**Wednesday, April 20, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.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:

The Psalmist reports:

“I will sing to the Lord, for he has been good to me.”

(Psalm 13:6)

Let us pray:

Especially here during this Holy Week, O God, we cannot help but realize how rich and wonderful Your blessings are. Whatever our circumstances in life, we see the bountifulness of Your gifts to our loved ones and to us wherever we turn, and we give You our heartfelt thanks and praise. May we join in honoring You all of our days, may we use our individual and our collective gifts to Your glory, and may each one of these Senators sing Your praises every day in all that they do. In Your loving name we pray, Lord.

Amen.

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

**Doctor of the Day**

Senators SETZLER, COURSON and KNOTTS introduced Dr. Thomas Rowland of Columbia, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator ROSE rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 5 Sen. Elliott

S. 18 Sen. Alexander

S. 264 Sen. Ford

S. 461 Sen. Reese

S. 592 Sens. Alexander and Ford

S. 593 Sen. Ford

S. 766 Sen. Setzler

S. 824 Sen. Ford

S. 830 Sens. Shane Martin, Verdin, Bright and Thomas

**Status Report**

**H. 3700--GENERAL APPROPRIATIONS BILL**

Senator LEATHERMAN, Chairman of the Senate Finance Committee, was recognized to give a status report on H. 3700, the General Appropriations Bill.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 831 -- Senators Massey and Ryberg: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAGISTRATES’ JURY AREAS, SO AS TO PROVIDE FOR REVISED JURY AREAS AND THE LOCATION OF THE MAGISTRATES’ OFFICES AND TO REPEAL ACT 79 OF 1977 AND ACT 758 OF 1988 RELATING TO MAGISTRATES IN AIKEN COUNTY.

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

S. 832 -- Senators Davis, Shoopman, Bright, Cromer, S. Martin, Rose, Bryant, Thomas, Massey and O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 66 TO TITLE 12 SO AS TO ENACT THE “SOUTH CAROLINA ECONOMIC INCENTIVE TRANSPARENCY ACT OF 2011” WHICH PROVIDES THAT LEGISLATION PROVIDING AN INCENTIVE FOR A BUSINESS ENTERPRISE TO LOCATE OR EXPAND IN THIS STATE MUST BE INTRODUCED AS A SEPARATE BILL, TO PROVIDE SPECIFIC REQUIREMENTS AND PROCEDURES FOR THESE INCENTIVES AND THE APPLICABILITY OF THESE REQUIREMENTS AND PROCEDURES TO CURRENT INCENTIVES, TO PROVIDE THAT INCENTIVES ARE TO BE GRANTED AS FORGIVABLE LOANS, TO PROVIDE THE CONDITIONS THAT MUST BE MET FOR THE LOANS TO BE FORGIVEN, TO PROVIDE THE REQUIREMENTS FOR INCENTIVE APPLICATIONS, AND TO PROVIDE THAT THE BOARD OF ECONOMIC ADVISORS AND DEPARTMENT OF COMMERCE SHALL CONDUCT ANALYSES AND REVIEWS OF THESE INCENTIVES.

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Senator DAVIS spoke on the Bill.

Senator SHANE MARTIN asked unanimous consent to make a motion that the Bill be placed on the Calendar without reference.

Senator LEATHERMAN objected.

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

S. 833 -- Senators Jackson, Courson, Lourie, Knotts, Anderson, Sheheen, Scott, Hayes, Ford, Nicholson and Leventis: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO PROVIDE THAT ACTIVE DUTY MILITARY PERSONNEL MAY BE CHARGED LESS THAN THE UNDERGRADUATE TUITION RATE FOR SOUTH CAROLINA RESIDENTS FOR CERTAIN COURSES.

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

S. 834 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑101-155 SO AS TO PROVIDE THAT EACH FOUR-YEAR PUBLIC INSTITUTION OF HIGHER LEARNING SHALL REQUIRE ALL FRESHMEN TO TAKE A ONE CREDIT HOUR COURSE EACH SEMESTER OF THEIR FRESHMAN YEAR WHICH TEACHES STUDY SKILLS, ALLOCATION OF TIME, GOAL SETTING, POSITIVE THINKING, MOTIVATION, LIFE SKILLS, AND RELATED SUBJECTS, AND TO PROVIDE THAT THESE COURSES MUST BE TAUGHT ON A PASS/FAIL BASIS AND MUST BE SUCCESSFULLY COMPLETED BEFORE THE STUDENT MAY BEGIN HIS SOPHOMORE YEAR.

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

S. 835 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑29-240 SO AS TO PROVIDE THAT EACH PUBLIC HIGH SCHOOL SHALL REQUIRE ALL FRESHMEN TO TAKE A ONE CREDIT HOUR COURSE EACH SEMESTER OF THEIR FRESHMAN YEAR WHICH TEACHES STUDY SKILLS, ALLOCATION OF TIME, GOAL SETTING, POSITIVE THINKING, MOTIVATION, LIFE SKILLS, AND RELATED SUBJECTS, AND TO PROVIDE THAT THESE COURSES MUST BE TAUGHT ON A PASS/FAIL BASIS AND MUST BE SUCCESSFULLY COMPLETED BEFORE THE STUDENT MAY BEGIN HIS SOPHOMORE YEAR.

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

S. 836 -- Senators Grooms, Verdin, Knotts, Bright, Bryant, Courson, Campsen, McConnell, Cleary, Rose, Hayes, Shoopman, Massey, Campbell, Fair and Gregory: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 10 TO ENACT THE INTERSTATE HEALTHCARE COMPACT, TO PROVIDE THAT COMPACT MEMBERS MUST TAKE ACTION TO OBTAIN CONGRESSIONAL CONSENT TO THE COMPACT, TO PROVIDE THAT THE LEGISLATURE IS VESTED WITH THE RESPONSIBILITY TO REGULATE HEALTHCARE DELIVERED IN THEIR STATE, TO PROVIDE FOR HEALTHCARE FUNDING, TO ESTABLISH THE INTERSTATE ADVISORY HEALTH CARE COMMISSION AND TO PROVIDE ITS COMPOSITION, POWERS, DUTIES, AND AUTHORITY, TO PROVIDE THE EFFECTIVE DATE OF THE COMPACT, TO PROVIDE FOR AMENDING THE COMPACT, TO PROVIDE FOR THE MANNER OF WITHDRAWAL FROM THE COMPACT, AND TO PROVIDE NECESSARY DEFINITIONS.

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

S. 837 -- Senator Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF STATION 22 1/2 AND JASPER BOULEVARD ON SULLIVAN’S ISLAND IN CHARLESTON COUNTY “DR. GEORGE G. DURST, SR. INTERSECTION” AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “DR. GEORGE G. DURST, SR. INTERSECTION”.

