**Thursday, May 1, 2014**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 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:

Jeremiah quotes the Lord God as saying:

“ ‘He defended the cause of the poor and needy, and so all went well. Is that not what it means to know me?’ declares the Lord.” (Jeremiah 22:16)

Join me as we pause for prayer:

Holy God, we acknowledge our understanding that today’s Scripture reference is to a leader in a long-ago day and time. Yet the truth of Your declaration, Lord, rings true even today: that we all are to care those who find themselves greatly challenged by today’s world. May it ever be that this Senate makes clear its concern for those in South Carolina who struggle in so many ways, those who feel themselves overwhelmed by modern-day realities. May these Senators and these staff members make clear the fact that they truly care, that they care for *everyone.* We pray this in Your loving name, O 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**

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Richard A. Brooks, 21 Cedar Point Drive, Beaufort, SC 29907

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Terry A. Finger, P.O. Box 24005, Hilton Head Island, SC 29925

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Mark F. Fitzgibbons, 2807 Broome Ln., Beaufort, SC 29902

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Lawrence P. McElynn, 584 Colonial Dr., Beaufort, SC 29926

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Douglas L. Novak, 181 Bluffton Rd., Bluffton, SC 29910

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Beth A. Prince, 24 Aspen Hall Rd., Bluffton, SC 29910

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Nancy D. Sadler, 130 Old Plantation Dr., Beaufort, SC 29907

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Chilton G. Simmons, 15 Sunset Bluff, Beaufort, SC 29907

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Rod H. Sproatt, 8 Chloe Ct., Beaufort, SC 29907

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

David M. Taub, 414 New St., Beaufort, SC 29902

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Ralph E. Tupper, 62 Yard Farm Rd., St. Helena Island, SC 29920

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Erin G. Vaux, 5797 Yaupon Rd., Bluffton, SC 29910

Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Kenneth G. Southerlin, Jr., 905 East Silverleaf St., Greer, SC 29650 *VICE* Honorable Jesse A. McCall

**Doctor of the Day**

Senator GROOMS, along with Lt. Governor McCONNELL, introduced Dr. Marc New of North Charleston, S.C., Doctor of the Day. Dr. New specializes in gastroenterology.

**Leave of Absence**

At 11:05 A.M., Senator SHANE MARTIN requested a leave of absence beginning at 1:17 P.M. today and lasting until 12:10 P.M. Tuesday, May 6, 2014.

**Leave of Absence**

On motion of Senator GROOMS, at 12:10 P.M., Senator VERDIN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator ALEXANDER, at 2:35 P.M., Senator LEATHERMAN was granted a leave of absence for the balance of the day.

**Expression of Personal Interest**

Senator COLEMAN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 1250 Sen. Larry Martin

S. 919 Sen. Campsen

S. 1089 Sen. Pinckney

S. 1145 Sen. Courson

S. 300 Sen. Young

**RECALLED**

S. 1204 -- Senator Bryant: A CONCURRENT RESOLUTION TO DECLARE THE “GAIN MOMENTUM: BUSINESS EXPO AND SHRIMP & GRITS COOK‑OFF” EVENT, HOSTED BY THE ANDERSON AREA CHAMBER OF COMMERCE, AS THE OFFICIAL STATE SHRIMP & GRITS COOK‑OFF.

Senator BRYANT asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Agriculture and Natural Resources.

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

**Privilege of the Chamber**

    On motion of Senator BRYANT, on behalf of Senators FAIR and LARRY MARTIN, with unanimous consent, the Privilege of the Chamber, to that area behind the rail, was extended to the family of Mr. James E. Sligh, Jr. to recognize his dedication to the State of South Carolina upon his retirement.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1256 -- Senator Hutto: A BILL TO AMEND ACT 581 OF 1992, RELATING TO BAMBERG-EHRHARDT SCHOOL DISTRICT ONE, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BAMBERG-EHRHARDT SCHOOL DISTRICT ONE MUST BE ELECTED, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

S. 1257 -- Senator Hutto: A BILL TO AMEND ACT 581 OF 1992, RELATING TO DENMARK-OLAR SCHOOL DISTRICT TWO, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE DENMARK-OLAR SCHOOL DISTRICT TWO MUST BE ELECTED, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

S. 1258 -- Senator Pinckney: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2014, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

S. 1259 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DEFINED PROGRAM FOR THE PALMETTO UNIFIED SCHOOL DISTRICT (PUSD), DESIGNATED AS REGULATION DOCUMENT NUMBER 4421, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1260 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ACCREDITATION CRITERIA, DESIGNATED AS REGULATION DOCUMENT NUMBER 4400, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1261 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SCHOOL ADMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4397, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1262 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SCHOOL SUPERINTENDENT COMPENSATION AND BENEFITS/EXPENSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4391, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1263 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO UTILIZATION OF GENERAL TEACHER CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4396, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1264 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO OPERATION AND FUNDING OF TEACHER TRAINING COURSES IN MATHEMATICS, SCIENCE, READING AND COMPUTER EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4405, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1265 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO TEACHER GRANTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4409, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1266 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO MINIMUM STANDARDS OF STUDENT CONDUCT AND DISCIPLINARY ENFORCEMENT PROCEDURES TO BE IMPLEMENTED BY LOCAL SCHOOL DISTRICTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4404, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1267 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DISPLAYING THE FLAG, DESIGNATED AS REGULATION DOCUMENT NUMBER 4403, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1268 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ACCREDITATION STANDARDS FILED, DESIGNATED AS REGULATION DOCUMENT NUMBER 4401, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1269 -- Senator Alexander: A SENATE RESOLUTION TO DECLARE TUESDAY, MAY 13, 2014, AS "CLEMSON DAY" IN SOUTH CAROLINA AND TO RECOGNIZE THE UNIVERSITY ON ITS EXTENDED HISTORY IN THE STATE AND ON THE MANY CONTRIBUTIONS IT HAS MADE TO THE CITIZENS OF THE PALMETTO STATE.

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

S. 1270 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-1-70 SO AS TO PROVIDE THAT A PUBLIC UTILITY MAY USE EASEMENTS RELATED TO PUBLIC HIGHWAYS OR ROADS FOR PURPOSES RELATED TO THAT UTILITY IF GRANTED A PERMIT BY THE STATE OR LOCAL GOVERNMENT ENTITY AND SATISFACTION OF OTHER CONDITIONS, AND TO PROVIDE THAT A STATE OR LOCAL GOVERNMENT ENTITY MAY GRANT THE PERMIT BASED ON ITS PRESCRIPTIVE AUTHORITY FOR THE EXPANSION OF UTILITIES.

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

S. 1271 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 210 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH THE EASTERN TOWN LIMIT OF THE TOWN OF BOWMAN TO ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 "DR. JULIAN BOLAND HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "DR. JULIAN BOLAND HIGHWAY".

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

H. 3532 -- Reps. White and Huggins: A BILL TO AMEND SECTION 63-13-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, INCLUDING THE DEFINITION OF CHILDCARE FACILITIES, SO AS TO REVISE THE DAYTIME PROGRAMS AND DAY CAMPS TO WHICH THE DEFINITION DOES NOT APPLY; BY ADDING SECTION 63-13-220 SO AS TO PROHIBIT USE OF ABC VOUCHERS BY CERTAIN CHILDCARE PROVIDERS; AND TO MAKE TECHNICAL CORRECTIONS.

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

H. 3904 -- Reps. Daning, Crosby, Merrill, Simrill and Lucas: A BILL TO AMEND SECTION 56-3-2340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ALLOWING LICENSED MOTOR VEHICLE DEALERS TO ISSUE FIRST TIME MOTOR VEHICLE REGISTRATION AND LICENSE TAGS DIRECTLY FROM THEIR DEALERSHIPS, SO AS TO MAKE A TECHNICAL CHANGE, TO PROVIDE THAT THE DEPARTMENT MAY CERTIFY THIRD-PARTY PROVIDERS TO PROCESS TITLE, LICENSE PLATES, TEMPORARY LICENSE PLATES, AND VEHICLE REGISTRATION TRANSACTIONS ON BEHALF OF THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT AND THIRD-PARTY PROVIDERS MAY COLLECT TRANSACTION FEES FROM ENTITIES WHO TRANSMIT OR RETRIEVE CERTAIN DATA FROM THE DEPARTMENT; AND TO AMEND SECTION 56-19-265, AS AMENDED, RELATING TO LIENS RECORDED AGAINST MOTOR VEHICLES AND MOBILE HOMES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT LIEN RECORDINGS MAYBE ELECTRONICALLY TRANSMITTED TO THE DEPARTMENT, TO PROVIDE THAT THE OWNERS OF MOTOR VEHICLES OR MOBILE HOMES MAY RETAIN THE ELECTRONIC COPY OF THE VEHICLE'S TITLE WITH THE DEPARTMENT ONCE ALL LIENS ARE SATISFIED, AND TO PROVIDE THAT THE DEPARTMENT MAY CONVENE A WORKING GROUP TO DEVELOP PROGRAM SPECIFICATIONS RELATING TO GOVERNING THE TRANSMISSION OF ELECTRONIC LIEN INFORMATION.

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

H. 4061 -- Reps. Norrell, King, Cobb-Hunter, Douglas, Bowen, M. S. McLeod, Knight, Munnerlyn, Bernstein, Sabb, Jefferson, Williams, Neal, Gilliard, Howard, Skelton, Spires, Bowers, Anderson, G. A. Brown, Gagnon, George, Hayes, Hosey and Ridgeway: A BILL TO AMEND SECTION 59-32-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION SELECT OR DEVELOP INSTRUCTIONAL UNITS IN COMPREHENSIVE HEALTH EDUCATION FOR USE BY SCHOOL DISTRICTS, SO AS TO REQUIRE THE BOARD TO ALSO SELECT OR DEVELOP INSTRUCTIONAL UNITS IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION, WITH SEPARATE UNITS APPROPRIATE FOR EACH AGE LEVEL FROM FOUR-YEAR OLD KINDERGARTEN THROUGH TWELFTH GRADE; AND TO AMEND SECTION 59-32-30, RELATING TO THE REQUIREMENT THAT LOCAL SCHOOL DISTRICTS IMPLEMENT THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, AMONG OTHER THINGS, SO AS TO REQUIRE THE DISTRICTS TO PROVIDE AGE-APPROPRIATE INSTRUCTION IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION AS PART OF THIS PROGRAM.

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

H. 4346 -- Reps. Forrester and Allison: A BILL TO AMEND SECTION 63-7-1230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMMEDIATE ENTRY OF, AMONG OTHERS, FOSTER PARENTS IN THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT, SO AS TO REQUIRE THE DEPARTMENT TO FILE A PETITION WITH THE COURT BEFORE DOING SO; TO ESTABLISH REQUIREMENTS FOR FILING A PETITION WITH THE COURT PURSUANT TO SECTION 63-7-1230 AND FOR PROVIDING NOTICE OF, SCHEDULING, AND HOLDING A HEARING; TO EXEMPT PETITIONS FILED PURSUANT TO SECTION 63-7-1230 FROM THE REQUIREMENTS OF SECTION 63-7-1620 AND TO CHANGE REQUIREMENTS REGARDING PARTY STATUS OF THE CHILD AND PARENTS OF THE CHILD IN CERTAIN CIRCUMSTANCES; TO ESTABLISH REQUIREMENTS BEFORE A COURT MAY ORDER A PERSON TO BE ENTERED IN THE CENTRAL REGISTRY PURSUANT TO SECTION 63-7-1230, TO PROHIBIT PARTIES FOR WAIVING PLACEMENT IN THE REGISTRY AND TO ALLOW THE DEPARTMENT TO PETITION THE COURT FOR IMMEDIATE RELIEF IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 63-7-1410, RELATING TO THE ADMINISTRATIVE APPEAL OF INDICATED CASES OF CHILD ABUSE OR NEGLECT IN CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE AN APPEAL PROCESS FOR, AMONG OTHERS, FOSTER PARENTS FOR CASES INDICATED PURSUANT TO SECTION 63-7-1230; AND TO AMEND SECTION 63-7-1430, RELATING TO NOTICE AND OPPORTUNITY TO BE HEARD IN AN ADMINISTRATIVE APPEAL OF AN INDICATED FINDING OF ABUSE OR NEGLECT, SO AS TO ELIMINATE REFERENCE TO ADMINISTRATIVE APPEALS OF CASES IN WHICH THERE HAS BEEN IMMEDIATE ENTRY OF, AMONG OTHERS, A FOSTER PARENT INTO THE CENTRAL REGISTRY.

