**Wednesday, March 7, 2012**

**(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 Lord God said to Solomon:

“ ‘As for you, if you walk before me in integrity of heart and uprightness... I will establish your royal throne...’ ”

(I Kings 4a, 5a)

Let us pray:

Indeed, O Lord, we know that we’re not about establishing “royal thrones” here in this State. However, You have made it clear that if Your servants hold fast to integrity and uprightness, You will generously bless them and all that they strive to do. Dear Lord, may that be true for these Senators. Fill their hearts with a passion for the good people of this State. May these leaders achieve great ends throughout the remainder of this Session, to Your glory. We pray this, Lord, in Your loving name.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

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

Robert N. Devore, 758 Haddon Road, Donalds, SC 29638

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

Belinda Y. Johnson, 1522 Parkway Court, Apartment H7, Greenwood, SC 29646

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4234

Agency: Board of Registration for Foresters

Chapter: 53

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

SUBJECT: Requirements of Licensure for Foresters

Received by Lieutenant Governor February 6, 2012

Referred to Fish, Game and Forestry Committee

Legislative Review Expiration June 5, 2012

Committee Requested Withdrawal March 5, 2012

Withdrawn and Resubmitted March 7, 2012

Document No. 4237

Agency: Department of Labor, Licensing and Regulation - Panel for Dietetics

Chapter: 40

Statutory Authority: 1976 Code Section 40-20-50

SUBJECT: Definitions

Received by Lieutenant Governor February 6, 2012

Referred to Medical Affairs Committee

Legislative Review Expiration June 5, 2012

Committee Requested Withdrawal March 1, 2012

Withdrawn and Resubmitted March 7, 2012

**Doctor of the Day**

Senators LEATHERMAN and McGILL introduced Dr. Conyers O’Bryan of Florence, S.C., Doctor of the Day.

**Leave of Absence**

At 4:45 P.M., Senator FAIR requested a leave of absence until 11:00 A.M. in the morning.

**Leave of Absence**

At 4:45 P.M., Senator VERDIN requested a leave of absence for tomorrow.

**Leave of Absence**

On motion of Senator HUTTO, at 4:45 P.M., Senator LOURIE was granted a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 105 Sen. Larry Martin

S. 433 Sen. Bryant

S. 1037 Sen. Ford

S. 1269 Sen. Alexander

S. 1301 Sen. Ford

**Motion to Ratify Adopted**

At 2:05 P.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually agreeable time today.

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

**ACTING PRESIDENT PRESIDES**

At 2:30 P.M., Senator LARRY MARTIN assumed the Chair.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Remarks by Senator SETZLER**

Mr. PRESIDENT, gentlemen of the Senate, if I can get your attention a moment.

I told the Senator from Pickens as we went into Session that I was going to do this, and if someone raises a Point of Order, I may lose my religion standing here today.

First, I will say to you before I start, this is not a three-peat on the front row on this side. That is not where I am going.

I’m pleased to have two of my daughters and my son-in-law here, while my wife is with one of our grandchildren.

This is probably one of the hardest things I have ever done in this Senate because it is so personal, and it is something you normally would not talk about in public. We, in public service, try to maintain some semblance of privacy in our private lives, and I have been blessed more than I can ever imagine. God has been good to me. But my life has changed.

I am who I am by the grace of God. I am here today by the grace of God. I will say to you that God has walked with me in the last year, and there are probably only 25 people in the world who know what I am getting ready to talk with you about.

I have had the privilege of serving in this body, and one of the great privileges of public service is getting to meet preachers. I am sure all of you have met preachers and visited in churches, and I have been very blessed not only with a wonderful family and friends but also with preachers, with whom I have become very close in the last year. Two of them are in here. The Chaplain has been with me through my walk in the last year. Pastor Tommy McGill has been with me. Pastor Steve Cloud, my close personal friend, Pastor Don Brock, a preacher in Chapin, Pastor Rocky Purvis, at Northside Baptist, Reverend Charles Jackson, at Brookland Baptist, and Pastor Lonnie Shull, a retired preacher, all have been with me. Without them, my incredible family -- my wife and four daughters -- and the grace of God I could not have gone through what I have been through.

I really never intended to talk about this, and I did not want to talk about it. But God has called me in the last three months to talk publicly. I have been saved by His grace, and I am thankful for that.

No one in this Chamber, other than the Chaplain and I think maybe one or two other individuals, know what I am getting ready to talk about.

We have a need in this State. We have a need in this country, and we have a need in this world. And that is why we need to talk about things publicly when we have an opportunity.

We have things like women’s breast cancer, which women did not want to talk about. I understand why they did not want to talk about it. Frankly, I did not want to talk about my situation either, but because women talked about breast cancer, we have made great strides in what goes on. And I hope to be able to affect change as well.

In this State we need public awareness about issues we have in public health. And inasmuch as this happens to be a body of all males, which I really did not think about until I got up here today, we have a similar disease that strikes us. That is prostate cancer.

Those of us who have ever had to deal with that do not want to talk about it.

Last year in the legislative session I was made aware of this situation. In December of 2010, I learned that my PSA was elevated and had a biopsy which was not positive but was suspicious which led me to a second biopsy. I received a call on April 18th of last year that I had been diagnosed with prostate cancer. That is the last thing I would want anybody to know.

But it changes your world instantly. It affects you emotionally. It affects you physically. It affects you mentally. I thank God for what He did for me. My diagnosis was very low-grade and was caught very early. And all of this was happening about three weeks before we went through the Amazon battle.

I, like women who suffer from breast cancer and other men who have prostate cancer, was scared to death. I will tell you that. My faith got stronger. I will also tell you I did not want to talk about it. I did not want anybody to know it. To the credit of former Senator LINDA SHORT, she never said anything, as she saw me at a doctor’s office at MUSC.

You do not want anybody to know about it because it is a very private, personal matter. That is the way I intended to leave it until December of 2011. My thoughts changed as I felt called by God to share my story and my knowledge. This is a situation in which 1 out of 6 men in this world will be diagnosed with prostate cancer resulting in 250,000 men being diagnosed in 2012, and 28,000 dying from it. It is called the silent killer.

I was fortunate. I will say to you again, I am here by the grace of God.

When I was diagnosed, I spent considerable time going up and down the road to Charleston. With the assistance of Dr. Ray Greenburg and doctors at MUSC, I learned what the options were. I was also blessed to find friendship in a preacher in Chapin who had been to the Global Robotic Institute in Celebration, Florida. For those of you who are people of faith, it brought home extra meaning that I could be treated in Celebration.

I explored and studied carefully all the options.

On the last day of July of 2011, I drove with my wife and two of my daughters to Celebration outside of Orlando. Monday morning, August 1st, I had robotic surgery to remove my prostate and was in the hospital one night. I drove back to Columbia the following Monday and went back to work full time on Tuesday morning. I had not been in the hospital in 58 years, and I took my health for granted.

When they removed my prostate, the test showed it was exactly as they said earlier. It was low-grade, it was early stage, and they got all of it. I am fine. I want to say that one more time - I have had all my tests, and I am fine. It had not spread beyond my prostate.

So, I am here today with a different perspective and will say to you that with God’s help you can get through it. But I will also say that if you are not taking a PSA exam, take one. You need to take a PSA exam. If you receive a diagnosis, address it early.

Prostate cancer is a silent killer, but if, in fact, you address it and you address it early and aggressively, you will be fine. I am here because God walked with me and gave knowledge and skill to the doctors.

