**Wednesday, May 7, 2014**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

Elihu of the Old Testament admonishes Job (and us!), saying:

“ ‘Listen to this, Job, stop and consider God’s wonders.’ ”

(Job 37:14)

Let us pray:

Glorious Lord, all around us here in South Carolina we do observe the wonders of Your creation. We all freely and fully recognize our need to pause and to give thanksgiving for the richness and beauty of our State. Lead each one of these Senators -- truly, lead each one of us, Lord -- to voice our appreciation and love for the natural beauty and the treasures which surround all of us here in South Carolina. May the Senators in this body never forget to do all they can to preserve the very wonders that enrich our lives day by day. In Your glorious name we pray this, O Lord. Amen.

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

**Point of Quorum**

At 10:12 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Corbin Courson

Cromer Davis Fair

Hutto Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill O'Dell

Peeler Scott Setzler

Shealy Thurmond Turner

Young

A quorum being present, the Senate resumed.

**Doctor of the Day**

Senators GROOMS and SETZLER introduced Dr. Radwan Hallaba of Charleston, S.C., Doctor of the Day. Dr. Hallaba is CEO of Medcare Urgent Care Center.

**Leave of Absence**

On motion of Senator CAMPBELL, at 10:05 A.M., Senator VERDIN was granted a leave of absence until 3:10 P.M.

**Leave of Absence**

At 1:25 P.M., Senator SHANE MARTIN requested a leave of absence from 12:00 P.M. Friday, May 9, 2014, until 1:10 A.M. on Saturday, May 10.

**Leave of Absence**

On motion of Senator MATTHEWS, at 1:25 P.M., Senator PINCKNEY was granted a leave of absence for the balance of the day.

**Leave of Absence**

At 2:30 P.M., Senator DAVIS requested a leave of absence until 3:15 P.M.

**Leave of Absence**

On motion of Senator HEMBREE, at 2:30 P.M., Senator GREGORY was granted a leave of absence until 3:30 P.M.

**Leave of Absence**

On motion of Senator COURSON, at 6:45 P.M., Senator THURMOND was granted a leave of absence for the balance of the day.

**Leave of Absence**

At 7:05 P.M., Senator COLEMAN requested a leave of absence until 11:00 A.M. on Tuesday, May 13, 2014.

**Expression of Personal Interest**

Senator BRYANT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 1230 Sen. Rankin

**Motion Adopted**

On motion of Senator YOUNG, with unanimous consent, Senators YOUNG, LOURIE and SHEALY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1281 -- Senator Verdin: A SENATE RESOLUTION TO EXPRESS THE SINCERE APPRECIATION OF THE MEMBERS OF THE SOUTH CAROLINA SENATE FOR THE COOPERATIVE EXTENSION SERVICE AND TO JOIN IN THE OBSERVANCE OF THE ONE HUNDREDTH ANNIVERSARY OF THE PASSAGE OF THE SMITH-LEVER ACT.

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The Senate Resolution was adopted.

S. 1282 -- Senator Lourie: A SENATE RESOLUTION TO HONOR, COMMEND, AND EXTEND DEEP APPRECIATION TO BRIGADIER GENERAL WILLIAM J. GOTHARD, DEPUTY COMMANDING GENERAL FOR THE 81ST REGIONAL SUPPORT COMMAND AT FORT JACKSON, SOUTH CAROLINA, FOR HIS MANY YEARS OF EXEMPLARY PUBLIC SERVICE AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

S. 1283 -- Senators L. Martin, Thurmond, Alexander, Cromer and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-6-4157 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE, OFFER FOR USE, PURCHASE, OFFER TO PURCHASE, SELL, OFFER TO SELL, OR POSSESS POWDERED ALCOHOL OR FOR A LICENSE HOLDER FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION OF ALCOHOLIC LIQUORS TO USE POWDERED ALCOHOL AS AN ALCOHOLIC BEVERAGE, AND TO PROVIDE PENALTIES AND EXCEPTIONS.

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Senator THURMOND spoke on the Bill.

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

S. 1284 -- Senator Pinckney: A BILL TO AMEND ACT 190 OF 1991, RELATING TO THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL DISTRICT 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. 1285 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE DR. CHERYL CAUTION-PARKER UPON THE OCCASION OF HER RETIREMENT AS DEPUTY SUPERINTENDENT OF RICHLAND SCHOOL DISTRICT TWO, TO COMMEND HER FOR HER MANY YEARS OF OUTSTANDING AND DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HER MUCH SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

H. 5205 -- Reps. Douglas, 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, 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 DECLARE MAY 11-17, 2014, AS "NURSING HOME WEEK" IN SOUTH CAROLINA AND TO THANK ALL THOSE WHO CONTRIBUTE TO THE SUCCESS OF OUR STATE'S NURSING HOMES.

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

H. 5212 -- Rep. Bernstein: A CONCURRENT RESOLUTION TO COMMEND THE GLENN AND CARA O'NEILL FAMILY OF RICHLAND COUNTY FOR THEIR COURAGE AND TO WISH THEM THE RICHEST BLESSINGS OF GOD IN THE DAYS AHEAD.

