**Thursday, March 29, 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:

In Genesis 11 we read:

“Then they said, ‘Come, let us build ourselves a city, and a tower with its top in the heavens, and let us make a name for ourselves...’ ” (Genesis 11:4)

Bow with me as we pray, please:

It is so challenging, O God, to keep priorities where they need to be. This Senate always wants to do what is best for this State we love: to build a South Carolina that steadily grows stronger and stronger. And in the final analysis, it is not really about anyone “making a name for himself or herself.” Rather, at the heart of every bit of research and every debate and at the end of each vote is doing what best benefits the needs of each woman, man and child. May that always be what drives these Senators, dear God: doing what is right and just.  Bless these leaders as they strive to do just that. In Your loving name we pray, dear Lord.

Amen.

**Point of Quorum**

At 11:04 A.M., Senator KNOTTS made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Davis Fair

Gregory Hayes Knotts

Land Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson Rose Ryberg

Setzler Sheheen Verdin

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators PEELER, ANDERSON, HUTTO, LOURIE, MATTHEWS, O’DELL, SHOOPMAN, THOMAS, ELLIOTT, GROOMS, LEATHERMAN and REESE recorded their presence subsequent to the Call of the Senate.

**Motion to Ratify Adopted**

At 11:24 A.M., Senator COURSON 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 agreed upon time by the Speaker of the House and the PRESIDENT of the Senate during April 1, 2012 and April 15, 2012.

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

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

**Doctor of the Day**

Senator SHANE MARTIN introduced Dr. Davied Mitchell of Spartanburg, S.C., Doctor of the Day.

**Leave of Absence**

At 11:45 A.M., Senator LOURIE requested a leave of absence until 12:00 Noon on Tuesday, April 10, 2012.

**Leave of Absence**

At 12:25 P.M., Senator JACKSON requested a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator COURSON, at 1:30 P.M., Senator HAYES was granted a leave of absence for the balance of the day.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 1382 Sen. Alexander

S. 1035 Sen. Ford

S. 1211 Sen. Ford

S. 1212 Sen. Ford

S. 1222 Sen. Ford

S. 781 Sen. Ford

S. 1321 Sen. Ford

S. 1354 Sens. Ford, Larry Martin

S. 1376 Sens. Cleary, Peeler

**CO-SPONSOR REMOVED**

Please remove the following co-sponsor from the respective Bill:

S. 1243 Sen. Setzler

**Motion Adopted**

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

**RECALLED**

S. 1380 -- Senators Matthews, Courson, Setzler, Hayes, Scott, Williams, Nicholson, Anderson and Jackson: A BILL TO AMEND SECTION 59‑127‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO, AMONG OTHER PROVISIONS, ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT, AND TO REVISE VARIOUS OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS.

Senator COURSON asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1390 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SERTOMA UPON THE OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF ITS FOUNDING, AN ORGANIZATION WHICH EXISTS FOR THE HIGH AND NOBLE PURPOSE OF SERVICE TO MANKIND BY FACILITATING HUMAN PROGRESS IN HEARING AND SPEECH HEALTH, EDUCATION, FREEDOM, AND DEMOCRACY; AND TO PROCLAIM APRIL 11, 2012, “SERTOMA DAY” THROUGHOUT SOUTH CAROLINA.

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

S. 1391 -- Senator Fair: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 25 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH BOWERS ROAD TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 414 “J. METZ LOOPER HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “J. METZ LOOPER HIGHWAY”.

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

S. 1392 -- Senator Campbell: A BILL TO AMEND SECTION 34-13-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TOTAL LIABILITIES OF ANY ONE BORROWER TO A BANK, SO AS TO DEFINE “TOTAL LIABILITIES” WHICH SHALL INCLUDE “DERIVATIVE TRANSACTIONS” AND TO ALSO DEFINE “DERIVATIVE TRANSACTIONS” FOR THIS PURPOSE; AND TO AMEND SECTION 34-13-70, RELATING TO THE MAXIMUM AMOUNT OF LOANS BY A STATE BANK TO A BORROWER, SO AS TO DEFINE “LOAN” WHICH SHALL INCLUDE “DERIVATIVE TRANSACTIONS”, AND TO ALSO DEFINE “DERIVATIVE TRANSACTIONS” FOR THIS PURPOSE.

