**Thursday, March 8, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

We recall how God instructed Abraham, saying to him:

“ ‘Take your son, your only son, Isaac, whom you love, and go to the region of Moriah. Sacrifice him there as a burnt offering on one of the mountains I will tell you about’. ” (Genesis 22:2)

Let us unite our hearts together in prayer:

Holy God, we remember the story about how You tested Abraham. Certainly many of Your servants here in this Chamber also feel themselves “tested” again and again by the demands of their roles and by the needs of the people they serve. We pray, O Lord, that You will bless each Senator and every staff member in ways that remind them of the rewards that do come to those who serve You faithfully. Moreover, be with our servants in uniform -- wherever they serve -- that they, too, will experience Your blessings. In Your loving name we pray, Lord. Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointment**

Initial Appointment, Director of Deparment of Labor, Licensing and Regulation, with term coterminous with Governor

Holly G. Pisarik, 4762 Fernwood Rd., Columbia, SC 29206

Referred to the Committee on Labor, Commerce and Industry.

**Doctor of the Day**

Senator LEATHERMAN introduced Dr. Coy Irvin of Florence, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator MASSEY, at 11:05 A.M., Senator SHEHEEN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator CAMPSEN, at 11:05 A.M., Senator CAMPBELL was granted a leave of absence for today.

**Privilege of the Chamber**

On motion of Senator LAND, with unanimous consent, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Jim Davenport, widely respected Associated Press news reporter, and his wife and daughter, and to thank and commend him for his distinguished service to the State of South Carolina.

**CO-SPONSORS ADDED**

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

S. 102 Sen. Campsen

S. 1250 Sen. Thomas

**RECALLED**

S. 1122 -- Senator Gregory: A BILL TO AMEND SECTION 7‑7‑350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LANCASTER 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 OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

Senator REESE 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.

**RECALLED AND COMMITTED**

S. 1310 -- Senator Rose: A BILL TO AMEND SECTION 30‑4‑40 OF THE 1976 CODE, RELATING TO MATTERS EXEMPT FROM DISCLOSURE, TO PROVIDE FOR THE RELEASE OF CERTAIN BENEFIT INFORMATION FOR BENEFICIARIES OF STATE RETIREMENT SYSTEMS TO REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT; AND TO AMEND SECTIONS 9‑1‑320, 9‑8‑35, 9‑9‑31, AND 9‑11‑35 TO PROVIDE CERTAIN BENEFIT INFORMATION AS AN EXEMPTION TO THE CONFIDENTIAL RECORDS CLASSIFICATION.

Senator LEATHERMAN asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

The Bill was recalled from the Committee on Finance.

On motion of Senator LEATHERMAN, with unanimous consent, the Bill was taken up for immediate consideration.

On motion of Senator LEATHERMAN, the Bill was committed to the Committee on Judiciary.

**RECALLED**

H. 4146 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON WEST CAMBRIDGE STREET IN THE CITY OF GREENWOOD “CARL JULIEN BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “CARL JULIEN BRIDGE”.

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

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

**RECALLED**

H. 4803 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 72 AND WILLARD ROAD IN GREENWOOD COUNTY “JIMMY BRITT INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “JIMMY BRITT INTERSECTION”.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1324 -- Senator Ryberg: A BILL TO AMEND SECTION 40-57-40, RELATING TO THE SOUTH CAROLINA REAL ESTATE COMMISSION, TO ADD A COMMISSIONER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40-59-10, RELATING TO THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40-81-50, RELATING TO THE STATE ATHLETIC COMMISSION, TO ADD A COMMISSIONER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; AND TO AMEND SECTION 41-43-30, RELATING TO THE SOUTH CAROLINA JOBS ECONOMIC DEVELOPMENT AUTHORITY, TO ADD A COMMISSIONER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 1325 -- Senators Grooms, Thomas, Ford, Gregory, Bryant, Cleary, Fair, McConnell, Shoopman, Verdin, Bright, Davis, Campbell, Campsen, Peeler and Ryberg: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO AUTHORIZE A DEDUCTION IN COMPUTING STATE OF SOUTH CAROLINA TAXABLE INCOME UP TO SPECIFIED AMOUNTS FOR TUITION PAID BY A PARENT OR LEGAL GUARDIAN FOR THEIR CHILD OR WARD TO ATTEND AN INDEPENDENT SCHOOL OR A PUBLIC SCHOOL OUTSIDE THE CHILD’S OR WARD’S SCHOOL DISTRICT OF RESIDENCE, AND ALSO TO AUTHORIZE A SIMILAR INCOME TAX DEDUCTION UP TO A SPECIFIED AMOUNT TO A PARENT OR LEGAL GUARDIAN FOR HOME SCHOOL EXPENDITURES; AND BY ADDING SECTION 12-6-1146 SO AS TO AUTHORIZE A CREDIT AGAINST A TAXPAYER’S SOUTH CAROLINA INCOME TAX LIABILITY OR CERTAIN OTHER TAX LIABILITY FOR CONTRIBUTIONS MADE TO NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS THAT PROVIDE GRANTS FOR CHILDREN WHO ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED SCHOOL LUNCH PROGRAM, WHO ARE “EXCEPTIONAL NEEDS” CHILDREN, OR WHOSE FAMILIES MEET THE REQUIREMENTS FOR FEDERAL MEDICAID BENEFITS TO ATTEND INDEPENDENT SCHOOLS OF THEIR CHOICE, AND TO PROVIDE THE PROCEDURES FOR, AND CONDITIONS AND LIMITATIONS OF THESE TAX CREDITS.