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

H. 4392 -- Reps. Huggins, Ballentine and Owens: A BILL TO AMEND SECTION 56-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL RESTRICTED DRIVERS' LICENSES TO CERTAIN MINORS, SO AS TO PROVIDE THAT THE RESTRICTIONS PLACED ON A HOLDER OF THIS LICENSE MAY BE WAIVED OR MODIFIED TO ALLOW THE LICENSE HOLDER TO TRAVEL BETWEEN HIS HOME AND A CHURCH-RELATED OR SPONSORED ACTIVITY.

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

H. 4399 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 61‑6-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN ALCOHOL PERMITS IN THE PROXIMITY OF SCHOOLS, PLAYGROUNDS, AND CHURCHES, SO AS TO ALLOW THE ISSUANCE OF A LICENSE FOR THE ON-PREMISES CONSUMPTION OF ALCOHOLIC LIQUOR IF ALL PLAYGROUNDS AND CHURCHES IN THE PROXIMITY AFFIRMATIVELY STATE THAT THEY DO NOT OBJECT TO THE ISSUANCE.

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

H. 4742 -- Reps. G. M. Smith, Weeks, Bannister, Delleney, Lucas and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-1-60 SO AS TO PROHIBIT FILING A FALSE LIEN OR ENCUMBRANCE IN CERTAIN PUBLIC RECORDS AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER, A PUBLIC EMPLOYEE, OR AN IMMEDIATE FAMILY MEMBER OF THE PUBLIC OFFICER OR PUBLIC EMPLOYEE FOR THE PERFORMANCE OF THE OFFICIAL DUTIES OF THE PUBLIC OFFICER OR PUBLIC EMPLOYEE WHEN THE PARTY FILING THE LIEN KNOWS OR HAS REASON TO KNOW THAT THE LIEN OR ENCUMBRANCE IS FALSE OR CONTAINS A MATERIALLY FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION; TO PROVIDE A VIOLATION CONSTITUTES A FELONY AND TO PROVIDE RELATED PENALTIES; TO DEFINE NECESSARY TERMINOLOGY; TO PROVIDE A REGISTER OF DEEDS OR CLERK OF COURT MAY REFUSE TO FILE A LIEN OR ENCUMBRANCE WHEN HE HAS A REASONABLE SUSPICION THAT THE LIEN OR ENCUMBRANCE IS FALSE, TO LIMIT HIS LIABILITY FOR THIS REFUSAL, TO PROVIDE CIRCUMSTANCES WHEN A COURT MAY ORDER THE FILING, AND TO PROVIDE EXCEPTIONS FROM THE PROVISIONS OF THIS SECTION, AMONG OTHER THINGS.

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

H. 4840 -- Reps. Putnam, Owens, Stringer, Burns, Rivers, Bowen, Clyburn, Thayer, Wood, Wells, Dillard, Robinson-Simpson, R. L. Brown and Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "HIGH SCHOOL EQUIVALENCY DIPLOMA ACCESSIBILITY ACT" BY ADDING SECTION 59-43-25 SO AS TO PROVIDE THAT BEFORE JANUARY 1, 2015, THE STATE BOARD OF EDUCATION SHALL SELECT A TEST OR TEST BATTERY THAT ELIGIBLE CANDIDATES SUCCESSFULLY MAY COMPLETE AS AN ALTERNATIVE TO THE GENERAL EDUCATION DEVELOPMENT TEST BATTERY TO RECEIVE A HIGH SCHOOL EQUIVALENCY DIPLOMA, THAT AN ESSENTIAL TRAIT OF THIS TEST OR TEST BATTERY MUST BE THAT IT ONLY MAY BE OFFERED IN A HANDWRITTEN, PAPER AND PEN OR PENCIL FORMAT AND MAY NOT BE DEPENDENT ON COMPUTER TECHNOLOGY FOR ITS ADMINISTRATION, TO REQUIRE THE BOARD SHALL AUTHORIZE THE ADMINISTRATION OF THIS TEST BY THE STATE DEPARTMENT OF EDUCATION PURSUANT TO CERTAIN REGULATIONS AND POLICIES, AND TO PROVIDE THE BOARD SHALL ISSUE HIGH SCHOOL EQUIVALENCY DIPLOMAS TO ELIGIBLE CANDIDATES WHO COMPLETE SUCCESSFULLY THE TEST OR TEST BATTERY AFTER JANUARY 1, 2015; AND TO AMEND SECTION 59-43-20, RELATING TO POWERS OF THE STATE BOARD OF EDUCATION WITH RESPECT TO BASIC ADULT AND SECONDARY EDUCATION, SO AS TO MAKE CONFORMING CHANGES.

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

H. 4914 -- Reps. Henderson, K. R. Crawford, Atwater, Spires, Gagnon, Lowe, Ridgeway and Thayer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-97 SO AS TO AUTHORIZE CERTAIN SCHOOL PERSONNEL TO ADMINISTER MIDAZOLAM INTRANASALLY TO STUDENTS WITH A SEIZURE CONDITION; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY WITH REGARD TO ADMINISTRATION OF MIDAZOLAM.

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

H. 5031 -- Reps. Dillard, Robinson-Simpson, G. R. Smith, Burns, Bannister, Bedingfield, Hamilton, Loftis, Nanney and Stringer: A BILL TO AMEND SECTION 5-15-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES IN MUNICIPAL ELECTIONS, SO AS TO PROVIDE THAT BEFORE A MUNICIPALITY MAY ADOPT AN ORDINANCE CHANGING THE METHOD OF NOMINATING CANDIDATES, THE MUNICIPALITY MUST ADOPT AN ORDINANCE REQUIRING AN ADVISORY REFERENDUM ON THE PROPOSED CHANGE, AND A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN THE ADVISORY REFERENDUM MUST APPROVE THE PROPOSED CHANGE.

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

H. 5134 -- Rep. W. J. McLeod: A BILL TO AMEND ACT 485 OF 1998, RELATING TO THE ELECTION PROCEDURES APPLICABLE TO THE NEWBERRY COUNTY BOARD OF EDUCATION, SO AS TO AMEND THE FILING PERIOD DATES AND THE DATES THAT THE COUNTY ELECTION COMMISSION SHALL EXAMINE PETITIONS AND VERIFY SIGNATURES.

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

H. 5159 -- 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 CONSOLIDATE CERTAIN PRECINCTS, AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

H. 5186 -- Rep. Howard: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR WONDERFUL EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE AND TO RECOGNIZE THE EIGHT YOUNG PEOPLE FROM DIFFERENT BOYS & GIRLS CLUBS THROUGHOUT THE STATE WHO HAVE BEEN NAMED 2014 YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS.

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

H. 5187 -- Reps. H. A. Crawford, 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, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO COMMEND MRS. JENNIFER AINSWORTH, SPECIAL EDUCATION TEACHER AT SOCASTEE HIGH SCHOOL IN HORRY COUNTY, FOR HER COMMITMENT TO PROVIDING QUALITY EDUCATION FOR THE CHILDREN OF SOUTH CAROLINA AND TO CONGRATULATE HER UPON BEING NAMED THE 2014-2015 SOUTH CAROLINA TEACHER OF THE YEAR.

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

H. 5192 -- Rep. J. R. Smith: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SPECIALIST EMBER M. ALT OF THE UNITED STATES ARMY WHILE SHE WAS SERVING A TOUR OF MILITARY DUTY AT BAGRAM AIR BASE, AFGHANISTAN, AND TO EXPRESS TO HER FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HER LIFE, SACRIFICE, AND SERVICE.

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

**Motion Adopted**

On motion of Senator COURSON, the Senate agreed to meet Monday, May 5, 2014, under the provisions of Rule 1B.

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**REPORTS OF STANDING COMMITTEES**

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3098 -- Rep. Spires: A BILL TO AMEND SECTION 44‑81‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHTS OF LONG‑TERM CARE FACILITY RESIDENTS, SO AS TO REQUIRE A RESIDENT OR HIS REPRESENTATIVE TO PROVIDE THE ADMINISTRATOR OF THE FACILITY CERTAIN NOTICE OF THE INTENT OF THE RESIDENT TO VOLUNTARILY RELOCATE TO ANOTHER FACILITY, AND TO PROVIDE THE FACILITY MAY CHARGE THE RESIDENT THE EQUIVALENT OF THIRTY DAYS OCCUPANCY FOR FAILURE TO GIVE THIS NOTICE.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 3567 -- Rep. Horne: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE THE DEFINITION OF “CHILDREN AND ADOLESCENTS IN NEED OF MENTAL HEALTH TREATMENT” IN A RESIDENTIAL TREATMENT FACILITY BY REVISING THE TERM TO INCLUDE YOUNG ADULTS AND BY INCREASING THE ELIGIBILITY AGE FROM UNDER EIGHTEEN TO UNDER TWENTY-ONE.

Ordered for consideration tomorrow.

Senator BRYANT from the Committee on Invitations polled out H. 5151 favorable:

H. 5151 -- Reps. Taylor, Wells, 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, Murphy, Nanney, Neal, Newton, Norman, Norrell, R.L. Ott, Owens, Parks, Patrick, Pitts, Pope, 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, Thayer, Toole, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY TO THE ROTARY CLUB OF AIKEN FOR ITS FINE WORK TOWARD IMPROVING THE READING SKILLS OF AIKEN’S STUDENTS AND TO DECLARE MAY 19, 2014, AS “ROTARY READER RECOGNITION DAY” IN SOUTH CAROLINA.

**Poll of the Invitations Committee**

**Polled 9; Ayes 9; Nays 0; Not Voting 2**

**AYES**

Bryant Alexander McGill

Campsen Cromer Malloy

Cleary Johnson Kimpson

**Total--9**

**NAYS**

**Total--0**

**NOT VOTING**

Reese Verdin

**Total--2**

Ordered for consideration tomorrow.

Senator BRYANT from the Committee on Invitations polled out H. 5132 favorable:

H. 5132 -- Reps. Jefferson, 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, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R.L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE OFFICERS, MEMBERS, AND AUXILIARIES OF THE SOUTH CAROLINA STATE CHAPTERS OF ZETA PHI BETA SORORITY, INCORPORATED, FOR THEIR OUTSTANDING SERVICE TO THE CITIZENS OF OUR STATE, OUR NATION, AND THE INTERNATIONAL COMMUNITY, AND TO DECLARE MAY 14, 2014, “ZETA PHI BETA SORORITY DAY” IN SOUTH CAROLINA.

**Poll of the Invitations Committee**

**Polled 9; Ayes 9; Nays 0; Not Voting 2**

**AYES**

Bryant Alexander McGill

Campsen Cromer Malloy

Cleary Johnson Kimpson

**Total--9**

**NAYS**

**Total--0**

**NOT VOTING**

Reese Verdin

**Total--2**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 30, 2014

Mr. President and Senators:

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

H. 3561 -- Reps. White, Stavrinakis and Merrill: A BILL TO AMEND SECTION 12‑36‑920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX ON ACCOMMODATIONS, SO AS TO DELETE CERTAIN ITEMS SUBJECT TO THE FIVE PERCENT TAX ON ADDITIONAL SURCHARGES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 30, 2014

Mr. President and Senators:

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

H. 4259 -- Reps. Goldfinch and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑760 SO AS TO ENACT THE “SOUTH CAROLINA MILITARY SERVICE INTEGRITY AND PRESERVATION ACT”, TO PROVIDE THAT A PERSON WHO, WITH THE INTENT OF SECURING A TANGIBLE BENEFIT, KNOWINGLY AND FALSELY REPRESENTS HIMSELF TO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES OR TO HAVE BEEN AWARDED A DECORATION, MEDAL, RIBBON, OR OTHER DEVICE AUTHORIZED BY CONGRESS OR PURSUANT TO FEDERAL LAW FOR THE ARMED FORCES OF THE UNITED STATES, IS GUILTY OF A MISDEMEANOR.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCE**

S. 1250 -- Senators Fair and L. Martin: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JAMES E. SLIGH, JR., OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, FOR THIRTY‑TWO YEARS OF FAITHFUL SERVICE TO THE CITIZENS OF SOUTH CAROLINA, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

**Motion Adopted**

On motion of Senator COURSON, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 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.

**Statement by Senator CAMPSEN**

I voted against H. 3939 because it is very likely it violates the special legislation prohibition of the South Carolina Constitution.  Senator LARRY MARTIN and I have been working on a statewide Bill (S. 866) purging all Boards of Election and Voter Registration throughout the State of similar constitutional problems.  I serve on the conference committee for the House version of S. 866.  Hopefully, we will get it passed this year subsequent to the passage of H. 3939, so that the constitutional problems H. 3939 presents to the Beaufort County Board of Elections and Registration will thereby be remedied.

