept notarized complaints referred from the ethics committees or from an individual, whether personally or on behalf of an organization or governmental body, that states the name of a person alleged to have committed a violation of this chapter or Chapter 17, Title 2 and the particulars of the violation. The commission shall forward a copy of the complaint, a general statement of the applicable law with respect to the complaint, and a statement explaining the due process rights of the respondent including, but not limited to, the right to counsel to the respondent within ten days of the filing of the complaint.

(b) If the commission or its executive director determines that the complaint does not allege facts sufficient to constitute a violation, a report must be provided to the appropriate ethics committee which may concur with the commission's finding or request the commission to continue the investigation and consider additional matters not considered by the commission. If the appropriate ethics committee concurs with the recommendation to dismiss the complaint, the committee must notify the complainant and respondent. All documents related to a complaint that results in a dismissal must remain confidential, unless the respondent waives the right to confidentiality.

(c) If the commission or its executive director determines that the complaint alleges facts sufficient to constitute a violation, an investigation may be conducted into the alleged violation.

(d) If the commission finds that there is probable cause to support the existence of criminal intent on the part of the respondent when the violation occurred, then the complaint and accompanying materials must also be provided to the Attorney General.

(e) If the commission determines that assistance is needed in conducting an investigation, the commission shall request the assistance of appropriate agencies.

(f) The commission may order testimony to be taken in any investigation or hearing by deposition before a person who is designated by the commission and has the power to administer oaths and, in these instances, to compel testimony. The commission may administer oaths and affirmation for the testimony of witnesses and issue subpoenas by approval of the chairman, subject to judicial enforcement, and issue subpoenas for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to the agency's investigation by approval of the chairman, subject to judicial enforcement. A person to whom a subpoena has been issued may move

(g) All investigations and accompanying documents are confidential and may only be released pursuant to this item. After a finding of probable cause by the commission the following documents become public record: the complaint, the response by the respondent, the notice of hearing before the appropriate ethics committee, exhibits introduced at any hearing, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. The respondent may waive the right to confidentiality. The willful release of confidential information is a misdemeanor, and a person releasing confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year.

(5) Upon completion of the commission’s investigation, the commission shall make a finding as to whether there is probable cause to believe a violation of this chapter or of Chapter 17, Title 2 has occurred. The commission shall forward a copy of its findings, along with a copy of all relevant reports, evidence, and testimony, to the appropriate ethics committee.

If after ~~such preliminary investigation,~~ reviewing the commission’s findings and relevant evidence, the ethics committee determines that probable cause does not exist, it shall send a written decision to the respondent and the complainant. If the ethics committee ~~finds~~ determines that probable cause exists to support an alleged violation, it shall, as appropriate:

(a) render an advisory opinion to the respondent and require the respondent's compliance within a reasonable time; or

(b) convene a formal public hearing on the matter within thirty days of the respondent's failure to comply with the advisory opinion. ~~All ethics committee investigations and records relating to the preliminary investigation are confidential.~~ No complaint shall be accepted which is filed later than four years after the alleged violation occurred.

~~(2)~~(B) If a formal public hearing is to be held~~,~~:

(1) the investigator or attorney handling the investigation from the ethics commission shall present the evidence related to the complaint to the appropriate ethics committee;

(2) it shall be the duty of the investigator or attorney to further investigate the subject of the complaint and any related matters under the jurisdiction and at the direction of the ethics committee, to request assistance from appropriate state agencies as needed, to request authorization from the committee for funds for the hiring of auditors, investigators, or other assistance as necessary, to prepare subpoenas, and to present evidence to the committee at any public hearing. The appropriate committee shall maintain the authority to approve subpoenas, authorize expenditures, dismiss complaints, schedule hearings, grant continuances, and any other authority as provided for by their rules;

(3) the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. ~~All hearings must be conducted in executive session~~.

~~(3)~~(C) After the hearing, the ethics committee shall determine its findings of fact. If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17 of Title 2, it shall:

~~(a)~~(1) administer a public or private reprimand;

~~(b)~~(2) determine that a technical violation as provided for in Section 8‑13‑1170 has occurred;

~~(c)~~(3) recommend expulsion of the member; and/or,

~~(d)~~(4) in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation. The ethics committee shall report its findings in writing to the Speaker of the House or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the ethics committee members. If the ethics committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.

~~(4)~~(D) An individual has ten days from the date of the notification of the ethics committee's action to appeal the action to the full legislative body.

~~(5)~~(E) No ethics committee member may participate in any matter in which he is involved.

~~(6)~~(F) The ethics committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses.”

K. Chapter 13, Title 8 is amended by adding 8-13-535 to read:

“Section 8-13-545. (A) The committee may issue a formal advisory opinion, based on real or hypothetical sets of circumstances. A formal advisory opinion issued by the committee is binding on the Ethics Commission and the committee, until amended or revoked, in any subsequent charges concerning the person who requested the formal opinion and any other person who acted in reliance upon it in good faith unless material facts were omitted or misstated by the person in the request for the opinion. A formal advisory opinions must be in writing and is considered rendered when approved by a majority of the committee members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the committee, by majority vote of the total membership of the committee, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.

(B) Staff of the appropriate ethics committee may issue a written informal advisory opinion to a member upon that member’s request. If raised in response to a complaint, the Ethics Commission and the committee shall consider whether the member relied, in good faith, upon a written informal opinion prior to making a probable cause determination or concurring in a determination, as applicable.  A written informal advisory opinion issued by the committee staff is binding on the Ethics Commission and the committee, until amended or revoked, in any subsequent charges concerning the person who requested the informal opinion unless material facts were omitted or misstated by the person in the request for the opinion.”

PART IV

RULES OF CONDUCT

SECTION 10. Section 8-13-700 of the 1976 Code is amended to read:

“Section 8-13-700. (A) ~~No~~ A public official, public member, or public employee may not knowingly use his official office, membership, or employment to:

(1) obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated~~.~~;

(2) participate or engage in a private business for which the public official, public member, or public employee is compensated for services rendered during the hours of employment for the State or for a political subdivision of the State;

(3) use offices, equipment, materials, or supplies of the State or a political subdivision of the State for a private business or for private business activities for which the public official, public member, or public employee is compensated.

This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official’s, public member’s, or public employee’s use that does not result in additional public expense, or to the incidental conversations, communications, or activities of a part-time public official or public member related to his primary occupation or business that does not interfere with the performance of his official duties or responsibilities.

(B) ~~No~~ A public official, public member, or public employee may not make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. If a member of the General Assembly determines that he has conflict pursuant to this section, he shall comply with items (1) and (2) before abstaining from all votes on the matter. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the specific nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;

(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

(5) if he is a public member, he shall furnish a copy to the presiding officer of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.

(C) Where a public official, public member, or public employee or a member of his immediate family holds an economic interest in a blind trust, he is not considered to have a conflict of interest with regard to matters pertaining to that economic interest, if the existence of the blind trust has been disclosed to the appropriate supervisory office.

(D) The provisions of this section do not apply to any court in the unified judicial system.

(E) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

(F) Any public official who must recuse himself pursuant to this section shall do so at all times when the matter is before the body or agency of which the public official is a member. The requirement of recusal under this section applies to, but is not limited to, participation in matters considered by committees, subcommittees, study committees, or other components of the body or agency of which the public official is a member. The requirement of recusal does not apply to participation in any procedural matters considered by the committee, subcommittee, or other component of the body or agency of which the public official is a member.

(G) A person who violates this section is guilty of a:

(1) misdemeanor, if the economic interest is ten thousand dollars or less, and upon conviction must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(2) felony, if the economic interest is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 11. Section 8‑13‑710(B) of the 1976 Code is amended to read:

“(B) A public official, public member, or public employee required to file a statement of economic interests under Section 8‑13‑1110 who receives, accepts, or takes, directly or indirectly, from a person, anything of value worth twenty‑five dollars or more in a day ~~and anything of value worth~~ or if the value totals, in the aggregate, two hundred dollars or more in ~~the aggregate in~~ a calendar year must report on his statement of economic interests pursuant to Section 8‑13‑1120 the thing of value from:

(1) a person, if there is reason to believe the donor would not give the thing of value but for the public official’s, public member’s, or public employee’s office or position;

(2) a person, or from an officer or director of a person, if the public official, public member, or public employee has reason to believe the person:

(a) has or is seeking to obtain contractual or other business or financial relationships with the public official’s, public member’s, or public employee’s governmental entity;

(b) conducts operations or activities which are regulated by the public official’s, public member’s, or public employee’s governmental entity.”