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

S. 838 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE THE MEMBERS OF JACK AND JILL OF AMERICA, INC. AS THEY HOST THEIR SECOND LEGISLATIVE ON THE HILL SUMMIT ON APRIL 27, 2011, AND TO WELCOME THEM TO THE SOUTH CAROLINA STATE HOUSE.

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The Senate Resolution was adopted.

S. 839 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE COLUMBIA CITY BALLET ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY, AND TO THANK THE COMPANY FOR ITS INVALUABLE CONTRIBUTIONS TO THE QUALITY OF LIFE ENJOYED BY SOUTH CAROLINIANS.

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

S. 840 -- Senator Pinckney: A SENATE RESOLUTION TO CONGRATULATE MARGUERITE M. MICHEL ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator HUTTO from the Committee on Judiciary submitted a favorable report on:

S. 79 -- Senators Hayes, Rose, McConnell and Campsen: A BILL TO AMEND SECTION 8-13-1320 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRIBUTIONS WITHIN A SPECIFIED PERIOD AFTER PRIMARY, SPECIAL, OR GENERAL ELECTION ATTRIBUTED TO THE PRIMARY OR ELECTION, SO AS TO PROVIDE SPECIFIC PROVISIONS FOR CONTRIBUTIONS MADE IN A PRIMARY RUNOFF.

Ordered for consideration tomorrow.

Senator SHEHEEN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 262 -- Senators Sheheen and Rose: A BILL TO AMEND SECTION 1‑30‑10 OF THE 1976 CODE, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, TO MAKE TECHNICAL CORRECTIONS AND TO REQUIRE CERTAIN REPORTS FROM THE VARIOUS DEPARTMENTS; TO AMEND SECTION 8‑27‑10, RELATING TO THE DEFINITION OF REPORT FOR THE PURPOSES OF THE EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY PROVIDING THAT A REPORT MAY BE A WRITTEN OR ORAL ALLEGATION OR TESTIMONY TO A LEGISLATIVE COMMITTEE; TO AMEND CHAPTER 27 OF TITLE 8, RELATING TO EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY ADDING SECTION 8‑27‑60 TO PROVIDE THAT A SUMMARY OF THE PROVISIONS CONTAINED IN CHAPTER 27 ARE POSTED ON THE INTERNET WEBSITE OF EACH PUBLIC BODY SUBJECT TO THE PROVISIONS OF THAT CHAPTER; AND BY ADDING CHAPTER 2 TO TITLE 2, RELATING TO LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS, TO PROVIDE THAT THE STANDING COMMITTEES OF THE GENERAL ASSEMBLY HAVE A DUTY TO REVIEW AND STUDY THE OPERATIONS OF THE STATE AGENCIES WITHIN THE COMMITTEE’S JURISDICTION, TO ESTABLISH COMMITTEE OVERSIGHT JURISDICTION, TO PROVIDE FOR THE PROCESS BY WHICH A COMMITTEE MAY INITIATE AN OVERSIGHT STUDY OR INVESTIGATION, TO PROVIDE FOR THE MANNER IN WHICH AN INVESTIGATING COMMITTEE MAY ACQUIRE EVIDENCE OR INFORMATION RELATED TO THE STUDY OR INVESTIGATION, TO PROVIDE FOR PROGRAM EVALUATION REPORTS, THE MANNER IN WHICH THEY ARE REQUESTED, AND THE CONTENTS OF THE REPORTS, TO PROVIDE THAT ALL TESTIMONY GIVEN TO AN INVESTIGATING COMMITTEE MUST BE GIVEN UNDER OATH, TO PROVIDE THAT WITNESSES TESTIFYING IN FRONT OF AN INVESTIGATING COMMITTEE MAY BE REPRESENTED BY COUNSEL, AND TO PROVIDE THAT WITNESSES ARE GIVEN THE BENEFIT OF ANY PRIVILEGE WHICH HE COULD HAVE CLAIMED IN COURT AS A PARTY TO A CIVIL ACTION.

Ordered for consideration tomorrow.

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

S. 494 -- Senators Cleary, Bryant and Cromer: A BILL TO AMEND SECTION 40‑15‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS, SO AS TO FURTHER SPECIFY THE SCOPE OF ACTIVITIES OF INTERNS AND RESIDENTS WHO ARE EXEMPT FROM LICENSURE; AND TO AMEND SECTION 40‑15‑360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO INTERNS AND RESIDENTS UNDER CERTAIN CONDITIONS.

Ordered for consideration tomorrow.

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

S. 687 -- Senators Scott and Knotts: 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 CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, INCLUDING THE DEFINITION OF “INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED”, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44‑23‑10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM “MENTAL RETARDATION” TO “INTELLECTUAL DISABILITY” AND THE TERM “MENTALLY RETARDED” TO “PERSON WITH INTELLECTUAL DISABILITY”; TO PROVIDE THAT THE TERMS “INTELLECTUAL DISABILITY” AND “PERSON WITH INTELLECTUAL DISABILITY” HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS “MENTAL RETARDATION” AND “MENTALLY RETARDED”; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM “INTELLECTUAL DISABILITY” FOR “MENTAL RETARDATION” AND THE TERM “PERSON WITH INTELLECTUAL DISABILITY” FOR “MENTALLY RETARDED” IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 787 -- Senators Verdin and Cromer: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO PROTECTION OF SMALL GAME, BY ADDING SECTION 50-11‑190 TO PROVIDE FOR THE FEEDING OF NATIVE QUAIL POPULATIONS BY PROPERTY OWNERS, LESSEES, OR THEIR DESIGNEES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 808 -- Senators Setzler, Leatherman, Knotts and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑36‑2691 SO AS TO PROVIDE THAT OWNING OR UTILIZING A DISTRIBUTION FACILITY WITHIN SOUTH CAROLINA IS NOT CONSIDERED IN DETERMINING WHETHER THE PERSON HAS A PHYSICAL PRESENCE IN SOUTH CAROLINA SUFFICIENT TO ESTABLISH NEXUS WITH SOUTH CAROLINA FOR SALES AND USE TAX PURPOSES, AND TO PROVIDE THE APPLICABLE REQUIREMENTS AND DURATION.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Judiciary submitted a favorable report on:

S. 823 -- Senators Knotts, Ford, Williams, Setzler, Campbell, O’Dell, Bryant, Rankin, Cleary, McConnell, McGill, Land and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑681 SO AS TO DESIGNATE COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE.

Ordered for consideration tomorrow.