**THIRD READING BILLS**

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

S. 909 -- Senator Hayes: A BILL TO AMEND SECTION 38‑90‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING CAPTIVE INSURANCE COMPANIES, SO AS TO DEFINE ‘RISK RETENTION GROUP’; TO AMEND SECTION 38‑90‑40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO INCLUDE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS A RISK RETENTION GROUP; TO AMEND SECTION 38‑90‑50, AS AMENDED, RELATING TO FREE SURPLUS REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO INCLUDE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS A RISK RETENTION GROUP; AND TO AMEND SECTION 38‑90‑70, AS AMENDED, SECTION 38‑90‑100, AS AMENDED, SECTION 38‑90‑110, AS AMENDED, AND SECTION 38‑90‑160, AS AMENDED, ALL RELATING TO MISCELLANEOUS REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE CONFORMING PROVISIONS FOR CAPTIVE INSURANCE COMPANIES FORMED AS RISK RETENTION GROUPS AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS RISK RETENTION GROUPS.

S. 964 -- Senator L. Martin: A BILL TO AMEND SECTION 6‑1‑320 OF THE 1976 CODE, RELATING TO THE LIMIT ON ANNUAL PROPERTY TAX MILLAGE INCREASES IMPOSED BY POLITICAL SUBDIVISIONS, TO ADD AN EXEMPTION FOR MILLAGE IMPOSED BY THE GOVERNING BODY FOR OPERATING REVENUE NECESSARY TO RETAIN A FIRE DEPARTMENT’S ISO RATING.

S. 1219 -- Education Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑25‑57 SO AS TO PROVIDE THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, SCHOOL DISTRICTS UNIFORMLY MAY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2014‑2015 SCHOOL YEAR FOR RETIRED TEACHERS WHO ARE NOT PARTICIPANTS IN THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM, AND TO EXTEND THIS NEGOTIATION OPTION TO SCHOOL DISTRICTS THROUGH JULY 1, 2020.

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 919 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 43‑7‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FALSE CLAIMS, STATEMENTS, AND REPRESENTATIONS FOR PURPOSES OF QUALIFYING FOR AND RECEIVING PAYMENT FOR AND REIMBURSEMENT OF MEDICAID CLAIMS AND BENEFITS, SO AS TO PROHIBIT ANY PERSON FROM ENGAGING IN THE PROHIBITED CONDUCT AND TO EXPAND OFFENSES AND PENALTIES FOR VIOLATING THE PROVISIONS OF THE ARTICLE; AND TO AMEND SECTION 43‑7‑90, RELATING TO ENFORCEMENT OF THE ARTICLE, SO AS TO PROVIDE THE ATTORNEY GENERAL, OR A DESIGNEE, ADDITIONAL POWERS.

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

Senator MALLOY proposed the following amendment (JUD0919.002), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 38-42, and page 3, by striking lines 1-31, and inserting:

/ (D) A person who violates ~~the provisions of~~ this section ~~is guilty of~~ commits medical assistance provider fraud, ~~a Class A misdemeanor and, upon conviction, must be imprisoned not more than three years and fined not more than one thousand dollars for each offense.~~ which is punishable as follows:

(1) for a first offense in which the amount of the economic advantage or benefit received is:

(a) not ascertainable or is less than one thousand dollars, is guilty of a misdemeanor, and, upon conviction or entry of a plea of guilty or nolo contendere, must be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than thirty days;

(b) one thousand dollars or more but less than ten thousand dollars, is guilty of a misdemeanor, and, upon conviction or entry of a plea of guilty or nolo contendere, must be fined not less than two thousand nor more than ten thousand dollars or imprisoned not more than three years, or both;

(c) ten thousand dollars or more but less than fifty thousand dollars, is guilty of a felony, and, upon conviction or entry of a plea of guilty or nolo contendere, must be fined not less than ten thousand nor more than fifty thousand dollars or imprisoned not more than five years, or both; or

(e) fifty thousand dollars or more, is guilty of a felony, and, upon conviction or entry of a plea of guilty or nolo contendere, must be fined not less than twenty thousand nor more than one hundred thousand dollars or imprisoned not more than ten years, or both; and

(2) for a second or subsequent offense, regardless of the amount of the economic advantage or benefit received, is guilty of a felony, and, upon conviction, must be fined not less than twenty thousand nor more than one hundred thousand dollars or imprisoned not more than ten years, or both. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (JUD0919.001), which was ruled out of order:

Amend the bill, as and if amended, by striking on page 4, SECTION 3 in its entirety and inserting the following:

/ SECTION 3. Title 15 of the 1976 Code is amended by adding:

“CHAPTER 85

South Carolina False Claims Act

Section 15‑85‑10. This chapter may be cited as the ‘South Carolina False Claims Act’.

Section 15‑85‑20. As used in this chapter, the term:

(1) ‘Attorney General’ means the South Carolina Attorney General, any of his Assistant Attorneys General, or any employee, investigator, or auditor employed by the Attorney General.

(2) ‘Documentary material’ includes the original or a copy of a book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret data compilations, and other products of discovery.

(3) ‘Guard’ means the South Carolina National Guard.

(4) ‘Investigation’ means an inquiry conducted by an investigator for the purpose of ascertaining whether a person is or has been engaged in a violation of this chapter.

(5) ‘Investigator’ means a person who is charged by the Attorney General with the duty of conducting an investigation pursuant to this act, or an officer or employee of the State acting pursuant to the direction and supervision of the Attorney General with an investigation.

(6) ‘Medicaid Fraud Control Unit’ means the South Carolina Medicaid Fraud Control Unit certified pursuant to federal law.

(7) ‘Proceeds’ of the action or settlement means the damages derived from the action or settlement and shall include fines, civil penalties, payment for costs of compliance and any other economic benefit realized by the State as a result of the action.

(8) ‘Person’ means any natural person, corporation, joint venture, partnership, unincorporated association, or any other legal entity, including a state or political subdivision of the State;

(9) ‘Product of discovery’ includes:

(a) the original or duplicate of a deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by a method of discovery in a judicial or administrative proceeding of an adversarial nature;

(b) a digest, analysis, selection, compilation, or derivation of an item listed in item (a); and

(c) an index or other manner of access to an item listed in item (a).

(10) ‘qui tam plaintiff” means a person who brings a civil action pursuant to this chapter.

(11) ‘State’ means the State of South Carolina.

Section 15‑85‑30. (A) As used in this section, the term:

(1) ‘Knowing’ and ‘knowingly’ mean, with respect to information, that a person:

(a) has actual knowledge of the information;

(b) acts in deliberate ignorance of the truth or falsity of the information; or

(c) acts in reckless disregard of the truth or falsity of the information.

(2) ‘Claim’ means any request or demand, whether under a contract or otherwise for money or property and whether or not the State has title to the money or property that is:

(a) presented directly to an officer, employee, or an agent of the State, or

(b) to a contractor, grantor, or other recipient, if the money or property is to be spent or used on the State’s behalf or to advance a State program or interest and the State provides or reimburses any portion of the requested funds.

(3) ‘Material’ means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(4) ‘Obligation’ means an established duty whether or not fixed, arising from an express or implied contractual, grantor‑grantee, or licensor‑licensee relationship, from a fee‑based or similar relationship, from statue or regulation, or from retention of any overpayment.

(B) A person who commits any of the following acts shall be liable to the State for three times the amount of damages which the State sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the State for the costs of a civil action brought to recover any of those penalties or damages, and shall be liable to the State for a civil penalty of not less than five thousand five hundred dollars and not more than eleven thousand dollars for each violation, or as adjusted in accordance with the inflation procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104‑410):

(1) knowingly presents or causes to be presented a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

(3) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay money to the State;

(4) conspires to commit a violation of the South Carolina False Claims Act;

(5) has possession, custody, or control of public property or money used or to be used by the State and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt;

(6) is authorized to make or deliver a document certifying receipt of property used or to be used by the State and knowingly makes or delivers a receipt that falsely represents the property used or to be used;

(7) knowingly buys, or receives as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property;

(8) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the State; or

(9) is a beneficiary of an inadvertent submission of a false claim who subsequently discovers the falsity of the claim, and fails to disclose the false claim to the State within a reasonable time after discovery of the false claim.

(C) Notwithstanding subsection (B), the court may assess not less than two times the amount of damages which the State sustains because of the act of the person described in that subdivision, and no civil penalty, if the court finds all of the following: (1) the person committing the violation furnished officials of the State who are responsible for investigating false claims violations with all information known to that person about the violation within thirty days after the date on which the person first obtained the information;

(2) the person fully cooperated with any investigation by the State; and

(3) at the time the person furnished the State with information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

(D) This section does not apply to claims, records, or statements made under the South Carolina Income Tax Act.

Section 15‑85‑40. (A) The Attorney General shall diligently investigate a civil violation pursuant to Section 15‑85‑30. If the Attorney General finds that a person has violated or is violating the provisions of Section 15‑85‑30, the Attorney General may bring a civil action pursuant to this section against the person. An action brought pursuant to this section must be filed in Richland County.

(B) For an action by a private person:

(1) A person may bring a civil action for a violation of Section 15‑85‑30 for the person and for the State. The action must be brought in the name of the State. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting. An action brought pursuant to this section must be filed in Richland County.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses must be served on the State. The complaint and all attachments must be filed in camera, must remain under seal for at least sixty days, and may not be served on the defendant until the court orders it served. The State may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information.

(3) The State may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal pursuant to item (2). The motions may be supported by affidavits or other submissions in camera. The defendant may not be required to respond to a complaint filed pursuant to this section until thirty days after the complaint is unsealed and served on the defendant.

(4) Before the expiration of the sixty‑day period or an extension obtained pursuant to item (3), the State shall:

(a) proceed with the action, in which case the action must be conducted by the State; or

(b) notify the court that it declines to take over the action, and the person bringing the action has the right to conduct the action.

(5) When a person brings an action pursuant to this subsection, no person other than the State may intervene or bring a separate, related action based on the facts underlying the pending action.

(C) In qui tam actions:

(1) If the State proceeds with the action, it has the primary responsibility for prosecuting the action, and is not bound by an act of the qui tam plaintiff bringing the action. The person has the right to continue as a party to the action, subject to the limitations provided in item (3).

(2) If the State proceeds, the State may file its own complaint or amend the complaint of a qui tam plaintiff who has brought an action under this chapter to clarify or add detail to the claims in which the State is proceeding and to add any additional claims with respect to which the State contends it is entitled to relief. For statute of limitations purposes, any such State pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the State arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.

(a) The State may dismiss the action notwithstanding the objections of the qui tam plaintiff initiating the action if the qui tam plaintiff has been notified by the State of the filing of the motion and the court has provided the qui tam plaintiff with an opportunity for a hearing on the motion.

(b) The State may settle the action with the defendant notwithstanding the objections of the qui tam plaintiff initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, a hearing may be held in camera.

(c) Upon a showing by the State that unrestricted participation during the course of the litigation by the qui tam plaintiff initiating the action would interfere with or unduly delay the state’s prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the qui tam plaintiff’s participation including, but not limited to:

(i) limiting the number of witnesses the person may call;

(ii) limiting the length of the testimony of the witnesses;

(iii) limiting the person’s cross‑examination of witnesses; or

(iv) otherwise limiting the participation by the person in the litigation.

(d) Upon an adequate showing by the defendant that unrestricted participation during the course of the litigation by the qui tam plaintiff initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the qui tam plaintiff in the litigation.

(3) If the State elects not to proceed with the action, the qui tam plaintiff who initiated the action has the right to conduct the action. If the State requests, it must be served with copies of all pleadings filed in the action and must be supplied with copies of all deposition transcripts at the state’s expense. When a qui tam plaintiff proceeds with the action, the court, without limiting the status and rights of the qui tam plaintiff initiating the action, may permit the State to intervene at a later date upon a showing of good cause.

(4) Whether or not the State proceeds with the action, upon a showing by the State that certain actions of discovery by the qui tam plaintiff initiating the action would interfere with the state’s investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay discovery for a period of not more than sixty days. This showing must be conducted in camera. The court may extend the sixty‑day period upon a further showing in camera that the State pursued the criminal or civil investigation or proceedings with reasonable diligence and proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5) Notwithstanding the provisions of subsection (B), the State may elect to pursue its claim through an alternate remedy available to the State, including an administrative proceeding to determine a civil money penalty. If an alternate remedy is pursued in another proceeding, the qui tam plaintiff initiating the action has the same rights in the proceeding as the qui tam plaintiff would have had if the action had continued pursuant to the provisions of this section. A finding of fact or conclusion of law made in another proceeding that has become final is conclusive on all parties to an action pursuant to the provisions of this section. A finding or conclusion is final pursuant to the provisions of this section if it has been finally determined on appeal to the appropriate court, if all time for filing an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(D) In an award to a qui tam plaintiff:

(1) If the State proceeds with an action brought by a qui tam plaintiff pursuant to subsection (B), the qui tam plaintiff shall receive at least fifteen percent but not more than twenty‑five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the qui tam plaintiff substantially contributed to the prosecution of the action and subject to the limitations of this item. When the action is one the court finds to be based primarily on disclosures of specific information, other than information provided by the qui tam plaintiff bringing the action, relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or Legislative Audit Council’s report, hearing, audit, or investigation, or from the news media the court may award such sums as it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the qui tam plaintiff bringing the action in advancing the case to litigation. Payment to a qui tam plaintiff pursuant to the provisions of this item must be made from the proceeds. This person also shall receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney’s fees and costs. The State also shall receive an amount for reasonable expenses which the court finds to have been necessarily incurred by the Attorney General, including reasonable attorney’s fees and costs, which must be paid directly to the Attorney General. All expenses, fees, and costs must be awarded against the defendant.