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

S. 1393 -- Senators McGill, O'Dell and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-19-220 SO AS TO REQUIRE A CRIMINAL BACKGROUND CHECK FOR LICENSURE TO PRACTICE FUNERAL SERVICES, AND TO MAKE A CRIMINAL BACKGROUND CHECK OPTIONAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION WHEN CONDUCTING AN INVESTIGATION IN CONNECTION WITH A DISCIPLINARY PROCEEDING AGAINST A PERSON LICENSED TO CONDUCT FUNERAL SERVICES; BY ADDING SECTION 40-19-267 SO AS TO REQUIRE A POSITIVE IDENTIFICATION OF A BODY BEFORE THE BODY MAY BE CREMATED, AND TO SPECIFY BY WHAT MEANS THIS POSITIVE IDENTIFICATION MAY BE MADE; TO AMEND SECTION 40-19-20, RELATING TO DEFINITIONS RELEVANT TO THE LICENSURE OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO DEFINE ADDITIONAL TERMS; TO AMEND SECTION 40-19-200, RELATING TO PENALTIES FOR A VIOLATION, SO AS TO ELIMINATE A CRIMINAL PENALTY AND INCREASE THE MAXIMUM FINE; TO AMEND SECTION 40-19-235, RELATING TO LICENSURE REQUIREMENTS OF AN APPLICANT FOR LICENSURE AS AN EMBALMER OR FUNERAL DIRECTOR WHO HOLDS A VALID LICENSE FROM ANOTHER STATE, SO AS TO ALTER THE EXAMINATION REQUIREMENTS; TO AMEND SECTION 40-19-240, RELATING TO THE CERTIFICATION OF AN APPRENTICE AS AN EMBALMER OR FUNERAL DIRECTOR, SO AS TO ALTER THE REQUIREMENTS FOR EMPLOYMENT STATUS AND WORK REPORTING REQUIREMENTS, TO REQUIRE SPECIFIC TASKS TO MEET THE MANDATORY CASE WORK REQUIREMENTS, AND TO REQUIRE THE PRESENCE OF AN APPRENTICE BY A PRECEPTOR ON THE PREMISES WHERE AN APPRENTICE IS CONDUCTING AN EMBALMING OR FUNERAL SERVICE WHEN HE PERFORMS THOSE SERVICES; TO AMEND SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO INCREASE THE ANNUAL REQUIREMENT OF CONTINUING EDUCATION HOURS, TO IMPOSE A MAINTENANCE OF RECORDS OF HOURS COMPLETED, AND TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE MAY RANDOMLY AUDIT THESE RECORDS; AND TO AMEND SECTION 40-19-265, RELATING TO PERMIT REQUIREMENTS FOR FUNERAL HOMES, SO AS TO PROVIDE A CREMATORY MUST MAINTAIN ADEQUATE REFRIGERATION FOR THE RETENTION OF BODIES.

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

S. 1394 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CERTIFICATION OF NEED FOR HEALTH FACILITIES AND SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4181, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1395 -- Senators Lourie, Cleary, Bryant, S. Martin and Knotts: A BILL TO AMEND SECTION 40-1-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN THE OVERSIGHT AND ADMINISTRATION OF PROFESSIONAL AND OCCUPATIONAL BOARDS, INCLUDING THE PROCESS WHEREBY THESE BOARDS ESTABLISH FEE SCHEDULES, SO AS TO DELETE THESE PROVISIONS CONCERNING BOARDS ESTABLISHING FEES AND TO REQUIRE THAT ALL SUCH FEES MUST BE ESTABLISHED BY LEGISLATIVE ENACTMENT IN THE GENERAL AND PERMANENT LAW OF THE STATE.

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

S. 1396 -- Senator McGill: A CONCURRENT RESOLUTION TO COMMEND THE MEMBERS OF THE AMERICAN LEGION RIDERS OF SOUTH CAROLINA FOR THEIR CONDUCT AND SPONSORSHIP OF THE 2012 MOTORCYCLE BENEFIT RIDE TO BE HELD ON APRIL 14 AND 15, 2012, WHICH EACH YEAR RAISES SUBSTANTIAL FUNDS FOR SCHOLARSHIPS FOR CHILDREN WHO HAVE HAD A PARENT KILLED ON ACTIVE MILITARY SERVICE SINCE SEPTEMBER 11, 2001.

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

S. 1397 -- Senators Gregory, Hayes, Davis, Sheheen, Jackson, Reese, Setzler, Grooms, Hutto, Bright, S. Martin and Lourie: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2015, THE COMMISSION ON HIGHER EDUCATION AND THE PRESIDENTS OF PUBLIC COLLEGES AND UNIVERSITIES SHALL SUPPORT THE GENERAL ASSEMBLY'S EFFORTS TO ESTABLISH ACCOUNTABILITY-BASED FUNDING FOR PUBLIC COLLEGES AND UNIVERSITIES.