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

H. 5220 -- Reps. Harrell, 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, 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 RECOGNIZE AND HONOR THE OUTSTANDING ROLE OF THE SOUTH CAROLINA BEER WHOLESALERS ASSOCIATION IN OUR STATE, UPON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY.

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

H. 5224 -- Reps. Hardwick, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, 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 EXPRESS SINCERE APPRECIATION FOR THE COOPERATIVE EXTENSION SERVICE UPON THE OBSERVANCE OF THE ONE HUNDREDTH ANNIVERSARY OF THE SMITH-LEVER ACT.

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

**PRESIDENT PRESIDES**

At 10:40 A.M., the PRESIDENT assumed the Chair.

**HOUSE CONCURRENCES**

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

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.

S. 1273 -- Senator Cromer: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR NEWBERRY COUNTY SHERIFF LEE FOSTER AND HIS STAFF FOR THEIR OUTSTANDING WORK IN APPREHENDING A TEENAGE MURDER SUSPECT FROM TENNESSEE AND TO EXPRESS DEEP GRATITUDE FOR THEIR MERITORIOUS SERVICE TO THE CITIZENS OF SOUTH CAROLINA.

S. 1274 -- Senators Cromer, Courson, Shealy, Setzler and Massey: A CONCURRENT RESOLUTION TO CONGRATULATE ALBERT J. “A. J.” DOOLEY, SR., OF LEXINGTON COUNTY, ON THE OCCASION OF HIS EIGHTY‑FOURTH BIRTHDAY, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

S. 1275 -- Senator Lourie: A CONCURRENT RESOLUTION TO HONOR AND COMMEND THE DRILL SERGEANTS OF THE UNITED STATES ARMY FOR THEIR OUTSTANDING SERVICE, TO CONGRATULATE THE U.S. ARMY DRILL SERGEANT PROGRAM ON ITS FIFTIETH ANNIVERSARY, AND TO DECLARE SEPTEMBER 10, 2014, AS “ARMY DRILL SERGEANT RECOGNITION DAY” IN SOUTH CAROLINA.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

H. 5024 -- Rep. Sellers: A BILL TO ALLOW THE BOARD OF TRUSTEES OF DENMARK‑OLAR SCHOOL DISTRICT NO. 2 TO IMPOSE A CAPITAL MILLAGE TO PROVIDE SCHOOL BUILDINGS IN THE DISTRICT, INCLUDING ANY ASSOCIATED LEASE PAYMENTS, AND TO MAKE FINDINGS THAT ILLUSTRATE THE UNIQUE ISSUES FACING THE DISTRICT.

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.

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.

**HOUSE BILL RETURNED**

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

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.

**THIRD READING BILLS**

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

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.

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.

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.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

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 third reading of the Bill.

**Motion Under Rule 26B**

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

There was no objection.

Senator RANKIN proposed the following amendment (3512R001.LAM.docx), which was adopted:

Amend the bill, as and if amended, page 4, line 4, by striking SECTION 5 and inserting:

/ SECTION 5. This act takes effect July 1, 2014. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

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

**SECOND READING FAILS**

H. 5108 -- Reps. White and Gambrell: A BILL TO THE ENACT “ANDERSON COUNTY SCHOOL DISTRICTS PROPERTY TAX RELIEF ACT” SO AS TO AUTHORIZE THE IMPOSITION, FOLLOWING REFERENDUM APPROVAL, OF A SALES AND USE TAX OF ONE PERCENT IN ANDERSON COUNTY FOR NOT MORE THAN FIFTEEN YEARS WITH AT LEAST TWENTY PERCENT OF THE REVENUES USED TO PAY DEBT SERVICE ON EXISTING GENERAL OBLIGATION BONDS ISSUED FOR SCHOOL CONSTRUCTION AND RENOVATION AND THE REMAINDER USED TO PAY DEBT SERVICE ON SCHOOL DISTRICT GENERAL OBLIGATION BONDS OR FOR DIRECT PAYMENT, OR BOTH SUCH FINANCING METHODS, FOR SCHOOL CONSTRUCTION AND RENOVATION, TO INSTALL, MAINTAIN, AND IMPROVE SECURITY AND PUBLIC SAFETY MEASURES, TO PROVIDE TECHNOLOGY HARDWARE AND SOFTWARE IN THE ANDERSON COUNTY SCHOOL DISTRICTS, TO PROVIDE A CAREER AND TECHNICAL EDUCATION FACILITY FOR ANDERSON COUNTY SCHOOL DISTRICTS THREE, FOUR, AND FIVE, TO PROVIDE CAPITAL IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO, ROOFS, STADIUMS, AND FIELDS IN ANDERSON COUNTY SCHOOL DISTRICTS, AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE TAX.

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

There was no objection.

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

Senator BRYANT asked unanimous consent to give the Bill a second reading and requested a roll call of the Local Delegation.