(2) If the State does not proceed with an action pursuant to this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount may not be less than twenty‑five percent and not more than thirty percent of the proceeds of the action or settlement and must be paid out of the proceeds. The person also shall receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney’s fees and costs. All expenses, fees, and costs must be awarded against the defendant.

(3) Whether or not the State proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of Section 15‑85‑30 upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive pursuant to item (1) or (2), taking into account the role of that person in advancing the case to litigation and relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his role in the violation of Section 15‑85‑30, that person must be dismissed from the civil action and shall not receive a share of the proceeds of the action. A dismissal does not prejudice the right of the State or other qui tam plaintiffs to continue the action.

(4) If the State does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys fees and expenses if the defendant prevails in the action and the court finds by clear and convincing evidence that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(E)(1) A court does not have jurisdiction over an action brought by a former or present member of the guard pursuant to subsection (B) against a member of the guard arising out of the person’s service in the guard.

(2) A court does not have jurisdiction over an action brought pursuant to subsection (B) against a member of the General Assembly, a member of the judiciary, or an exempt official if the action is based on evidence or information known to the State when the action was brought. ‘Exempt official’ means the following officials in state service: directors of state agencies, the Adjutant General, the Assistant Adjutant General, members of state boards and commissions, and all other positions appointed by the Governor by and with the consent of the Senate.

(3) A person may not bring an action pursuant to subsection (B) which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the State is already a party.

(4)(a) The court shall dismiss an action or claim under this section, unless opposed by the State, if substantially the same allegations or transactions as alleged in the action or claim were publically disclosed:

(i) in a criminal, civil, or administrative hearing, in which the State or its agent is a party;

(ii) in a legislative, government accountability office, or other State report, hearing, audit, or investigation; or

(iii) from the news media unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

(b) For purposes of this paragraph, ‘original source’ means an individual who either: (i) prior to a public disclosure under subsection (E)(4)(a) has voluntarily disclosed to the State the information on which allegations or transactions in a claim are based; or (ii) who has public knowledge that is independent of and materially adds to the publically disclosed allegations or transactions, and who has voluntarily provided the information to the State before filing an action under this section.

(F) The State is not liable for expenses which a person incurs in bringing an action pursuant to this section.

(G) An employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action under this section or other efforts to stop one or more violations of this subchapter,

(H) Relief under subsection (G) shall include reinstatement with the same seniority status that employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys’ fees. An action under this subsection may be brought in the appropriate circuit court for the relief provided in this subsection.

(I) A civil action under this subsection may not be brought more than three years after the date when the retaliation occurred.

Section 15‑85‑50. (A) A subpoena requiring the attendance of a witness at a trial or hearing conducted pursuant to Section 15‑85‑40 may be served at any place in the State.

(B) A civil action pursuant to Section 15‑85‑40 may not be brought:

(1) more than six years after the date on which the violation of Section 15‑85‑30 is committed; or

(2) more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the State charged with responsibility to act in the circumstances, but in no event more than ten years after the date on which the violation is committed, whichever occurs last.

(C) If the State proceeds, the State may file its own complaint or amend the complaint of a person who has brought an action under this chapter to clarify or add detail to the claims in which the State is proceeding and to add any additional claims with respect to which the State contends it is entitled to relief. For statute of limitations purposes, any such State pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the State arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.

(D) In an action brought pursuant to Section 15‑85‑40, the State is required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(E) Notwithstanding another provision of law, a final judgment rendered in favor of the State in a criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty, estops the defendant from denying the essential elements of the offense in an action which involves the same transaction as in the criminal proceeding and which is brought pursuant to Section 15‑85‑40(A) or (B).

Section 15‑85‑60. (A) Whenever the Attorney General, or a designee (for purposes of this section), has reason to believe that a person may be in possession, custody, or control of documentary material or information relevant to an investigation, the Attorney General, or designee, before commencing a civil proceeding pursuant to this chapter, may issue in writing and cause to be served upon a person, a civil investigative demand requiring the person to:

(1) produce documentary material for inspection and copying;

(2) answer, in writing, written interrogatories with respect to documentary material or information;

(3) give oral testimony concerning documentary material or information; or

(4) furnish a combination of material, answers, or testimony.

(B) The Attorney General may delegate the authority to issue civil investigative demands under this subsection. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General shall cause to be served, in a manner authorized by this section, a copy of the demand upon the person from whom the discovery was obtained and shall notify the person to whom the demand is issued of the date on which the copy was served. Any information obtained by the Attorney General or a designee of the Attorney General under this section may be shared with any qui tam plaintiff if the Attorney General or designee determine it is necessary as part of any false claims act investigation.

(C) Each civil investigative demand issued pursuant to subsection (A) must state the nature of the conduct constituting an alleged violation, which is under investigation, and the applicable provision of law alleged to be violated.

(D) If the demand is for the production of documentary material, the demand must:

(1) describe each class of documentary material to be produced with definiteness and certainty as to permit the material to be fairly identified;

(2) prescribe a return date for each class which will provide a reasonable period of time within which the material demanded may be assembled and made available for inspection and copying; and

(3) identify the investigator to whom the material must be made available.

(E) If the demand is for answers to written interrogatories, the demand must:

(1) list with specificity the written interrogatories to be answered;

(2) prescribe dates at which time answers to written interrogatories must be submitted; and

(3) identify the investigator to whom the answers must be submitted.

(F) If the demand is for the giving of oral testimony, the demand must:

(1) prescribe a date, time, and place at which oral testimony must be commenced;

(2) identify an investigator who shall conduct the examination and identify the custodian to whom the transcript of the examination must be submitted;

(3) specify that the attendance and testimony are necessary to the conduct of the investigation;

(4) notify the person receiving the demand of the right to be accompanied by an attorney and another representative; and

(5) describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.

(G) A civil investigative demand issued pursuant to this section which is an express demand for a product of discovery may not be returned or returnable until twenty days after a copy of the demand is served upon the person from whom the discovery was obtained.

(H) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued pursuant to this section must be a date which is not less than seven days after the date on which the demand is received, unless the Attorney General determines that exceptional circumstances are present which warrant the commencement of the testimony within a lesser period of time.

(I) The Attorney General shall not authorize the issuance pursuant to this section of more than one civil investigative demand for oral testimony by the same person unless the person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary.

(J) A civil investigative demand issued pursuant to subsection (A) may not require the production of documentary material, the submission of answers to written interrogatories, or the giving of oral testimony if the material, answers, or testimony would be protected from disclosure pursuant to the standards applicable to:

(1) subpoenas or subpoenas duces tecum issued by a court of this State to aid in grand jury investigations; or

(2) discovery requests pursuant to the Rules of Civil Procedure, to the extent that the application of these standards to a demand is appropriate and consistent with the provisions and purposes of this section.

(K) Except as provided in this section, a demand which is an express demand for a product of discovery supersedes an inconsistent order, rule, or provision of law preventing or restraining disclosure of a product of discovery to another person. Disclosure of a product of discovery pursuant to an express demand does not constitute a waiver of any right or privilege which the person making the disclosure may be entitled to invoke to resist discovery of trial preparation materials.

Section 15‑85‑70. (A)(1) A civil investigative demand issued pursuant to Section 15‑85‑60(A) may be served by an investigator or by another person authorized to serve process on individuals within this State.

(2) A demand or petition filed pursuant to Section 15‑85‑120 may be served upon a person who is not found within this State in a manner as the Rules of Civil Procedure and applicable statutory law prescribe for service of process outside this State. To the extent that the courts of this State can assert jurisdiction over a person consistent with due process, the courts of this State have the same jurisdiction to take an action respecting compliance with this section by a person that the court would have if the person were personally within the jurisdiction of the court.

(B) Service of a civil investigative demand issued pursuant to Section 15‑85‑60 or of a petition filed pursuant to Section 15‑85‑120 may be made upon a partnership, corporation, association, or other legal entity by:

(1) delivering an executed copy of the demand or petition to a partner, executive officer, managing agent, general agent, or registered agent of the partnership, corporation, association, or entity;

(2) delivering an executed copy of the demand or petition to the principal office or place of business of the partnership, corporation, association, or entity; or

(3) depositing an executed copy of the demand or petition in the United States mail by registered or certified mail, with a return receipt requested, addressed to the partnership, corporation, association, or entity at its principal office or place of business.

(C) Service of a demand or petition pursuant to Section 15‑85‑60, or filed pursuant to Section 15‑85‑120, may be made on a natural person by:

(1) delivering an executed copy of the demand or petition to the person; or

(2) depositing an executed copy of the demand or petition in the United States mail by registered or certified mail, with a return receipt requested, addressed to the person at the person’s residence or principal office or place of business.

(D) A verified return by the individual serving a civil investigative demand issued pursuant to Section 15‑85‑60 or a petition filed pursuant to Section 15‑85‑120 providing the manner of service is proof of service. In the case of service by registered or certified mail, the return is accompanied by the return post office receipt of delivery of the demand.

Section 15‑85‑80. (A) The production of documentary material in response to a civil investigative demand served pursuant to Section 15‑85‑60 must be made under a sworn certificate, in a form as the demand designates, by:

(1) the person to whom the demand is directed in the case of a natural person; or

(2) a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person, in the case of a person other than a natural person.

(B) The certificate must state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the investigator identified in the demand.

(C) A person upon whom a civil investigative demand for the production of documentary material has been served pursuant to Section 15‑85‑60 shall make the material available for inspection and copying to the investigator identified in the demand at the principal place of business of the person, or at another place as the investigator and the person may agree and prescribe in writing, or as the court may direct pursuant to Section 15‑85‑120(A). The material must be made available on the return date specified in the demand, or on a later date as the investigator may prescribe in writing. The person, upon written agreement between the person and the investigator, may substitute copies for originals of all or any part of the material.

Section 15‑85‑90. (A) Each interrogatory in a civil investigative demand served pursuant to Section 15‑85‑60 must be answered separately and fully in writing under oath and must be submitted under a sworn certificate, in a form as the demand designates by:

(1) the person to whom the demand is directed in the case of a natural person; or

(2) the person or persons responsible for answering each interrogatory, in the case of a person other than a natural person.

(B) If an interrogatory is objected to, the reasons for the objection must be stated in the certificate instead of an answer. The certificate must state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that information is not furnished, the information must be identified and reasons provided with particularity regarding the reasons why the information was not furnished.

Section 15‑85‑100. (A) The examination of a person pursuant to a civil investigative demand for oral testimony served pursuant to Section 15‑85‑60 must be taken before an officer authorized to administer oaths and affirmations by the laws of the State or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness under oath or affirmation and, personally or by someone acting under the direction of the officer and in the officer’s presence, shall record the testimony of the witness. The testimony must be taken stenographically and must be transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection does not preclude the taking of testimony by another means authorized by, and in a manner consistent with, the Rules of Civil Procedure or other applicable statutory law.

(B) The investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and another representative of the person giving the testimony, the attorney for the State, a person who may be agreed upon by the attorney for the State, and the person giving the testimony, the officer before whom the testimony is to be taken, and a stenographer taking the testimony.

(C) The oral testimony of a person taken pursuant to a civil investigative demand served pursuant to Section 15‑85‑60 must be taken in the county within which the person resides, is found, or transacts business, or in another place as may be agreed upon by the investigator conducting the examination and the person.

(D) When the testimony is fully transcribed, the investigator or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless the examination and reading are waived by the witness. Changes in form or substance which the witness desires to make must be entered and identified upon the transcript by the officer or the investigator, with a statement of the reasons given by the witness for making the changes. The transcript must then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after being afforded a reasonable opportunity to examine it, the officer or investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons given.

(E) The officer before whom the testimony is taken shall certify on the transcript that the witness was sworn by the officer and that the transcript is a true record of the testimony given by the witness, and the officer or investigator shall promptly deliver the transcript, or send the transcript by registered or certified mail, to the custodian.

(F) Upon payment of reasonable charges, the investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General may, for good cause, limit the witness to inspection of the official transcript of his testimony.