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

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D. C. Moss, V. S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48-1-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48-1-130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER AND TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 48-1-250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS.

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

H. 4905 -- Reps. Bingham, Allison and Anthony: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2012-2013 SCHOOL YEAR BY MAY 15, 2012; TO PROVIDE THAT A CONTINUING-CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

Read the first time and, on motion of Senator HAYES, with unanimous consent, H. 4905 was ordered placed on the Calendar without reference.

**REPORTS OF STANDING COMMITTEES**

Senator GROOMS from the Committee on Transportation submitted a majority favorable with amendment and Senator LEATHERMAN a minority unfavorable report on:

S. 1162 -- Senators Grooms, Gregory, Campbell and Rose: A BILL TO AMEND SECTION 57‑1‑10 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING THE DEPARTMENT OF TRANSPORTATION, TO REMOVE THE DEFINITION FOR “COMMISSION”; TO AMEND SECTION 57‑1‑20, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT THE SECRETARY MAY ESTABLISH OTHER DEPARTMENTAL DIVISIONS RATHER THAN THE COMMISSION; TO AMEND SECTION 57‑1‑40, RELATING TO PROHIBITED ACTS, TO REMOVE REFERENCES TO DEPARTMENT OF TRANSPORTATION COMMISSIONERS; TO AMEND SECTION 57‑1‑410, TO ADD QUALIFICATIONS TO SERVE AS SECRETARY OF TRANSPORTATION, AND TO PROVIDE THAT A SECRETARY OF TRANSPORTATION APPOINTEE MAY NOT SERVE IN OFFICE UNTIL SCREENED BY THE JOINT TRANSPORTATION SCREENING AND OVERSIGHT COMMISSION; TO REPEAL ARTICLE 3, CHAPTER 1 OF TITLE 7 RELATING TO THE DEPARTMENT OF TRANSPORTATION COMMISSION; TO AMEND SECTION 57‑1‑430, RELATING TO THE DUTIES AND POWERS OF THE SECRETARY OF TRANSPORTATION, TO REMOVE REFERENCES TO THE DEPARTMENT OF TRANSPORTATION COMMISSION, AND TO VEST THE POWERS AND DUTIES OF THE COMMISSION IN THE SECRETARY; TO AMEND SECTION 57‑1‑460, RELATING TO THE EVALUATION AND APPROVAL OF ROUTINE OPERATIONS AND MAINTENANCE, TO DELETE THE CURRENT PROVISIONS AND TO PROVIDE THAT CONSULTING CONTRACTS AND SALES OF SURPLUS PROPERTY MUST BE CONDUCTED PURSUANT TO THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 57‑1‑470, RELATING TO COMMISSION REVIEW OF ROUTINE MAINTENANCE AND EMERGENCY REPAIR REQUESTS, TO DELETE THE CURRENT PROVISIONS AND TO VEST IN THE SECRETARY THE DUTY TO DEVELOP AND IMPLEMENT THE STATEWIDE TRANSPORTATION PLAN AND THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM; TO AMEND SECTION 57‑1‑490, RELATING TO ANNUAL AUDITS, TO REMOVE REFERENCES TO THE DEPARTMENT OF TRANSPORTATION COMMISSION, AND TO PROVIDE FOR INTERNAL AUDITS PERFORMED BY THE DEPARTMENT OF TRANSPORTATION OFFICE OF INTERNAL AUDIT ESTABLISHED WITHIN THE LEGISLATIVE AUDIT COUNCIL; TO AMEND ARTICLE 7, CHAPTER 1 OF TITLE 57, RELATING TO THE JOINT TRANSPORTATION REVIEW COMMITTEE, TO PROVIDE THAT THE COMMITTEE MAY CONDUCT OVERSIGHT INVESTIGATIONS, TO PROVIDE THAT THE COMMITTEE MUST SCREEN SECRETARY OF TRANSPORTATION APPOINTEES, AND TO DELETE PROVISIONS RELATED TO SCREENING DEPARTMENT OF TRANSPORTATION COMMISSION CANDIDATES; TO AMEND CHAPTER 1, TITLE 57, RELATING TO THE DEPARTMENT OF TRANSPORTATION, BY ADDING ARTICLE 9 TO ESTABLISH THE JOINT TRANSPORTATION PLANNING REVIEW COMMITTEE AND TO PROVIDE FOR ITS MEMBERSHIP, POWERS, DUTIES, AND OBLIGATIONS; TO AMEND CHAPTER 15 OF TITLE 2, RELATING TO THE LEGISLATIVE AUDIT COUNCIL, BY ADDING SECTION 2‑15‑130, TO ESTABLISH THE DEPARTMENT OF TRANSPORTATION INTERNAL AUDIT OFFICE WITH THE LEGISLATIVE AUDIT COUNCIL, AND TO PRESCRIBE THE INTERNAL AUDIT OFFICE’S POWERS, DUTIES, AND RESPONSIBILITIES; AND TO AMEND CHAPTER 1, TITLE 57, RELATING TO THE DEPARTMENT OF TRANSPORTATION, BY ADDING SECTION 57‑1‑45 TO PROHIBIT CERTAIN ENGINEERS FROM PARTICIPATING IN DEPARTMENTAL CONTRACTING FOR THREE YEARS AFTER THEY LEAVE THE EMPLOYMENT OF THE DEPARTMENT.