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

H. 3012 -- Reps. Horne, H.B. Brown and Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE “LICENSURE OF IN‑HOME CARE PROVIDER ACT” SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN‑HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN‑HOME CAREGIVERS EMPLOYED BY IN‑HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT’S RESPONSIBILITIES PURSUANT TO THIS CHAPTER; AND TO AMEND SECTION 44‑7‑2910, AS AMENDED, RELATING TO CRIMINAL RECORD CHECKS FOR CAREGIVERS, SO AS TO INCLUDE IN-HOME CARE PROVIDERS.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a majority favorable with amendment and Senator KNOTTS a minority unfavorable report on:

H. 3070 -- Reps. Young, Harrison, G.R. Smith, H.B. Brown, Taylor, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D.C. Moss, Erickson and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a majority favorable with amendment and Senators KNOTTS and FORD a minority unfavorable report on:

H. 3152 -- Reps. Young, Daning, Harrison, Allison, G.R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable report on:

H. 3276 -- Reps. White, Owens, Bikas, Sellers, Ott and Clemmons: A BILL TO RATIFY AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE’S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE; TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PROMOTING SOUND WILDLIFE CONSERVATION AND MANAGEMENT AS PRESCRIBED BY THE GENERAL ASSEMBLY; AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE’S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3562 -- Reps. Ott, Hardwick, Brady, Spires, Butler Garrick, Vick, Jefferson, McEachern, Munnerlyn, Knight, Sabb, Gambrell, Anderson, Hiott, Hodges, Dillard, Allen, Battle, Hosey, Weeks and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT “CHANDLER’S LAW” SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL‑TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL‑TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, TO PROVIDE THAT ALL‑TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL‑TERRAIN VEHICLES.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3631 -- Reps. Harrison, Clemmons, Funderburk, Pitts, Anderson, R.L. Brown, Govan, Hodges, Allen, White, Edge, Whipper, Hiott, Limehouse, Horne, Vick, Herbkersman, Agnew, Viers, Hardwick, Harrell, Sellers, Skelton, Gambrell, Young and Taylor: A BILL TO AMEND SECTION 48‑34‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO FURTHER SPECIFY SUPERVISION REQUIREMENTS FOR A PRESCRIBED FIRE MANAGER AND TO REFERENCE SPECIFIC REGULATORY AND STATUTORY PROVISIONS APPLICABLE TO CONDUCTING A PRESCRIBED FIRE; AND TO AMEND SECTION 48‑34‑50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE IS NOT LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

Ordered for consideration tomorrow.

**Appointments Reported**

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

**Statewide Appointments**

Initial Appointment, South Carolina State Board of Pharmacy, with term coterminous with Governor

At-Large:

Rebecca E. Long, 159 South Bull Street, Columbia, SC 29205 *VICE* David Banks

Received as information.

Reappointment, South Carolina State Board of Pharmacy, with term coterminous with Governor

Lay Member:

Leo Richardson, 241 King Charles Road, Columbia, SC 29209

Received as information.

**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. 3104 -- Rep. Nanney: A BILL TO AMEND SECTION 29‑3‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

**HOUSE BILL RETURNED**

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

H. 3586 -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: A BILL TO AMEND SECTION 48-39-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO DELETE FROM THE EXEMPTIONS CERTAIN PIERS AND ASSOCIATED STRUCTURES, PUBLIC AND PRIVATE, EXISTING ON SEPTEMBER 21, 1989.

**H. 3586--Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

**THIRD READING BILLS**

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

S. 560 -- Senator Fair: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO INCLUDE SPECIAL PURPOSE DISTRICTS PROVIDING SANITATION SERVICES.

**S. 560--Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

S. 586 -- Senators Hayes, O’Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin, Coleman, Ford, Cromer, Alexander and Knotts: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

**S. 586--Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

S. 592 -- Senators Hayes, Leventis, Cromer, Rose, Scott, Knotts, Ford and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25‑1‑10, RELATING TO THE STATE MILITARY CODE’S DEFINITIONS, SO AS TO DEFINE THE TERM “ORGANIZED MILITIA”; TO AMEND SECTION 25‑1‑40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25‑1‑60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25‑1‑70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL’S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25‑1‑120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25‑1‑340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25‑1‑635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25‑1‑830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25‑1‑1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25‑1‑2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM “STATE JUDGE ADVOCATE” MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25‑1‑2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25‑1‑2550, RELATING TO GENERAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2560, RELATING TO SPECIAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2570, RELATING TO SUMMARY COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE’S APPOINTMENT AUTHORITY; TO AMEND SECTION 25‑1‑2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT‑MARTIAL PROCEEDINGS; TO AMEND SECTION 25‑1‑2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25‑1‑3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25‑1‑3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25‑1‑3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

**S. 592--Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

**READ THE SECOND TIME**

H. 3438 -- Reps. G.M. Smith and Weeks: A BILL TO AMEND SECTION 29‑15‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIENS FOR REPAIR OR STORAGE, SO AS TO EXCLUDE FROM THESE LIENS THE CONTENTS OF A TOWED, STORED, OR REPAIRED MOTOR VEHICLE, TRAILER, MOBILE HOME, WATERCRAFT, OR OTHER ITEM OR OBJECT SUBJECT TO TOWING, STORAGE, OR REPAIR.

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

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

**Ayes 41; Nays 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

Coleman

**Total--1**

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

**READ THE SECOND TIME**

S. 793 -- Senators Alexander and Bryant: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2011‑2012 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.

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

Senator ALEXANDER explained the Joint Resolution.

The question then was second reading of the Resolution.

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

**Ayes 39; Nays 3**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Reese Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

McConnell Rose Thomas

**Total--3**

**S. 793--Statement by Senator McCONNELL**

I voted against this Joint Resolution because it would reduce penalties against persons who overspend. I believe we should encourage responsible spending and discourage spending too much. Unfortunately, this resolution seems to indicate, by reducing the penalties for overspending, that we are incentivizing bad action. For that reason, I voted “no”.

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

**AMENDED, READ THE SECOND TIME**

S. 331 -- Senator S. Martin: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO THE RENEWABLE WATER RESOURCES, SO AS TO INCREASE THE MEMBERSHIP OF THE COMMISSION FROM NINE TO ELEVEN MEMBERS; TO PROVIDE THAT AT LEAST ONE MEMBER MUST BE FROM SPARTANBURG COUNTY; AND TO CLARIFY THAT EACH MEMBER MUST SERVE AT LARGE, BE A RESIDENT OF A MEMBER COUNTY, AND BE A RESIDENT OF THE RENEWABLE WATER RESOURCES’ SERVICE AREA; AND TO DELETE OBSOLETE REFERENCES.

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

Senators SHANE MARTIN, BRIGHT, FAIR, BRYANT and VERDIN proposed the following amendment (JUD0331.001), which was adopted:

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

/ A BILL

TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO THE RENEWABLE WATER RESOURCES, SO AS TO INCREASE THE MEMBERSHIP OF THE COMMISSION FROM NINE TO ELEVEN MEMBERS; TO PROVIDE THAT AT LEAST ONE MEMBER MUST BE FROM SPARTANBURG COUNTY; AND TO CLARIFY THAT EACH MEMBER MUST SERVE AT LARGE, BE A RESIDENT OF A MEMBER COUNTY, AND BE A RESIDENT OF THE RENEWABLE WATER RESOURCES’ SERVICE AREA; AND TO DELETE OBSOLETE REFERENCES.