(G) A person compelled to appear for oral testimony pursuant to a civil investigative demand issued pursuant to Section 15‑85‑60 may be accompanied, represented, and advised by counsel. Counsel may advise the person, in confidence, with respect to a question asked of the person. The person or counsel may object on the record to a question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that the person is entitled to refuse to answer the question on the grounds of a constitutional or other legal right or privilege, including the privilege against self‑incrimination. If the person refuses to answer a question, a petition may be filed in circuit court pursuant to Section 15‑85‑120(A) for an order compelling the person to answer the question.

(H) A person appearing for oral testimony pursuant to a civil investigative demand issued pursuant to Section 15‑85‑60 is entitled to the same fees and allowances which are paid to witnesses in the circuit court.

Section 15‑85‑110. (A) The Attorney General shall serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received pursuant to this chapter.

(B) Except as otherwise provided in this section, no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies of these, while in the possession of the custodian, are available for examination. The prohibition on the availability of material, answers, or transcripts does not apply if consent is given by the person who produced the material, answers, or transcripts or, in the case of a product of discovery produced pursuant to an express demand for the material, consent is given by the person from whom the discovery was obtained. Nothing in this subsection is intended to prevent disclosure to, at the discretion of the Attorney General, the General Assembly, including a committee or subcommittee of the General Assembly, or to another state agency for use by an agency in furtherance of its statutory responsibilities, or to another state Attorney General, or to a federal investigative entity, or to an appropriate investigative entity of another state.

(C) While in the possession of the Attorney General and under reasonable terms and conditions as the Attorney General shall prescribe:

(1) documentary material and answers to interrogatories must be available for examination by the person who produced the material or answers, or by a representative for that person authorized by that person to examine the material and answers; and

(2) transcripts of oral testimony must be available for examination by the person who produced the testimony, or by a representative of that person authorized by that person to examine the transcripts.

Section 15‑85‑120. (A) When a person fails to comply with a civil investigative demand issued pursuant to Section 15‑85‑60, or whenever satisfactory copying or reproduction of material requested in the demand cannot be done and the person refuses to surrender the material, the Attorney General may file, in the circuit court of a county in which the person resides, is found, or transacts business, and serve upon the person a petition for an order of the court for the enforcement of the civil investigative demand.

(B) A person who has received a civil investigative demand issued pursuant to Section 15‑85‑60 may file, in the circuit court of a county within which the person resides, is found, or transacts business, and serve upon the investigator identified in the demand a petition for an order of the court to modify or set aside the demand. In the case of a petition addressed to an express demand for a product of discovery, a petition to modify or set aside the demand may be brought only in the circuit court of the county in which the proceeding in which discovery was obtained or was last pending. A petition pursuant to this subsection must be filed within:

(1) twenty days after the date of service of the civil investigative demand, or at a time before the return date specified in the demand, whichever date is earlier; or

(2) a longer period as may be prescribed in writing by an investigator identified in the demand.

(C) The petition must specify each ground upon which the petitioner relies in seeking relief pursuant to subsection (B) and may be based upon failure of the demand to comply with the provisions of this chapter or upon a constitutional or other legal right or privilege of the person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with the portion of the demand not sought to be modified or set aside.

(D) In the case of a civil investigative demand issued pursuant to Section 15‑85‑60 which is an express demand for a product of discovery, the person from whom discovery was obtained may file, in the circuit court of the county in which the proceeding in which discovery was obtained or was last pending, and serve upon an investigator identified in the demand and upon the recipient of the demand, a petition for an order of the court to modify or set aside those portions of the demand requiring production of a product of discovery. A petition pursuant to this subsection must be filed within:

(1) twenty days after the date of service of the civil investigative demand, or at a time before the return date specified in the demand, whichever date is earlier; or

(2) a longer period as may be prescribed in writing by an investigator identified in the demand.

(E) The petition shall specify each ground upon which the petitioner relies in seeking relief upon subsection (D) and may be based upon failure of the portions of the demand from which relief is sought to comply with the provisions of this section or upon a constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed from compliance with the demand.

(F) At a time during which a custodian is in custody or control of documentary material or answers to interrogatories produced, or transcripts of oral testimony given, by a person in compliance with a civil investigative demand issued pursuant to Section 15‑85‑60, the person, and in the case of an express demand for a product of discovery, the person from whom discovery was obtained, may file, in the circuit court of the county within which the office of the custodian is situated, and serve upon this custodian, a petition for an order of the court to require the performance by the custodian of a duty imposed upon the custodian by this chapter.

(G) When a petition is filed in a circuit court pursuant to this section, the court has jurisdiction to hear and determine the matter so presented, and to enter orders as may be required to carry out the provisions of this section. A final order entered is subject to appeal in the same manner as appeals of other final orders in civil matters. A disobedience of a final order entered pursuant to this section by a court is punishable as contempt of court.

(H) Documentary material, answers to written interrogatories, or oral testimony provided pursuant to a civil investigative demand issued pursuant to Section 15‑85‑60 is exempt from disclosure under the South Carolina Administrative Procedures Act.

Section 15‑85‑130. (A) There is created the State False Claims Act Investigation and Prosecution Fund as a special fund in the state treasury, to be administered by the Attorney General. All proceeds of an action or settlement of a claim brought pursuant to this chapter must be deposited in the fund, except that in cases involving Medicaid, the proceeds deposited will be after repayment of the federal share.

(B) Monies in the fund must be allocated as follows:

(1) twenty‑five percent of the monies must be sent to the State Treasury to be used for funding this state’s Judiciary until the amount of $43,486,162 is obtained for funding the state’s Judiciary and thereafter, twenty‑five percent of the monies must be retained by the Attorney General; and

(2) the remaining seventy‑five percent of all the monies in the fund must be used for payment of awards, calculated on the full amount, to qui tam plaintiffs, as provided in Section 15‑85‑40(D), and to persons who report, in good faith, a violation of Section 15‑85‑30 pursuant to the provisions of Section 15‑85‑130.

(3) Except in cases involving Medicaid, the proceeds deposited in the fund shall be allocated first for payment of awards to the qui tam plaintiff, then any remaining monies shall be allocated twenty‑five percent to the Attorney General and seventy‑five percent to South Carolina Medicaid.

(C) The Attorney General shall make disbursements of funds as provided in court orders setting awards, fees, and expenses. The Attorney General shall transfer fund balances in excess of those required to the General Fund; however, fund balances related to the South Carolina Medicaid Program shall be transferred to the Department of Health and Human Services.

Section 15‑85‑140. The Rules of Civil Procedure apply to all proceedings pursuant to this chapter, except when inconsistent with the provisions of this chapter.”

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. If any section, subsection, item, subitem, 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, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor, except that any provider with an offense committed between July 14, 1994, and the effective date of this act who is found in violation after the effective date of this act is considered for penalty purposes an offense pursuant to Section 43-7-60(D)(2), as added by this act. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

The question then was third 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

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--44**

**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.

**READ THE SECOND TIME**

H. 3512 -- Reps. Quinn and J.E. Smith: A BILL TO AMEND SECTION 61‑6‑1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS PROVIDED ONLY BY THE RETAIL DEALER AND IS NOT PROHIBITED BY FEDERAL LAW; AND TO AMEND SECTION 61‑6‑1500, RELATING TO RESTRICTIONS ON RETAIL DEALERS OF CERTAIN ALCOHOLIC PRODUCTS, SO AS TO PROHIBIT CERTAIN TRANSACTIONS TO ANOTHER RETAIL DEALER IN CERTAIN SITUATIONS, TO PROHIBIT CERTAIN TRANSACTIONS BETWEEN LOCATIONS OWNED BY THE SAME RETAIL DEALER, AND TO PROVIDE ADDITIONAL PENALTIES.

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 1; Present 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Gregory Grooms Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--42**

**NAYS**

Fair

**Total--1**

**PRESENT**

Hayes

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1089 -- Senators Davis, Campsen, Grooms and Pinckney: A BILL TO AMEND SECTION 54‑3‑700 OF THE 1976 CODE, RELATING TO THE CESSATION OF MARINE TERMINAL OPERATIONS AND THE SALE OF PROPERTY AT PORT ROYAL, TO RECOGNIZE THAT THE STATE PORTS AUTHORITY HAS CEASED OPERATIONS AT PORT ROYAL, TO DIRECT THE STATE PORTS AUTHORITY TO SELL THE PORT ROYAL PROPERTY AS SOON AS PRACTICABLE ON OR BEFORE JUNE 30, 2015, AND TO PROVIDE FLEXIBILITY IN THE MANNER OF SALE, TO PROVIDE FOR CERTAIN CIRCUMSTANCES WHERE THE SALE MAY BE CLOSED AFTER JUNE 30, 2015, TO PROVIDE THAT IF THE PROPERTY IS NOT SOLD BY JUNE 30, 2015, SUBJECT TO THE IDENTIFIED EXCEPTIONS, THE AUTHORITY MUST IRREVOCABLY TRANSFER THE PROPERTY TO THE GENERAL SERVICES DIVISION TO BE SOLD AT AUCTION, TO PROVIDE THAT IF THE PROPERTY DOES NOT SELL AT AUCTION AS PROVIDED, GENERAL SERVICES SHALL MARKET AND SELL THE PROPERTY IN A COMMERCIALLY REASONABLE MANNER; TO PROVIDE FOR AN APPRAISAL OF THE PROPERTY PRIOR TO SALE, TO PROVIDE THAT THE PROPERTY MAY BE SOLD BY THE STATE PORTS AUTHORITY OR GENERAL SERVICES FOR EIGHTY PERCENT OR MORE OF THE APPRAISED VALUE; TO PROVIDE THAT ALL SALES MUST BE MADE ACCORDING TO STATE PROCEDURES, TO PROVIDE FOR THE DISTRIBUTION OF SALES PROCEEDS, AND TO PROVIDE THAT A SALE OF THE PROPERTY PURSUANT TO THIS ACT SATISFIES THE STATE PORTS AUTHORITY BOARD’S FIDUCIARY DUTIES TO THE AUTHORITY AND TO THE AUTHORITY’S BOND HOLDERS.

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

The Committee on Transportation proposed the following amendment (1089R001.LKG), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 3‑20, and inserting:

/ (b) Sale of the property pursuant to this section, and in an amount permitted by item (3), shall satisfy the board’s fiduciary duties to the authority and the authority’s bondholders. ~~if the property is transferred to the State Budget and Control Board for sale. The acceptance of any sales price by the State Budget and Control Board must be exercised with due regard to the fiduciary duty owed to the authority and for the protection of the interests of the authority’s bondholders as set forth in its bond covenants, and otherwise according to law, including the conversion of a nonperforming asset into revenues in the most expeditious manner.~~ /

Amend the bill further, as and if amendment, page 4, by striking line 28, and inserting:

/ transmitted to the authority. The Town of Port Royal or Beaufort County, or a combination of the two, may purchase the property at a price within the parameters established in this item. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS 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 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--41**

**NAYS**

Kimpson

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**OBJECTION TO FURTHER CONSIDERATION**

H. 3941 -- Reps. Sandifer, Harrell, Bannister, Daning, Erickson, Forrester and Gambrell: A BILL TO AMEND SECTION 6‑1‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLITICAL SUBDIVISION’S AUTHORITY TO SET A MINIMUM WAGE, SO AS TO ALSO PROHIBIT THE MANDATE OF AN EMPLOYEE BENEFIT.

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

The Committee on Labor, Commerce and Industry proposed the following amendment (3491R001.TCA), which was adopted:

Amend the committee amendment, as and if amended, page 1, by striking lines 36-38 and inserting:

/ (C) This section does not limit the authority of political subdivisions to establish wage rates or employee benefits in contracts or employment relationships to which they are a party. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee amendment was adopted.

Senator SHANE MARTIN objected to further consideration of the Bill.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**OBJECTION TO FURTHER CONSIDERATION OF THE BILL**

S. 375 -- Senators Hutto, L. Martin, Johnson and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE “DILAPIDATED BUILDINGS ACT”, TO PROVIDE DEFINITIONS, TO PROVIDE THAT A MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT‑APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT‑APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

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

Senator CORBIN proposed the following amendment (JUD0375.006), which was adopted:

Amend the committee amendment, as and if amended, page [375‑1], by striking lines 30 through 33, in Section 6‑38‑10(1), as contained in SECTION 1, and inserting therein the following:

/ (a) prevention of substantial risk of injury to a person; or

(b) condition of the property constituting an imminent danger to the public health or safety. /

Amend the committee report further, as and if amended, page [375‑2], by striking line 18, in Section 6-38-20(B)(1), as contained in SECTION 1, and inserting therein the following:

/ health or safety; /

Amend the bill further, as and if amended, page [375-5], by striking line 40, in Section 6-38-90, as contained in SECTION 1, and inserting therein the following:

/ by the court.