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

**Ayes 1; Nays 1**

**AYES**

O'Dell (weighted vote 45.68%)

**Total--1**

**NAYS**

Bryant (weighted vote 54.32%)

**Total--1**

Second reading of the Bill failed.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

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.

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

Senators RANKIN, BENNETT and HEMBREE proposed the following amendment (JUD1147.003), which was adopted:

Amend the committee report, as and if amended, by striking the committee report in its entirety and inserting the following:

/ (B)(1) Pursuant to the provisions of this article, in the case of an individual’s disappearance in which the assets of the missing individual total twenty-five thousand dollars or less, and no person was previously appointed by the missing individual to have general authority to act on behalf of the missing individual, a spouse or next of kin of the missing individual, upon submitting a document that complies with the requirements of Section 62-1-507(3), may petition the court to be appointed the temporary conservator of the missing individual’s property for a six-month period of time. For such temporary conservator appointments of missing individual’s estates, the petitioner may request a hearing on an emergency basis, with the appointment of an attorney for the missing individual and the setting of a bond being temporarily waived. The petitioner must also comply with all notice requirements. The appointment of a spouse or next of kin as a temporary conservator for the property of a missing individual does not alter the ability of the spouse or next of kin to apply for appointment as the conservator after the expiration of the six-month period, pursuant to the provisions of Part 4, Article 5, Title 62.

(2) For estates that total more than twenty-five thousand dollars, the provisions of Section 62-5-408(1) shall apply for the appointment of temporary conservators.

(3) Termination of the conservatorship shall occur pursuant to the provisions of Section 62-5-430(B), upon application to the court that the missing person is no longer missing or deceased, and the court orders the termination of the conservatorship.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the perfecting amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD1147.002), which was adopted:

Amend the bill, as and if amended, by striking page 2, lines 9-16 in their entirety and inserting the following:

/ (B) Pursuant to the provisions of this chapter, in the case of a person’s disappearance where the assets of the missing person total twenty-five thousand dollars or less, a spouse or next of kin of the missing person, upon submitting a document that complies with the requirements of Section 62-1-507, may petition the court to be appointed the temporary conservator of the missing person’s property for a six month period of time. For such temporary appointments, the petitioner may request a hearing on an emergency basis, with the appointment of an attorney for the missing person and the setting of a bond being temporarily waived. The appointment of a spouse or next of kin as a temporary conservator for the property of a missing person does not alter the ability of the spouse or next of kin to apply for appointment as the conservator after the expiration of the six-month period, pursuant to the remaining provisions of Part 4, Chapter 5, Title 62. Termination of the conservatorship shall occur pursuant to the provisions of Section 62-5-430, when the missing person is no longer missing, a petition for termination of the conservatorship is filed, and the court orders the termination of the conservatorship.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Davis Fair Gregory

Grooms Hembree Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson O'Dell

Peeler Rankin Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 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 second reading of the Bill.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Coleman Corbin

Courson Davis Fair

Gregory Grooms Hembree

Hutto Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson O'Dell

Peeler Rankin Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--37**

**NAYS**

Kimpson

**Total--1**

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

**OBJECTION**

H. 4871 -- Reps. Harrell, Owens, Bannister, Erickson, Forrester, Rutherford, Cobb‑Hunter, Hayes, White and Mitchell: A BILL TO AMEND SECTION 59-40-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS PROVISIONS PERTAINING TO CHARTER SCHOOLS INCLUDING A PROVISION EXEMPTING ALL EARNINGS OR PROPERTY OF CHARTER SCHOOLS FROM STATE OR LOCAL TAXATION, EXCEPT FOR THE SALES TAX, SO AS TO CLARIFY THAT PROPERTY OF CHARTER SCHOOLS EXEMPT FROM SUCH TAXATION INCLUDES OWNED OR LEASED PROPERTY.

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

Senator MALLOY objected.

**CARRIED OVER**

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

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

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

On motion of Senator MALLOY, 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 CORBIN, 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. 4702 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2013‑2014, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

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

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.

On motion of Senator COURSON, the Joint Resolution 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. 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.

H. 4873 -- Rep. Cobb‑Hunter: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA’S YOUNG PEOPLE AND TO THE PREVENTION OF CHILD ABUSE AND NEGLECT AND TO DECLARE THE MONTH OF APRIL AS “CHILD ABUSE PREVENTION MONTH” IN THE STATE OF SOUTH CAROLINA.

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

**ADOPTED**

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.

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

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4701, THE GENERAL APPROPRIATIONS BILL.**

**H. 4701--GENERAL APPROPRIATIONS BILL**

**AMENDED, READ THE SECOND TIME**

**DEBATE INTERRUPTED**

H. 4701 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

**Amendment No. 16**

Senator ALEXANDER proposed the following amendment (DAD BLIND FTE SHIFT), which was adopted:

Amend the bill, as and if amended, Part IA, Section 39, COMMISSION FOR THE BLIND, page 143, by line 33, by:

COLUMN 7 COLUMN 8

/ STRIKING: (6.53)

and

INSERTING: (6.53) (1.00)/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

**Amendment No. 24**

Senator ALEXANDER proposed the following amendment (DAD 94.8 LTG), which was adopted:

Amend the bill, as and if amended, Part IB, Section 94, OFFICE OF THE LIEUTENANT GOVERNOR, page 493, proviso 94.8, line 5, after “Office” by inserting:

/ *of Executive Policy and Programs* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

**Point of Order**

Senator BRIGHT raised a Point of Order under Rule 24A that Proviso 3.3 of Part 1B was out of order inasmuch as it was not germane to the Bill.