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

SECTION 1. Section 3 of Act 745 of 1967, as amended by Act 393 of 1984 and Acts 102 and 103 of 2009, is amended to read:

“Section 3. Notwithstanding the provisions of Act 1021 of 1960, the governing body of Renewable Water Resources (formerly designated as the Greenville County Sewer Authority or the Western Carolina Regional Sewer Authority) ~~shall consist~~ consists of a commission ~~composed of~~ comprising ~~nine~~ eleven members who must be appointed by the Governor upon the recommendation of the legislative delegation of the county from which the member must be appointed. For all other matters respecting ~~the authority~~ Renewable Water Resources, the legislative delegations of Greenville, Anderson, ~~and~~ Laurens, and Spartanburg ~~Counties~~ counties shall act as one entity. A legislative delegation consists of all House members and Senators representing any portion of a member county whose districts also include all or any part of the ~~territory~~ service area of Renewable Water Resources. ~~All members of the commission must be residents of the counties comprising Renewable Water Resources and of the territory of the authority and shall serve at large.~~ Each commission member must: (a) serve at large; (b) be a resident of a member county of Renewable Water Resources; and (c) be a resident of the Renewable Water Resources’ service area. One member must be from Anderson County ~~and~~, one member must be from Laurens County, and one member must be from Spartanburg County. ~~Seven~~ Eight members must be from Greenville County. ~~The Anderson and Laurens County Delegations shall recommend for appointment to the Governor two additional members so as to complete the commission of nine members. One member must be appointed for a term expiring in December, 1985, and one member for a term expiring in December, 1986, with the respective terms designated in the appointments.~~ The Spartanburg and Greenville County Delegations shall recommend for appointment to the Governor two additional members so as to complete the commission of eleven members. One member must be appointed for a term expiring December 31, 2012, and one member for a term expiring in December 31, 2013, with the respective terms designated in the appointments.”

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

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN 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 15; Nays 0; Present 25**

**AYES**

Bright Bryant Coleman

Elliott Fair Malloy

*Martin, Larry Martin, Shane* Massey

Peeler Reese Shoopman

Thomas Verdin Williams

**Total--15**

**NAYS**

**Total--0**

**PRESENT**

Alexander Campbell Campsen

Cleary Courson Cromer

Davis Gregory Grooms

Hayes Hutto Knotts

Leatherman Leventis Lourie

Matthews McConnell McGill

Nicholson O'Dell Rose

Ryberg Scott Setzler

Sheheen

**Total--25**

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

**S. 331--Ordered to a Third Reading**

On motion of Senator SHANE MARTIN, with unanimous consent, S. 331 was ordered to receive a third reading on Thursday, April 21, 2011.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 766 -- Senators McConnell, Leatherman, Alexander, Anderson, Scott, Coleman, O’Dell, Verdin, L. Martin, Ford, Massey, Knotts, Grooms, Nicholson, Shoopman, Elliott and Setzler: A BILL TO AMEND ARTICLE V, CHAPTER 49, TITLE 33 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ALLOW SOUTH CAROLINA’S ELECTRIC COOPERATIVES TO SPEARHEAD ENERGY EFFICIENCY AND RENEWABLE ENERGY INITIATIVES IN THIS STATE, AND TO PROVIDE CLARITY TO PATRONAGE CAPITAL PROCEDURES; AND TO AMEND ACT 658 OF 1988, SO AS TO EXEMPT ELECTRIC COOPERATIVES FROM THE UNIFORM UNCLAIMED PROPERTY ACT.

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

Senator RANKIN proposed the following amendment (JUD0766.004), which was adopted:

Amend the committee amendment, as and if amended, by striking lines 4 through 18 on page [766-4], and inserting the following:

/ (F) Notwithstanding the provisions of the Uniform Unclaimed Property Act, S.C. Code of Laws Section 27-18-10, et seq., patronage capital that has been retired by a cooperative but remains unclaimed for a period of seven years shall become abandoned patronage capital. The cooperative shall, nonetheless, pay any validated claims by members or former members for unclaimed or abandoned patronage capital. With respect to abandoned patronage capital, the cooperative must follow the procedures set forth in subsection (G). Each year, the cooperative may impose a reasonable administrative fee for abandoned or unclaimed patronage capital and may offset the fee against such abandoned or unclaimed patronage capital. Abandoned patronage capital shall be designated as equity and, at the board’s direction, can be used only by the cooperative for:

(1) energy efficiency programs and education;

(2) renewable energy initiatives; or

(3) educational or charitable purposes. /

Amend the committee amendment further, as and if amended, by striking line 34 on page [766-4] and inserting the following:

/ owner of the unclaimed patronage capital of fifty dollars or more, together with /

Amend the committee amendment further, as and if amended, by striking lines 39 through 43 on page [766-4] and lines 1 through 4 on page [766-5] and inserting the following:

/ (b) The cooperative shall publish, no less than annually, in its official publication, either in print or electronically, the names and addresses of each person appearing from the cooperative’s records to be the owner of unclaimed patronage capital of fifty dollars or more, together with instructions on how to claim such property. Such publication will commence within one year after the check representing patronage capital was returned to the cooperative as undeliverable or has gone uncashed and will continue for the earlier of two consecutive years or until the patronage capital has been paid to the rightful owner; and /

Amend the committee amendment further, as and if amended, by striking lines 5 through 15 on page [766-5] and inserting the following:

/ (c) The cooperative shall maintain a searchable website on which will be listed the names and addresses of each person appearing from the cooperative’s records to be the owner of unclaimed and abandoned patronage capital of fifty dollars or more, together with instructions on how to claim the property. The listings will commence within one year after the check representing patronage capital was returned to the cooperative as undeliverable or has gone uncashed and will continue until the patronage capital has been paid to the rightful owner. The State Treasurer’s Office shall maintain a link on the state’s Unclaimed Property Website to the cooperative’s searchable website to increase public awareness and access. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senators LAND, LEATHERMAN, McGILL, O’DELL, WILLIAMS, NICHOLSON, ELLIOTT and RANKIN proposed the following amendment (JUD0766.005), which was adopted:

Amend the committee amendment, as and if amended, by adding appropriately numbered SECTIONS on page [766-8] after line 20 as follows:

/ SECTION \_\_\_. The General Assembly determines it is in the best interests of South Carolina, the telephone cooperatives, and their members to assist with educational, charitable, and economic development efforts in the rural areas of South Carolina.

The General Assembly determines it is prudent to update and clarify the procedures for South Carolina’s telephone cooperatives to contribute, allocate, and retire patronage capital.