Section 6‑38‑95. (A) In exercising the powers pursuant to Section 6‑38‑90, and in submitting the reports required by Section 6-38-100, and in completing any work as a receiver, the receiver must plan and execute his duties with honesty, good faith, reasonable diligence, and in the most economically prudent manner possible, utilizing measures to minimize costs and seeking competitive bids for services.

(B) If a receiver’s exercise of powers, submission of reports, and completion of work do not meet the standard described in subsection (A), the receiver is liable for economic damages and, at the discretion of the court, treble damages. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0375.003), which was adopted:

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

/ SECTION 1. Title 6 of the 1976 Code is amended by adding:

“CHAPTER 38

Dilapidated Buildings Act

Section 6‑38‑10. For purposes of this chapter:

(1) A building, structure, condition, or property is ‘dilapidated’ if it is not in substantial compliance with one or more municipal ordinances regarding:

(a) prevention of substantial risk of injury to a person;

(b) condition of the property constituting an imminent danger to the public health or safety; or

(c) public nuisance.

(2) ‘Imminent danger’ means a condition that could cause serious or life‑threatening injury or death at any time.

(3) ‘Owner of record’ means a person who is the owner of property according to the most recently approved county tax roll.

(4) ‘Unsafe structures’ means buildings that are found to be dangerous to the life, health, property, or safety of the public or the occupants.

(5) ‘Substantial compliance’ means compliance that satisfies the purpose or objective of the basic or essential requirements of the local ordinance relating to unsafe structures even though the compliance failed to meet some specifics of the ordinance.

(6) ‘Substantial risk’ means a strong possibility, as contrasted with a remote or even a significant possibility, that a particular result may occur or that a particular circumstance may exist. It is risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.

Section 6-38-20. (A) The rules of equity govern an action under this chapter unless inconsistent with this chapter or general law.

(B) In applying this legislation, the court shall operate with the presumption that private property should not have a receiver and, therefore, given this presumption:

(1) a receiver shall be viewed as a special, extraordinary equitable remedy to be used sparingly and a receiver shall not be appointed unless there is clear and convincing evidence that the appointment is necessary to address an immediate threat to public health, order, or safety;

(2) all feasible efforts will be made to protect and preserve the property rights of existing property owners and lien holders of record; and

(3) the order appointing a receiver shall recite specifically what evidence permits the court to exercise its extraordinary authority pursuant to this chapter.

(C) In applying this legislation, a court is explicitly authorized to exercise its inherent equitable discretion and, in so doing, take into account reasonable steps that might be taken, such as the following:

(1) avoiding judicial actions immediately after a state or national disaster, such as a hurricane, so as to give owners or lien holders additional time to respond, to make repairs, or to otherwise maintain the status quo in light of such highly unusual exceptional situations;

(2) phasing in necessary repairs that are most appropriate for the situation and direct incremental repairs to portions of a building where necessary to preserve public safety or to ameliorate imminent danger.

Section 6‑38‑30. Before filing an action under this chapter, the municipality must have:

(1) developed and followed its locally adopted procedures to deal with the abatement of unsafe structures by measures up to, but not including, demolition pursuant to authority granted to municipalities in Sections 31‑15‑20 and 5‑7‑80;

(2) given the owner of record proper notice as required and reasonable time under the circumstances for the correction of a condition pursuant to Section 5-25-390 or codes properly adopted by a municipality pursuant to Sections 6-9-50 or 6-9-60;

(3) by resolution of the governing body declared the property or structure unsafe for human occupancy; and

(4) given written notice by certified mail to the owner of record and all lien holders of:

(a) an ordinance violation, and

(b) reasons the municipality believes there is a serious, present, and imminent public health harm or safety hazard, alleged to exist on the property.

(5) The notice required in subsection (4) must be served in accordance to the rules of South Carolina Civil Procedure and by posting of the property in accordance with Section 6-29-760.

Section 6‑38‑40. (A) After at least sixty days have passed since the notice required by Section 6-38-30(4), a municipality may bring an action against an owner of record and name any lien holder of record.

(B) After the action is filed, a potential receiver may request the court to authorize the potential receiver to enter the property in order to assess the condition of the property and to make a preliminary determination of measures necessary to address the problems with the property.

(1) Before granting such authorization, at least seven days notice must be served:

(a) to the physical address of the property, with one copy addressed to the owner and one copy addressed to ‘Occupant,’ and

(b) to the best available address in accordance with Section 12‑51-40(a), and

(c) to any lien holder of record.

(2) Limitations may be imposed on the authorization in terms of the time and manner of entry and assessment.

Section 6-38-50. (A) Within seven days of filing a receivership action pursuant to this chapter, a municipality bringing the action shall serve notice of the proceedings to each owner of record, lien holder, and holder of recorded property interests in accordance with the South Carolina Rules of Civil Procedure and by posting of the property in accordance with Section 6-29-760. An owner of record, lien holder, or holder of a recorded property interest who is not available after due diligence may be served by alternative means, including publication, as prescribed by the South Carolina Rules of Civil Procedure. Actual service or service by publication on an owner of record or a lien holder of record constitutes notice to each owner of record, lien holder of record, or others with a recorded property interest of the same ownership interest, lien, or property interest. Copies of names and addresses of those given notice must be supplied to the court at the time notice is given.

(B) Within seven days of filing an action, a municipality bringing action pursuant to this chapter shall file a notice of lis pendens to provide constructive notice of the pending action.

Section 6-38-60. An owner of record, lien holder of record, or other person with a recorded property interest in a property that is the subject of an action under this chapter may:

(1) intervene in the action; and

(2) request appointment as a receiver pursuant to this chapter if the lien holder or other person with a recorded property interest demonstrates to the court an ability and willingness to repair the property.

Section 6-38-70. The following may serve as a court‑appointed receiver:

(1) an entity not including a municipality that the court determines has sufficient capacity, resources, and experience repairing properties, abating code violations, or both;

(2) an individual the court determines to have sufficient capacity, resources, and experience repairing properties, abating code violations, or both;

(3) in the case of historic properties, an entity that is not a municipality, a nonprofit organization, or an individual the court determines to have sufficient capacity, experience, and demonstrated record of repairing historical buildings to comply with the guidelines for repairing historic properties established by the United States Secretary of the Interior under 16 U.S.C. Section 470, et seq., or the historic preservation ordinance of the municipality, if applicable;

(4) a licensed and bonded contractor in the State of South Carolina;

(5) a lien holder requesting appointment pursuant to Section 6‑38-60; or

(6) an owner of record requesting appointment pursuant to Section 6-38-60.

Section 6-38-80. (A) The court may appoint a receiver for the property for a term:

(1) not to exceed two years; or

(2) for a time determined appropriate by the court based on the nature of the work to be done.

(B) The court must determine by specific facts noted in a written order: (1) the evidence which permits the court to exercise its extraordinary authority pursuant to this chapter, and (2) the time period for receivership. In addition to the facts relevant to this extraordinary exercise of the equitable power of the court, the findings of the court must include the following:

(1) structures on the property are in substantial violation of one or more ordinances of the municipality pursuant to Section 6‑38‑30;

(2) the property is not an owner‑occupied, single‑family residence;

(3) the property does not have one to four family residences where at least one unit is owner occupied; and

(4) the property is not currently in a probate, foreclosure, or bankruptcy proceeding.

Section 6‑38‑90. Subject to control of the court and the rights of any prior lien holder of record, a court‑appointed receiver has all powers necessary and customary to the powers of a receiver under the laws of equity and may:

(1) take possession and control of the property;

(2) operate and manage the property;

(3) establish and collect rents and income on the property;

(4) lease the property;

(5) make repairs necessary to bring the property into compliance with local codes, ordinances, and state laws, including:

(a) performing and entering into contracts for the performance of work and the furnishing of materials for repairs; and

(b) entering into loan and grant agreements for repairs to the property;

(6) pay expenses, including paying for utilities and paying current taxes, taxes in arrears and current assessments and assessments in arrears, insurance premiums, and reasonable compensation to a property management agent;

(7) enter into contracts for operating and maintaining the property;

(8) exercise all other authority of an owner of the property other than the authority to sell the property; and

(9) perform other acts regarding the property as authorized by the court.

Section 6‑38‑100. (A) Before beginning any work the receiver must submit to the court for its approval a detailed report describing the problems associated with the property and a detailed plan for abating the problems.

(1) This report must be accompanied by a performance bond or performance bond binder as well as a detailed timeline for completion of the work.

(2) The receiver shall provide a copy of the report and estimate to the owner of record, lien holders, and others with a recorded property interest.

(B) The receiver shall submit progress reports every forty‑five days or as the court determines to demonstrate compliance with the time schedules established for commencement and performance of the work.

Section 6-38-110. A receiver shall have a lien on the property for all of the unreimbursed costs and expenses of the receiver, plus a receivership fee, the amounts of which are subject to the discretion of the court pursuant to Sections 6‑38‑140 and 6‑38‑150.

Section 6-38-120. (A) If a loss occurs to the property entrusted to the receiver as a result of the receiver’s negligence, the receiver shall be liable for economic damages.

(B) If the loss occurs as a result of fraudulent execution of trust, the receiver shall be liable for economic damages and, at the discretion of the court, treble damages.

Section 6-38-130. (A) A receiver appointed pursuant to this chapter may demolish a structure only after a hearing.

(B) Prior to the hearing, the receiver must prepare a detailed report which establishes:

(1) it is not economically feasible to bring the structure into compliance with local codes, local ordinances, and state laws; and

(2) the structure:

(a) is unfit for human habitation; or

(b) is a hazard to public health or safety.

(C) At least ninety days before the hearing, notice must be sent, along with the report, to all owners of record, all lien holders, and all others with a recorded property interest. In addition, the property must have been posted in accordance with Section 6-29-760(A) for at least ninety days prior to the hearing.

(D) At the hearing, the court shall determine whether demolition is appropriate. In making this determination, the court shall consider:

(1) whether any owner, lien holder, or other person with a recorded interest has appeared to explain to the court’s satisfaction why the property has been left in its current state, and

(2) the factors listed in subsection (B). In considering these factors, the court also may consider whether the property is unsecured from unauthorized entry to the extent that it can be entered or used by vagrants or other uninvited persons as a place of harborage or can be entered or used by children. If the property is boarded, fenced, or otherwise secured, the court may consider whether:

(a) the structure constitutes a danger to the public even though secured from entry; or

(b) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure.

Section 6-38-140. A receiver who completes repairs to a structure or demolishes a structure, upon or before petitioning a court for termination of the receivership, shall file with the court a full accounting of:

(1) all costs and expenses incurred in the repairs or demolition, including reasonable costs for labor and supervision;

(2) all income received from the property; and

(3) at the discretion of the court, a receivership fee not to exceed ten percent of the costs and the expenses in subsection (1).

Section 6-38-150. (A) Subject to subsection (E), a receiver appointed under this chapter must be terminated in accordance with Section 6-38-80. In addition, a receiver may petition the court to terminate the receivership and order the sale of the property, as provided in subsection (B) if:

(1) the work has been successfully completed; and

(2) at least ninety days before filing for termination, the owners of record, lien holders, and others holding recorded property interests have been served notice as provided in Section 6-38-60 of a summary accounting of costs and expenses paid by the receiver and of a receivership fee, which shall not exceed ten percent of reasonable costs and expenses.

(B) The court may order the sale of the property at public auction if the court finds that:

(1) notice as required by subsection (A) was given to each owner of record, lien holder, and holder of a recorded property interest;

(2) the receiver’s costs and fees are reasonable based on:

(a) nature, extent, and difficulty of the services rendered;

(b) time and labor devoted to the case;

(c) professional standing of the receiver;

(d) contingency of compensation;

(e) fee customarily charged in the locality for similar services; and

(f) beneficial results obtained;

(3) the receiver has been in control of the property and the owner has failed to repay all the receiver’s outstanding costs and expenses of rehabilitation plus a reasonable receivership fee; and

(4) no lien holder of record or other holder of a recorded property interest has intervened in the action and tendered the costs and expenses of the receiver, plus a receivership fee (which shall not exceed ten percent of reasonable costs and expenses), and assumed control of the property.

(C) Where demolition of the structure is involved, the court may authorize the sale of the property to an individual or organization that will bring the property into productive use so long as the requirements of subsections (A) and (B) are satisfied.

(D) If the revenue from the sale exceeds the total of the costs and expenses listed in Section 6-38-160(A), any net overage belongs to the owner pursuant to Section 6-38-160(B).

(E) If the total of the costs and expenses incurred by the receiver plus a receivership fee, not to exceed ten percent of reasonable costs and expenses, exceeds the combined value of the likely possible revenue from a sale and the income produced during the receivership, the court may permit the receiver to maintain control of the property until the following are recovered: all rehabilitation and maintenance costs plus a fee, which shall not exceed ten percent of reasonable costs and expenses.