***3.3.*** *(LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.*

Senator BRIGHT spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

**Amendment No. 22**

Senator LEATHERMAN proposed the following amendment (DAD 101.32 REF CHANGE), which was adopted:

Amend the bill, as and if amended, Part IB, Section 101, BUDGET AND CONTROL BOARD, page 510, proviso 101.32, lines 6, 10, 12, 13, 14, and 15 by striking /*Budget and Control Board*/ and inserting /*Division of State Technology*/

Amend the bill further, as and if amended, Part IB, Section 101, BUDGET AND CONTROL BOARD, page 510, proviso 101.32, line 16, by striking /*Board*/ and inserting /*Division*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

**Amendment No. 14**

Senators CLEARY, PINCKNEY, CAMPBELL, SETZLER and SHEHEEN proposed the following amendment (DAD PBM AUDIT), which was adopted:

Amend the bill, as and if amended, Part IB, Section 105, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 513, after line 6, by adding an appropriately numbered new proviso to read:

/*(PEBA: Pharmacy Benefit Manager Audit) By September 1, 2014, the Public Employee Benefit Authority shall have prepared a detailed report and have prepared an independent audit of its contract with Catamaran for Pharmacy Benefit Manager services to ensure, among other things, that fair and equitable reimbursement practices are being followed. The independent auditor must have experience in conducting Pharmacy Benefit Manager services audits.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

**Amendment No. 20**

Senator CROMER proposed the following amendment (DAD 118.11 YEAR UPDATE), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 564, proviso 118.11, line 23, by striking /2013/ and inserting /*2014*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

**Amendment No. 25**

Senator MASSEY proposed the following amendment (4701R013.ASM.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 571, by striking line 14 and inserting:

/ *(1) General Reserve Fund Contribution $31,389,049; /*

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 573, by striking lines 11‑12.

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 573, by striking lines 13‑22 and inserting:

/ *(11) J04 ‑ Department of Health and Environmental Control*

*(a) Best Chance/Colon Cancer Networks $1,500,000;*

*(b) Bleeding Disorders ‑ Premium Assistance Program $100,000;*

*(c) Ocean Water Quality Outfall Initiative $500,000;*

*(d) Water Quality $1,575,700;*

*(e) Outreach Program for Continued Testing of TB Victims $125,000;/*

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 573, by striking lines 25‑36, and page 574, by striking lines 1‑3, and inserting:

/ *(12) P28 ‑ Department of Parks, Recreation, and Tourism*

*(a) Palmetto Trail $150,000;*

*(b) Sports Development Fund $2,000,000;*

*(c) Marketing ‑ International $25,000;*

*(d) African‑American History Museum $1,000,000;*

*(e) Parks and Recreation Development Program $1,000,000;*

*(f) State Park Fire Department ‑ Jones Gap $50,000;*

*(g) Town of Eastover ‑ Historic Site Preservation $75,000;*

*(h) SC Hall of Fame $100,000;/*

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 574, by striking lines 16‑17.

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 576, by striking lines 17‑21 and inserting:

/ *(38) J16 ‑ Department of Disabilities and Special Needs*

*(a) Lander University Therapeutic Equestrian Center ‑ Burton Center $ 300,000;*

*(b) Autism Services $1,150,000;*

*(c) Charles Lea Center $100,000;/*

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 576, by striking lines 22‑25.

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 576, by striking lines 26‑33 and inserting:

/ *(40) L04 ‑ Department of Social Services Child Support Enforcement System $3,000,000;/*

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 577, by striking lines 11‑12.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

Senator ALEXANDER spoke on the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 3A**

Senator FAIR proposed the following amendment (QH COLLEGE ALL-STAR BOWL), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 579, proviso 118.16, after line 19, by inserting an appropriately numbered subitem:

/ *P28 – Department of Parks, Recreation, and Tourism College All-Star Bowl $100,000* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

**Amendment No. 1**

Senator COURSON proposed the following amendment (DAD NR‑WOODROW WILSON), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 579, proviso 118.16, after line 19, by inserting a new subitem to read:

/ *( ) P28 - Department of Parks, Recreation and Tourism*

*Historic Columbia Woodrow Wilson Family Home $350,000;*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator COURSON explained the amendment.

The amendment was adopted.