I chose to go to Celebration, Florida, because the doctor who did my surgery had done 5,000 robotic surgeries. He has done more than anybody else in the world.

The last thing I wanted to do was stand here and share this. My real goal was to not mention it, and you would not have known it.

Probably the hardest thing besides burying my two parents has been to stand here with my colleagues and share this publicly, but I believe this is what I have been called to do. Also, I did not want you, who are my colleagues and the people with whom I have worked with for a number of years, to hear it on the street. I wanted you to hear it from me because I have agreed to be a Board Member of the International Prostrate Cancer Foundation and to speak at the international conference this Saturday evening in Orlando, Florida, about my experience as a patient.

What I do want you to know is that you do not walk alone. Secondly, do not ignore it, get aggressive treatment quickly, and be an advocate to help others. Just last night I talked with a gentleman here in Columbia who has been recently diagnosed. I talked with him for about 15 minutes, and I believe it makes a difference to know that people care and will walk with you and God will be with you as you go through it.

I ask that you help me be an advocate for screening, for education and for treatment of prostate cancer. It is okay to publicly talk about it, as difficult as it is, and God will walk you through it.

Thank you.

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

**PRESIDENT PRESIDES**

At 2:35 P.M., the PRESIDENT assumed the Chair.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**RECALLED**

H. 4295 -- Reps. Bowers and Brantley: A BILL TO AMEND SECTION 7‑7‑300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HAMPTON COUNTY, SO AS TO DELETE POLLING PLACE LOCATIONS IN THE VOTING PRECINCTS OF HAMPTON COUNTY, TO DESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO AUTHORIZE THE HAMPTON COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, WITH THE APPROVAL OF A MAJORITY OF THE HAMPTON COUNTY LEGISLATIVE DELEGATION, TO DETERMINE THE POLLING PLACES FOR THE PRECINCTS IN HAMPTON COUNTY.

Senator PINCKNEY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1311 -- Senator Davis: A SENATE RESOLUTION TO CONGRATULATE THE HONORABLE DARLENE R. SMITH OF BEAUFORT COUNTY AFTER SERVING AS A MAGISTRATE JUDGE FOR EIGHTEEN YEARS, TO COMMEND HER FOR HER DEDICATION AND HARD WORK, AND TO WISH HER MUCH SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1312 -- Senator Elliott: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MAYOR DAVID EDWARD STOUDENMIRE, JR., OF HORRY COUNTY FOR TWENTY YEARS OF DEDICATED SERVICE AS MAYOR OF LORIS, AND TO WISH HIM MANY MORE YEARS OF FULFILLMENT AND SUCCESS.

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The Senate Resolution was adopted.

S. 1313 -- Senator Ryberg: A CONCURRENT RESOLUTION TO PROCLAIM THE WEEK OF MARCH 10-16, 2012, AS JULLIARD IN AIKEN WEEK AND TO WELCOME THE PERFORMERS AND PARTNERS WITH THE JULLIARD SCHOOL.

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

S. 1314 -- Senator Gregory: A BILL TO AMEND SECTION 59-1-425 OF THE 1976 CODE, RELATING TO THE BEGINNING OF THE SCHOOL TERM, TO PROVIDE THAT A LOCAL SCHOOL DISTRICT BOARD OF TRUSTEES MAY ADVANCE THE OPENING DATE OF THE SCHOOL TERMS FOR ANY SCHOOL YEAR BY NO MORE THAN ONE WEEK TO NO EARLIER THAN THE SECOND MONDAY IN AUGUST, AND TO FURTHER PROVIDE FOR THE AUTHORITY OF THE STATE BOARD OF EDUCATION TO WAIVE THE SCHOOL OPENING DATE REQUIREMENT.

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

S. 1315 -- Senator L. Martin: A BILL TO AMEND SECTION 20-4-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ORDERS OF PROTECTION, SO AS TO PROVIDE THE PROCEDURES PERSONS SHALL FOLLOW WHEN PETITIONING FOR MUTUAL ORDERS OF PROTECTION AND THE PROCEDURES COURTS SHALL FOLLOW WHEN REVIEWING SUCH PETITIONS AND ISSUING SUCH ORDERS.

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

S. 1316 -- Senator L. Martin: A BILL TO AMEND SECTION 7-7-450, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN PICKENS COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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Read the first time and, on motion of Senator LARRY MARTIN, with unanimous consent, S. 1316 was ordered placed on the Calendar without reference.

S. 1317 -- Senators Malloy, McConnell, Knotts and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 22, TITLE 17, SO AS TO ENACT THE “DRUG COURT PROGRAM ACT”, TO DIRECT EACH CIRCUIT SOLICITOR TO ESTABLISH A DRUG COURT PROGRAM FOR ADULTS AND JUVENILES, TO PROVIDE CRITERIA FOR ELIGIBILITY OF PERSONS CHARGED WITH NONVIOLENT OFFENSES, TO ALLOW EACH CIRCUIT SOLICITOR TO ESTABLISH AN OFFICE OF DRUG COURT PROGRAM COORDINATOR, TO DIRECT THE COMMISSION ON PROSECUTION COORDINATION TO ESTABLISH A STATE OFFICE OF DRUG COURT COORDINATION, TO PROVIDE FOR FEES FOR PARTICIPATION IN A DRUG COURT PROGRAM, TO PROVIDE FOR ANNUAL REPORTS DETAILING THE ACTIVITIES OF DRUG COURT PROGRAMS TO THE COMMISSION ON PROSECUTION COORDINATION WITH A COPY PROVIDED TO THE SENTENCING REFORM OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE APPOINTMENT OF DRUG COURT JUDGES AND COMPENSATION.

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Senator MALLOY spoke on the Bill.

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

S. 1318 -- Senators Courson and Lourie: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN’S CHRISTIAN ASSOCIATION TO USE THE SENATE CHAMBER AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE SENATE OFFICE BUILDING ON THURSDAY, NOVEMBER 15, 2012, AND FRIDAY, NOVEMBER 16, 2012, TO CONDUCT THE YOUTH IN GOVERNMENT PROGRAM.

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

S. 1319 -- Senator L. Martin: A BILL TO AMEND ARTICLE 11, CHAPTER 75, TITLE 38 OF THE 1976 CODE, BY ADDING SECTION 38-75-1010, TO PROVIDE THAT A TITLE INSURER MAY ISSUE CLOSING OR SETTLEMENT INSURANCE, TO PROVIDE FOR LOSS AGAINST WHICH THIS INSURANCE MAY INDEMNIFY AN INSURED, AND TO PROVIDE THAT A PREMIUM CHARGED PURSUANT TO THIS SECTION MUST BE APPROVED BY THE DEPARTMENT AND MUST NOT BE SUBJECT TO ANY AGREEMENT REQUIRING A DIVISION OF FEES OR PREMIUMS COLLECTED ON BEHALF OF THE TITLE INSURER.

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

S. 1320 -- Senators O'Dell, Gregory and Nicholson: A BILL TO AMEND SECTION 50-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPEN SEASON FOR HUNTING AND TAKING ANTLERED DEER, SO AS TO PROVIDE THAT IN GAMES ZONES ONE AND TWO, IT IS UNLAWFUL TO HUNT DEER BY AID OF BAIT.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 1321 -- Senators Malloy, McConnell and Knotts: A BILL TO AMEND THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16-11-110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16-23-500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22-3-560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22-5-920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDER’' RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24-19-10, RELATING TO THE DEFINITION OF A “YOUTHFUL OFFENDER”, SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16-11-312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE-YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24-21-5 AND SECTION 24-21-100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24-21-280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY-DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44-53-370 AND SECTION 44-53-375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44-53-470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56-5-2990 OR SECTION 56-5-2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56-1-460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON'S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56-5-2990 OR SECTION 56-5-2945; AND BY AMENDING SECTION 56-1-460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON’S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

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Senator MALLOY spoke on the Bill.