(F) The receiver may bid on the property at the sale described by this section and may use a lien granted pursuant to Section 6-38-110 as credit toward the purchase.

Section 6-38-160. (A) The court shall confirm a sale under this chapter and order a distribution of the proceeds of the sale in the following order:

(1) court costs;

(2) costs and expenses, plus a reasonable receivership fee, and any lien held by the receiver; and

(3) other valid liens.

(B) Any remaining overage belongs to the owner of record. These sums are payable ninety days after execution of the deed unless a judicial action is instituted during that time by another claimant. If neither claimed nor assigned within five years of date of public auction sale, the overage shall escheat to the general fund of the governing body to be set aside for the purpose. Before the escheat date unclaimed overages must be kept in a separate account and must be invested so as not to be idle; the governing body of political subdivision is entitled to the earnings for keeping the overage. On escheat date the overage must be transferred to the general funds of the governing body.

Section 6-38-170. (A) The court shall award fee title to the purchaser after the proceeds are distributed. If proceeds from the sale are insufficient to pay all liens, claims, and encumbrances on the property, the court shall extinguish all unpaid liens, claims, and encumbrances on the property and award title to the purchaser free and clear.

(B) This chapter does not foreclose any right or remedy that may be available under other state law or the laws of equity.”

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

Senator THURMOND objected to further consideration of the Bill.

**CARRIED OVER**

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

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

H. 3797 -- Reps. Sandifer and Erickson: A BILL TO AMEND CHAPTER 90, TITLE 38 TO MAKE VARIOUS CHANGES RELATED TO CAPTIVE INSURANCE COMPANIES.

(Abbreviated Title)

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

S. 247 -- Senators Corbin, Bryant, Verdin, Cleary, Hembree, Peeler, Fair, Shealy, Grooms, Campbell, Cromer and Turner: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑80 SO AS TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA UNORGANIZED MILITIA.

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

H. 3191 -- Reps. Cole and Tallon: A BILL TO AMEND SECTIONS 56‑5‑130 AND 56‑5‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERMS “MOTOR VEHICLE” AND “MOTORCYCLE”, SO AS TO PROVIDE THAT MOPEDS ARE MOTOR VEHICLES AND NOT MOTORCYCLES.

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

S. 139 -- Senators Grooms, L. Martin, Campbell and Rankin: A BILL TO AMEND SECTION 56‑5‑1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND PROVIDE A DEFINITION FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”, TO CREATE THE OFFENSES OF “ENDANGERMENT OF A HIGHWAY WORKER” AND “AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER”, AND TO PROVIDE PENALTIES FOR BOTH OFFENSES; TO AMEND SECTION 56‑1‑720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT “ENDANGERMENT OF A HIGHWAY WORKER” AND “AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER” ARE TWO POINT VIOLATIONS; AND TO REPEAL SECTION 56‑5‑1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

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

S. 1163 -- Senators Young, Lourie, Shealy, L. Martin and Alexander: A BILL TO AMEND SECTION 63‑7‑940 OF THE 1976 CODE, RELATING TO THE USE OF UNFOUNDED ABUSE AND NEGLECT CASE INFORMATION AND SECTION 63‑7‑1990, RELATING TO THE CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION CONCERNING THE CENTRAL CHILD ABUSE AND NEGLECT REGISTRY, TO PROVIDE THAT INFORMATION WHCH MUST OTHERWISE REMAIN CONFIDENTIAL MAY BE RELEASED BY THE DIRECTOR OR DESIGNEE TO CONFIRM, CLARIFY, OR CORRECT INFORMATION CONCERNING A CASE THAT HAS BEEN MADE PUBLIC BY SOURCES OTHER THAN THE DEPARTMENT, TO RESPOND TO AN INQUIRY FROM A COMMITTEE OR SUBCOMMITTEE OF THE SENATE OR THE HOUSE OF REPRESENTATIVES OR A JOINT COMMITTEE OF THE GENERAL ASSEMBLY, OR TO COMPLY WITH REQUIREMENTS OF THE FEDERAL CHILD ABUSE PREVENTION AND TREATMENT ACT AND TO LIMIT CIVIL LIABILITY RESULTING FROM THE DISCLOSURE.

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

S. 1222 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE ENVIRONMENTAL CERTIFICATION BOARD, RELATING TO ENVIRONMENTAL CERTIFICATION BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4410, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1223 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO EMPLOYER-EMPLOYEE RELATIONSHIP, DESIGNATED AS REGULATION DOCUMENT NUMBER 4316, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1224 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE REAL ESTATE APPRAISERS BOARD, RELATING TO REAL ESTATE APPRAISERS BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4426, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1225 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO ESTABLISH AND AMEND SCHEDULES OF FEES FOR CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4437, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4382 -- Rep. Gilliard: A CONCURRENT RESOLUTION TO URGE OUR FEDERAL, STATE, AND LOCAL GOVERNMENTS, ALONG WITH CHURCHES AND NEIGHBORHOOD ASSOCIATIONS, TO ACCELERATE THEIR EFFORTS TO ASSIST THE HOMELESS IN LIGHT OF THE NATION’S ECONOMY AND ADVERSE WEATHER CONDITIONS.

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

**MINORITY REPORT REMOVED**

S. 723 -- Senator Thurmond: A BILL TO AMEND SECTION 5‑3‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURE FOR ANNEXATION OF SPECIAL PURPOSE DISTRICTS, SO AS TO PROVIDE FOR AN ADDITIONAL METHOD OF ANNEXATION BY RESOLUTION OF A SPECIAL PURPOSE DISTRICT WHEN A PREEXISTING MUNICIPALITY ANNEXES A MAJORITY OF THE POPULATION OF THE DISTRICT OR WHEN A MUNICIPALITY INCORPORATES A MAJORITY OF THE POPULATION OF A DISTRICT.

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

The minority report was removed and a proper notation was made on the Bill.

**Point of Order**

S. 1136 -- Senators Shealy, Hembree, Bennett, Johnson, Campbell, Cleary, Turner, Cromer and McElveen: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, BY ADDING SECTION 1‑1‑720, RELATING TO STATE EMBLEMS, TO DESIGNATE BARBECUE AS THE OFFICIAL STATE PICNIC CUISINE.

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

The PRESIDENT sustained the Point of Order.

**Point of Order**

S. 1147 -- Senators Rankin and Hembree: A BILL TO AMEND SECTION 62-5-401, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROTECTIVE PROCEEDINGS IN RELATION TO THE ESTATE AND AFFAIRS OF CERTAIN PERSONS INCLUDING MINORS, PERSONS WITH MENTAL OR PHYSICAL ILLNESS OR DISABILITY, AND MISSING PERSONS, SO AS TO PROVIDE FOR EXPEDITED HEARINGS IN THE CASE OF MISSING PERSONS UNDER CERTAIN CIRCUMSTANCES.

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

The PRESIDENT sustained the Point of Order.

**Point of Order**

H. 3833 -- Reps. Horne, Bannister and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑738 SO AS TO ALLOW THE HOLDER OF A RETAIL WINE PERMIT FOR OFF‑PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY‑FOUR WINE TASTINGS IN A CALENDAR QUARTER, AND TO PROVIDE RESTRICTIONS; AND BY ADDING SECTION 61‑4‑965 SO AS TO ALSO ALLOW THE HOLDER OF A RETAIL PERMIT AUTHORIZING THE SALE OF BEER FOR OFF‑PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY‑FOUR BEER TASTINGS IN A CALENDAR QUARTER, AND TO PROVIDE RESTRICTIONS.

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

The PRESIDENT sustained the Point of Order.

**Point of Order**

H. 4922 -- Reps. G.M. Smith, Rutherford, Cobb‑Hunter, Sandifer, Weeks, Delleney, White, Gilliard, Anderson and Hosey: A BILL TO AMEND SECTION 1‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES AND EXCEPTIONS, SO AS TO PROVIDE THAT IT IS NOT AN UNLAWFUL EMPLOYMENT PRACTICE FOR A PRIVATE EMPLOYER TO GIVE HIRING PREFERENCES TO A VETERAN, AND TO EXTEND THE PREFERENCE TO THE VETERAN’S SPOUSE IF THE VETERAN HAS A SERVICE‑CONNECTED PERMANENT AND TOTAL DISABILITY.

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

The PRESIDENT sustained the Point of Order.

**ADOPTED**

S. 1253 -- Senator Alexander: A SENATE RESOLUTION TO AFFIRM THE DEDICATION OF THE SOUTH CAROLINA SENATE TO THE FUTURE SUCCESS OF THE STATE’S YOUNG PEOPLE AND ITS DEDICATION TO THE PREVENTION OF TEEN PREGNANCY, AND TO DECLARE THE MONTH OF MAY 2014 AS “TEEN PREGNANCY PREVENTION MONTH” IN THE STATE OF SOUTH CAROLINA.

The Senate Resolution was adopted.

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

**MOTION ADOPTED**

At 12:46 P.M., on motion of Senator PEELER, the Senate agreed to dispense with the balance of the Motion Period.

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

**CARRIED OVER**

S. 75 -- Senator Cromer: A BILL TO AMEND SECTION 40‑57‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSE RENEWALS FOR REAL ESTATE BROKERS AND SALESMEN, SO AS TO REQUIRE A CRIMINAL BACKGROUND CHECK FROM A SOURCE APPROVED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; AND BY ADDING SECTION 40‑57‑245 SO AS TO REQUIRE THAT THE DEPARTMENT ASSIGN ONE INVESTIGATOR FOR EVERY TWO THOUSAND FIVE HUNDRED LICENSEES TO ENSURE COMPLAINTS ARE PROCESSED AND CONSIDERED IN AN EXPEDITIOUS MANNER.

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

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

**AMENDED, READ THE SECOND TIME**

H. 3893 -- Reps. Bedingfield, G.R. Smith, Loftis, Stringer, Burns, Hamilton, Erickson, Taylor, Clemmons, Delleney, Pitts, Willis, Chumley, Henderson, Rivers, Crosby, McCoy and Wood: A BILL TO AMEND SECTION 59‑18‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADOPTION OF NEW STATEWIDE EDUCATION STANDARDS AND ASSESSMENTS, SO AS TO PROVIDE SUCH AN ADOPTION MUST NOT BE IMPLEMENTED UNTIL APPROVED BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION.

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

Senator HAYES explained the Bill.

**Amendment No. P3-2**

Senators GROOMS and CAMPSEN proposed the following amendment (3893R003.LKG), which was adopted:

Amend the amendment bearing file path P:\LEGWORK\SENATE\amend\COUNCIL\agm\3893C005.AGM.AB14.docx, as and if amended, by striking Section 59‑19‑350(B) and inserting:

/ (B) For the purpose of developing new college and career readiness English/language arts and mathematics state content standards, a cyclical review must be performed pursuant to subsection (A) for English/language arts and mathematics state content standards not developed by the South Carolina Department of Education. The review must begin on or before January 1, 2015, and the new college and career readiness state content standards must be implemented for the 2015‑2016 school year. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the perfecting amendment.

The question then was the adoption of the amendment.

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

**Ayes 27; Nays 15**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Malloy *Martin, Larry*

*Martin, Shane* Massey Peeler

Rankin Shealy Sheheen

Thurmond Turner Young

**Total--27**

**NAYS**

Allen Hutto Jackson

Johnson Kimpson Lourie

Matthews McElveen McGill

Nicholson Pinckney Reese

Scott Setzler Williams

**Total--15**

The amendment was adopted.

**Amendment No. 2**

Senator HAYES proposed the following amendment (AGM\3893C005.AGM.AB14), which was adopted:

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

/ SECTION 1. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑490. (A) The provisions of this section must be known and may be cited as the ‘South Carolina Department of Education Data Use and Governance Policy’.

(B) The policy of the State Department of Education with respect to use and governance of student data is to ensure that all data collected, managed, stored, transmitted, used, reported, and destroyed by the department is done so in a way to preserve and protect individual and collective privacy rights and ensure confidentiality and security of collected data. In developing this policy, the State strives to:

(1) maintain compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, at a minimum; and

(2) be mindful that the appropriate use of data is essential to accelerating student learning, program and financial effectiveness and efficiency, and policy development.

(C) The State Department of Education shall not collect individual student data directly from students or families, except as required to meet its obligations under the Individuals with Disabilities Education Act. Each student is assigned a unique student identifier upon enrollment into the student management system to ensure compliance with the privacy rights of the student and his parents or guardians. No personally identifiable individual student data may be shared in federally required reporting.

(D) All data elements collected and transferred from the South Carolina State Department of Education to the United States Department of Education must be based on the reporting requirements contained in EDFacts as provided by the United States Department of Education, or other federal laws and regulations, and only may include aggregated data with no personally identifiable data.