Ordered for consideration tomorrow.

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

S. 1168 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑37‑60 SO AS TO REQUIRE HOSPITALS TO PROVIDE PARENTS OF NEWBORNS, PRIOR TO DISCHARGE, EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE AND TO REQUIRE THIS INFORMATION TO INCLUDE THE CENTER FOR DISEASE CONTROL’S RECOMMENDATION THAT PARENTS RECEIVE THE TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINE DURING POST PARTUM TO PROTECT NEWBORNS FROM THE TRANSMISSION OF PERTUSSIS; AND TO PROVIDE THAT HOSPITALS ARE NOT REQUIRED TO PROVIDE OR PAY FOR A VACCINATION AGAINST PERTUSSIS.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out S. 1220 favorable:

S. 1220 -- Senators Campbell and Hayes: A BILL TO AMEND SECTION 48‑2‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR CERTAIN ENVIRONMENTAL PROGRAMS, INCLUDING THE SURFACE WATER WITHDRAWAL PROGRAM, WHICH ARE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND FOR ADMINISTRATION OF THESE PROGRAMS, SO AS TO ENUMERATE THE FEES FOR SURFACE WATER WITHDRAWAL APPLICATIONS AND PERMITS THAT WOULD OTHERWISE HAVE BEEN REPEALED JANUARY 1, 2013; BY ADDING SECTION 49‑4‑175 SO AS TO REIMPOSE THE FEES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY CHARGE FOR SURFACE WATER WITHDRAWAL AND APPLICATIONS AND PERMITS AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN THESE FEES TO IMPLEMENT AND OPERATE THE SURFACE WATER WITHDRAWAL PROGRAM; AND TO AMEND ACT 247 OF 2010, BY REPEALING PROVISIONS THAT PROSPECTIVELY REPEAL THE IMPOSITION OF SURFACE WATER WITHDRAWAL PERMIT FEES.

**Poll of the Agriculture and Natural Resources Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Verdin Grooms Leventis

Matthews McGill Hutto

Elliott Knotts Bryant

Campsen Williams Campbell

Sheheen Bright Davis

Rose Gregory

**Total--17**

**NAYS**

**Total--0**

**NOT VOTING**

**Total--0**

Ordered for consideration tomorrow.

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

S. 1260 -- Senator Alexander: A SENATE RESOLUTION TO DECLARE MAY 22, 2012, AS FREE CLINIC AWARENESS DAY IN SOUTH CAROLINA.

Ordered for consideration tomorrow.

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

S. 1269 -- Senators Peeler and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE THE RIGHTS OF A PHARMACY WHEN UNDERGOING AN AUDIT CONDUCTED BY A MANAGED CARE COMPANY, INSURANCE COMPANY, THIRD‑PARTY PAYER, OR AN ENTITY RESPONSIBLE FOR PAYMENT OF CLAIMS FOR HEALTH CARE SERVICES; TO REQUIRE THE AUDITING ENTITY TO ESTABLISH AN APPEALS PROCESS; AND TO PROVIDE FOR THE RECOUPMENT OF FUNDS UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

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

S. 1351 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑157 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE AND NUMBER OF PATRONS, A TYPE A PUBLIC SWIMMING POOL OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT AND TO PROVIDE PROCEDURES FOR APPLYING FOR A VARIANCE; AND TO REQUIRE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVAL OF LIFEGUARD COVERAGE PLANS FOR TYPE E PUBLIC SWIMMING POOLS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation polled out S. 1386 majority favorable and minority unfavorable:

S. 1386 -- Senators Cleary and Grooms: A JOINT RESOLUTION TO PROVIDE FOR THE TRANSITION OF MEMBERSHIP ON THE DEPARTMENT OF TRANSPORTATION COMMISSION REGARDING THE ADDITION OF THE SEVENTH CONGRESSIONAL DISTRICT, AND TO PROVIDE FOR NOTICE OF VACANCIES ON THE COMMISSION.