**Amendment No. 8**

Senator SHANE MARTIN proposed the following amendment (DAD GF RED TO FUND LG EFA BUSES), which was tabled:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 581, after line 12, by adding an appropriately numbered new proviso to read:

/*(SR: General Fund Reduction) All general fund appropriations contained in this act are reduced by an amount sufficient to generate $548,969,422 in order to fully fund the Local Government Fund and the Education Finance Act and for School Buses. Excluded from this reduction is the Capital Reserve Fund; Commission on Higher Education: Life Scholarship, Palmetto Fellows and Educational Endowment (open-ended scholarship funds); Debt Service; Aid To Subdivisions-State Treasurer: Local Government Fund; Aid to Subdivisions-Department of Revenue: Homestead Exemption Fund; and Department of Education: Education Finance Act and Employer Contributions - EFA.*

*The revenue realized from these reductions shall be distributed as follows:*

*(1) H63-Department of Education--Education Finance Act*

*$441,632,222;*

*(2) X22-Aid to Subdivision-Local Government Fund*

*$90,924,225;and*

*(3) H63-Department of Education--School Buses*

*$16,412,975.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 35; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Kimpson Leatherman

Lourie *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson Peeler Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Williams Young

**Total--35**

**NAYS**

Bright Bryant Cleary

Corbin Malloy *Martin, Shane*

**Total--6**

The amendment was laid on the table.

**Amendment No. 26**

Senators DAVIS and CAMPSEN proposed the following amendment (QH PORT ROYAL PROVISO CHANGE), which was adopted:

Amend the bill, as and if amended, Part IB, Section 88, STATE PORTS AUTHORITY, page 484, proviso 88.5, line 30, by striking /shall/ and inserting /*may*/

Amend the bill further, as and if amended, Part IB, Section 88, STATE PORTS AUTHORITY, page 484, proviso 88.5, line 31-32, by striking /the Town of Port Royal, to Beaufort County, or to a combination of the Town of Port Royal and Beaufort County/ and inserting /*a third party*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

**Amendment No. 28**

Senators O’DELL and McGILL proposed the following amendment (QH CITADEL - MECH ENG), which was adopted:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 579, proviso 118.16, after line 19, by inserting an appropriately numbered subitem:

/ *H09 The Citadel*

*Mechanical Engineering Lab and Equipment $500,000* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McGILL explained the amendment.

The amendment was adopted.

**Amendment No. 11**

Senator LARRY MARTIN proposed the following amendment (DAD FLIP 4K & LGF), which was tabled:

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 5, line 2, opposite “CDEPP” by:

COLUMN 7 COLUMN 8

/ STRIKING: 8,472,078 8,472,078

and

INSERTING: 2,867,631 2,867,631/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 12, line 16, opposite “CDDEP - SCDE” by:

COLUMN 7 COLUMN 8

/ STRIKING: 15,807,402 15,807,402

and

INSERTING: 5,399,144 5,399,144/

Amend the bill further, as and if amended, Part IA, Section 110, AID TO SUBDIVISIONS - STATE TREASURER, page 323, line 3, opposite “AID - LOCAL GOV’T FUND” by:

COLUMN 7 COLUMN 8

/ STRIKING: 187,619,411 187,619,411

and

INSERTING: 203,632,116 203,632,116/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 578, proviso 118.16, line 30-31, by striking:

/ *(2) X22 - Local Government Fund, State Treasurer*

*Local Government Fund $16,012,705;*/

and inserting:

/ *(2) H63 - Department of Education*

*(a) CDEPP $10,408,258;*

*(b) First Steps-CDEPP $5,604,447;* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LARRY MARTIN explained the amendment.

Senator MALLOY spoke on the amendment.

**RECESS**

At 12:30 P.M., on motion of Senator LEATHERMAN, the Senate receded from business until 1:15 P.M.

At 1:22 P.M., the Senate resumed.

**AFTERNOON SESSION**

The Senate reassembled at 1:22 P.M. and was called to order by ACTING PRESIDENT, Senator LARRY MARTIN.

**ACTING PRESIDENT PRESIDES**

Senator LARRY MARTIN assumed the Chair.

**Point of Quorum**

At 1:22 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bennett Bryant

Campbell Coleman Cromer

Fair Hayes Hembree

Hutto Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Peeler

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams

A quorum being present, the Senate resumed.

**ACTING PRESIDENT PRESIDES**

Senator CROMER assumed the Chair.

Senator MALLOY resumed speaking on the Amendment No. 11.

Senator LARRY MARTIN spoke on the amendment.

**PRESIDENT PRESIDES**

At 2:04 P.M., the PRESIDENT assumed the Chair.

Senator MALLOY spoke on the amendment.

Senator LARRY MARTIN explained the amendment.

Senator MALLOY moved to lay the amendment on the table.