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Senator GROOMS spoke on the Bill.

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

S. 1326 -- Senators Jackson, Sheheen, Setzler and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 43 SO AS TO ESTABLISH THE SOUTH CAROLINA FOOD BANK FINANCING FUND TO RECEIVE CONTRIBUTIONS TO BE DISTRIBUTED TO FOOD BANKS ACCORDING TO THE DESIGNATION OF THE CONTRIBUTOR; TO PROVIDE FOR DISTRIBUTION OF FUNDS NOT DESIGNATED FOR A SPECIFIC FOOD BANK; TO PROVIDE THAT A FOOD BANK MUST BE A MEMBER IN GOOD STANDING WITH THE SOUTH CAROLINA FOOD BANK ASSOCIATION OR FEEDING AMERICA TO BE ELIGIBLE TO RECEIVE THESE FUNDS; AND TO AMEND SECTION 12-6-5060, AS AMENDED, RELATING TO CONTRIBUTIONS TO VARIOUS FUNDS AS DESIGNATED BY AN INDIVIDUAL ON AN INCOME TAX RETURN, SO AS TO AUTHORIZE CONTRIBUTIONS TO THE SOUTH CAROLINA FOOD BANK FINANCING FUND.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 1059 -- Senators Cromer and Elliott: A BILL TO AMEND SECTION 48‑4‑30 OF THE 1976 CODE, RELATING TO THE COMPOSITION OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, TO INCREASE THE NUMBER OF BOARD MEMBERS TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT, AND TO DESIGNATE THE AT‑LARGE BOARD MEMBER AS CHAIRMAN.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Invitations polled out S. 1303 favorable:

S. 1303 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 15, 2012.

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Alexander Campsen Cromer

Elliott Ford Knotts

Malloy McGill O’Dell

Reese Verdin

**Total--11**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

**ACTING PRESIDENT PRESIDES**

At 11:37 A.M., Senator LARRY MARTIN assumed the Chair.

**HOUSE CONCURRENCES**

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.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

**PRESIDENT PRESIDES**

At 11:42 A.M., the PRESIDENT assumed the Chair.

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

**HOUSE BILL RETURNED**

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

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.

**THIRD READING BILLS**

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

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.

On motion of Senator McGILL

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.

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.

S. 105 -- Senators Verdin, Leventis and L. Martin: 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.

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.

**ACTING PRESIDENT PRESIDES**

At 11:59 A.M., Senator LARRY MARTIN assumed the Chair.

**READ THE SECOND TIME**

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.

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 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Williams

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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.

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 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Davis

Fair Ford Gregory

Grooms Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Williams

**Total--36**

**NAYS**

**Total--0**

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

**PRESIDENT PRESIDES**

At 12:06 P.M., the PRESIDENT assumed the Chair.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

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 previously proposed amendment as follows.

Senator HUTTO proposed the following amendment (MS\  
7723AHB12), which was withdrawn:

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 asked unanimous consent to withdraw the previously proprosed amendment.

There was no objection and the amendment was withdrawn.

Senators HUTTO and FAIR proposed the following amendment (MS\7728AHB12), which was adopted:

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 in a state Department of Corrections facility.”

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.

The amendment was adopted.

The Committee on Corrections and Penology proposed the following amendment (SWB\5185CM12), which was adopted:

Amend the bill, as and if amended, Section 24-3-970, as contained in SECTION 1, page 1, by inserting after / inmate / on line 23 /, or a person acting on behalf of or enabling an inmate, /

When amended the section shall read:

/ “Section 24‑3‑970. 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.” /

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 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Courson Cromer Davis

Elliott Fair Gregory

Grooms Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Williams

**Total--37**

**NAYS**

**Total--0**

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

**AMENDED, OBJECTION TO FURTHER CONSIDERATION**

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 second reading of the Bill.