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

S. 1322 -- Senator Ryberg: A CONCURRENT RESOLUTION TO CONGRATULATE DR. JOSEPH W. POLISI, PRESIDENT OF THE JUILLIARD SCHOOL, FOR HIS WORK, TO WELCOME HIM TO SOUTH CAROLINA, AND TO THANK HIM FOR HIS COLLABORATION AND VISION IN PARTNERSHIP WITH THE JUILLIARD IN AIKEN PERFORMING ARTS FESTIVAL.

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

S. 1323 -- Senators Rankin, Cleary, Elliott and McGill: A BILL TO AMEND SECTION 59-103-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HIGHER EDUCATION MISSION AND GOALS FOR ALL PUBLIC HIGHER EDUCATION INSTITUTIONS IN THIS STATE, SO AS TO INCLUDE IN THE MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES UNIQUE DOCTORAL DEGREE PROGRAMS THAT ARE NOT DUPLICATIVE OF ANY RESEARCH UNIVERSITY DOCTORAL PROGRAMS IN THAT REGION, AND TO DEFINE "THAT REGION".

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

**REPORTS OF STANDING COMMITTEES**

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

S. 45 -- Senators McConnell, Campsen and Ford: A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17‑15‑55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT’S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT’S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE’S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY‑EIGHT HOURS.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

S. 299 -- Senators Fair, Hutto, Jackson, Ryberg, Knotts, Rankin and Ford: A BILL TO AMEND SECTION 19‑1‑180, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIBILITY OF OUT‑OF‑COURT STATEMENTS MADE BY CHILDREN UNDER CERTAIN CIRCUMSTANCES, SO AS TO ALLOW THE ADMISSIBILITY OF HEARSAY STATEMENTS MADE TO FORENSIC INTERVIEWERS.

Ordered for consideration tomorrow.

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

S. 300 -- Senators Fair, Hutto, Jackson, Knotts, Rankin and Ford: A BILL TO AMEND SECTION 63‑19‑1440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO ALLOW A JUVENILE WHO IS TEMPORARILY COMMITTED TO ITS CUSTODY, AFTER BEING ADJUDICATED FOR A STATUS OFFENSE, MISDEMEANOR OFFENSE, OR A PROBATION VIOLATION OR CONTEMPT, TO UNDERGO A COMMUNITY EVALUATION WITH CERTAIN SAFEGUARDS AND EXCEPTIONS.

Ordered for consideration tomorrow.

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

S. 1002 -- Senator L. Martin: A BILL TO AMEND SECTION 31‑6‑40 OF THE 1976 CODE, RELATING TO TAX INCREMENT FINANCING FOR REDEVELOPMENT PROJECTS, BY STRIKING LANGUAGE THAT SURPLUS FUNDS MUST BE SENT TO THE TAXING DISTRICT AND THAT MUNICIPALITIES MAY PLEDGE OBLIGATION FUNDS TO ANY REDEVELOPMENT PROJECT; TO ADD SECTION 31‑6‑45 TO DEFINE THE REQUIREMENTS OF A REDEVELOPMENT PROJECT; AND TO AMEND SECTION 31‑6‑50 TO LIMIT THE USE OF FUNDS TO PROJECTS SPECIFIED BY THE AUTHORIZING REDEVELOPMENT PLAN, AND TO REQUIRE THAT SURPLUS FUNDS MAY BE USED TO PAY DOWN OUTSTANDING DEBT OBLIGATIONS OR OTHERWISE MUST BE RETURNED TO THE TAXING DISTRICT.

Ordered for consideration tomorrow.

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

S. 1101 -- Senators Sheheen, Malloy, Land, Leventis, Scott, Hutto, Nicholson, McGill, Setzler, Ford, Matthews, Reese and Anderson: A BILL TO AMEND CHAPTER 2, TITLE 12 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING TAXATION AND THE DEPARTMENT OF REVENUE, BY ADDING SECTION 12‑2‑110, TO PROVIDE THAT THE DEPARTMENT MUST DEVELOP A CHART TO REFLECT THE PROPORTION OF APPROPRIATIONS FOR CERTAIN APPROPRIATIONS CATEGORIES TO TOTAL STATE APPROPRIATIONS AND TO DEVELOP A CHART TO REFLECT THE PROPORTION OF CATEGORIZED REVENUE SOURCES TO THE TOTAL REVENUE USED IN THE ANNUAL APPROPRIATIONS ACT, AND TO PROVIDE THAT THE CHARTS MUST BE DISPLAYED ON INCOME TAX FORMS, INCOME TAX FORM INSTRUCTION BOOKLETS, AND IN CONFIRMATION E‑MAILS FOR INCOME TAX RETURNS FILED ELECTRONICALLY; AND TO AMEND CHAPTER 54, TITLE 12, RELATING TO THE UNIFORM METHOD OF COLLECTION AND ENFORCEMENT OF TAXES LEVIED AND ASSESSED BY THE SOUTH CAROLINA DEPARTMENT OF REVENUE, BY ADDING SECTION 12‑54‑255, TO REQUIRE THAT THE DEPARTMENT OF REVENUE SEND A CONFIRMATION E‑MAIL FOR ALL INCOME TAX RETURNS FILED ELECTRONICALLY, AND TO REQUIRE THAT THE CONFIRMATION E‑MAIL CONTAIN THE CHARTS REQUIRED BY SECTION 12‑2‑110.

Ordered for consideration tomorrow.

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

S. 1227 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10‑1‑35 SO AS TO PROHIBIT CAMPING, SLEEPING, OR USE OF THE STATE HOUSE GROUNDS AND ALL BUILDINGS LOCATED ON THE GROUNDS FOR LIVING ACCOMMODATIONS PURPOSES.

Ordered for consideration tomorrow.

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

H. 3059 -- Reps. Merrill, Stavrinakis, J.E. Smith and Whipper: A BILL TO AMEND SECTION 12‑6‑3376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INCOME TAX CREDIT FOR PLUG‑IN HYBRID VEHICLES, SO AS TO REVISE THE DEFINITION OF “PLUG‑IN HYBRID VEHICLE”, TO RAISE THE AGGREGATE AMOUNT OF THE CREDIT AVAILABLE EACH FISCAL YEAR AND DELETE ITS EXPIRATION DATE, AND TO PROVIDE THAT THE CREDIT MUST BE ALLOCATED TO ELIGIBLE CLAIMANTS DURING A FISCAL YEAR ON A FIRST‑COME, FIRST‑SERVE BASIS.

Ordered for consideration tomorrow.

Senator CLEARY from the Committee on Judiciary submitted a majority favorable with amendment and Senator DAVIS a minority unfavorable report on:

H. 4033 -- Reps. Patrick and Loftis: A BILL TO AMEND SECTIONS 5‑37‑40, 5‑37‑50, AND 5‑37‑100, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT ACT, SO AS TO PROVIDE THAT THE WIDENING AND DREDGING OF CERTAIN WATERWAYS MAY BE INCLUDED WITHIN A MUNICIPAL IMPROVEMENT DISTRICT WHEN THE OWNER GIVES THE GOVERNING BODY WRITTEN PERMISSION TO INCLUDE THE PROPERTY AT THE TIME THE IMPROVEMENT DISTRICT IS CREATED.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCE**

S. 1309 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO HONOR BESSIE BOWMAN ABRAHAM OF ORANGEBURG COUNTY, EXECUTIVE DIRECTOR OF THE ORANGEBURG AREA MENTAL HEALTH CENTER, ON THE OCCASION OF HER RETIREMENT, THANK HER FOR HER THIRTY‑THREE YEARS OF SERVICE TO THE PEOPLE OF SOUTH CAROLINA, AND WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

**ACTING PRESIDENT PRESIDES**

At 2:58 P.M., Senator McCONNELL assumed the Chair.