**Poll of the Transportation Committee**

**Polled 17; Ayes 12; Nays 1; Not Voting 3**

**AYES**

Grooms Ryberg McGill

Elliott Verdin Malloy

Campsen Cleary Anderson

Bright Campbell Sheheen

**Total--12**

**NAYS**

Peeler

**Total--1**

**NOT VOTING**

Land Leatherman Rankin

Pinckney

**Total--4**

Ordered for consideration tomorrow.

Senators GROOMS and CLEARY spoke on the Resolution.

**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. 4664 -- Rep. Clyburn: A BILL TO AMEND SECTION 11‑50‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO PROVIDE FOR THE APPOINTMENT OF CERTAIN MEMBERS OF THE GOVERNING BOARD OF THE AUTHORITY.

**THIRD READING BILLS**

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

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms, Peeler and Shoopman: A BILL TO AMEND SECTION 41‑35‑120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

S. 1211 -- Senators Alexander and Ford: A BILL TO AMEND SECTION 43‑31‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE STATE AGENCY OF VOCATIONAL REHABILITATION, SO AS TO INCLUDE IN THE AGENCY’S MEMBERSHIP THE APPOINTMENT OF A MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT, TO ELIMINATE THE AT-LARGE AGENCY MEMBER, AND TO FURTHER PROVIDE FOR THE AGENCY’S TRANSITION FROM SIX TO SEVEN CONGRESSIONAL DISTRICT MEMBERS.

S. 1212 -- Senators Alexander and Ford: A BILL TO AMEND SECTION 43‑25‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND MEMBERSHIP OF THE COMMISSION OF THE BLIND, SO AS TO INCLUDE IN THE COMMISSION’S MEMBERSHIP THE APPOINTMENT OF A MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT, TO ELIMINATE THE STATE AT LARGE COMMISSION MEMBER, AND TO FURTHER PROVIDE FOR THE COMMISSION’S TRANSITION FROM SIX TO SEVEN CONGRESSIONAL DISTRICT MEMBERS.

S. 1377 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF NURSING, RELATING TO FEES AND APRNS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4272, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**READ THE THIRD TIME, SENT TO THE HOUSE**

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56‑5‑2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56‑5‑2930, 56‑5‑2935, OR 56‑5‑2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56‑5‑2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

Senator CAMPSEN explained the Bill.

Senator MALLOY spoke on the Bill.

By a division vote of 19-9, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**Recorded Vote**

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

**Statement by Senator MALLOY**

I voted against S. 263 because it criminalizes negligence. I am not convinced the legislation will achieve its goal of deterring mere carelessness. In this instance, I do not believe the criminal courts are the appropriate cure for ordinary negligence. A crime is a crime. Negligence is an accident. Unfortunately and tragically, accidents occur. And, the courts provide other remedies in these incidents. Moreover, I believe criminalizing negligence is contrary to the public policy of this great State. For these reasons, I voted against S. 263.

The Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

S. 1384 -- Senator Hayes: A BILL TO AMEND ACT 469 OF 2000, AS AMENDED, RELATING TO YORK COUNTY SCHOOL DISTRICT 1, SO AS TO REAPPORTION THE FIVE SPECIFIC ELECTION DISTRICTS FROM WHICH CERTAIN MEMBERS OF THE GOVERNING BODY OF THE YORK COUNTY SCHOOL DISTRICT 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS, AND MAKE NECESSARY CONFORMING CHANGES.

On motion of Senator HAYES

**READ THE SECOND TIME**

S. 168 -- Senators Shoopman, Verdin and Leventis: A BILL TO AMEND SECTION 16‑11‑580, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR CUTTING, REMOVING, OR TRANSPORTING TIMBER PRODUCTS WITHOUT THE CONSENT OF THE LANDOWNER, SO AS TO INCREASE THE PENALTY FROM FIVE HUNDRED DOLLARS TO FIFTEEN HUNDRED DOLLARS IF THE VALUE OF THE TIMBER IS ONE THOUSAND DOLLARS OR LESS AND TO ESTABLISH MINIMUM AND MAXIMUM PENALTIES FOR TIMBER PRODUCTS VALUED AT MORE THAN ONE THOUSAND DOLLARS BUT LESS THAN FIVE THOUSAND DOLLARS AND FOR TIMBER PRODUCTS VALUED AT FIVE THOUSAND DOLLARS OR MORE.