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

**Ayes 29; Nays 13**

**AYES**

Alexander Allen Campbell

Cleary Coleman Courson

Cromer Grooms Hayes

Hutto Johnson Kimpson

Leatherman Lourie Malloy

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams Young

**Total--29**

**NAYS**

Bennett Bright Bryant

Campsen Corbin Fair

Hembree *Martin, Larry Martin, Shane*

Massey Shealy Thurmond

Turner

**Total--13**

The amendment was laid on the table.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**Amendment No. 10**

Senators FAIR, PEELER, SHANE MARTIN, BRYANT and BRIGHT proposed the following amendment (DAD UNIV CHAS & USC UPSTATE):

Amend the bill, as and if amended, Part IA, Section 15, UNIVERSITY OF CHARLESTON, page 46, line 36, opposite /OTHER OPERATING EXPENSES/ by:

COLUMN 7 COLUMN 8

/ STRIKING: 71,872,473 670,066

and

INSERTING: 71,820,473 670,066/

Amend the bill further, as and if amended, Part IA, Section 20C, USC - UPSTATE, page 62, line 11, opposite /OTHER OPERATING EXPENSES/ by:

COLUMN 7 COLUMN 8

/ STRIKING: 17,825,570 121,176

and

INSERTING: 17,808,428 121,176/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

**ACTING PRESIDENT PRESIDES**

At 3:12 P.M., Senator CROMER assumed the Chair.

Senator COURSON spoke on the amendment.

**Remarks by Senator COURSON**

Mr. PRESIDENT, I recognize Senator MIKE FAIR’s interest in this issue and his commitment to higher education. He served on the Board Trustees of the University of South Carolina. I rise in opposition to this for multiple reasons. One is the practical approach. We’re talking about monies that have already been spent in this year’s Appropriations Bill. It is my understanding that the books at USC Upstate and the College of Charleston are no longer being used in the current curriculum. So the practical effect on that is we would be removing $70,000 from higher education in this State. Kindly recall my presentation on the Appropriations Bill yesterday. In 2007, we had 170,000 South Carolinians enrolled in higher education in this State. The State Appropriations Bill for that year was $748 million in recurring revenue. This year, we have over 210,000 enrolled in higher education, and the State Appropriations Bill, even with what we did in Finance to increase the funding by $25 million, is $498 million dollars. We’ve had a tremendous increase in the number of South Carolinians enrolled in our higher education institutions. But we’ve had a decrease in funds for higher education, primarily coming from the House of Representatives. The Senate has done a good job increasing funding over the past six years during the recession. Senator LEATHERMAN sent a letter to the college presidents asking them to keep the tuition increases within the HEPI (Higher Education Price Index) framework, and they did. We have appropriated probably an additional $100 million to higher education during this time frame over what the House of Representatives budgeted. I do not want to see us cut another dime out of higher education spending in the Palmetto State. We need to be appropriating additional money.

Secondly, on a philosophical basis, we, the General Assembly, elect the trustees of the public institutions. They hire the presidents of those institutions, who hire the provosts and other individuals who select and monitor curriculum. We should not ever be in the business of trying to micromanage curriculum or selecting instructional materials. We are citizen legislators and that is not our responsibility. It is the responsibility of the boards of trustees that we elect, and the presidents that they select, to monitor those institutions. It is my understanding that is currently being done.

The third component I’d like to share on this is personal. I was in undergraduate school at the University of South Carolina in the early 1960’s and they were turbulent times. My major was international studies, and I took a lot of political science courses. I had a political science professor that mandated us to read two Marxist publications. One was *The Communist Manifesto* by Karl Marx and the other was *Das Kapital* by Freidrich Engels, both Germans advocating the Marxist economic philosophy. I suggested we also read a book by Barry Goldwater called *The Conscience of a Conservative,* which is probably the bible of the conservative movement. We were not mandated to read that book. However, reading the two books, that I didn’t particularly care to read, convinced me that the Marxist theory of economics would not work - not only in this country but in the world. So it was a plus. It had the reverse effect with me, and I became a fierce anti-communist. It also led me to read Russian novels - Gogol’s *Dead Souls*, Dostoyevsky’s *Crime and Punishment*, and Tolstoy’s *War and Peace* - to try and get into the Russian mind. I joined the Marine Corps when I finished undergraduate school. We thought we were going to be fighting the Soviet Union, and I wanted to try and understand exactly who these people were, what they were coming at us with, and what they believed in.

Again, Mr. PRESIDENT, I do not think it is appropriate for this body to micromanage curriculum for our institutions or sensor instructional materials. That is the purview of the institutions themselves.

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

**PRESIDENT PRESIDES**

At 3:25 P.M., the PRESIDENT assumed the Chair.

Senator PEELER spoke on the amendment.

**Remarks by Senator PEELER**

Mr. President and Members of the Senate:

I rise in support of Senator FAIR’s amendment of which I am a co‑sponsor. I want to talk to you a little bit about it. The budget that was passed by the House had this in it, the Finance Committee didn’t support it, and now we’re trying to reinstate it by this amendment. It’s about $52,000 dealing with the College of Charleston and a little over $17,000 for USC Upstate. The line on the College of Charleston and other funds is almost $72 million. Only $52,000 out of $72 million on the College of Charleston. USC Upstate is $18 million -- only $17,000 out of $18 million. That’s not a Legislative slap on the wrist. It’s not even a Legislative finger wave. It’s a Legislative frown on what our two universities did. It’s a frown. It’s a look to tell them that the people that we represent don’t support those programs. Programs that they had. It wasn’t a voluntary type program. It was forcing this on them. It’s a program that’s evidently gone on for quite some time. It’s not just a book. They invite and pay the authors of the books to come by and speak to the kids to try to promote this agenda. This is not censorship. This is not diminishing academic freedom. This smidgeon is just a frown at those two universities to let them know, and it’s really the only way we can let them know in the budget process, that the people that we represent don’t support that -- *Higher* education.