SECTION 12. Section 8-13-720 of the 1976 Code is amended to read:

“(A) ~~No~~ A person may not offer or pay to a public official, public member, or public employee and ~~no~~ a public official, public member, or public employee may not solicit or receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

(B) A person who violates this section is guilty of a:

(1) misdemeanor, if the amount offered, paid, solicited, or received is ten thousand dollars or less, and upon conviction must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(2) felony, if the amount offered, paid, solicited, or received is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both."

SECTION 13. Section 8-13-725(A) of the 1976 Code is amended to read:

“(A)(1) A public official, public member, or public employee may not use or disclose confidential information gained in the course of or by reason of his official responsibilities in a way that would affect an economic interest held by him, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.

(2) A person who violates this subsection is guilty of a:

(a) misdemeanor, if the economic interest is ten thousand dollars or less, and upon conviction must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(b) felony, if the economic interest is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 14. Section 8‑13‑740(A)(2)(c) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(c) in a contested case or a matter that may become a contested case, as defined in Section 1‑23‑310, excluding a contested case for a rate or price fixing matter before the South Carolina Public Service Commission or South Carolina Department of Insurance, or in an agency’s consideration of the drafting and promulgation of regulations under Chapter 23, ~~of~~ Title 1 in a public hearing.”

SECTION 15. Section 8-13-740(B) is amended to read:

(B)(1) A member of the General Assembly, when he, an individual with whom he is associated, or a business with which he is associated represents a client for compensation as permitted by subsection (A)(2)(c), must file within his annual statement of economic interests a listing of fees earned, services rendered, names of persons represented, and the nature of contacts made with the governmental entities.

(2) When a member of the General Assembly, a member of his immediate family, or a business with which he is associated represents a client for compensation in a claim brought against a state governmental entity, other than in a post-conviction relief or habeas proceeding, he must file within his annual statement of economic interests a listing of fees earned from funds paid by, or on behalf of, the state governmental entity and the nature of contacts made with the state governmental entity.”

SECTION 16. Section 8-13-755 of the 1976 Code of Laws is amended to read:

“Section 8-13-755. A former public official, former public member, or former public employee holding public office, membership, or employment on or after January 1, 1992, may not for a period of ~~one year~~ two years after terminating his public service or employment:

(1) serve as a lobbyist or represent clients before the agency or department on which he formerly served in a matter which he directly and substantially participated during his public service or employment, unless otherwise prohibited pursuant to Section 2-17-15; or

(2) accept employment if the employment:

(a) is from a person who is regulated by the agency or department on which the former public official, former public member, or former public employee served or was employed; and

(b) involves a matter in which the former public official, former public member, or former public employee directly and substantially participated during his public service or public employment.

SECTION 17. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8-13-756. The provisions of Sections 8-13-700, 8-13-710, 8-13-715, and 8-13-755 do not apply to a public employee of an institution of higher education who participates in the development of intellectual property that benefits the institution and the State of South Carolina, provided that the institution of higher education retains some royalty rights to the intellectual property.”

SECTION 18. Section 8‑13‑775 of the 1976 Code is amended to read:

“Section 8‑13‑775. (A) A public official, public member, or public employee may not have an economic interest in a contract with the State or its political subdivisions if the public official, public member, or public employee is authorized to perform an official function relating to the contract. Official function means writing or preparing the contract specifications, acceptance of bids, award of the contract, or other action on the preparation or award of the contract.

(B) A public official, public member, or public employee may not award a contract to, nor participate in any discussion concerning, the award of a contract with the State or its political subdivisions for either a business or an individual with which he is associated or to a business associated with a member of the public official’s, public member’s, or public employee’s immediate family.

(C) This section is not intended to infringe on or prohibit public employment contracts with this State or a political subdivision of this State nor does it prohibit the award of contracts awarded through a process of public notice and competitive bids if the public official, public member, or public employee has not performed an official function nor participate in any discussion regarding the contract.”

SECTION 19. Section 8‑13‑780(B) of the 1976 Code is amended to read:

“(B) In addition to existing remedies for breach of the ethical standards of this chapter ~~or regulations promulgated hereunder~~, the State Ethics Commission may impose ~~an oral or~~ a written warning or reprimand.”

SECTION 20. Section 8‑13‑790(A) of the 1976 Code is amended to read:

“(A) The value of anything transferred or received in breach of the ethical standards of Articles 1 through 11 of this chapter or regulations promulgated under it by a public employee, public official, or a nonpublic employee or official ~~may~~ must be recovered from the public employee, public official, or nonpublic employee or official.”

PART V

DISCLOSURE OF ECONOMIC INTEREST

SECTION 21. Section 8‑13‑360 of the 1976 Code is amended to read:

“Section 8-13-360. Upon request, the commission shall make statements and reports filed with the commission available for public inspection and copying during regular office hours. The commission shall provide copying facilities at a cost not to exceed the actual cost. A statement may be requested by mail, and the commission shall mail a copy of the requested information to the individual making the request upon payment of appropriate postage, copying costs, and employee labor costs. The commission must also make statements and reports filed with the commission electronically accessible to the public. The commission shall publish and make available to the public and to persons subject to this chapter explanatory information concerning this chapter, the duties imposed by this chapter, and the means for enforcing this chapter.”

SECTION 22. Section 8‑13‑365 of the 1976 Code is amended to read:

“Section 8-13-365. ~~(A)~~ The commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8~~,~~ and Chapter 17, Title 2 ~~from all persons and entities subject to its jurisdiction~~ except for forms and reports required pursuant to Article 9, Chapter 13, Title 8. These disclosures and reports must be filed using an Internet‑based filing system as prescribed by the commission. ~~Reports and disclosures filed with the Ethics Committees of the Senate and House of Representatives for legislative offices must be in a format such that these filings can be forwarded to the State Ethics Commission using an Internet‑based system.~~ The information contained in the reports and disclosure forms, with the exception of social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable.

~~(B)~~ ~~The Ethics Commission must submit to the General Assembly a report no later than one year after implementation of subsection (A), concerning the effectiveness of mandatory electronic filing, and must make recommendations as to the implementation of mandatory filing for all other candidates and entities.~~”

SECTION 23. Section 8‑13‑1110 of the 1976 is amended to read:

“Section 8‑13‑1110. (A) No public official, regardless of compensation, and no public member or public employee as designated in subsection (B) may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests pursuant to Section 8‑13‑365 ~~in accordance with the appropriate supervisory office~~. ~~If a public official, public member, or public employee referred to in this section has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect with the appropriate supervisory office. All disclosure statements are matters of public record open to inspection upon request.~~

(B) Each of the following public officials, public members, and public employees must file a statement of economic interests ~~with the appropriate supervisory office~~, unless otherwise provided:

(1) a person appointed to fill the unexpired term of an elective office;

(2) a salaried member of a ~~state~~ board, commission, or agency;

(3) the chief administrative official or employee and the deputy or assistant administrative official or employee ~~or director of a division, institution, or facility~~ of any agency or department of state government;

(4) the city administrator, city manager, or chief municipal administrative official or employee, by whatever title;

(5) the county manager, county administrator, county supervisor, or chief county administrative official or employee, by whatever title;

(6) the chief administrative official or employee of each political subdivision including, but not limited to, school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions;

(7) a school district and county superintendent of education;

(8) a school district board member and a county board of education member;

(9) the chief finance official or employee and the chief purchasing official or employee of each agency, institution, or facility of state government, and of each county, municipality, or other political subdivision including, but not limited to, those named in item (6);

(10) a public official;

(11) a public member who serves on a state board, commission, or council; and

(12) Department of Transportation District Engineering Administrators.”