The General Assembly determines it is prudent to clarify that the “business judgment rule” applies to South Carolina’s telephone cooperatives.

The General Assembly determines it is in the best interest of South Carolina’s telephone cooperatives and their members that unclaimed patronage credits are hereafter exempt from the Uniform Unclaimed Property Act.

SECTION \_\_. Section 33‑46‑460 of the 1976 Code, as last amended by Act 392 of 1994, is further amended to read:

“Section 33‑46‑460. (A) The bylaws of a telephone cooperative shall provide for the distribution of excess revenue to its members. Excess revenues do not include amounts:

(1) necessary to defray expenses of the telephone cooperative and for the operation and maintenance of its facilities during such fiscal year;

(2) to pay interest and principal obligations of the telephone cooperative coming due in such fiscal year;

(3) to finance or to provide a reserve for the financing of the construction or acquisition by the telephone cooperative of additional facilities to the extent determined by the board of directors;

(4) to provide a reasonable reserve for working capital; and

(5) to retire shares of the telephone cooperative to the extent determined by the board of directors.

Sums in excess of those specified above must, unless otherwise determined by a vote of the membership, be assigned by the telephone cooperative to its members as patronage capital. Nothing herein shall be construed so as to designate the method, manner, and time of distribution of excess revenue to the members, which must be governed by the cooperative bylaws, so long as the cooperative’s distribution policies and procedures comply with acceptable practices under the procedures for corporations exempt from income tax pursuant to Title 26, Section 501(c)(12) of the United States Code or Subchapter T of the United States Internal Revenue Code.

(B) On an annual basis, patronage capital shall be allocated on the books of the cooperative to each member based upon and in proportion to:

(1) the revenue from each member or group of similar members;

(2) the contribution of each member or group of similar members to the cooperative’s overall patronage capital; or

(3) any combination of items (1) and (2) as determined by the board of directors.

The allocation of patronage capital to a member’s account does not vest until such time that the board determines that retirement is proper pursuant to subsection (C).

(C) Retirement of patronage capital is the actual payment, as provided by subsection (D), of patronage capital to the cooperative members to whom it has previously been allocated. The board of directors of a cooperative may, in its discretion, utilize its business judgment to retire patronage capital as allocated on the books of the cooperative when the retirement is consistent with sound business and management practices and the long‑term financial stability of the cooperative. If the board of directors, in its discretion, utilizes its business judgment to retire patronage capital to members either upon their death, termination of telephone service, or bankruptcy, then the retirement may be discounted from the board’s approved retirement cycle to present‑day value when deemed appropriate by the board of directors in the exercise of its business judgment.

(D) When the board of directors of the cooperative has determined, pursuant to subsection (C), that patronage capital shall be retired, the retirement may be accomplished by a bill credit or by the mailing of payment or notice of payment to the person’s last known address of record on file with the cooperative. No interest shall be paid or payable by the cooperative on any patronage capital furnished by its members.

(E) Notwithstanding the provisions of the Uniform Unclaimed Property Act, S.C. Code of Laws Section 27‑18‑10, et seq., or other law, patronage capital that has been retired by a cooperative but remains unclaimed for a period of five years shall become abandoned patronage capital. The cooperative shall, nonetheless, pay any validated claims by members or former members for unclaimed or abandoned patronage capital. With respect to abandoned patronage capital, the cooperative must follow the procedures set out in subsection (F). Each year, the cooperative may impose a reasonable administrative fee for abandoned or unclaimed patronage capital and may offset the fee against such abandoned or unclaimed patronage capital. Abandoned patronage capital shall be designated as equity and, at the board’s discretion, can be used only by the cooperative for:

(1) educational purposes;

(2) charitable purposes; or

(3) economic development purposes in the telephone cooperative’s service area.

(F) Notwithstanding the provisions of the Uniform Unclaimed Property Act, S.C. Code of Laws Section 27‑18‑10, et seq., telephone cooperatives must pay any validated claims from members or former members for abandoned patronage capital in accordance with the provisions of this subsection.

(1) Patronage capital, presumed abandoned, which is due to members or former members of telephone cooperatives and whose last known address is in South Carolina, may be retained by the telephone cooperative provided that the telephone cooperative performs the following due diligence duties to locate the rightful owners:

(a) The cooperative shall publish, for two consecutive years, in a newspaper of general circulation in the county of the cooperative’s principal place of business, the names and addresses of each person appearing from the cooperative’s records to be the owner of the unclaimed patronage capital of fifty dollars or more, together with instructions on how to claim such property. Such publication will commence within one year after the check representing patronage capital was returned to the cooperative as undeliverable or has gone uncashed;

(b) The cooperative shall maintain a searchable website on which will be listed the names and addresses of each person appearing from the cooperative’s records to be the owner of unclaimed patronage capital of fifty dollars or more, together with instructions on how to claim the property. The listings will commence within one year after the check representing patronage capital was returned to the cooperative as undeliverable or has gone uncashed and will continue until the patronage capital has been paid to the rightful owner. The State Treasurer’s Office shall maintain a link on the state’s Unclaimed Property Website to the cooperative’s searchable website to increase public awareness and access.

(2) A person aggrieved by a decision of the cooperative or whose claim has not been acted upon within ninety days after its filing may bring an action to establish the claim in the court of common pleas of the county of the cooperative’s principal place of business. The action must be brought within ninety days after the decision of the cooperative or within one hundred eighty days after the filing of the claim if the cooperative has failed to act on it.

(3) The patronage capital accounts still unpaid that were included on previously filed annual unclaimed property reports for which no property was delivered will be returned to the respective cooperatives and will be treated in the same manner as provided by this section for patronage capital.

(4) The administrator, as defined in Section 27-18-20(1), shall not be responsible or held liable for any unclaimed patronage capital accounts retained by a cooperative pursuant to this section.

(5) The cooperative shall consider each claim filed by a person claiming an interest in patronage capital within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. If a claim is allowed, the cooperative shall pay over or deliver to the claimant the patronage capital owed to the claimant at the time the patronage capital became abandoned.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0766.002), which was adopted:

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

/ A BILL

TO AMEND SECTION 33-49-46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISTRIBUTION OF EXCESS REVENUE TO SOUTH CAROLINA’S ELECTRIC COOPERATIVES’ MEMBERS, SO AS TO ALLOW SOUTH CAROLINA ELECTRIC COOPERATIVES TO ADVOCATE ENERGY EFFICIENCY AND RENEWABLE ENERGY INITIATIVES IN THIS STATE AND TO PROVIDE CLARITY TO PATRONAGE CAPITAL PROCEDURES; TO AMEND SECTION 27-18-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF TERMS USED IN THE UNIFORM UNCLAIMED PROPERTY ACT, SO AS TO EXEMPT ELECTRIC COOPERATIVE PATRONAGE CAPITAL FROM THE UNIFORM UNCLAIMED PROPERTY ACT; AND TO AMEND SECTION 27-18-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY THAT IS PRESUMED ABANDONED PURSUANT TO THE UNIFORM UNCLAIMED PROPERTY ACT, SO AS TO REMOVE ELECTRIC COOPERATIVE PATRONAGE CAPITAL FROM THE STATUTE.