Clemson University was a former military college, Senator HAYES, and when I was a freshman at Clemson my first day, my daddy drove me up to Clemson and he opened up the trunk, took out his old army trunk, sat it on the curb, shook my hand and said, “I’m mighty proud of you son” and drove off. There I stood with freshly shaved hair and this upper classman smacked me on the back of the head, Senator McGILL, and said we’re meeting at the loggia in fifteen minutes, rat. This may come as a surprise to you folks, but we don’t have loggias in Gaffney. I didn't know what a loggia was. I learned a lot at Clemson. A lot was availed to me. I didn’t know how much I didn’t know until I got to Clemson. One of the main things I learned was the shift from a military college to how Clemson was when I first attended it. The first two years ROTC was required--Reserve Officer Training Corp, Senator CROMER. The two first years was required and then you took advanced ROTC in the hope of being commissioned an officer in either the Army or the Air Force. I chose the Army. One of the main things I learned about serving in the military, Senator COURSON, is that rank has responsibility, very much like the Senate, Senator SETZLER. Rank has responsibility -- *Higher* education -- *Higher* education. That’s rank. That’s responsibility. They’re responsible for teaching our children in this State. They are not responsible for forcing an agenda on our children of this State. This penance that we are, some say -- micro managing. I say it’s just getting their attention and Mr. *Pro Tempore*, I think we have their attention. We must do this to show them that we’re serious about *higher* education and to have academic independence -- it carries with it academic responsibility. I ask you to support this amendment.

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

Senator KIMPSON spoke on the amendment.

**Remarks by Senator KIMPSON**

Ladies and Gentlemen of the Senate I rise to speak in opposition to this amendment. Now I didn’t intend to come to the well today. I didn’t plan on it, but when Senator FAIR introduced his amendment, I wanted to ask him a couple of questions. He didn’t extend the courtesy for me to ask him a couple of questions so I find myself at the well. There’s been a lot of talk about this book “Fun Home” and that’s what started this conversation in the Senate. “Fun Home” is a book that talks about a struggle. It talks about a young lady who resides with her parents. They move into a new house and daddy tidies up the home. The daddy happens to be gay and the family struggles, like a lot of American families in this country, where the father is homosexual. The author, Allison Bethel, struggles with this through her book. Now, I didn’t know much about “Fun Home” but when she decided to bring her truth to Charleston, I decided that I would go attend the play. I didn’t find anything so offensive about what they were acting in the play and in fact I’ll let this body know that all of the of the seats in that auditorium were taken. There were lines and lines of people outside supporting academic freedom at the College of Charleston. So I rise in opposition to amendment simply because we are micromanaging what our colleges and universities are suppose to do and that is put books on a book list that will challenge the reader. It is recommended reading that nobody forces a student to read and I think this General Assembly, House and Senate, is sending a dangerous message and I don’t care how much money it is in taking funding from colleges and universities that choose to put books on a book list. For us to have time to patrol colleges, and universities, book lists is a shame. I just had to make that point. Now, this book has been recommended, received a critics Choice Award, and honorable mention by Pulitzer prize. You know this is the 21st century. Pornography is in the eye of the beholder. You turn on the television, are we going to start attacking ABC or NBC for Scandal. I mean where does this stop? Where are all the freedom fighters and government folk here? This is academic freedom and I rise in opposition to this amendment. I should finally just say that Allison’s father struggled with being a homosexual and he ultimately committed suicide. She’s still living with that today. This is America and students in college environments ought to be in a place where our students can learn about culture whether we agree with them or not. Thank you, Mr. PRESIDENT.

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

Senator VERDIN spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator CAMPSEN spoke on the amendment.

Senator GREGORY spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 17; Nays 28; Present 1**

**AYES**

Coleman Courson Gregory

Hayes Hutto Johnson

Kimpson Leatherman Lourie

Matthews McElveen Nicholson

Pinckney Rankin Scott

Setzler Sheheen

**Total--17**

**NAYS**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Cromer Davis Fair

Grooms Hembree Jackson

*Martin, Larry Martin, Shane* Massey

McGill O'Dell Peeler

Reese Shealy Thurmond

Turner Verdin Williams

Young

**Total--28**

**PRESENT**

Malloy

**Total--1**

Having failed to receive the necessary votes, the Senate refused to table the amendment.