SECTION 24. Section 8‑13‑1120 of the 1976 is amended to read:

“Section 8‑13‑1120. (A) A statement of economic interests filed pursuant to Section 8‑13‑1110 ~~must be on forms prescribed by the State Ethics Commission and~~ must contain full and complete information concerning:

(1) the name, business or government address, and workplace telephone number of the filer;

(2) the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer’s immediate family during the reporting period;

(3)(a) the description, value, and location of all real property owned and options to purchase real property during the reporting period by a filer or a member of the filer’s immediate family if:

(i) there have been any public improvements of more than two hundred dollars on or adjacent to the real property within the reporting period and the public improvements are known to the filer; or

(ii) the interest can reasonably be expected to be the subject of a conflict of interest; or

(b) if a sale, lease, or rental of personal or real property is to a state, county, or municipal instrumentality of government, a copy of the contract, lease, or rental agreement must be attached to the statement of economic interests;

(4) the name of each organization which paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement;

(5) the identity of every business or entity in which the filer or a member of the filer’s immediate family held or controlled, in the aggregate, securities or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of one hundred thousand dollars or more;

(6)(a) a listing by name and address of each creditor to whom the filer or member of the filer’s immediate family owed a debt in excess of five hundred dollars at any time during the reporting period, if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer’s agency or department other than for a credit card or retail installment contract, and the original amount of the debt and amount outstanding unless:

(i) the debt is promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or

(ii) the debt is promised or loaned by an individual’s family member if the person who promises or makes the loan is not acting as the agent or intermediary for someone other than a person named in this subitem; and

(b) the rate of interest charged the filer or a member of the filer’s immediate family for a debt required to be reported in (a);

If a discharge of a debt required to be reported in (a) has been made, the date of the transaction must be shown.

(7) the name of any lobbyist, as defined in Section 2‑17‑10(13) who is:

(a) an immediate family member of the filer;

(b) an individual with whom or business with which the filer or a member of the filer’s immediate family is associated;

(8) if a public official, public member, or public employee receives compensation from an individual or business which contracts with the governmental entity with which the public official, public member~~,~~ or public employee serves or is employed, the public official, public member, or public employee must report the name and address of that individual or business and the amount of compensation paid ~~to the public official, public member, or public employee~~ by that individual or business;

(9) the source and a brief description of any gifts, including transportation, lodging, food, or entertainment received during the preceding calendar year from:

(a) a person, if there is reason to believe the donor would not give the gift, gratuity, or favor but for the official’s or employee’s office or position; or

(b) a person, or from an officer or director of a person, if the public official or public employee has reason to believe the person:

(i) has or is seeking to obtain contractual or other business or financial relationship with the official’s or employee’s agency; or

(ii) conducts operations or activities which are regulated by the official’s or employee’s agency if the value of the gift is twenty‑five dollars or more in a day or if the value totals, in the aggregate, two hundred dollars or more in a calendar year~~.~~ ;

(10) the source of any other income received by the filer or a member of the filer’s immediate family, not to include income received pursuant to:

(i) a court order;

(ii) interest from a savings, checking or brokerage account with a bank, savings and loan, or other licensed financial institution which offers savings, checking or brokerage accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee;

(iii) a mutual fund or similar fund in which an investment company invests its shareholders’ money in a diversified selection of securities.

(11) the specific source of income received by a public official, a member of the public official’s immediate family, or a business with which the public official or a member of his immediate family are associated if the public official or a member of the public official’s immediate family directly derives income from a:

(i) contractual or financial relationship, including a consultant or independent contractor’s relationship, with a lobbyist’s principal or an entity controlled by, affiliated with, or existing for the benefit of a lobbyist’s principal;

(ii) contractual or financial relationship, including a consultant or independent contractor relationship, with a state or local governmental entity;

(iii) source regulated by the governmental regulatory agency with which the public official serves.

For purposes of item (11), ‘contractual or financial relationship’ does not include a relationship from which income received by a public official, a member of the public official’s immediate family, or a business with which the public official or his immediate family is associated is derived from commercial transactions in which the fair market value of goods transferred or services rendered is paid.

(12) the specific source of income received by a public member, a member of the public member’s immediate family, or a business with which the public member or a member of his immediate family are associated if the public member or his immediate family directly derives income from a source regulated by the governmental regulatory agency with which the public member serves.

(B) This article does not require the disclosure of economic interests information concerning:

(1) a spouse separated pursuant to a court order from the public official, public member, or public employee;

(2) a former spouse;

(3) a campaign contribution that is permitted and reported under Article 13 of this chapter; or

(4) matters determined to require confidentiality pursuant to Section 2‑17‑90(E).”

SECTION 25. Section 8‑13‑1130 of the 1976 Code is amended to read:

“Section 8‑13‑1130. In addition to the statement of economic interests required pursuant to Section 8‑13‑1110, a person required to file the statement shall further report ~~to the appropriate supervisory office~~ the name of any person he knows to be a lobbyist as defined in Section 2‑17‑10(13) or a lobbyist’s principal as defined in Section 2‑17‑10(14) and knows that the lobbyist or lobbyist’s principal has in the previous calendar year employed or purchased from the filer, a member of the filer’s immediate family, an individual with whom the filer is associated, or a business with which the filer is associated, goods or services in an amount in excess of two hundred dollars.”

SECTION 26. Section 8‑13‑1140 of the 1976 Code is amended to read:

“Section 8‑13‑1140. A person required to file a statement of economic interests under this chapter shall annually file, pursuant to Section 8‑13‑365, an updated statement for the previous calendar year ~~with the appropriate supervisory office~~ ~~annually~~, no later than ~~April fifteenth~~ noon on March thirtieth of each calendar year~~, listing any addition, deletion, or change in his economic status with respect to which information is required to be supplied under this article~~. If the person has filed the description by name, amount, and schedule of payments of a continuing arrangement relating to an item required to be reported under this article, an updating statement need not be filed for each payment under the continuing arrangement, but only if the arrangement is terminated or altered.”

SECTION 27. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1145. The appropriate supervisory office must send an electronic notice of obligation to report no less than thirty days before the filing date to the e‑mail address provided by the filer to any filer who has not yet filed a current statement of economic interests. The filer is not relieved of reporting responsibilities if the notice is not sent or if the filer does not receive a notice.”

SECTION 28. Section 8‑13‑1150 of the 1976 Code is amended to read:

“Section 8‑13‑1150. A consultant must file a statement for the previous calendar year ~~with the appropriate supervisory office~~ , pursuant to Section 8‑13‑365, no later than twenty‑one days after entering into a contractual relationship with the State or a political subdivision of the State and must file an update within ten days from the date the consultant knows or should have known that new economic interests in an entity have arisen in which the consultant or a member of the consultant’s immediate family has economic interests:

(1) where the entity’s bid was evaluated by the consultant and who was subsequently awarded the contract by the State, county, municipality, or a political subdivision of any of these entities that contracted with the consultant; or

(2) where the entity was awarded a contract by the consultant.”

SECTION 29. Section 8‑13‑1170 of the 1976 Code is amended to read:

“Section 8‑13‑1170. (A) The appropriate supervisory office may, in its discretion, determine that errors or omissions on statements of economic interests are inadvertent and unintentional and not an effort to violate a requirement of this chapter and may be handled as technical violations not subject to the provisions of this chapter pertaining to ethical violations. ~~Technical violations must remain confidential unless requested to be made public by the public official, public member, or public employee filing the statement.~~ In lieu of all other penalties, the appropriate supervisory office may assess a technical violations penalty not exceeding fifty dollars.

(B) The appropriate supervisory office may grant a reasonable extension of time for filing a statement of economic interests. The extension may not exceed thirty days except in cases of illness or incapacitation.”

SECTION 30. Section 8‑13‑1160 of the 1976 Code is repealed.

SECTION 31. Section 8‑13‑1180 of the 1976 Code is repealed.

PART VI

CAMPAIGN PRACTICES

SECTION 32. Section 8‑13‑1300(3) of the 1976 Code is amended to read:

“(3) ‘Business’ means a corporation, limited liability company, partnership, proprietorship, firm, an enterprise, a franchise, an association, organization, or a self‑employed individual.”

SECTION 33. Section 8‑13‑1300(6) of the 1976 Code is amended to read:

“(6) ‘Committee’ means a person, two or more individuals, such as any person, association, organization, or other entity that makes, or accepts anything of value to make, contributions or expenditures and has one or more of the following characteristics:

(a) is a political party or executive committee of a political party or is controlled by a political party or executive committee of a political party; or

(b) has the major purpose to support or oppose the nomination or election of one or more clearly identified candidates.