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

SECTION 1. The General Assembly determines it is in the best interest of South Carolina, the electric cooperatives, and their members to advocate energy efficiency and renewable energy initiatives in South Carolina.

The General Assembly determines it is prudent to update and clarify procedures for South Carolina’s electric cooperatives to contribute, allocate, and retire patronage capital.

The General Assembly determines it is prudent to clarify that South Carolina’s electric cooperatives may utilize the defense known as the “business judgment rule”.

The General Assembly determines it is in the best interest of South Carolina’s electric cooperatives and their members that unclaimed patronage credits are hereafter exempt from the Uniform Unclaimed Property Act.

SECTION 2. Section 33-49-460, Code of Laws of South Carolina, 1976, is amended to read:

“Section 33-49-460. ~~Revenues of a cooperative for any fiscal year in excess of the amount thereof necessary:~~

~~(1) To defray expenses of the cooperative and of the operation and maintenance of its facilities during such fiscal year;~~

~~(2) To pay interest and principal obligations of the cooperative coming due in such fiscal year;~~

~~(3) To finance or to provide a reserve for the financing of the construction or acquisition by the cooperative of additional facilities to the extent determined by the board of trustees;~~

~~(4) To provide a reasonable reserve for working capital;~~

~~(5) To provide a reserve for the payment of indebtedness of the cooperative maturing more than one year after the date of the incurrence of such indebtedness in an amount not less than the total of the interest and principal payments in respect thereof required to be made during the next following fiscal year; and~~

~~(6) To provide a fund for education in cooperation and for the dissemination of information concerning the effective use of electric energy and other services made available by the cooperative;~~

~~Shall unless otherwise determined by a vote of the members be distributed by the cooperative to its members as patronage refunds prorated in accordance with the patronage of the cooperative by the respective members paid for during such fiscal year. Nothing herein contained shall be construed to prohibit the payment by a cooperative of all or any part of its indebtedness prior to the date when the same shall become due.~~

(A) Each cooperative’s bylaws shall provide for patronage capital contributions, allocations, and retirements in the manner provided by this section.

(B) Patronage capital shall be determined by a cooperative on an annual basis and shall be the amount by which the cooperative’s electric revenues exceed its costs of doing business.

(C) On an annual basis, patronage capital shall be allocated on the books of the cooperative to each member based upon and in proportion to:

(1) the revenue from each member or group of similar members;

(2) the contribution of each member or group of similar members to the cooperative’s overall patronage capital; or

(3) any combination of items (1) and (2) as determined by the board of trustees.

The allocation of patronage capital to a member’s account does not vest until such time that the board determines that retirement is proper pursuant to subsection (D).

(D) Retirement of patronage capital is the actual payment, as provided by subsection (E), of patronage capital to the cooperative members to whom it has previously been allocated. The board of trustees of a cooperative may, in its discretion, utilize its business judgment to retire patronage capital as allocated on the books of the cooperative when the retirement is consistent with sound business and management practices and the long-term financial stability of the cooperative. If the board of trustees, in its discretion, utilizes its business judgment to retire patronage capital to members either upon their death, termination of electric service, or bankruptcy, then the retirement may be discounted from the board’s approved retirement cycle to present-day value when deemed appropriate by the board of trustees in the exercise of its business judgment.

(E) When the board of trustees of the cooperative has determined, pursuant to subsection (D), that patronage capital shall be retired, the retirement may be accomplished by a bill credit or by the mailing of payment or notice of payment to the person’s last known address of record on file with the cooperative. No interest shall be paid or payable by the cooperative on any patronage capital furnished by its members.

(F) Notwithstanding the provisions of the Uniform Unclaimed Property Act, S.C. Code of Laws Section 27-18-10, et seq., patronage capital that has been retired by a cooperative but remains unclaimed for a period of seven years shall become abandoned patronage capital. With respect to abandoned patronage capital, the cooperative must follow the procedures set forth in subsection (G). Each year, the cooperative may impose a reasonable administrative fee for abandoned or unclaimed patronage capital and may offset the fee against such abandoned or unclaimed patronage capital. Abandoned patronage capital shall be designated as equity and, at the board’s discretion, can be used only by the cooperative for:

(1) energy efficiency programs and education;

(2) renewable energy initiatives; or

(3) educational or charitable purposes.

(G) Notwithstanding the provisions of the Uniform Unclaimed Property Act, S.C. Code of Laws Sections 27-18-10, et seq., electric cooperatives must pay any validated claims from members or former members for abandoned patronage capital in accordance with the provisions of this subsection.

(1) Patronage capital, presumed abandoned, which is due to members or former members of electric cooperatives organized pursuant to Section 33-49-10 and whose last known address is in South Carolina, may be retained by the electric cooperative provided that the electric cooperative performs the following due diligence duties to locate the rightful owners:

(a) The cooperative shall publish, for two consecutive years, in a newspaper of general circulation in the county of the cooperative’s principal place of business, the names and addresses of each person appearing from the cooperative’s records to be the owner of the unclaimed patronage capital, together with instructions on how to claim such property. Such publication will commence within one year after the check representing patronage capital was returned to the cooperative as undeliverable or has gone uncashed;

(b) The cooperative shall publish, no less than annually, in its official publication, the names and addresses of each person appearing from the cooperative’s records to be the owner of unclaimed patronage capital, together with instructions on how to claim such property. Such publication will commence within one year after the check representing patronage capital was returned to the cooperative as undeliverable or has gone uncashed and will continue for the earlier of seven consecutive years or until the patronage capital has been paid to the rightful owner; and

(c) The cooperative shall maintain a searchable website on which will be listed the names and addresses of each person appearing from the cooperative’s records to be the owner of unclaimed patronage capital, together with instructions on how to claim the property. The listings will commence within one year after the check representing patronage capital was returned to the cooperative as undeliverable or has gone uncashed and will continue until the patronage capital has been paid to the rightful owner. The State Treasurer’s Office shall maintain a link on the State’s Unclaimed Property website to the cooperative’s searchable website to increase public awareness and access.

(2) A person aggrieved by a decision of the cooperative or whose claim has not been acted upon within ninety days after its filing may bring an action to establish the claim in the court of common pleas of the county of the cooperative’s principal place of business. The action must be brought within ninety days after the decision of the cooperative or within one hundred eighty days after the filing of the claim if the cooperative has failed to act on it.