(E) Data collected by the State Department of Education must be maintained within a secure infrastructure environment. Access to this data must be limited to pre‑identified staff who are granted clearance related to their job responsibilities of federal reporting, state financial management, program assessment, and policy development. Training in data security and student privacy laws must be provided to these specific individuals on a regular basis in order to maintain their data use clearance along with a signed Data Use Policy assurance of confidentiality and privacy.

(F) The State Department of Education shall maintain a managed external data request procedure managed through a Data Governance Committee. Each external data request is measured against a pre‑determined set of qualifiers that includes, but must not be limited to, applicability to the goals of the State Board of Education, data availability, report format ability, cost of report development, and adherence to FERPA requirements.

(G) Each school district in this State shall adopt, maintain, and comply with a locally adopted student records governance and use policy. These policies and their implementation shall be monitored by the State Department of Education in a manner prescribed by the department through policy.”

SECTION 2. Article 3, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59‑18‑355. (A)(1) A revision to a state content standard recommended pursuant to Section 59‑18‑350(A), as well as a new standard or a change in a current standard that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the:

(a) advice and consent of the Education Oversight Committee; and

(b) approval by a Joint Resolution of the General Assembly.

(2) General Assembly approval required by item (1)(b) does not apply to a revision recommended pursuant to Section 59‑18‑350(A), other approval of a new standard, and other changes to an old standard if the revision, new standard, or changed standard is developed by the State Department of Education.

(B) A revision to an assessment recommended pursuant to Section 59‑18‑350(A), as well as a new assessment or a change in a current assessment that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the advice and consent of the Education Oversight Committee.

(C) Upon initiating a change to an existing standard, including a cyclical review, the Education Oversight Committee and the Department of Education shall provide notice of their plans and intent to the General Assembly and the Governor.

(D) Nothing in this section may be interpreted to prevent the Department of Education, Board of Education, and Education Oversight Committee from considering best practices in education standards and assessments while developing its own standards and assessments.”

SECTION 3. Section 59‑18‑325 of the 1976 Code, as added by an Act of 2014 bearing Ratification No. 170, is amended by adding an appropriately lettered subsection at the end to read:

“(C)(1) To maintain a comprehensive and cohesive assessment system that signals a student’s preparedness for the next educational level and ultimately culminates in a clear indication of a student’s preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the Executive Director of the Budget and Control Board, with the advice and consent of the special assessment panel, shall direct the procurement of a summative assessment system for the 2014‑2015 school year, and subsequent years as provided in item (3). The procurement must be completed before September 30, 2014. The summative assessment must be administered to all students in grades three through eight, and if funds are available, administered to students in grades nine and ten. The summative assessment must assess students in English/language arts and mathematics, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. For purposes of this subsection, ‘English/language arts’ includes English, reading, and writing skills as required by existing state standards. The assessment must be a rigorous, achievement assessment that measures student mastery of the state standards, that provides timely reporting of results to educators, parents, and students, and that measures each student’s progress toward college and career readiness. Therefore, the assessment or assessments must meet all of the following minimum requirements:

(a) compares performance of students in South Carolina to other students’ performance on comparable standards in other states with the ability to link the scales of the South Carolina assessment to the scales from other assessments measuring those comparable standards;

(b) be a vertically‑scaled, benchmarked, standards‑based system of summative assessments with optional interim formative assessments;

(c) measures a student’s preparedness for the next level of their educational matriculation and individual student performance against the state standards in English/language arts, reading, writing, and mathematics and student growth;

(d) documents student progress toward national college and career readiness benchmarks derived from empirical research and state standards;

(e) establishes at least four student achievement levels;

(f) includes various test questions including, but not limited to, multiple choice, constructed response, and selected response, that require students to demonstrate their understanding of the content;

(g) be administered to students in a paper‑based format in 2014‑2015, in either a paper‑based form or computer‑based format in 2015‑2016, and to all students in a computer‑based format by school year 2016‑2017; and

(h) assists school districts and schools in aligning assessment, curriculum, and instruction.

(2) Additionally, the Executive Director of the Budget and Control Board, with the advice and consent of the special assessment panel, also must direct the procurement of a college and career readiness assessment that meets the requirements of subsection (A). The procurement must be completed before September 30, 2014. In addition to WorkKeys, the assessment must be administered to all students entering the eleventh grade for the first time in the 2014‑2015 school year.

(3) In school years 2014‑2015, 2015‑2016, and 2016‑2017, the department must administer the assessments procured by the Budget and Control Board in English/language arts and mathematics in grades three through eight, and if funds are available, in grades nine and ten. The department must also administer the state‑developed and adopted assessments in science and social studies to all students in grades four through eight, and the college readiness assessment and WorkKeys assessment to all students in grade eleven. If the Education Oversight Committee approves of the assessments pursuant to Section 59‑18‑320 after the 2016‑1017 assessment, the assessments also may be administered in 2017‑2018 and 2018‑2019.

(4)(a) The special assessment panel must be composed of the following individuals or their designee:

(i) the Chairman of the State Board of Education;

(ii) the Chairman of the Education Oversight Committee;

(iii) the Chairman of the Board of Directors for the South Carolina Chamber of Commerce;

(iv) the Chairman of the South Carolina Commission on Higher Education;

(v) the Chairman of the South Carolina Technical College System Board; and

(vi) the State Superintendent of Education.

(b) A panel member who is authorized to designate a person to serve on the board in his stead only may make the designation if he intends for the designee to serve continuously instead of intermittently with himself or another designee.

(c) The assessment panel must receive input from educators, parents, higher education officials, and business and community leaders on the components of a comprehensive and cohesive assessment system. The assessment panel must convene within two weeks of the effective date of this act, at the request of the Executive Director of the Budget and Control Board. The panel must complete its duties in a timely manner which enables the Executive Director of the Budget and Control Board to procure the assessments by September 30, 2014. Upon the procurement of a summative assessment system, the special assessment panel is dissolved.

(5)(a) The cost of procuring the assessments pursuant to items (1) and (2), and any costs associated with the performance of the special assessment panel’s duties must be borne by the Department of Education.

(b) Staff support to the executive director of the Budget and Control Board and the special assessment panel must be provided by the Department of Education, Division of Accountability, Office of Assessment. In addition, if requested by the Executive Director of the Budget and Control Board or the special assessment panel, the Department of Education, the Education Oversight Committee, the State Board for Technical and Comprehensive Education, and the Commission on Higher Education, must provide assistance to implement the provisions of this subsection.

(6) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end‑of‑course assessments in a format agreed upon by the department and the Oversight Committee. The Education Oversight Committee must use the results of these assessments in school years 2014‑2015 and 2015‑2016 to report on student academic performance in each school and district pursuant to Section 59‑18‑900. The committee may not determine state ratings for schools or districts, pursuant to Section 59‑18‑900, using the results of the assessments required by this subsection until after the conclusion of the 2015‑2016 school year; provided, however, state ratings must be determined by the results of these assessments beginning in the 2016‑2017 school year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the fall of 2016.

(7) The Department of Education must submit a plan for approval and implementation to the Board of Education to mitigate the impact that changes in assessments are projected to have on teacher evaluation systems. If such an impact can be reasonably mitigated by delaying evaluations, the department shall seek a waiver if necessary for federal approval.

(8) When standards are subsequently revised, the Department of Education, the State Board of Education, and the Education Oversight Committee shall approve assessments pursuant to Section 59‑18‑320.”

SECTION 4. Section 59‑18‑350 of the 1976 Code, as last amended by Act 282 of 2008, is further amended to read:

“Section 59‑18‑350. (A) The State Board of Education, in consultation with the Education Oversight Committee, shall provide for a cyclical review by academic area of the state standards and assessments to ensure that the standards and assessments are maintaining high expectations for learning and teaching. At a minimum, each academic area should be reviewed and updated every seven years. After each academic area is reviewed, a report on the recommended revisions must be presented to the Education Oversight Committee and the State Board of Education for consideration. ~~After approval by the Education Oversight Committee and the State Board of Education, the recommendations may be implemented. However,~~ The previous content standards shall remain in effect until ~~approval has been given by both entities~~ the recommended revisions are adopted pursuant to Section 59‑18‑355. As a part of the review, a task force of parents, business and industry persons, community leaders, and educators, to include special education teachers, shall examine the standards and assessment system to determine rigor and relevancy.

(B) A cyclical review must be performed pursuant to subsection (A) for English/language arts and mathematics state standards not developed by the South Carolina Department of Education. The review must be completed before July 1, 2016.

(~~B~~C) The State Department of Education annually shall convene a team of curriculum experts to analyze the results of the assessments, including performance item by item. This analysis must yield a plan for disseminating additional information about the assessment results and instruction and the information must be disseminated to districts not later than January fifteenth of the subsequent year.”

SECTION 5. On the effective date of this act, South Carolina will no longer be a governing or advisory state in the Smarter Balanced Assessment Consortium. Furthermore, South Carolina may not adopt or administer the Smarter Balanced Assessment. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO 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 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**EXECUTIVE SESSION**

On motion of Senator COURSON, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

**STATEWIDE APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Judiciary Committee, the following appointment was taken up for immediate consideration:

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2012, and to expire May 19, 2019

3rd Congressional District:

Kristopher D. Clark, 2310 Earls Bridge Road, Easley, SC 29640

On motion of Senator LARRY MARTIN the question was confirmation of Kristopher D. Clark.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Young

**Total--37**

**NAYS**

**Total--0**

The appointment of Mr. Kristopher D. Clark was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was taken up for immediate consideration:

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2012, and to expire May 19, 2019

7th Congressional District:

Merrell W. Floyd, 513 Merrywood Road, Conway, SC 29526 *VICE* Vacant Due to Redistricting

On motion of Senator LARRY MARTIN, the question was confirmation of Mr. Merrell W. Floyd.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Young

**Total--37**

**NAYS**

**Total--0**

The appointment of Mr. Merrell W. Floyd was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was taken up for immediate consideration:

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2012, and to expire May 19, 2019

At-Large:

Catherine E. Heigel, 300 Waccamaw Ave., Greenville, SC 29605 *VICE* Cecile E. Viverette

On motion of Senator LARRY MARTIN, the question was confirmation of Ms. Catherine E. Heigel.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Young

**Total--37**

**NAYS**

**Total--0**

The appointment of Ms. Catherine E. Heigel was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was taken up for immediate consideration:

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

6th Congressional District:

John Calhoun Land IV, P.O. Box 138, Manning, SC 29102

On motion of Senator LARRY MARTIN, the question was confirmation of Mr. John C. Land IV.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Young

**Total--37**

**NAYS**

**Total--0**

The appointment of Mr. John C. Land IV was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was taken up for immediate consideration:

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence June 19, 2008, and to expire June 19, 2015

Georgetown County:

Danny Joe Ray, 735 Beach Bridge Road, Pawleys Island, SC 29585 *VICE* David Springs

On motion of Senator LARRY MARTIN, the question was confirmation of Mr. Danny Joe Ray.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Young

**Total--37**

**NAYS**

**Total--0**

The appointment of Mr. Danny Joe Ray was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was taken up for immediate consideration:

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2008, and to expire May 19, 2015

2nd Congressional District:

Jack F. Wolfe, Jr., 2012 Johnson Marina Rd., Chapin, SC 29036 *VICE* Leighton Lord

On motion of Senator LARRY MARTIN, the question was confirmation of Mr. Jack F. Wolfe, Jr.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Young

**Total--37**

**NAYS**

**Total--0**

The appointment of Mr. Jack F. Wolfe, Jr. was confirmed.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Erin G. Vaux, 5797 Yaupon Rd., Bluffton, SC 29910

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Nancy D. Sadler, 130 Old Plantation Dr., Beaufort, SC 29907

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Beth A. Prince, 24 Aspen Hall Rd., Bluffton, SC 29910

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Mark F. Fitzgibbons, 2807 Broome Ln., Beaufort, SC 29902

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Rod H. Sproatt, 8 Chloe Ct., Beaufort, SC 29907

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Terry A. Finger, P.O. Box 24005, Hilton Head Island, SC 29925

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Ralph E. Tupper, 62 Yard Farm Rd., St. Helena Island, SC 29920

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

David M. Taub, 414 New St., Beaufort, SC 29902

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Lawrence P. McElynn, 584 Colonial Dr., Beaufort, SC 29926

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Chilton G. Simmons, 15 Sunset Bluff, Beaufort, SC 29907

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Richard A. Brooks, 21 Cedar Point Dr., Beaufort, SC 29907

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Douglas L. Novak, 181 Bluffton Rd., Bluffton, SC 29910

Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Kenneth G. Southerlin, Jr., 905 East Silverleaf St., Greer, SC 29650 *VICE* Honorable Jesse A. McCall

**Motion Adopted**

On motion of Senator COURSON, the Senate agreed to stand adjourned.

**ADJOURNMENT**

At 1:28 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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