**Statement by Senator SETZLER**

I voted to table Amendment No. 10 because the college and universities impacted by the amendment have already taken corrective action on this issue.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 18; Nays 21; Present 2**

**AYES**

Campbell Cleary Coleman

Courson Davis Gregory

Hayes Hutto Johnson

Kimpson Leatherman Lourie

Matthews McElveen Pinckney

Rankin Setzler Sheheen

**Total--18**

**NAYS**

Alexander Bennett Bright

Bryant Campsen Corbin

Cromer Fair Grooms

Hembree *Martin, Larry Martin, Shane*

Massey McGill Peeler

Reese Shealy Turner

Verdin Williams Young

**Total--21**

**PRESENT**

Allen Malloy

**Total--2**

Having failed to receive the necessary votes, the Senate refused to table the amendment.

**Statement by Senator SETZLER**

I voted to table Amendment No. 10 because the college and universities impacted by the amendment have already taken corrective action on this issue.

**Statement by Senator GREGORY**

I opposed the amendment to strip funding from the College of Charleston and USC Spartanburg because it attempts to make a point using an improper channel. Senators elect members of the boards of trustees of our state’s universities. Since we influence board members’ then the proper way for legislators to express their displeasure with the textbooks used by these two universities should be by going through them, not the state budget.

In addition, the amendment has no effect on whether the cost of these books is paid for by taxpayers. First of all, SC taxpayers are paying for less than 10% of these universities’ budgets through the state budget. Second, the money spent for the textbooks was spent in the current fiscal year, not the next fiscal year. The amendment strips funds for Fiscal Year 2014-2015 when the books will no longer be used.

Lastly, I oppose these textbooks being mandated for a student reading course. Universities should give students a choice, at least, and these were poor ones.

**Statement by Senator DAVIS**

The SC Senate debated today for over three hours an amendment to cut funding, as a form of punishment, to a state college that offered a class with a book titled “Fun Home: A Family Tradition” as required reading.  I voted to table the amendment because I think having 170 politicians micromanaging a college’s curriculum is bad public policy. If a state legislator has concerns in that regard, they should be expressed to the college’s board of trustees.  Also, I was dismayed to learn during the course of the debate that some State Senators -- by no means all, but some -- who voted for the amendment did so because they thought homosexuality was immoral and should not be referenced in a college course subject.

Senator HUTTO resumed speaking on the amendment.

**Objection**

Senator LEATHERMAN asked unanimous consent to make a motion that the Bill be given a second reading, carrying over all amendments to third reading, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree on third reading and with Senator HUTTO retaining the floor on Amendment No. 10.

Senator MALLOY objected.

Senator HUTTO resumed speaking on the amendment.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, H. 4701 was given a second reading, carrying over all amendments to third reading, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree on third reading and with Senator HUTTO retaining the floor on Amendment No. 10.

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

**Recorded Vote**

Senators BRIGHT, CORBIN, LARRY MARTIN, YOUNG, MASSEY and SHANE MARTIN desired to be recorded as voting against the second reading of the Bill.

**Motion Adopted**

Senator COURSON moved that when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. tomorrow.

The motion was adopted.

**MOTION ADOPTED**

On motion of Senator HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Mary Bass Crum of Denmark, S.C. Ms. Crum was a WWII veteran who served in the U.S. Army Women’s Auxiliary Corps. She was a long time educator in Denmark, S.C., teaching chemistry, physics, geometry and English as well as serving as the Debate and Public Speaking Team coach. Mary was an active member of Bethel Park United Methodist Church. She was an avid University of South Carolina Gamecocks fan and a die-hard Atlanta Braves fan. She was a loving mother to Liz, Wesley and Hayne Crum and doting grandmother who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senators LARRY MARTIN, ALEXANDER, ALLEN, BENNETT, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, CORBIN, COURSON, CROMER, DAVIS, FAIR, GREGORY, GROOMS, HAYES, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, LEATHERMAN, LOURIE, MALLOY, SHANE MARTIN, MASSEY, MATTHEWS, McELVEEN, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, SCOTT, SETZLER, SHEALY, SHEHEEN, THURMOND, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of The Honorable Butler Derrick. Congressman Derrick represented South Carolina’s 3rd Congressional District for twenty years. He attended South Carolina public schools, graduated from the University of South Carolina in 1958 and earned a law degree from the University of Georgia in 1965. Upon graduation, he was admitted to the South Carolina Bar and practiced law in Edgefield, S.C. He served in the South Carolina House of Representatives from 1969‑1974. In 1974, he was elected to the United States House of Representatives for South Carolina’s Third Congressional District where he was the last Democrat to hold that seat and served until 1994. After his retirement from Congress, he practiced law at Nelson Mullins Riley & Scarborough, LLP in Washington, D.C. Congressman Derrick was known for his work to establish a regional compact system to spread the disposal of nuclear waste among states. He was a loving husband, devoted father and doting grandfather.

**ADJOURNMENT**

At 7:35 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 10:00 A.M.

**Recorded Vote**

Senators BRIGHT and SHEALY desired to be recorded as voting against the motion to adjourn.

\* \* \*