(3) The patronage capital accounts still unpaid that were included on previously filed annual unclaimed property reports for which no property was delivered will be returned to the respective cooperatives and will be treated in the same manner as provided by this section for patronage capital.

(4) The administrator, as defined in Section 27-18-20(1), shall not be responsible or held liable for any unclaimed patronage capital accounts retained by a cooperative pursuant to this section.

(5) The cooperative shall consider each claim filed by a person claiming an interest in patronage capital within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. If a claim is allowed, the cooperative shall pay over or deliver to the claimant the patronage capital owed to the claimant at the time the patronage capital became abandoned.”

SECTION 3. Section 27-18-20 of the 1976 Code, as last amended by Act 161 of 2005, is further amended to read:

“As used in this chapter, unless the context otherwise requires:

(1) ‘Administrator’ means the State Treasurer, his agents, or representatives.

(2) ‘Apparent owner’ means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder.

(3) ‘Attorney ~~general~~ General’ means the chief legal officer of this State.

(4) ‘Banking organization’ means a bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization.

(5) ‘Business association’ means a nonpublic corporation, joint stock company, investment company, business trust, partnership, or association for business purposes of two or more individuals, whether or not for profit, including a banking organization, financial organization, insurance company, or utility.

(6) ‘Domicile’ means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person.

(7) ‘Financial organization’ means a savings and loan association, cooperative bank, building and loan association, or credit union.

(8) ‘Holder’ means a person, wherever organized or domiciled, who is:

(a) in possession of property belonging to another;

(b) a trustee; or

(c) indebted to another on an obligation.

(9) ‘Insurance company’ means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance.

(10) ‘Intangible property’ includes:

(a) monies, checks, drafts, deposits, interest, dividends, and income;

(b) credit balances, customer overpayments, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances except that intangible property does not include trading stamps and electronic entries representing trading stamps that are awarded to retail customers incident to the purchase of goods;

(c) stocks and other intangible ownership interests in business associations;

(d) monies deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;

(e) amounts due and payable under the terms of insurance policies;

(f) amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits; and

(g) tax refund checks issued by this State and returned to the Department of Revenue by the post office for an unknown, undeliverable, or insufficient address.

(11) ‘Last known address’ means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail.

(12) ‘Lawful charge’ means a charge for which there is a valid and enforceable written contract between the issuer and the owner of the instrument pursuant to which the issuer may impose the charge and the issuer regularly imposes the charge and does not regularly reverse or otherwise cancel the charge.

(13) ‘Owner’ means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this chapter or his legal representative.

~~(14) “Patronage allocations” means any patronage capital accounts, patronage dividends, capital accounts, capital credits, capital reserves, or any distribution of excess revenue to members.~~

~~(15)~~(14) ‘Person’ means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

~~(16)~~(15) ‘State’ means any state, district, commonwealth, territory, insular possession, or any other area subject to the legislative authority of the United States.

~~(17)~~(16) ‘Utility’ means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

~~(18)~~(17) ‘Unclaimed’ property includes:

(a) checks or drafts mailed to an owner and returned as undeliverable, or

(b) checks or drafts mailed to an owner and not presented for payment.”

SECTION 4. Section 27-18-30 of the 1976 Code, as last amended by Act 658 of 1988, is further amended to read:

“(A) Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of a holder’s business and has remained unclaimed by the owner for more than five years after it became payable or distributable is presumed abandoned.

(B) Property is payable or distributable for the purpose of this chapter notwithstanding the owner’s failure to make demand or to present any instrument or document required to receive payment.

~~(C) Except as otherwise provided by this chapter, all patronage allocations less lawful charges that are held, issued, or owing by entities organized under the provisions of Chapter 49 of Title 33 that remain unclaimed by the owner for more than seven years after becoming payable or distributable are presumed abandoned.~~”

SECTION 5. This act takes effect upon the signature of the Governor and applies to patronage capital determined to be unclaimed as of the effective date of the act. /

Renumber sections to conform.

Amend title to conform.

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 42; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**S. 766--Ordered to a Third Reading**

On motion of Senator RANKIN, with unanimous consent, S. 766 was ordered to receive a third reading on Thursday, April 21, 2011.

**AMENDED, READ THE SECOND TIME**

H. 3441 -- Reps. Huggins, Bingham, Ballentine, McLeod and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑23‑845 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 126 IN RICHLAND COUNTY AND INTERSTATE HIGHWAYS 20 AND 26 IN BOTH LEXINGTON AND RICHLAND COUNTIES.

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

Senators GROOMS, KNOTTS and COURSON proposed the following amendment (NBD\11603AC11), which was adopted:

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

/SECTION 1. Article 17, Chapter 23, Title 57 of the 1976 Code is amended by adding:

“Section 57‑23‑845. Notwithstanding the provisions of Section 57‑23‑800, or any other provision of law, the Department of Transportation may mow and maintain roadside vegetation beyond thirty feet from the pavement adjacent to:

(1) Interstate Highway 126 in Richland County;

(2) Interstate Highway 26 from mile marker 91 to mile marker 120 including exits 91, 101, 102, 103, 104, 106, 107, 108, 110, 111, 113, 115, 116, and 119;

(3) Interstate Highway 20 from mile marker 50 to mile marker 66 including exits 51, 55, 58, 61, and 63; and

(4) Interstate Highway 77 from mile marker 0 to mile marker 3 including exits 1 and 2.”

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 2**

**AYES**

Alexander Bryant Campbell

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Jackson

Knotts Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Campsen

**Total--2**

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

**H. 3441--Objection to Third Reading of the Bill**

Senator GROOMS asked unanimous consent to give the Bill a third reading tomorrow.

Senator McCONNELL objected.

**OBJECTION**

S. 824 -- Senators Land, Leatherman, Setzler, Nicholson, Hutto and Jackson: A JOINT RESOLUTION TO DESIGNATE THE SOUTH CAROLINA JOBS‑ECONOMIC DEVELOPMENT AUTHORITY AS THE AUTHORIZED AGENCY TO IMPLEMENT THE STATE SMALL BUSINESS CREDIT INITIATIVE WITHIN AND ON BEHALF OF THE STATE OF SOUTH CAROLINA; TO AUTHORIZE THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY TO EXECUTE AND DELIVER THE REQUISITE APPLICATION AND THE STATE SMALL BUSINESS CREDIT INITIATIVE ALLOCATION AGREEMENT FOR PARTICIPATING STATES, AND ALL OTHER RELATED AGREEMENTS, DOCUMENTS, CERTIFICATES, AND UNDERTAKINGS, ON BEHALF OF THE STATE OF SOUTH CAROLINA; AND TO AUTHORIZE THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY TO CONTRACT WITH THE BUSINESS DEVELOPMENT CORPORATION OF SOUTH CAROLINA TO ADMINISTER THE PROGRAMS PERMITTED UNDER AND SUPPORTED BY THE STATE SMALL BUSINESS CREDIT INITIATIVE.