~~an association, a club, an organization, or a group of persons which, to influence the outcome of an elective office, receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. It also means a person who, to influence the outcome of an elective office, makes:~~

~~(a) contributions aggregating at least twenty‑five thousand dollars during an election cycle to or at the request of a candidate or a committee, or a combination of them; or~~

~~(b) independent expenditures aggregating five hundred dollars or more during an election cycle for the election or defeat of a candidate.~~

Supporting or opposing the election of clearly identified candidates include supporting or opposing the candidates of a clearly identified political party.

If the entity qualifies as a ‘committee’ pursuant to this section, it continues to be a committee if it receives contributions or makes expenditures or maintains assets or liabilities. A committee ceases to exist when it winds up its operations, disposes of its assets, and files its final report.

‘Committee’ includes a party committee, a legislative caucus committee, a noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for ~~the purpose of influencing an election~~ and has as the major purpose the support of or opposition to the nomination or election of a candidate to an elective office.

(c) For purposes of this section, factors that shall be considered to indicate a committee has the major purpose of supporting or opposing the nomination or election of one or more clearly identified candidates include, but are not limited to:

(i) any of the committee’s organizational documents, such as bylaws or articles of incorporation, identify advocacy in support of or in opposition to the nomination or election of one or more candidates as its major purpose;

(ii) over fifty percent of the committee’s disbursements made within the State in a calendar year are made to support or to oppose the nomination or election of one or more candidates to an elective office;

(iii) over fifty percent of the committee’s total disbursements made in a calendar year are made to support or to oppose the nomination or election of one or more candidates to an elective office; or

(iii) the committee’s public statements, including statements made in oral or written fundraising solicitations, identify advocacy in support of or in opposition to the nomination or election of one or more candidates to elective office as its major purpose.”

SECTION 34. Section 8-13-1300(7) of the 1976 Code is amended to read:

“(7) ‘Contribution’ means a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election; or payment or compensation for the personal service of another person which is rendered for any purpose to a candidate or committee without charge, whether any of the above are made or offered directly or indirectly. ‘Contribution’ does not include ~~(a)~~ volunteer personal services on behalf of a candidate or committee for which the volunteer or any person acting on behalf of or instead of the volunteer receives no compensation either in cash or in‑kind, directly or indirectly, from any source~~; or (b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made not more than forty‑five days before the election to influence the outcome of an elective office as defined in Section 8‑13‑1300(31)(c)~~. ~~These funds must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312~~.”

SECTION 35. Section 8-13-1300(17) of the 1976 Code is amended to read:

“(17) ‘Independent expenditure’ means:

(a) an expenditure made or incurred directly or indirectly by a person to advocate the election or defeat of a clearly identified candidate or ballot measure; and

(b) when taken as a whole and in context, the expenditure made by a person to influence the outcome of an elective office or ballot measure but which is not:

(i) made to;

(ii) controlled by;

(iii) coordinated with;

(iv) requested by; or

(v) made upon consultation with a candidate or an agent of a candidate; or a committee or agent of a committee; or a ballot measure committee or an agent of a ballot measure committee.

SECTION 36. Section 8-13-1300(23) of the 1976 Code is amended to read:

“(23) ‘Noncandidate committee’ means a committee that is not a campaign committee for a candidate but is organized ~~to influence an election or to support or oppose a candidate or public official,~~ for the major purpose to support or oppose the nomination or election of a candidate to elective office, which receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. ‘Noncandidate committee’ does not include political action committees that contribute solely to federal campaigns. For purposes of this section, factors that shall be considered to indicate a noncandidate committee has the major purpose to support or to oppose the nomination or election of one or more clearly identified candidates include, but are not limited to:

(a) any of the committee’s organizational documents, such as bylaws or articles of incorporation, identify advocacy to support or oppose the nomination or election of one or more candidates for elective office as its major purpose;

(b) over fifty percent of the committee’s disbursements made within the State in a calendar year are made to support or to oppose the nomination or election of one or more candidates for elective office;

(c) over fifty percent of the committee’s total disbursements made in a calendar year are made to support or to oppose the nomination or election of one or more candidates for elective office; or

(d) the committee’s public statements, including statements made in oral or written fundraising solicitations, identify advocacy in support of or in opposition to the nomination or election of one or more candidates for elective office as its major purpose.”

SECTION 37. Section 8‑13‑1300(31) of the 1976 Code is amended to read:

“(31) ‘Influence the outcome of an elective office’ means:

(a) expressly advocating the election or defeat of a clearly identified candidate using words including or substantially similar to ‘vote for’, ‘elect’, ‘cast your ballot for’, ‘Smith for Governor’, ‘vote against’, ‘defeat’, or ‘reject’; or

(b) communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate including or substantially similar to slogans or words such as ‘~~Smith”s~~ Smith’s the One’, ‘Jones 2000’, ‘Smith/Jones’ , ‘Jones!’, or ‘Smith‑A man for the People!’~~;~~ ~~or~~

~~(c)~~ ~~any communication made, not more than forty‑five days before an election, which promotes or supports a candidate or attacks or opposes a candidate, regardless of whether the communication expressly advocates a vote for or against a candidate. For purposes of this paragraph, “communication” means (i) any paid advertisement or purchased program time broadcast over television or radio; (ii) any paid message conveyed through telephone banks, direct mail, or electronic mail; or (iii) any paid advertisement that costs more than five thousand dollars that is conveyed through a communication medium other than those set forth in subsections (i) or (ii) of this paragraph. “Communication” does not include news, commentary, or editorial programming or article, or communication to an organization’s own members~~.”

SECTION 38. Section 8‑13‑1300(32) of the 1976 Code is amended to read:

“(32) ‘Ballot measure committee’ means:

(a) an association, club, an organization, or a group of persons ~~which, to influence the outcome~~  for which the major purpose is to support or oppose the passage of a ballot measure, receives contributions or makes expenditures in excess of two thousand five hundred dollars in the aggregate during an election cycle;

(b) a person, other than an individual, who, to influence the outcome of a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to or at the request of a ballot measure committee; or

(c) a person, other than an individual, who, to influence the outcome of a ballot measure, makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle.

(d) For purposes of this section, factors that shall be considered to indicate a ballot measure committee has the major purpose of supporting or opposing the passage of one or more ballot measures include, but are not limited to:

(1) any of the committee’s organizational documents, such as bylaws or articles of incorporation, identify advocacy to support or to oppose the passage of one or more ballot measures as its major purpose;

(2) over fifty percent of the committee’s disbursements made within the State in a calendar year are made to support or to oppose the passage of one or more ballot measures; or

(3) over fifty percent of the committee’s total disbursements made in a calendar year are made to support or to oppose the passage of one or more ballot measures; or

(4) the committee’s public statements, including statements made in oral or written fundraising solicitations, identify advocacy in support of or in opposition to the passage of one or more ballot measures as its major purpose.”

SECTION 39. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) ‘Public member’ means an individual appointed to a noncompensated part‑time position on a board, commission, or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.”

SECTION 40. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) ‘electioneering communication’ means any broadcast, cable, or satellite communication or mass postal mailing or telephone bank that has the following characteristics:

(a) refers to a candidate for elected office,

(b) that is publically aired or distributed within sixty days prior to a general election or within thirty days prior to a primary for that office, and

(c) may be received by either:

(i) fifty thousand or more individuals in the State in an election for statewide office or seven thousand five hundred or more individuals in any other election if in the form of broadcast, cable, or satellite communication,

(ii) twenty thousand or more households, cumulative per election, in a statewide election or two thousand five hundred households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.

(d) The definition does not include:

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless those facilities are owned or controlled by any political party, political committee, or candidate,

(ii) a communication that constitutes an expenditure or independent expenditure under this Article,

(iii) a communication that constitutes a candidate debate or forum conducted pursuant to rules adopted by a political party or that solely promotes that debate or forum and is made by or on behalf of the person sponsoring the debate or forum,

(iv) a communication made which, incidental to advocacy for or against a specific piece of legislation, ordinance, or local initiative, pending before the General Assembly or governing body of a political subdivision, urges the audience to communicate with a member or members of the General Assembly or the governing body of a political subdivision, concerning that piece of legislation, ordinance, or local initiative, or

(v) a communication that meets all of the following criteria:

(1) does not mention any election, candidacy, political party, opposing candidate, or voting by the general public;

(2) does not take a position on the candidate’s character or qualifications and fitness for office; and

(3) proposes a commercial transaction.”