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

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Ford

Gregory Grooms Hutto

Jackson Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Scott Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1167 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31‑6‑85 SO AS TO ALLOW A MUNICIPALITY AND ONE OR MORE TAXING DISTRICTS TO PROVIDE BY INTERGOVERNMENTAL AGREEMENT FOR PARTIAL OR MODIFIED PARTICIPATION IN A REDEVELOPMENT PROJECT; AND TO AMEND SECTION 31‑6‑80, SO AS TO CLARIFY AN AMENDMENT TO THE TAX INCREMENT FINANCING LAW.

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 34; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Elliott Fair

Ford Gregory Grooms

Hayes Hutto Knotts

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--34**

**NAYS**

Bright

**Total--1**

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

**AMENDED, READ THE SECOND TIME**

S. 781 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 97 TO TITLE 38 SO AS TO ENACT THE “PORTABLE ELECTRONICS INSURANCE ACT”, TO PROVIDE CERTAIN DEFINITIONS RELATED TO PORTABLE ELECTRONICS INSURANCE, TO PROVIDE REQUIREMENTS RELATING TO THE SALE OF PORTABLE ELECTRONICS INSURANCE, TO PROVIDE CERTAIN DISCLOSURE REQUIREMENTS OF A VENDOR OF PORTABLE ELECTRONICS INSURANCE TO THE PROSPECTIVE CONSUMER OF THIS INSURANCE, TO PROVIDE PENALTIES FOR A VIOLATION, AND TO PROVIDE LICENSURE FEES AND SURCHARGES.

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

Senator HUTTO proposed the following amendment (BBM\  
10611HTC12), which was adopted:

Amend the bill, as and if amended, Section 38‑97‑70(C)(1), as contained in SECTION 1, page 6, by inserting before /notice/ on line 4 / to the policy holder and enrolled customers /.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator THOMAS explained the Bill.

The question then was 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 Campbell Campsen

Cleary Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Knotts Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 1354 -- Senators Bryant, Rose, Bright, Cromer, Fair, L. Martin, Thomas and Ford: A BILL TO AMEND SECTION 35-1-604 OF THE 1976 CODE, RELATING TO SECURITIES VIOLATIONS, TO REQUIRE ALL CEASE AND DESIST ORDERS ISSUED BY THE SECURITIES COMMISSIONER TO BE PUBLIC DOCUMENTS AND TO REQUIRE PUBLICATION ON THE ATTORNEY GENERAL’S WEBSITE.

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

There was no objection.

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

Senator BRYANT asked unanimous consent to withdraw the previously proposed amendment as follows.

Senator BRYANT proposed the following amendment (1354R001.KLB), which was withdrawn:

Amend the bill, as and if amended, page 2, by striking line 31 and inserting:

/ in the same manner as a judgment of the court. A copy of a final order must be forwarded to the South Carolina Department of Revenue, the South Carolina Secretary of State’s Office, the United States Securities and Exchange Commission, the Internal Revenue Service, and the United States Attorney’s Office. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT proposed the following amendment (1354R002.KLB), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 31 and inserting:

/ in the same manner as a judgment of the court. A copy of a final order must be forwarded to the South Carolina Department of Revenue and the South Carolina Secretary of State’s Office. /

Amend the bill further, as and if amended, page 3, by striking line 4 and inserting:

/ parties involved.

(i) If the Attorney General has reason to believe that a matter subject to an order issued pursuant to this section would constitute a violation of federal law, he may notify the appropriate federal agency with jurisdiction over the matter.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT 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 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Gregory Grooms

Hayes Hutto Knotts

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

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. 1004 -- Senators Cromer and Ford: A BILL TO AMEND SECTION 16‑17‑445 OF THE 1976 CODE, RELATING TO THE REGULATION OF UNSOLICITED CONSUMER TELEPHONE CALLS, TO PROVIDE THAT TELEPHONE SOLICITORS MUST INCLUDE ACCURATE IDENTIFYING INFORMATION ON CALLER IDENTIFICATION DISPLAYS.

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

The Judiciary Committee proposed the following amendment (JUD1004.002), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16-17-447. (A) For purposes of this section:

(1) ‘Call’ means a telephone call made using a public switched telephone network, wireless cellular telephone service, or other Voice-Over-Internet Protocol (VOIP) service that has the capability of accessing users on the public switched telephone network or a successor network.

(2) ‘Caller’ means a person who places a call by a telephone, over a telephone line, or on a computer.

(3) ‘Caller identification system’ means a listing of a caller’s name, telephone number, or name and telephone number that is shown to a recipient of a call when the call is received.