Senator BRIGHT objected to consideration of the Joint Resolution.

**OBJECTION**

S. 478 -- Senator Ryberg: A BILL TO AMEND SECTION 41‑31‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE RATE OF CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND, SO AS TO MODIFY THE METHOD OF COMPUTATION; TO AMEND SECTION 41‑31‑20, AS AMENDED, RELATING TO EMPLOYER’S ACCOUNTS, SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN A SEPARATE ACCOUNT FOR EACH EMPLOYER AND SHALL ACCURATELY RECORD THE DATA USED TO DETERMINE AN EMPLOYER’S EXPERIENCE FOR THE PURPOSE OF RATE ASSIGNMENT; TO AMEND SECTION 41‑31‑40, AS AMENDED, RELATING TO BASE RATE COMPUTATION PERIODS, SO AS TO LOWER THE NEW EMPLOYER TAX CLASS FROM THIRTEEN TO TWELVE; TO AMEND SECTION 41‑31‑50, AS AMENDED, RELATING TO BASE RATE DETERMINATIONS, SO AS TO CLARIFY EXCLUSIONS TO TAXABLE WAGES, AND TO PROVIDE FOR CALENDAR YEAR 2011 AND SUBSEQUENT CALENDAR YEARS, VOLUNTARY PAYMENTS ARE NOT PERMITTED FOR THE PURPOSE OF OBTAINING A LOWER RATE OF REQUIRED CONTRIBUTIONS; TO AMEND SECTION 41‑31‑60, AS AMENDED, RELATING TO BASE RATES WHERE A DELINQUENT REPORT IS RECEIVED, SO AS TO CHANGE REFERENCES TO TAX RATES; TO AMEND SECTION 41‑31‑70, AS AMENDED, RELATING TO A PROHIBITION ON THE TERMINATION OF THE ACCOUNT OF AN EMPLOYER, SO AS TO DELETE A BENEFIT RATIO CALCULATION; TO AMEND SECTION 41‑31‑125, AS AMENDED, RELATING TO THE ASSIGNMENT OF AN EMPLOYMENT BENEFIT RECORD UPON ACQUISITION OR REORGANIZATION OF AN EXISTING EMPLOYMENT UNIT, SO AS TO PROVIDE IF THE EXPERIENCE RATING ACCOUNT OF A PREDECESSOR IS EQUAL TO OR EXCEEDS TAX CLASS THIRTEEN, THIS EXPERIENCE RATING ACCOUNT MUST BE TRANSFERRED TO THE SUCCESSOR EMPLOYER; TO AMEND SECTION 41‑31‑140, AS AMENDED, RELATING TO LIMITS ON THE TRANSFER OF AN EXPERIENCE RATING ACCOUNT IN CERTAIN CIRCUMSTANCES TO CLARIFY TIME LIMITS OF APPLICABILITY, AND TO PROVIDE FOR FUTURE LIMITS ON TRANSFERS FOR AN EXPERIENCE RATING ACCOUNT; TO AMEND SECTION 41‑31‑670, AS AMENDED, RELATING TO SPECIAL PROVISIONS FOR ORGANIZATIONS THAT MADE CONTRIBUTIONS PRIOR TO 1969, SO AS TO UPDATE REFERENCES TO APPLICABLE TAX FORMULAS, AND TO PROVIDE FOR THE MANAGEMENT OF AN ACCOUNT IF THE ORGANIZATION TERMINATES THE ELECTION AVAILABLE UNDER THIS SECTION; TO AMEND SECTION 41‑35‑110, AS AMENDED, RELATING TO ELIGIBILITY FOR BENEFITS, SO AS TO DELETE A REQUIREMENT THAT A CLIENT MAINTAIN WEEKLY CONTACT WITH A TEMPORARY AGENCY AFTER COMPLETION OF A TEMPORARY ASSIGNMENT; TO AMEND SECTION 41‑35‑120, AS AMENDED, RELATING TO DISQUALIFICATIONS FOR BENEFITS, SO AS TO INCREASE THE PENALTY FOR FAILING A DRUG TEST OR BEING TERMINATED FOR GROSS MISCONDUCT, AND TO PROVIDE AN ADDITIONAL SOURCE FOR CERTIFYING A LAB THAT MAY PERFORM A DRUG TEST; TO AMEND SECTION 41‑35‑125, AS AMENDED, RELATING TO BENEFITS FOR INDIVIDUALS UNEMPLOYED AS A RESULT OF DOMESTIC ABUSE, SO AS TO REDEFINE THE TERM “DISABILITY”; TO AMEND SECTION 41‑35‑130, AS AMENDED, RELATING TO PAYMENTS NOT CHARGEABLE TO A FORMER EMPLOYER, SO AS TO MAKE THE SECTION APPLICABLE TO BENEFITS PAID AS A RESULT OF A NATURAL DISASTER DECLARED BY THE PRESIDENT OF THE UNITED STATES; TO AMEND SECTION 41‑35‑690, AS AMENDED, RELATING TO APPEALS, SO AS TO PROVIDE AN APPEAL MUST BE MADE TO THE COURT OF COMMON PLEAS; TO AMEND SECTION 41‑39‑30, AS AMENDED, RELATING TO LIMITS ON FEES, SO AS TO ELIMINATE THE REQUIREMENT THAT A PERSON APPEARING AT A HEARING UNDER THIS SECTION MUST BE REPRESENTED BY AN ATTORNEY; AND TO AMEND SECTION 41‑41‑40, AS AMENDED, RELATING TO THE RECOVERY OF BENEFITS PAID TO A PERSON NOT ENTITLED TO BENEFITS, SO AS TO PROVIDE AN ADDITIONAL MEANS FOR ATTEMPTING A COLLECTION UNDER THIS SECTION.

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

Senator CAMPBELL asked unanimous consent to take up Amendment No. 3 for immediate consideration.

Senator BRYANT objected.

Senator RYBERG was recognized to speak on the Bill.

Senator HUTTO objected to consideration of the Bill.

**MINORITY REPORT REMOVED FROM BILL**

H. 3241 -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59‑40‑175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59‑40‑20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59‑40‑40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59‑40‑190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59‑40‑230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59‑40‑130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Senator RANKIN asked unanimous consent to make a motion to proceed to remove the minority report from the Bill.

There was no objection.

His name was removed from the Bill and proper notation was made on the Bill.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3700, THE GENERAL APPROPRIATIONS BILL.**

**POINT OF ORDER**

**H. 3700--GENERAL APPROPRIATIONS BILL**

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

**Point of Order**

Senator LEATHERMAN 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.

**THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

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

**ADJOURNMENT**

At 3:59 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the motion to adjourn.

\* \* \*