SECTION 41. Section 8-13-1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) ‘Independent expenditure-only committee’ means a committee that:

(a) is not made by, controlled by, coordinated with, requested by, or made in consultation with a candidate, an agent of a candidate, a political party, or an agent of a political party;

(b) does not make contributions to any candidate or other committee, with the exception of other independent expenditure-only committees;

(c) makes only independent expenditures; and

(d) is organized for the major purpose to support or oppose the nomination or election of a candidate to elective office.”

SECTION 42. Section 8-13-1308 of the 1976 Code is amended to read:

“Section 8-13-1308. (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*.*

(J) All reports required by this section must be filed pursuant to Section 8‑13‑365.”

SECTION 43. 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 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.

(G) All reports required by this Section must be filed pursuant to Section 8‑13‑365.”

SECTION 44. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8-13-1311. Independent expenditure-only committees must:

(A) file a statement of organization with the State Ethics Commission no later than five days after receiving or expending more than five hundred dollars in the aggregate during an election cycle to influence the outcome of an elective office;

(B) under penalty of perjury, the chief executive officer or the controlling individual of the committee must file a certification that the independent expenditure-only committee is not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate;

(C) only make independent expenditures; and

(D) comply with all requirements, disclosures, and restrictions of committees under this Article except contribution limits under section 8-13-1322 and the provision of section 8-13-1308.”

SECTION 45. 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~~ 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 within ten 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 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.”

SECTION 46. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1313. A person who is not a committee required to file subject to Section 8‑13‑1304 and who makes an independent expenditure in an aggregate amount or value in excess of five hundred dollars during a calendar year or makes an electioneering communication must file a report of such expenditure or communication with the State Ethics Commission electronically in the manner prescribed by the Commission pursuant to Section 8‑13‑365 within thirty days or if the independent expenditure or electioneering communication is made within thirty days before an election, the report must be filed within forty‑eight hours. The report must include:

(1) a detailed description of the use of the expenditure or communication and the amount of the expenditure or the cost of the communication;

(2) the full name, primary occupation, street address, and phone number of the reporting person;

(3) the identification of the chief executive officer or for all controlling individuals if the reporting person is a business or another organization that is not an individual, to include name, title, employer, and address;

(4) the name of the candidate or ballot measure that is the target of the independent expenditure or electioneering communication and whether the expenditure or communication was made in support of, or opposition to, the candidate or ballot measure;

(5) the chief executive officer or controlling individual must file, under penalty of perjury, a certification that the independent expenditure is not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(6)(a) the identification of the top five donors to the reporting person and for any donor who has donated more than ten thousand dollars to the committee within the previous twelve months, to include name, primary occupation, address, and amount of the donation; and

(b) if the donor is a business or another organization that is not an individual, then the identification must indicate the name and title of the chief executive officer or the controlling individual of the donor organization.”

SECTION 47. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1315. An elected official, or a candidate for public office, may not coordinate, consult with, solicit for, or act in concert or at the request of an independent expenditure‑only committee registered with the State Ethics Commission that supports or opposes a candidate for that office.”

SECTION 48. Section 8‑13‑1318 of the 1976 Code is amended to read:

“Section 8‑13‑1318. If a candidate has a debt from a campaign for an elective office, the candidate may accept contributions to retire the debt, even if the candidate accepts contributions for another elective office or the same elective office during a subsequent election cycle, as long as those contributions accepted to retire the debt are:

(1) within the contribution limits applicable to the last election in which the candidate sought the elective office for which the debt was incurred; and

(2) reported as provided in this article.

If a candidate accepts a contribution to retire a debt from a campaign for an elective office, the contribution must be utilized to retire the debt.”

SECTION 49. Section 8‑13‑1320(1) of the 1976 Code is amended to read:

“(1) A contribution made on or before the seventh day after a primary ~~or primary runoff~~ is attributed to the primary ~~or primary runoff, respectively~~. However, in the event of a primary runoff, all contributions made after the day of the primary and continuing through the seventh day after the primary runoff are attributed to the primary runoff for the purposes of applying contribution limits.”

SECTION 50. Section 8-13-1322 of the 1976 Code is amended to read:

“Section 8-13-1322. (A) A person may not contribute to a committee and a committee may not accept from a person contributions aggregating more than three thousand five hundred dollars in a calendar year.

(B) A person may not contribute to a committee and a committee may not accept from a person a cash contribution unless the cash contribution does not exceed twenty‑five dollars for each election and is accompanied by a record of the amount of the contribution and the name and address of the contributor.

(C) The provisions of this section do not apply to independent expenditure-only committees registered with the State Ethics Commission.”

SECTION 51. Section 8‑13‑1328 of the 1976 Code is amended to read:

“Section 8‑13‑1328. (A) A candidate for statewide office ~~or the candidate’s family member~~ must not be repaid, for a loan made to the candidate, more than twenty‑five thousand dollars in the aggregate after the election.

(B) A candidate for an elective office other than those specified in subsection (A) ~~or a family member of a candidate for an elective office other than those specified in subsection (A)~~ must not be repaid, for a loan made to the candidate, more than ten thousand dollars in the aggregate after the election.”

SECTION 52. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1337. (A) An elective official or the elective official’s agent may not knowingly solicit a contribution from an employee in the elective official’s area of official responsibility.

(B) A public official or public employee may not provide an advantage or disadvantage to a public employee or applicant for public employment concerning employment, conditions of employment, or application for employment based on the employee’s or applicant’s contribution, promise to contribute, or failure to contribute to a candidate, a political party, as defined in Section 8‑13‑1300(26) or a committee, as defined in Section 8‑13‑1300(6).”

SECTION 53. Section 8‑13‑1340 of the 1976 Code is amended to read:

“Section 8‑13‑1340. (A) Except as provided in subsection~~s~~ (B) ~~and (E)~~, a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees, directly or indirectly established, financed, maintained, or controlled by the candidate or public official. For purposes of this section only, candidate includes candidates within the meaning of 431(B) of the Federal Election Campaign Act.

(B) This section does not prohibit a candidate from:

(1) making a contribution from the candidate’s own personal funds on behalf of the candidate’s candidacy or to another candidate for a different office; or

(2) providing the candidate’s surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate under Section 8‑13‑1370 of this article.

~~(C)~~ ~~Assets or funds which are the proceeds of a campaign contribution and which are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).~~

~~(D)~~ ~~A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:~~

~~(1)~~ ~~the candidate or public official, or an agent of either, has signature authority on the committee’s checks;~~

~~(2)~~ ~~funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;~~

~~(3)~~ ~~the candidate or public official is clearly identified on either the stationery or letterhead of the committee;~~

~~(4)~~ ~~the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;~~

~~(5)~~ ~~the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee’s solicitations, contributions, donations, disbursements, or contracts to make disbursements; or~~

~~(6)~~ ~~the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.~~

~~(E)~~ ~~The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.~~

~~(F)~~ ~~No committee operating under the provisions of Section 8‑13‑1340(E) may:~~

~~(1)~~ ~~solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or~~

~~(2)~~ ~~transfer anything of value to any other committee except as a contribution under the limitations of Section 8‑13‑1314(A) or the dissolution provisions of Section 8‑13‑1370.~~”

SECTION 54. Section 8‑13‑1344(B) of the 1976 Code is amended to read:

“(B)(1) A person may not solicit from a candidate, committee, political party, or other person, money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate, committee, or political party.

(2) A candidate, committee, or political party may not offer or give money or other property in consideration of an endorsement for the candidate, or for an article or other communication in the news media promoting or opposing a candidate, committee, or political party. This does not prohibit a candidate, committee, or political party from purchasing advertisements from a radio station, television station, wire service, or other bona fide news medium which in the ordinary course of business disseminates news, editorials, columns, other comments, or regularly published periodicals.”

SECTION 55. Section 8‑13‑1348(A) of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“(A)(1) ~~No~~ A candidate, committee, public official, or political party may not use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual’s duties as a holder of elective office.