**HOUSE BILL RETURNED**

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

H. 3793 -- Reps. Thayer, Whitmire, H.B. Brown, G.R. Smith, Gambrell, Bowen, Hardwick, Clemmons, Mitchell, Parks, Atwater, Butler Garrick, Pinson, Corbin, Norman, Viers, Erickson, Hearn, Murphy, Allison, McCoy, Govan, Agnew, Hosey, Hiott, Patrick, Chumley, Brannon, Battle, Brady, R.L. Brown, Clyburn, Cobb‑Hunter, Cole, Daning, Delleney, Funderburk, Hamilton, Harrison, Hayes, Henderson, Horne, Lucas, D.C. Moss, V.S. Moss, Nanney, J.M. Neal, Owens, Pitts, Pope, Ryan, Sabb, Sandifer, Simrill, J.R. Smith, Stringer, Tallon, Taylor, White, Cooper, Quinn, Lowe, Barfield, Munnerlyn, Weeks, Putnam, Gilliard, Branham, Alexander, Jefferson, Spires, Willis, Frye, Ballentine, Huggins, King, Anderson and Hixon: A BILL TO AMEND SECTION 44-53-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATERIALS, COMPOUNDS, MIXTURES, AND PREPARATIONS CLASSIFIED AS SCHEDULE I CONTROLLED SUBSTANCES, INCLUDING HALLUCINOGENICS, SO AS TO ADD METHYLONE, MDPV, MEPHEDRONE, METHOXYMETHCATHINONE, AND FLUROROMETHCATHINONE, COMMONLY REFERRED TO AS “BATH SALTS”, TO THE LIST OF SCHEDULE I DRUGS.

**THIRD READING BILLS**

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

S. 1287 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OCCUPATIONAL THERAPY BOARD, RELATING TO DEFINITIONS; LICENSURE BY ENDORSEMENT; AND FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4246, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1288 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR MEDICAL PROFESSIONALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4244, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1289 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS, RELATING TO REQUIREMENTS OF LICENSURE FOR LONG TERM HEALTH CARE ADMINISTRATORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4242, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1290 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF DENTISTRY, RELATING TO REGISTRATION OF LICENSES OR CERTIFICATES; ANNUAL ELECTION OF THE BOARD; AND EXECUTIVE DIRECTOR, DESIGNATED AS REGULATION DOCUMENT NUMBER 4232, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1291 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF CHIROPRACTIC EXAMINERS, RELATING TO ORGANIZATION, ADMINISTRATION AND PROCEDURE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4228, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1292 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO PHYSICAL FITNESS SERVICES CENTER - CERTIFICATE OF AUTHORITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4205, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1293 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF PHYSICAL THERAPY EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR PHYSICAL THERAPISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4248, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1294 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN OPTICIANRY, RELATING TO REQUIREMENTS OF LICENSURE FOR OPTICIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4247, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1295 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN PSYCHOLOGY, RELATING TO CONTINUING EDUCATION CREDITS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4251, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1296 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF PODIATRY EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR PODIATRISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4250, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1297 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4254, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**READ THE SECOND TIME**

S. 1298 -- Senator McGill: A BILL TO AMEND ACT 84 OF 2011, RELATING TO THE FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE BOARD OF TRUSTEES, SO AS TO MODIFY THE PROCEDURE FOR THE APPROVAL OF THE DISTRICT BUDGET AND PROVIDE FOR THE MANNER OF PUBLIC PARTICIPATION AND FINAL APPROVAL OF THE ANNUAL BUDGET FOR THE DISTRICT.

Senator McGILL 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.

On motion of Senator McGILL, the Bill was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 1029 -- Senator L. Martin: A BILL TO AMEND SECTION 50‑1‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GEOGRAPHIC BOUNDARIES OF CERTAIN BODIES OF WATER, SO AS TO GIVE A NUMERICAL DESIGNATION TO EACH BODY OF WATER ENUMERATED IN THE SECTION AND TO MAKE OTHER TECHNICAL CHANGES TO THE SECTION.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

Senator SHOOPMAN proposed the following amendment (SWB\5178CM12), which was adopted:

Amend the committee report, as and if amended, by deleting / , a public lake, / on lines 32 and 33 on page 1029-1.

Renumber sections to conform.

Amend title to conform.

Senator SHOOPMAN explained the amendment.

The amendment was adopted.

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\5146CM12), which was adopted:

Amend the bill, as and if amended, Section 50‑1‑50, as contained in SECTION 1, page 1, by deleting lines 24 and 25 and inserting:

/ “Section 50‑1‑50. The following water bodies have the geographic boundaries as described: /

Amend the bill further, Section 50‑1‑50(155) as contained in Section 1, page 15, by deleting Section 50‑1‑50(155) in its entirety and inserting:

/ (155) ‘Saluda Lake’ (Pickens and Greenville Counties), a public lake, means all the waters of the Saluda River and its tributaries impounded by the Saluda Dam upstream to the S.C. State Highway S‑39‑183 (Farr’s Bridge Road). /

Renumber sections to conform.

Amend title to conform.

Senator SHOOPMAN explained the committee amendment as perfected.

The committee amendment, as perfected, 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 42; Nays 1; Present 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hutto Jackson

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

McConnell

**Total--1**

**PRESENT**

Leventis

**Total--1**

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

**Statement by Senator McCONNELL**

I voted against second reading of this Bill because there is no fiscal impact statement to show the cost to taxpayers of this effort, especially when no need for this was given. Taxpayer dollars should be spent only when needed and when the cost is shown beforehand. Since in this case both the cost and need are unknown, this Bill would give a blank check to bureaucrats. Therefore, I voted “no”.

**READ THE SECOND TIME**

H. 3333 -- Reps. Sandifer, Toole, Bowers, Hayes, Erickson and Brady: A BILL TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF “ADMITTED ASSETS” TO INCLUDE THOSE ON THE MOST RECENT STATUTORY FINANCIAL STATEMENT OF THE INSURER FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38‑13‑80; TO AMEND SECTION 38‑9‑10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38‑10‑40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑33‑130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38‑55‑80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

Senator THOMAS 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.

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

**Ayes 43; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

Sheheen

**Total--1**

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

**READ THE SECOND TIME**

H. 4475 -- Reps. Young, Clyburn, Taylor, Hixon, Frye, Southard, Clemmons and Hardwick: A BILL TO AMEND SECTION 47‑9‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF EQUINE LIABILITY IMMUNITY, SO AS TO INCLUDE TRAIL RIDING IN THE DEFINITION OF “EQUINE ACTIVITY”; AND TO AMEND SECTION 47‑9‑730, RELATING TO WARNING SIGNS REQUIRED TO BE POSTED BY EQUINE PROFESSIONALS AND EQUINE ACTIVITY SPONSORS, SO AS TO INCLUDE A REQUIREMENT THAT WARNING SIGNS ARE TO BE POSTED AT THE ENTRANCE TO RIDING TRAILS.