(4) ‘Enter’ means to input data into a computer or telephone system.

(5) ‘False information’ means data that misrepresents the caller’s identity to the recipient of a call or the network itself; however, when a person making an authorized call on behalf of another person inserts the name, telephone number, or name and telephone number of the person on whose behalf the call is being made, such information must not be deemed false information.

(B) It is unlawful for a person to enter or cause to be entered false information into a caller identification system with the intent to deceive, defraud, or mislead the recipient of a call.

(C) It is unlawful for a person to place a call knowing that false information was entered into a caller identification system with the intent to deceive, defraud, or mislead the recipient of a call.

(D) This section does not apply to:

(1) the blocking of caller identification information;

(2) a law enforcement agency;

(3) an intelligence or security agency of the United States government; or

(4) a telecommunications, broadband, or Voice-Over-Internet Protocol (VOIP) service provider that is acting solely as an intermediary for the transmission of telephone service between a caller and a recipient.

(E)(1) The Department of Consumer Affairs shall investigate complaints received concerning violations of this section. If the Department of Consumer Affairs has reason to believe that there has been a violation, the Department of Consumer Affairs may request a contested case hearing before the Administrative Law Court to impose a civil penalty not to exceed one hundred dollars for a first violation, two hundred dollars for a second violation, and one thousand dollars for a third or subsequent violation. The Department of Consumer Affairs may also bring a civil action in the Court of Common Pleas seeking other relief, including injunctive relief, as the court considers appropriate against a person who violates this section. The Department of Consumer Affairs may request that the Administrative Law Court or the Court of Common Pleas, as applicable, order a person who violates this section to pay the cost of investigating the violation. Each violation constitutes a separate offense for purposes of this section.

(2) In addition, a person who violates this section is guilty of a misdemeanor and, upon conviction, for a first or second offense, must be fined not more than two hundred dollars or imprisoned for not more than thirty days, and for a third or subsequent offense must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. Each violation constitutes a separate offense for purposes of this section. A law enforcement agency investigating a violation of this section may request that the court order the person who committed the violation to pay the cost of investigating the violation.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN 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 Campbell Campsen

Cleary Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Knotts Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Verdin

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, READ THE SECOND TIME**

H. 4689 -- Reps. Hiott, Skelton, Owens, Hixon, Loftis, Hodges, Knight, Dillard, Erickson, Crawford, Clyburn and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑143 SO AS TO PROVIDE HEALTH AND SANITARY REQUIREMENTS FOR HOME BASED FOOD PRODUCTION OPERATIONS, INCLUDING PROCEDURES FOR PROTECTING FOOD ITEMS PREPARED FOR SALE BY THESE OPERATIONS, AND FOOD ITEM PACKAGING AND LABELING REQUIREMENTS; TO PROVIDE THAT THESE OPERATIONS MAY NOT SELL FOOD ITEMS AT WHOLESALE; TO PROVIDE THAT THESE OPERATIONS ARE NOT RETAIL FOOD ESTABLISHMENTS; AND TO PROVIDE A PROCESS WHEREBY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY INVESTIGATE COMPLAINTS.

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

Senator MASSEY proposed the following amendment (NBD\  
12310AC12), 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) ‘Nonpotentially hazardous foods’ are 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 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;

(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 nonpotentially 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) 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.

(G) 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).

(H) A home-based food production operation may apply for an exemption from inspection and label review by the South Carolina Department of Agriculture under Section 39‑25‑10, et seq., if its annual sales are less than fifteen thousand dollars. Exemption forms must be provided by the South Carolina Department of Agriculture.”

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

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Knotts Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**CARRIED OVER**

S. 163 -- Senators Shoopman, Rose, Verdin and Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑95 SO AS TO CREATE THE OFFENSES OF UNLAWFULLY PROVIDING BEER OR WINE TO A PERSON UNDER THE AGE OF TWENTY‑ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY‑ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61‑6‑4083 SO AS TO CREATE THE OFFENSES OF UNLAWFULLY PROVIDING ALCOHOLIC LIQUORS TO A PERSON UNDER THE AGE OF TWENTY‑ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY‑ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES.

Senator CAMPSEN explained the Bill.