(2) Campaign funds may not be used to pay penalties resulting from a criminal prosecution.

(B) The payment of reasonable and necessary travel expenses or for food or beverages consumed by the candidate or members of his immediate family while at, and in connection with, a political event are permitted.

(C)(1) An expenditure of more than twenty‑five dollars drawn upon a campaign account must be made by:

(a) a written instrument;

(b) debit card; or

(c) online transfers.

The campaign account must contain the name of the candidate or committee, and the expenditure must contain the name of the recipient. These expenditures must be reported pursuant to the provisions of Section 8‑13‑1308.

(2) Expenditures of twenty‑five dollars or less that are not made by a written instrument, debit card, or online transfer containing the name of the candidate or committee and the name of the recipient must be accounted for by a written receipt or written record.

(D) An expenditure may not be made that is clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange.

(E) A candidate or a duly authorized officer of a committee may not withdraw more than one hundred dollars from the campaign account to establish or replenish a petty cash fund for the candidate or committee at any time, and at no time may the fund exceed one hundred dollars. Expenditures from the petty cash fund may be made only for office supplies, food, transportation expenses, and other necessities and may not exceed twenty‑five dollars for each expenditure.

(F) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor, if the amount used or converted to personal use in violation of this section is ten thousand dollars or less, and upon conviction must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(2) felony, if the amount converted to personal use is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both."

SECTION 56. Section 8‑13‑1352 of the 1976 Code is amended to read:

“Section 8‑13‑1352. ~~Notwithstanding the provisions of Section 8‑13‑1350, a~~ A candidate may use or permit the use of contributions solicited for or received by the candidate to further the candidacy of the individual for an elective office other than the elective office for which the contributions were received if:

~~(1)~~(A) the person originally making the contribution gives written authorization for its use to further the candidacy of the individual for a specific office which is not the office for which the contribution was originally intended; and

~~(2)~~(B) the contribution is otherwise permitted by law.”

SECTION 57. Section 8‑13‑1356 of the 1976 Code is amended to read:

“Section 8‑13‑1356. (A) ~~This section does not apply to a public official who has a current disclosure statement on file with the appropriate supervisory office pursuant to Sections 8‑13‑1110 or 8‑13‑1140.~~

(B) ~~A candidate must file a statement of economic interests for the preceding calendar year at the same time and with the same official with whom the candidate files a declaration of candidacy or petition for nomination.~~ A person who becomes a candidate by filing a petition for nomination must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8‑13‑365 within fifteen days of submitting the petition pursuant to Section 7‑11‑70 or Section 7‑11‑71.

~~(C)~~ ~~The official with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after candidacy books close, must file a copy of the statement with the appropriate supervisory office.~~

~~(D)~~ ~~An individual who becomes a candidate other than by filing must, no later than fifteen business days after becoming a candidate, file a statement of economic interests for the preceding calendar year with the appropriate supervisory office~~.

~~(E)~~ ~~An officer authorized to receive declarations of candidacy and petitions for nominations under the provisions of Chapter 11 of Title 7 may not accept a declaration of candidacy or petition for nomination unless the declaration or petition is accompanied by a statement of economic interests. If the candidate’s name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election.~~

~~(F)~~ ~~If the candidate files for office before January first of the year in which the election is held, he must file a supplementary statement covering the preceding calendar year no later than April first of the year in which the election is held.~~

(C) A person who becomes a write-in candidate must electronically file a statement of economic interests for the preceding calendar year within twenty-four hours of filing an initial campaign finance report pursuant to Section 8-13-1308(A) or before taking the oath of office, whichever occurs earlier.

~~(G)~~(D) A candidate who is not a public official otherwise filing a statement has the same disclosure requirements as a public official with the exception of reporting gifts.

~~(H)~~ ~~The State Ethics Commission must furnish to each clerk of court in the State forms on which the statement of economic interests shall be filed.~~

(E) The appropriate supervisory office shall assess a civil penalty pursuant to Section 8-13-1510 against a candidate who fails to timely file a statement of economic interests as required by this section. ”

SECTION 58. Section 8‑13‑1360 of the 1976 Code is amended to read:

“Section 8‑13‑1360. ~~(A)~~ The State Ethics Commission shall develop a contribution and expenditure reporting form pursuant to Section 8‑13‑365 which must include:

~~(1)~~(A) a designation as a pre‑election or quarterly report and, if a pre‑election report, the election date;

~~(2)~~(B) the candidate’s name and address or, in the case of a committee, the name and address of the committee;

~~(3)~~(C) the balance of campaign accounts on hand at the beginning and at the close of the reporting period and the location of those campaign accounts;

~~(4)~~(D) the total amount of all contributions received during the reporting period; the total amount of contributions of one hundred dollars or less in the aggregate from one source received during the reporting period; and the name and address of each person contributing more than one hundred dollars in the aggregate during the reporting period, the date and amount of the contribution, and the year‑to‑date total for each contributor~~. Written promises or pledges to make a contribution must be reported separately in the same manner as other monetary contributions~~;

~~(5)~~(E) the total amount of all loans received during the reporting period and the total amount of loans for the year to date. The report also must include the date and amount of each loan from one source during the reporting period, the name and address of each maker or guarantor of each loan, the year‑to‑date total of each maker or guarantor, and the terms of the loan, including the interest rate, repayment terms, loan payments, and existing balances on each loan;

~~(6)~~(F) the date and amount of any in‑kind contributions of more than one hundred dollars in the aggregate by one person during the reporting period, and the contributor’s name, address, and year‑to‑date total;

~~(7)~~(G) the total amount of all refunds, rebates, interest, and other receipts not previously identified during the reporting period, and their year‑to‑date total; the total amount of other receipts received of one hundred dollars or less in the aggregate from one source during the reporting period; the date and amount of each refund, rebate, interest, or other receipt not previously identified of more than one hundred dollars in the aggregate from one source, the name and address and the year‑to‑date total for each source;

~~(8)~~(H) the aggregate total of all contributions, loans, and other receipts during the reporting period and the year‑to‑date total; the amount, date, and a brief description of each expenditure made during the reporting period, the name and address of the entity to which the expenditure was made, and the year‑to‑date total of expenditures to that entity. Credit card expenses and candidate reimbursements must be itemized so that the purpose and recipient of the expenditure are identified;

~~(9)~~(I) the total amount of all loans made during the reporting period and the year‑to‑date total. The report also must include the date and amount of each loan to one entity during the reporting period, the name and address of each recipient of the loan, and the terms of the loan, including the interest rate, repayment terms, purpose of the loan, the year‑to‑date total, and existing balances.

~~(B) A candidate or committee must disclose all information required on the form developed under this section.~~”

SECTION 59. Section 8‑13‑1364 of the 1976 Code is amended to read:

“Section 8‑13‑1364. The appropriate supervisory office must send ~~a notice~~ an electronic notice of obligation to report ~~and reporting forms by first class mail~~ no less than thirty days before the filing date for each reporting period to the e‑mail address provided by the candidate or committee. A candidate or committee is not relieved of reporting responsibilities if the notice ~~or forms are~~ is not sent or if the candidate or committee does not receive a notice ~~or forms~~.”

SECTION 60. Section 8‑13‑1372 of the 1976 Code is amended to read:

“Section 8‑13‑1372. (A) The appropriate supervisory office, in its discretion, may determine that errors or omissions on campaign reports are inadvertent and unintentional and not an effort to violate a requirement of this chapter and may be handled as technical violations which are not subject to the provisions of this chapter pertaining to ethical violations. ~~Technical violations must remain confidential unless requested to be made public by the candidate filing the report.~~ In lieu of all other penalties, the appropriate supervisory office may assess a technical violations penalty not to exceed fifty dollars.

(B) A violation other than an inadvertent or unintentional violation must be considered by the appropriate supervisory office for appropriate action.”

SECTION 61. Section 8‑13‑1310 of the 1976 Code is repealed.

SECTION 62. Section 8‑13‑1350 of the 1976 Code is repealed.

SECTION 63. Section 8‑13‑1358 of the 1976 Code is repealed.

SECTION 64. Section 8‑13‑1362 of the 1976 Code is repealed.

SECTION 65. Section 8‑13‑1366 of the 1976 Code is repealed.