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

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

**Ayes 42; Nays 0; Present 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hutto Jackson Knotts

Land Leatherman Leventis

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

**PRESENT**

Malloy

**Total--1**

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

**READ THE SECOND TIME**

S. 1270 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ACCESS OF RESTRICTED INFORMATION PURSUANT TO THE STATE’S FREEDOM OF INFORMATION ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4197, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator LARRY MARTIN explained the Joint Resolution.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Gregory Grooms Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 1301 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑11‑335 SO AS TO PROVIDE THAT TO ENSURE A REPRESENTATIVE GOVERNING BODY ABOVE A SIZE OF THREE, AN ELECTED GOVERNING BODY OF A PUBLIC SERVICE DISTRICT LOCATED WHOLLY IN ONE COUNTY WHICH PROVIDES WATER, SEWER, OR FIRE SERVICE WITHIN ITS SERVICE AREA MAY BE ENLARGED BY ADDITIONAL MEMBERS IN THE MANNER AND UNDER THE PROCEDURES SPECIFIED IN THIS SECTION.

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

Senator McCONNELL proposed the following amendment (1301R001.GFM), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 33 and inserting:

/ representative governing body for a total membership of not less than three but no more than ten persons. The county governing body in its /

Renumber sections to conform.

Amend title to conform.

Senator FAIR 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 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hutto Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Ryberg

**Total--1**

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

**AMENDED, READ THE SECOND TIME**

S. 105 -- Senators Verdin and Leventis: A BILL TO AMEND THE 1976 CODE, BY ADDING ARTICLE 8 TO CHAPTER 25, TITLE 57, TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO CREATE AND SUPERVISE A STATEWIDE PROGRAM RELATED TO PROVIDING DIRECTIONAL SIGNS ALONG THE STATE’S MAJOR HIGHWAYS AND INTERCHANGES LEADING TO AGRITOURISM ORIENTED FACILITIES ENGAGED IN EDUCATIONAL OR AGRITOURISM ACTIVITIES.

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

Senator VERDIN proposed the following amendment (105R001.DBV), which was adopted:

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

/ SECTION 1. Chapter 25, Title 57 of the 1976 Code is amended by adding:

“Article 8

Agritourism and Tourism Oriented Signage Program

Section 57‑25‑800. As used in this article:

‘Agritourism‑oriented facility’ means a location where an agritourism activity, as defined in Section 46‑53‑10(1), is carried out by an agritourism profession, as defined in Section 46‑45‑10(2).

‘Tourism‑oriented facility’ means those facilities approved by the oversight committee created in Section 57‑25‑820(C).

Section 57‑25‑810. In an effort to promote and assist South Carolina facilities that have an interest in educating, sharing, and selling their programs and products to the general public, the Department of Transportation is directed to create and supervise a coordinated, self‑funded, statewide program related to providing directional signs along the state’s major rural highways leading to tourism and agritourism‑oriented facilities. The statewide program shall be operated according to standards and regulations authorized to be adopted and promulgated by the Department of Transportation. The standards and regulations may provide for the use of official logos developed by the Department of Parks, Recreation and Tourism and the Department of Agriculture in compliance with the federal Manual on Uniform Traffic Control Devices. The standards and regulation may also provide for cooperative agreements between the department and private interests for the administration of the program and for the use and display of names for tourism and agritourism information signs on the highway right‑of‑way.

Section 57‑25‑820. (A) The Department of Transportation shall be responsible for the erection and maintenance of the official signs giving specific information to the traveling public providing directions to tourism and agritourism‑oriented facilities. All signs must conform to department rules and regulations regarding the size and placement of the signs and be in compliance with all federal and state regulations.

(B) The department shall coordinate with the Department of Agriculture and the Department of Parks, Recreation and Tourism, as applicable, to allow those departments to promote tourism and agritourism‑oriented facilities participating in this directional signage program.

(C) The criteria for selection of qualified agritourism facilities shall be established by the Department of Agriculture. The criteria for selection of qualified tourism facilities shall be established by the Department of Parks, Recreation and Tourism. (D) The approval of applications for signs for agritourism and tourism oriented facilities must be determined by an oversight committee. The oversight committee shall consist of the following members and shall meet at the call of the chairman semiannually to consider applications for signage:

(1) Secretary of the Department of Transportation, or his designee, serving as chairman;

(2) Director of the Department of Parks, Recreation and Tourism, or his designee;

(3) Commissioner of the Department of Agriculture, or his designee;

(4) President of the South Carolina Association of Tourism Regions (SCATR), or his designee, and a member of SCATR appointed by its president;

(5) President of the South Carolina Convention and Visitors Bureau Association (CVB), or his designee, and a member of the CVB appointed by its president.

Section 57‑25‑830.(A) Qualified facilities which elect to participate in the directional signage program must submit an application to the Department of Transportation on a form to be supplied by the department. Eligibility and approval to participate in the signage program must be determined by written criteria to be set forth by the Department of Transportation in regulation.

(B) Participating facilities are responsible for the cost of the signs and their installation and maintenance.”

SECTION 2. The Department of Agriculture and the Department of Parks, Recreation and Tourism must develop logos to be utilized for the signage authorized by this act. The logos developed may be used by those departments for other promotional purposes associated with tourism and agritourism.

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 2**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hutto

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

Bright McConnell

**Total--2**

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

**Statement by Senators McCONNELL and BRIGHT**

We voted against second reading of this Bill because it authorizes the use of “rules” which are not provided for in law. This would allow a new method of regulating business conduct without any legislative oversight by allowing an agency to adopt a rule. For that reason, we voted “no”.

**AMENDED, READ THE SECOND TIME**

S. 1099 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑19‑650 SO AS TO PROVIDE THAT MEMBERS OF THE BOARD OF JUVENILE PAROLE SHALL RECEIVE A HEARING FEE.

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

Senator FAIR proposed the following amendment (SWB\  
5193CM12), which was adopted:

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

/ SECTION 1. Article 5, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63‑19‑650. Members of the Board of Juvenile Parole shall receive a hearing fee in an amount provided by the General Assembly in the annual appropriations act.”

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

Renumber sections to conform.

Amend title to conform.

Senator FAIR 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 40; Nays 0; Present 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Elliott Fair Gregory

Grooms Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

**PRESENT**

Leventis

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1062 -- Senators Bryant, Verdin, Grooms, Bright, Shoopman and Rose: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 24 OF THE 1976 CODE, RELATING TO THE STATE PRISON SYSTEM, BY ADDING SECTION 24‑3‑83 TO PROHIBIT THE DEPARTMENT OF CORRECTIONS FROM USING STATE FUNDS OR STATE RESOURCES TO PROVIDE A PRISONER WITH SEXUAL REASSIGNMENT SURGERY OR HORMONAL THERAPY.

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

The Committee on Corrections and Penology proposed the following amendment (NBD\12158AC12), which was adopted:

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

/SECTION 1. Article 1, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24‑3‑83. (A) As used in this section:

(1) ‘Hormonal therapy’ means the use of hormones to stimulate the development or alteration of a person’s sexual characteristics in order to alter the person’s physical appearance so that the person appears more like the opposite gender.

(2) ‘Sexual reassignment surgery’ means a surgical procedure to alter a person’s physical appearance so that the person appears more like the opposite gender.

(B) The Department of Corrections is prohibited from using state funds or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking hormonal therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide this therapy to the person as long as medically necessary for the health of the person.”