Senators MASSEY and SHEHEEN proposed the following amendment (NBD\12176AC12), which was adopted:

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 MASSEY explained the amendment.

The amendment was adopted.

Senator BRIGHT proposed the following amendment (1035R003.LB), which was adopted:

Amend the bill, as and if amended, page 4, by striking Section 44-1-143(F) in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

The amendment was adopted.

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

**OBJECTIONS**

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.

Senator BRYANT objected to the Bill.

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.

Senator LARRY MARTIN objected to the Bill.

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.

Senator MALLOY objected to the Bill.

**CARRIED OVER**

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.

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

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.

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

S. 1037 -- Senators Anderson and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 22 TO CHAPTER 13, TITLE 24 SO AS TO PROVIDE THAT CERTAIN PERSONS WHO HAVE BEEN WRONGFULLY CONVICTED OF AND IMPRISONED FOR A CRIME MAY RECOVER THE MONETARY VALUE OF THE LOSS SUSTAINED THROUGH THE WRONGFUL CONVICTION AND IMPRISONMENT.

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

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.

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

S. 1301 -- Senators Fair and Ford: 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.

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

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.

Senator LEVENTIS spoke on the Bill.

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.

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

**CARRIED OVER**

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 adoption of Amendment No. 1 (NBD\12173AC12) proposed by Senator MALLOY and previously printed in the Journal of March 7, 2012.

Senator MALLOY was recognized to speak on the amendment.

**Motion Adopted**

On motion of Senator KNOTTS, with unanimous consent, Senators PEELER, KNOTTS, FORD, ALEXANDER and McGILL were granted leave to attend a meeting and were granted leave to vote from the balcony.

With Senator MALLOY retaining the floor, on motion of Senator LARRY MARTIN, with unanimous consent, the Bill was carried over.

**AMENDED, READ THE SECOND TIME**

**RETURNED TO THE STATUS OF SPECIAL ORDER**

S. 102 -- Senators Grooms, Fair, Verdin and Campsen: A BILL TO AMEND ARTICLE 1, CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO ACCIDENT AND HEALTH INSURANCE, BY ADDING SECTION 38‑71‑238 TO PROHIBIT QUALIFIED HEALTH PLANS OFFERED THROUGH A HEALTH CARE EXCHANGE REQUIRED BY THE FEDERAL “PATIENT PROTECTION AND AFFORDABLE CARE ACT” FROM OFFERING ABORTION COVERAGE, AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

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

**Amendment No. 5**

Senator HUTTO proposed the following Amendment No. 5 (102MW3), which was adopted:

Amend the bill, as and if amended, by striking lines 37 through 38 and inserting the following:

/ physical condition caused or arising from the pregnancy, or when the pregnancy is the result of rape or incest. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 38; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Williams

**Total--38**

**NAYS**

Leventis

**Total--1**

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

**AMENDED, READ THE SECOND TIME**

**RETURNED TO 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 resumed consideration of the Bill, the question being the adoption of Amendment No. 1 (NBD\12173AC12) proposed by Senator MALLOY and previously printed in the Journal of March 7, 2012.

Senator MALLOY was recognized to speak on the amendment.

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

There was no objection.

**Amendment No. 3**

Senators CROMER and MALLOY proposed the following amendment (3631R006.RWC), which was adopted:

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 smoke management guidelines for vegetative debris burning for forestry, agriculture, and wildlife purposes that are promulgated as regulations by the State Commission of Forestry pursuant to the Administrative Procedures Act.

(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 and after 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 fire 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, except for smoke, 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 or recklessness is proven.”

SECTION 3. The guidelines published by the State Commission of Forestry in August 2006 entitled, ‘Smoke Management Guidelines for Vegetative Debris Burning for Forestry, Agriculture, and Wildlife purposes in the State of South Carolina’ are hereby considered promulgated by the State Commission of Forestry and approved by the General Assembly. Any amendment, replacement, or revision of these guidelines must be promulgated by the State Commission of Forestry pursuant to the Administrative Procedures Act.

SECTION 4. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

On motion of Senator LARRY MARTIN, with unanimous consent, any remaining amendments were withdrawn.

The question then was the second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hutto

Jackson Knotts 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

Williams

**Total--40**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**MOTION ADOPTED**

On motion of Senator McCONNELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Charles William Kisabeth, a prominent Charleston pediatrician.

**ADJOURNMENT**

At 12:46 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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