PART VII

PUBLIC INTEGRITY UNIT

SECTION 66. A. Title 23 of the 1976 Code is amended by adding:

“CHAPTER 2

Public Integrity Unit

Section 23‑2‑10. (A) In order to insure ethical conduct in public service of this State and to promote integrity in government institutions, a partnership of agencies and other persons employed in investigating, auditing, and inspecting serious misconduct by government officials in this State is hereby established to be known as the ‘South Carolina Public Integrity Unit’ and this chapter must be interpreted to achieve the purposes of the Public Integrity Unit.

(B) Nothing in this chapter may be construed to preclude agencies or other entities within this State from performing existing functions, investigation authority, or adjudication as otherwise prescribed by law.

(C) It is the intent of the General Assembly in creating this partnership to maximize existing resources, expertise, and available information to coordinate investigations of alleged government corruption, unethical conduct, and violations of the public trust, all of which are imperative to preserving the faith of the public in its institutions. Each partner agency or entity may release information for investigative purposes to the other named partners as provided in this chapter, but the agency that originates that document remains responsible for release authority.

(D) As contained in this chapter:

(1) ‘Appropriate supervisory office’ means:

(a) the State Ethics Commission for all persons required to file reports under Chapter 13, Title 8, except for those members of or candidates for the office of State Senator or State Representative;

(b) the Senate Ethics Committee for members of the Senate, or staff, or candidates for the office of State Senator; and

(c) the House of Representatives Ethics Committee for members of the House of Representatives, or staff, or candidates for the office of State Representative.

(2) ‘Partner’ means each of the five named members of the Public Integrity Unit, and their respective agencies, namely the Attorney General, Chief of the State Law Enforcement Division, Director of the Department of Revenue, the Executive Director of the South Carolina Ethics Commission, and the Inspector General.

(3) ‘Unit’ means the Public Integrity Unit as described in this chapter.

Section 23‑2‑20. (A) There is hereby created a ‘South Carolina Public Integrity Unit’ consisting of the following five partner members:

(1) the Attorney General;

(2) the Chief of the State Law Enforcement Division;

(3) the Director of the Department of Revenue;

(4) the Executive Director of the South Carolina Ethics Commission; and

(5) the Inspector General.

(B) The members provided for in subsection (A) are ex officio members. The members may provide employees or staff from their respective agencies for the unit as necessary. Employees of other government agencies may be included in particular investigations.

(C) Members of the unit shall serve without compensation. A unit member who terminates his office or employment which qualified him as a member of the unit immediately shall cease to be a member of the unit.

Section 23‑2‑30. The Attorney General shall provide administrative support for the unit. The unit shall not have employees, but the partnering entities shall assign members, investigators, auditors, or support staff from within their respective agencies or staff.

Section 23‑2‑40. Nothing in this chapter establishes the unit as a separate entity to receive complaints from the general public. The unit shall receive allegations of criminal conduct from partner entities, an appropriate supervisory office, or any other state agency authorized to receive complaints against public employees, officers, or officials.

Section 23‑2‑50. Upon receipt of an allegation from a partner, the members shall determine whether it is appropriate for investigation by the unit or if the matter should be returned to the forwarding authority for action. The unit is an investigative partnership and not an adjudicating entity. Completed investigations that substantiate serious criminal conduct may be provided directly to the Attorney General or a solicitor. Substantiated investigations of a civil nature or deemed to be procedural error must be sent to the appropriate supervisory office. Unsubstantiated investigations must be returned to the entity that forwarded the investigation to the unit.

Section 23‑2‑60. The unit may accept investigations of criminal conduct by referral only. The referring entity shall identify the scope of the investigation. Completed investigations that substantiate serious criminal conduct may be provided directly to the Attorney General or a solicitor. Substantiated investigations not undertaken by the Attorney General or a solicitor, substantiated investigations deemed procedural errors, or unsubstantiated investigations must be returned to the appropriate referring entity. Referral to the unit may be made by:

(1) the Senate Ethics Committee as provided for within their rules or by law;

(2) the House of Representatives Ethics Committee as provided for within their rules or by law;

(3) the Supreme Court as allowed within its rules or by law; or

(4) any of the other partners identified in Section 23‑2‑20.

Section 23‑2‑70. The unit is a collaborative investigating entity that may include privileged communications, protected information, and protected identities under law. Freedom of Information Act requests must be made directly to the partner agency that generates such documents. Partnering entities that use information from another partner within the unit shall follow the release protocol of the originating partner. The unit shall not release any information related to its investigation or its results until such time as the matter is substantiated by the originating partner or undertaken as a criminal prosecution by the Attorney General or a solicitor.

Section 23‑2‑80. The unit may make recommendations to the General Assembly or to the Governor regarding the carrying out of the purposes, objectives, and intentions of this chapter or other acts relating to enforcement of ethics or public integrity issues. The partners shall report to the General Assembly each year of trends of cases, recommendations of reforms, and fiscal issues of the unit each year through the administrative support of the Attorney General.

Section 23‑2‑90. Partner members of the Public Integrity Unit, to the extent that they are authorized in their respective agencies, are authorized to:

(A) accept contributions, funds, or grants from foundations, state agencies, or the federal government, for the purpose of carrying out the programs and objectives of this chapter, provided such funds are not related to any particular case and are part of an established program for the improvement of investigation capability, and not from a public official or an entity within the control or influence of that public official;

(B) consult and cooperate with counties, municipalities, agencies, or official bodies of this State or of other states, other governmental agencies, and with colleges and universities, including technical colleges, and other institutions, concerning investigations of violations of the laws of this State;

(C) publish or cause to be published manuals, information bulletins, newsletters, and other materials to achieve the objectives of this chapter; and

(D) promulgate regulations as necessary for the administration of this chapter, including the issuance of administrative procedures for coordination among the partner entities.

Section 23‑2‑100. An oral or written report, document, statement, or other communication that is written, made, or delivered concerning the requirements or administration of this chapter or regulations promulgated under it must not be the subject of or basis for an action at law or in equity for slander or libel in any court of the State if the communication is between:

(A) a law enforcement agency, its agents, employees, or representatives; and

(B) the unit, its agents, employees, or representatives.

Section 23‑2‑110. If the unit determines that assistance is needed in conducting an investigation, the unit shall request the assistance of appropriate agencies.”

SECTION 67. The programs, functions, and requirements of the provisions in Chapter 2, Title 23 of the 1976 Code as contained in SECTION 66 must be terminated five years after the effective date of the act unless otherwise authorized by the General Assembly. Upon termination, the Public Integrity Unit shall be dissolved and must wind up any investigations accepted pursuant to the provisions of Chapter 2, Title 23 of the 1976 Code as contained in SECTION 66 within six months of termination.

PART VIII

MISCELLANEOUS

SECTION 68. A committee prohibited pursuant to SECTION 53 of this act in existence on the effective date of this act must distribute all unexpended funds in the manner provided for in Section 8-13-1370(C).

SECTION 69. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 70. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 71. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator JACKSON spoke on the Bill.

**Remarks by Senator JACKSON**

Thank you, Mr. PRESIDENT.

Lady and gentlemen of the Senate, I want to talk about Amendment No. 1, particularly as it relates to the Governor and the Governor’s appointees to this committee. Here is what concerns me about what came out of the Senate Judiciary Committee and even the amendment that’s on the Desk now.

The last couple days we have had an opportunity to hear something that was really very emotional to a lot of us, Senator LEATHERMAN. Five Democrats and five Republicans voted and worked for two days all afternoon on Thursday and came back on Friday morning. Out of all of the 20 years that I have been here, it was the most heart-wrenching thing that I have ever had to do. It involved one of our colleagues that served in this body for years, and contrary to what many of us may think he did, I am not condoning any of the things that he has been accused of. He has done a lot of good things in this body and for this State. We worked as a bipartisan group, the members of the Ethics Committee, and did what was necessary. We looked at the charges and found reasons to believe that we should go forward.

I want to commend the Chairman of the Ethics Committee, Senator RANKIN. He handled it in a very dignified and fair way. As a member of the minority party in its body, he was open and communicated to all sides. I felt as if I knew as much as anybody on Ethics. Not once was anything partisan brought up as it relates to this. Here is why I’m speaking on this amendment because here is what really concerns me. Having met Thursday for hours and having to get up early Friday morning to come and meet for hours, as well as having to go to one of our colleagues late Thursday night to look at him with tears in his eyes and say to him, “It does not look good. You have some tough decisions to make and do what you think is best for the institution you love.”