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

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0; Present 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hutto Jackson

Knotts Land Lourie

Malloy *Martin, Larry Martin, Shane*

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

**PRESENT**

Leventis

**Total--1**

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

**READ THE SECOND TIME**

S. 1285 -- Senators Knotts, Cromer, Anderson, McConnell, Campsen, Land, Campbell, Grooms, Verdin, Rose, Thomas and Cleary: A BILL TO AMEND SECTION 22‑5‑190 OF THE 1976 CODE, RELATING TO ENDORSEMENT AND EXECUTION OF WARRANTS ISSUED IN OTHER COUNTIES OR BY MUNICIPAL AUTHORITIES, TO PROVIDE THAT A WARRANT IS NOT REQUIRED TO BE ENDORSED BY A MAGISTRATE IN THE COUNTY WHERE A PERSON CHARGED WITH A CRIME RESIDES OR IS LOCATED, TO PROVIDE PROCEDURES FOR SERVING A WARRANT, AND TO MAKE CONFORMING CHANGES.

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

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hutto

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bryant

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, AMENDMENT PROPOSED**

**OBJECTION TO FURTHER CONSIDERATION OF THE BILL**

S. 1035 -- Senators Massey, L. Martin and Verdin: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, BY ADDING SECTION 44‑1‑143 TO PROVIDE FOR HOME‑BASED FOOD PRODUCTION OPERATIONS, TO PROVIDE FOR THE PROTECTION OF FOOD ITEMS PREPARED BY HOME‑BASED FOOD PRODUCTION OPERATIONS FOR SALE, TO PROVIDE HEALTH AND SANITARY REQUIREMENTS, TO PROVIDE FOR PACKAGING AND LABELS OF FOOD ITEMS, TO PROVIDE THAT HOME‑BASED FOOD PRODUCTION OPERATIONS MAY NOT SELL ITEMS PREPARED BY THE OPERATION AT WHOLESALE, TO PROVIDE THAT HOME‑BASED FOOD PRODUCTION OPERATIONS ARE NOT RETAIL FOOD ESTABLISHMENTS, TO PROVIDE FOR A PROCESS THROUGH WHICH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY INVESTIGATE COMPLAINTS, AND TO DEFINE NECESSARY TERMS.

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

The Committee on Medical Affairs proposed the following amendment (NBD\12091AC12), which was adopted:

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

/SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑143. (A) For the purposes of this section:

(1) ‘Home‑based food production operation’ means an individual, operating out of the individual’s dwelling, who prepares, processes, packages, stores, and distributes non‑potentially hazardous foods for sale directly to a person.

(2) ‘Non‑potentially hazardous foods’ are jams, jellies, candy, and baked goods that are not potentially hazardous foods.

(3) ‘Person’ means an individual consumer.

(4) ‘Potentially hazardous food’ includes:

(a) an animal food that is raw or heat‑treated; a plant food that is heat‑treated or consists of raw seed sprouts; cut melons, cut leafy greens; cut tomatoes or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation; garlic‑in‑oil mixtures not modified to prevent microorganism growth or toxin formation;

(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the ph and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat‑treated to destroy vegetative cells and subsequently packaged:

Aw values pH values

4.6 or less >4.6 ‑ 5.6 >5.6

(1) <0.92 non‑PHF non‑PHF non‑PHF

(2) >0.92 ‑ .95 non‑PHF non‑PHF PHF

(3) >0.95 non‑PHF PHF PHF

Foods in item (2) with a ph value greater than 5.6 and foods in item (3) with a ph value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.

(B) The operator of the home‑based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items, including, but not limited to:

(1) maintaining direct supervision of any person, other than the operator, engaged in the processing, preparing, packaging, or handling of food intended for sale;

(2) prohibiting all animals, including pets, from entering the dwelling in which the home‑based food production operation is located;

(3) prohibiting all domestic activities in the kitchen while the home‑based food production operation is processing, preparing, packaging, or handling food intended for sale;

(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home‑based food production operation; and

(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home‑based food production operation are knowledgeable of and follow safe food handling practices.

(C) Each home‑based food production operation shall maintain a clean and sanitary facility to produce non‑potentially hazardous foods including, but not limited to:

(1) department-approved water supply;

(2) a separate storage place for ingredients used in foods intended for sale;

(3) a properly functioning refrigeration unit;

(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;

(5) adequate facilities for the storage of utensils and equipment;

(6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;

(7) a properly functioning toilet facility;

(8) no evidence of insect or rodent activity; and

(9) department-approved sewage disposal, either onsite treatment or publicly provided.

(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:

(1) the name and address of the home‑based food production operation;

(2) the name of the product being sold;

(3) the ingredients used to make the product in descending order of predominance by weight; and

(4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: ‘NOT FOR RESALE ‑ PROCESSED AND PREPARED BY A HOME- BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA’S FOOD SAFETY REGULATIONS.’

(E) Home‑based food operations may only sell, or offer to sell, food items directly to a person for his own use and not for resale. A home‑based food operation may not sell, or offer to sell, food items at wholesale. Food produced from a home-based food production operation must not be considered to be from an approved source, as required of a Retail Food Establishment pursuant to Regulation 61.25.

(F)(1) The department shall investigate a complaint from a consumer that alleges a violation of this section and may enter upon and inspect the premises of the home-based food production operation to investigate the alleged violation.

(2) The department also may enter upon and conduct random inspections of the premises of a home‑based food production operation to determine if the operation is in compliance with this section.

(3) A home‑based food production operation shall make the facility available for inspections by the department during normal working hours Monday through Friday.

(G) A home‑based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61.25.”

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

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the committee amendment.

The committee amendment was adopted.

Senator HUTTO proposed the following amendment (1035R001.CBH), which was adopted:

Amend the bill, as and if amended, Section 44-1-143, as contained in SECTION 1, by adding an appropriately lettered subsection at the end to read:

/ ( ) The provisions of this section do not apply to an operation with net earnings of less than five hundred dollars annually but that would otherwise meet the definition of a home-based food operation provided in subsection (A)(1).” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator COURSON proposed the following amendment (NBD\  
12174AC12), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-1-143(B)(2) on page 1035-2, and inserting:

/ (2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home-based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution; /

Renumber sections to conform.

Amend title to conform.

Senator COURSON explained the amendment.

The amendment was adopted.

Senators MASSEY and SHEHEEN proposed the following amendment (NBD\12176AC12):

Amend the bill, as and if amended, Section 44-1-143(A)(2) on page 1035-1, lines 30-31 and inserting:

/(2) ‘Nonpotentially hazardous foods’ are candy and baked goods that are not potentially hazardous foods. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

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

**ADOPTED**

H. 4903 -- Reps. Funderburk and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF NATURAL RESOURCES TO NAME THE BOAT LANDING LOCATED ON THE WATEREE RIVER AT U.S. HIGHWAY NO. 1 IN KERSHAW COUNTY AS “PATRIOTS LANDING” AND TO INSTALL APPROPRIATE SIGNS CONTAINING THE WORDS “PATRIOTS LANDING” ON THE PROPERTY, AS WELL AS PLAQUES EXPLAINING THE HISTORICAL IMPORTANCE OF THIS LOCATION.

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

**AMENDED AND ADOPTED**

**RETURNED TO THE HOUSE**

H. 4882 -- Reps. Crawford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, Corbin, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, 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, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR ITS ANNUAL STATE HOUSE MEETING.

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

Senator McCONNELL proposed the following amendment (4882R001.GFM), which was adopted:

Amend the concurrent resolution, as and if amended, page 1, by striking lines 13-14 and inserting:

/ THE SENATE, AT A DATE AND TIME TO BE MUTUALLY AGREED UPON BY THE SPEAKER AND THE PRESIDENT PRO TEMPORE, FOR ITS ANNUAL STATE HOUSE /

Amend the concurrent resolution further, as and if amended, page 1, by striking line 22 and inserting:

/ mutually agreed upon by the Speaker and the President Pro Tempore, for its annual State House meeting. If /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**RESOLUTION ADOPTED, AS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

H. 4541 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF HICKORY RIDGE DRIVE AND PADGETT ROAD IN RICHLAND COUNTY THAT CONTAIN THE WORDS “WELCOME TO THE HICKORY RIDGE COMMUNITY”.

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

The Committee on Transportation proposed the following amendment (SWB\5190CM12), which was adopted:

Amend the concurrent resolution, as and if amended, by deleting / Welcome to the / on line 24, page 1.

Amend the title, as and if amended, by deleting / WELCOME TO THE / on line 15, page 1.

When amended, the concurrent resolution shall read:

/ TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF HICKORY RIDGE DRIVE AND PADGETT ROAD IN RICHLAND COUNTY THAT CONTAIN THE WORDS “HICKORY RIDGE COMMUNITY”.

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly request that the Department of Transportation erect appropriate markers or signs at the intersection of Hickory Ridge Drive and Padgett Road in Richland County that contain the words “Hickory Ridge Community”.

Be it further resolved that a copy of this resolution be forwarded to the Department of Transportation. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The committee amendment was adopted.

The question then was adoption of the Concurrent Resolution, as amended.

There being no further amendments, the Concurrent Resolution was adopted and ordered returned to the House with amendments.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**AMENDED, OBJECTION TO FURTHER CONSIDERATION**

S. 457 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑116‑45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59‑116‑10, 59‑116‑20, AND 59‑116‑30, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS “CAMPUS” AND “CAMPUS POLICE OFFICER”, AND TO DEFINE THE TERM “CAMPUS SECURITY OFFICER”, TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER’S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59‑116‑50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM “PUBLIC SAFETY DIRECTOR” AND REPLACE IT WITH THE TERM “CHIEF LAW ENFORCEMENT EXECUTIVE”, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59‑116‑60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM “CAMPUS POLICE DEPARTMENTS” FOR THE TERM “SAFETY AND SECURITY DEPARTMENTS”; TO AMEND SECTION 59‑116‑80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM “CAMPUS SECURITY DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”, TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59‑116‑100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59‑116‑120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59‑116‑70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

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

Senator SHANE MARTIN proposed the following amendment (457R003.SRM), which was withdrawn:

Amend the bill, as and if amended, page 6, after line 25, by adding an appropriately numbered new SECTION to read:

/ SECTION 1. Chapter 116, Title 59 of the 1976 Code is amended by adding:

“Section 59‑116‑125. (A) This section shall apply to public and private colleges and universities that have established a campus police department.

(B) The president of the college or university, or an appropriate administrator, may take disciplinary or adverse employment actions against the chief, director, or senior supervisory officer. The disciplinary or adverse employment actions shall be temporary pending a full review of the matter by the governing body at its next meeting. If no action is taken by the governing body of the college or university at the next meeting, then the disciplinary or adverse employment action shall become permanent and deemed and recorded as a unanimous approval of the governing body.” /

Renumber sections to conform.

Amend title to conform.

Senators SHANE MARTIN and KNOTTS asked unanimous consent to withdraaw his previously proposed amendment.

There was no objection and the amendment was withdrawn.

Senator SHANE MARTIN proposed the following amendment (457R004.SRM), which was adopted:

Amend the bill, as and if amended, page 6, after line 25, by adding an appropriately numbered new SECTION to read:

/ SECTION 1. Chapter 116, Title 59 of the 1976 Code is amended by adding:

“Section 59‑116‑125. (A) This section shall apply to public and private colleges and universities that have established a campus police department.

(B) The president of the college or university, or an appropriate administrator, may take disciplinary or adverse employment actions against the chief, director, or senior supervisory officer. Disciplinary actions taken by the president of a college or university pursuant to this section must be reported by the president to the chairman of the college or univerity’s governing body together with an explanation of the circumstances leading to the action taken and a justification for the action taken. The chairman must disclose to the governing body at its next meeting that an action was taken and provide the other members of the board with the explanation and justification required by this subsection. ”/

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, as amended.

Senator HUTTO objected to further consideration of the Bill.

**RECOMMITTED**

S. 478 -- Senators Ryberg and Rose: 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.

Senator RYBERG asked unanimous consent to recommit the Bill to the Committee on Labor, Commerce and Industry.

There was no objection and the Bill was ordered recommitted to the Committee on Labor, Commerce and Industry.

**CARRIED OVER**

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND SECTION 56‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM “MOTOR VEHICLE” SO AS TO INCLUDE “MOPEDS” IN THE TERM’S DEFINITION.

Senator GROOMS explained the Bill.

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

**CARRIED OVER**

H. 3254 -- Rep. Daning: A BILL TO AMEND SECTION 57‑23‑815, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT AT EXIT 199 ALONG INTERSTATE HIGHWAY 26 IN BERKELEY COUNTY, SO AS TO PROVIDE THAT BOTH THE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF SUMMERVILLE MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 26 AT THIS LOCATION.

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

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

**CARRIED OVER**

H. 4716 -- Rep. Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑23‑855 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MAINTAIN AND MOW ROADSIDE VEGETATION BEYOND THIRTY FEET FROM THE PAVEMENT ADJACENT TO EXIT 190 ALONG INTERSTATE HIGHWAY 95 IN DILLON COUNTY.

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

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

**AMENDMENT PROPOSED, CARRIED OVER**

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V.S. Moss, Cobb‑Hunter, Herbkersman, Willis, Harrell, Pope, D.C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET‑BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

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

Senator HUTTO proposed the following amendment (MS\  
7723AHB12):

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

/ SECTION 1. Article 9, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24‑3‑970. (A) It is unlawful for an inmate, or a person acting on behalf of or enabling an inmate, to be a member of any internet‑based social networking website such as Facebook, Myspace, and Classmates. An inmate who joins an internet‑based social networking website or a person who establishes an account with an internet‑based social network website for an inmate is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both.

(B) The provisions of this section apply only to inmates incarcerated for more than ninety days.”

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

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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

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

**MOTION ADOPTED**

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**VETO CARRIED OVER**

(R135, H4723) -- Reps. Loftis, Corbin, Allen, Dillard, Hamilton, Henderson, Nanney, G.R. Smith, Stringer, Willis and Bannister: AN ACT TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

The veto of the Governor was taken up for immediate consideration.

On motion of Senator LARRY MARTIN, the veto was carried over.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on March 7, 2012, at 4:45 P.M. and the following Acts and Joint Resolutions were ratified:

(R136, S. 929) -- Senator Peeler: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑18‑170 TO ENACT “BENJI’S LAW” SO AS TO SPECIFY PERMIT REQUIREMENTS FOR MINIATURE TRAINS OPERATED FOR THE USE OF THE PUBLIC AS AN AMUSEMENT DEVICE IN AN AMUSEMENT PARK.