That was hard, Senator PEELER, because when you are looking at someone who is an adult man crying in your arms because of a decision that he knew he had to make -- was tough. It was tough to make. The Senate Ethics Committee staff laid out all the charges. Senator FORD had representation and there were questions from both sides. At the end of that whole process, I don’t think anyone could fault anything procedurally that was done by the Senate Ethics Committee. We did our job. This was the first year that I served on the Ethics Committee and, ironically, the Senator from Charleston, the former Senator from Charleston, Senator FORD, passed when making his committee selections to be a member of the Ethics Committee, so that I could serve. Why? He said to me, “I don't think I want to. I’m not sure I have the time or even the disposition to be doing that. I want you to do that.” He was higher in seniority alphabetically than I was by the mere fact his name was FORD and my name is JACKSON, so he passed. And, ironically, the first case that we have is one involving him. I’m doing this so you can understand how heart-wrenching it was and why I have a concern about the amendment that is on the Desk as it relates to the Governor’s participation.

Because I think when you are dealing with ethics, you cannot deal with politics. You can’t deal with who wins and who loses and what is best for one party and what is best for another. That is why it is five-five -- five Democrats and five Republicans -- and in order to get any kind of decision, you have to have at least one member of the other party agree. So, having met the Senator from Charleston, having talked to him, Senator MALLOY, we were involved as were others -- Senator FORD made a decision. He looked at the evidence. He made a tough decision. And he said to me, Senator McGILL, “I don’t want to put the body that I love through any more turmoil than what they have already gone through.” So, he called me late that night and said to me, “Senator, I am offering my letter of resignation as I have seen the committee’s report and I know what has been done.” He said, “I’m offering -- and I hope you guys are able to understand, and perhaps show some mercy as it relates to your findings and what the consequences will be.” He paid the ultimate price. Had we had ethics reform, nothing would have happened differently than what happened on Thursday and Friday, Senator LARRY MARTIN. The end result perhaps would have been the same.

Here is what concerns me mightily. So, I awakened Friday morning and I read my local newspaper and I saw a quote from Rob Godfrey that said, “Senator ROBERT FORD is the reason why we need ethics reform.” I blew a gasket. I blew a gasket. Here is a guy who probably didn’t sit in a minute of the hearings and he has passed judgment. Now, you talk about kicking a guy when he’s down, stepping on a guy when he’s down and no one from his office, from his boss, the Governor, or anyone else had the decency to stand up and say that Mr. Godfrey did not speak for me. I read that comment and I waited on the correction. I waited on someone to be honest to say, “Look, he should not have gone there. This was not something that should have been said.” ROBERT FORD is not the reason we need ethics reform. Since she brought it up, the amendment is on the Desk.

Let me remind you of something. There was a former House member who went through an ethics hearing and at that time, the committee, Senator HAYES, was not evenly divided. And those hearings were not as thorough as the one that Senator RANKIN and others presided over and if memory serves me correctly, that vote was purely on partisan lines -- five in agreement and one against. It was purely partisan. That was before Senator FORD’s hearing. Guess who that former House member was? It was the boss of the gentleman who had the unmitigated gaul to make this ridiculous statement and say ROBERT FORD is the reason we need ethics reform.

The Senate did its job. ROBERT FORD may have bought gas for a car but he didn’t buy gas for an airplane. ROBERT FORD did not shake down industries that he co-chaired in a subcommittee to go into an entity that provided an income for themselves. Senator FORD did not do any of that, and yet they could say he is the reason why we need ethics reform? After that, I said to my colleagues, “I am not in any mood to entertain anything the rest of this session on ethics reform.” The reason is because it has become partisan -- the one issue that should not be partisan at all but is all about checking the box to say I have a win on my agenda and I don’t care who I step on. I don’t care who I pour fire on that’s already burning.

Here is a man who cried his heart out and Senator MALLOY is right -- he has no family in South Carolina -- his only sisters live in California. He has no children. He has no wife. All he had was the Senate. Did he do wrong? Yes. It was tough for some of us to sign that paper and say that one of my closest friends in the General Assembly violated the law. But we did the right thing because it was required of us, and yet, I woke up the next morning and how someone, who themselves have gone through an Ethics hearing without a unanimous decision, could say that this guy who had the decency to resign is the reason we need ethics reform? Well, let me say, if we leave here Thursday without a Bill, this would be the reason why. Because it makes no sense -- and I know you guys say this should be bigger than one person. Really? Should it really be? If that is the case, then who is going to criticize the Governor’s staff? Who is going to require him to resign? Who is going to say to her, “You should censor this guy?” No one. She certainly hasn’t done it. No one else has called for her to do it.

We worked hard. We put a lot of effort into that hearing, and then a guy made that statement -- who, at the same time when Senator FORD was in a hospital bed at the Baptist Hospital with blood pressure that was going through the roof. Doctors were trying to determine whether or not the guy had had a stroke or not and whether or not he could leave the hospital. You know the doctor asked him, “Is there a family member I can call to give you a ride home?” And, he said, “I have none.” Yet, he woke up in the morning and he heard this. This does not represent us. And this is not the best of South Carolina. And on that day, it wasn't a great day in South Carolina. Not when the chief executive officer can stoop to something this low. And so I look forward tomorrow to debating this Bill and I look forward to see what, if anything, happens to Rob Godfrey -- to see if he’s taken to the wood shed for this and to see if he’s checked for this; to see if anybody would have the decency to say to him, “That was beyond what anyone should have said.” Ethics goes beyond ROBERT FORD. It is bigger than Governor Haley. It is larger than anything else.

Finally, we did the right thing. We found cause. We had public hearings. We are publicly seizing all of the evidence. We looked one of our very own in the face and said, “You violated the law -- there must be consequences.” Tell me what else could we have done? Tell me, even if you have ethics reform, what would have been done differently than what we have already done?

Last time I checked, there were leadership PACs in the Senate. The last time I checked, we did not -- and we do not -- have the problems that, perhaps -- and I’m not putting down my brothers and others across the Hall. All I’m saying is, if you want to know why we need ethics reform, perhaps Mr. Godfrey should have looked downstairs and looked at someone he’s real familiar with and say, “What have you done to bring us to this point in our history in South Carolina?”

Thank you, Mr. PRESIDENT. I look forward to debating this Bill tomorrow.

On motion of Senator LOURIE, with unanimous consent, the remarks of Senator JACKSON were ordered printed in the Journal.

By prior motion of Senator LARRY MARTIN, debate was interrupted by adjournment.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2014

Ellen Steinberg, 34 Smith Street, Charleston, SC 29401 *VICE* Bonnie L. Koontz

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Freddie Brown, Jr., 232 Burdette Street, Spartanburg, SC 29307 *VICE* James E. Talley

Reappointment, Georgetown County Master-in-Equity, with the term to commence December 31, 2013, and to expire December 31, 2019

Joe M. Crosby, 405 Dozier Street, Georgetown, SC 29440

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Peter E. Becker, 1011 Mockingbird Circle, Florence, SC 29501 *VICE* Hon. James R. Harwell

**MOTION ADOPTED**

On motion of Senators COURSON, LARRY MARTIN, ALEXANDER, ALLEN, BENNETT, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, CORBIN, CROMER, DAVIS, FAIR, GREGORY, GROOMS, HAYES, HEMBREE, HUTTO, JACKSON, JOHNSON, LEATHERMAN, LOURIE, MALLOY, SHANE MARTIN, MASSEY, MATTHEWS, McELVEEN, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, SCOTT, SETZLER, SHEALY, SHEHEEN, THURMOND, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned in honor of Charlotte Ann Hitchcock, who was born today at 2:23 P.M. weighing 10 lbs. 7 oz. The Senate conveys its best wishes to the proud parents, Assistant Clerk Mike Hitchcock and wife, Regina, and big brother, Christian.

and

**MOTION ADOPTED**

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Duane N. Clark of Columbia, S.C. Mr. Clark was the beloved husband of Anne and they were married 56 years having never spent a night apart.

**ADJOURNMENT**

At 6:35 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 10:30 A.M.

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