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(R137, S. 1063) -- Senator Peeler: AN ACT TO AMEND SECTION 7‑7‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN CHEROKEE COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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(R138, S. 1196) -- Senators Jackson, Ford, Courson, Hutto, Williams, Sheheen, Massey, Lourie, McGill, Scott, Nicholson, Matthews, Anderson, Gregory, Coleman, Setzler, Rankin and Malloy: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑616 SO AS TO PROVIDE THAT THE MONTH OF FEBRUARY OF EVERY YEAR IS DESIGNATED AFRICAN AMERICAN HISTORY MONTH IN SOUTH CAROLINA.

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(R139, S. 1200) -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO AT‑RISK STUDENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4208, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R140, S. 1201) -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO END‑OF‑COURSE TESTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4200, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R141, S. 1206) -- Senators Fair, Thomas, Shoopman, Anderson, Verdin and S. Martin: AN ACT TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF GREENVILLE COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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(R142, S. 1217) -- Senator Hutto: AN ACT TO AMEND SECTION 7‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ALLENDALE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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(R143, H. 3583) -- Rep. Cooper: AN ACT TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2011 AND TO PROVIDE THAT ANY INTERNAL REVENUE CODE SECTIONS ADOPTED BY THE STATE THAT EXPIRED ON DECEMBER 31, 2011, OR JANUARY 1, 2012, THAT ARE EXTENDED BY THE FEDERAL GOVERNMENT IN 2012 ARE ALSO EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES; AND TO AMEND SECTION 12‑6‑50, RELATING TO INTERNAL REVENUE CODE SECTIONS SPECIFICALLY NOT ADOPTED BY THIS STATE, SO AS TO MAKE CERTAIN ADDITIONS.

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(R144, H. 3711) -- Reps. Sandifer, Hayes and D.C. Moss: AN ACT TO AMEND SECTION 39‑61‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE SOUTH CAROLINA MOTOR CLUB ACT, SO AS TO PROVIDE THAT AN ENTITY THAT CONTRACTS WITH AN AUTOMOBILE CLUB LICENSED UNDER THE MOTOR CLUB SERVICES ACT FOR THE PROVISIONS OF EMERGENCY ROAD SERVICE AND TOWING SERVICE TO THE ENTITY’S CUSTOMERS IS NOT INCLUDED IN THE DEFINITION OF MOTOR CLUB.

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(R145, H. 3750) -- Reps. Viers and Vick: AN ACT TO AMEND SECTION 17‑5‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CORONER’S DUTIES WHEN A PERSON DIES, INCLUDING WHERE AND BY WHOM AN AUTOPSY MAY BE PERFORMED IF A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY‑FOUR HOURS OF ENTERING THE FACILITY OR WITHIN TWENTY‑FOUR HOURS OF UNDERGOING AN INVASIVE SURGICAL PROCEDURE, SO AS TO PROVIDE THAT UNLESS THE CORONER CERTIFIES THAT THERE IS NO REASONABLE ALTERNATIVE, THE AUTOPSY MUST NOT BE PERFORMED AT THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED OR BY A PHYSICIAN WHO TREATED THE PATIENT OR WHO WAS EMPLOYED BY THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED; AND TO AMEND SECTION 43‑35‑520, AS AMENDED, RELATING TO INVESTIGATIONS OF DEATHS IN FACILITIES OPERATED BY THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT IF THE CORONER RULES A DEATH RESULTED FROM NATURAL CAUSES IN A VETERANS’ NURSING HOME UNDER THE DEPARTMENT OF MENTAL HEALTH, THE STATE LAW ENFORCEMENT DIVISION IS NOT REQUIRED TO CONDUCT AN INVESTIGATION OF THE DEATH.

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(R146, H. 4704) -- Rep. Agnew: A JOINT RESOLUTION TO POSTPONE UNTIL PROPERTY TAX YEAR 2012 THE IMPLEMENTATION OF THE REVISED VALUES DETERMINED IN THE MOST RECENT COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAM CONDUCTED IN ABBEVILLE COUNTY.

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(R147, H. 4722) -- Rep. Agnew: AN ACT TO REAPPORTION THE SPECIFIC AREAS OR ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

**AMENDMENT PROPOSED, CONSIDERATION INTERRUPTED, BILL REMAINS IN THE**

**STATUS OF SPECIAL ORDER**

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.

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

**Amendment No. 1**

Senator CROMER proposed the following Amendment No. 1 (NBD\  
12173AC12):

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

/SECTION 1. Section 48‑34‑40 of the 1976 Code is amended to read:

“Section 48‑34‑40. (A) For purposes of this section, ‘South Carolina Smoke Management Guidelines’ means the most current version of those guidelines published and administered by the State Commission of Forestry entitled, ‘Smoke Management Guidelines for Vegetative Debris Burning for Forestry, Agriculture, and Wildlife purposes in the State of South Carolina’.

(B) Prescribed fires conducted pursuant to this chapter:

(1) must have a written prescribed fire plan that:

(a) complies with the South Carolina Smoke Management Guidelines;

(b) is prepared before authorization to burn is ~~given~~ issued by the State Commission of Forestry~~,~~; and ~~the plan must be~~

(c) is on site and followed during the burn;

(2) must have present at least one certified prescribed fire manager ~~present and supervising~~ who must:

(a) be certified by the commission;

(b) personally supervise the burn from ignition until ~~it is declared~~ the certified prescribed fire manager determines the burn to be safe ~~according to certification guidelines~~;

(c) fully consider both fire behavior and related smoke management issues during the burn;

(3) are considered in the public interest and do not constitute a public or private nuisance when conducted pursuant to ~~state air pollution statutes,~~ the South Carolina Smoke Management Guidelines, ~~and~~ ~~regulations applicable to the use of prescribed fire~~ Chapters 1 and 35 of Title 48, and Chapter 2, Title 50; prescribed fires that are purposefully set in accordance with these chapters and the South Carolina Smoke Management Guidelines are exempt from the open burning prohibition pursuant to R. 61‑62.2 and are acceptable to the Department of Health and Environmental Control if the fire is for:

(a) burning forest lands for specific management practices;

(b) agricultural control of diseases, weeds, and pests and for other specific agricultural purposes; and

(c) open burning of trees, brush, grass, and other vegetable matter for game management purposes;

(4) are considered a property right of the property owner.”

SECTION 2. Section 48‑34‑50 of the 1976 Code is amended to read:

“Section 48‑34‑50. ~~No~~ A property owner or lessee or his agent or employee conducting a prescribed fire pursuant to this chapter is not liable for damage, injury, or loss caused by fire~~, resulting smoke,~~ or other consequences of the prescribed fire unless negligence is proven. A property owner or lessee or his agent or employee conducting a prescribed fire pursuant to this chapter is not liable for damage, injury, or loss caused by the resulting smoke of a prescribed fire unless gross negligence is proven.”

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

**ACTING PRESIDENT PRESIDES**

At 4:55 P.M., Senator LARRY MARTIN assumed the Chair.

Senator MALLOY spoke on the amendment.

**RECESS**

At 5:25 P.M., with Senator MALLOY retaining the floor, on motion of Senator CROMER, with unanimous consent, the Senate receded from business subject to the call of the Chair.

At 5:43 P.M., the Senate resumed.

Senator MALLOY resumed speaking on the amendment.

With Senator MALLOY retaining the floor, on motion of Senator PEELER, with unanimous consent, consideration was interrupted by adjournment.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Robert N. Devore, 758 Haddon Road, Donalds, SC 29638

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

Belinda Y. Johnson, 1522 Parkway Court, Apartment H7, Greenwood, SC 29646

**ADJOURNMENT**

At 5:47 P.M., on motion of Senator PEELER the Senate adjourned to meet tomorrow at 11:00 A.M.

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