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

**CARRIED OVER**

S. 1307 -- Senators Courson, Setzler, Matthews and Hayes: A BILL TO AMEND THE 1976 CODE, RELATING TO STATUTES CREATING CERTAIN EDUCATIONAL BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, TO AMEND SECTION 59‑7‑10, RELATING TO THE SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑47‑10, RELATING TO THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND BLIND BOARD OF COMMISSIONERS, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑48‑20, RELATING TO THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS BOARD OF TRUSTEES, TO ADD A BOARD MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO ELIMINATE THE SEAT HELD BY THE CHAIRMAN OF THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE STATE’S PUBLIC EDUCATION SYSTEM; TO AMEND SECTION 59‑50‑20, RELATING TO THE SOUTH CAROLINA GOVERNOR’S SCHOOL FOR ARTS AND HUMANITIES BOARD OF DIRECTORS, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑53‑10, RELATING TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, TO ADD A BOARD MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑103‑10, RELATING TO THE STATE COMMISSION ON HIGHER EDUCATION, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑123‑40, RELATING TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, TO ADD TWO MEMBERS TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑125‑20, RELATING TO THE WINTHROP UNIVERSITY BOARD OF TRUSTEES, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑125‑30, TO DESIGNATE THE SEAT NUMBER FOR THE NEWLY ESTABLISHED BOARD MEMBER FROM THE SEVENTH CONGRESSIONAL DISTRICT FOR THE WINTHROP UNIVERSITY BOARD OF TRUSTEES AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑127‑20, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT, TO REMOVE AN AT-LARGE MEMBER, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑130‑10, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, TO ADD TWO MEMBERS TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑133‑10, RELATING TO THE FRANCIS MARION COLLEGE BOARD OF TRUSTEES, TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT-LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑135‑10, RELATING TO THE LANDER UNIVERSITY BOARD OF TRUSTEES, TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT-LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑136‑110, RELATING TO THE COASTAL CAROLINA UNIVERSITY BOARD OF TRUSTEES, TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT-LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND; TO AMEND SECTION 60‑1‑10, RELATING TO THE SOUTH CAROLINA STATE LIBRARY BOARD, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT AND TO ELIMINATE ONE AT-LARGE SEAT; TO AMEND SECTION 60‑13‑10, TO INCREASE THE NUMBER OF COMMISSION MEMBERS FOR THE SOUTH CAROLINA MUSEUM COMMISSION, BY ADDING A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT; TO PROVIDE THAT ANY PERSON ELECTED OR APPOINTED TO SERVE, OR SERVING, AS A MEMBER OF ANY BOARD OR COMMISSION TO REPRESENT A CONGRESSIONAL DISTRICT, WHOSE RESIDENCY IS TRANSFERRED TO ANOTHER DISTRICT BY A CHANGE IN THE COMPOSITION OF THE DISTRICT, MAY CONTINUE TO SERVE THE TERM OF OFFICE FOR WHICH HE WAS ELECTED OR APPOINTED; TO PROVIDE THAT THE APPOINTING OR ELECTING AUTHORITY SHALL APPOINT OR ELECT AN ADDITIONAL MEMBER ON THAT BOARD OR COMMISSION FROM THE DISTRICT WHICH LOSES A RESIDENT MEMBER AS A RESULT OF THE TRANSFER TO SERVE UNTIL THE TERM OF THE TRANSFERRED MEMBER EXPIRES; AND TO REQUIRE THAT WHEN A VACANCY OCCURS IN THE DISTRICT TO WHICH A MEMBER HAS BEEN TRANSFERRED, THE VACANCY MUST NOT BE FILLED UNTIL THE FULL TERM OF THE TRANSFERRED MEMBER EXPIRES.

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

**CARRIED OVER**

H. 3083 -- Reps. Pitts, Daning, Toole, G.M. Smith, Clyburn, Bingham, J.R. Smith, Huggins, Young, Taylor, Long, H.B. Brown, Ryan, Whipper and R.L. Brown: A BILL TO ENACT THE “SOUTH CAROLINA CONSERVATION BANK REAUTHORIZATION ACT” BY AMENDING ACT 200 OF 2002, WHICH ENACTED THE “SOUTH CAROLINA CONSERVATION BANK ACT” AND PROVIDED FOR ITS FUNDING, SO AS TO DELETE THE SUNSETTING OF THAT ACT OTHERWISE EFFECTIVE JULY 1, 2013, AND TO MAKE VARIOUS SECTIONS OF THAT ACT PERMANENT LAW BY DESIGNATING SECTIONS 3, 5, 6, 8, 10, AND 11 OF ACT 200 OF 2002, RELATING RESPECTIVELY TO THE PORTION OF THE DEED RECORDING FEE DEDICATED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, THE SUSPENSION OF DEED RECORDING FEE REVENUE IN CERTAIN CIRCUMSTANCES, CONSERVATION EASEMENTS, BIENNIAL REPORTS TO THE GENERAL ASSEMBLY, USE OF CONSERVATION BANK FUNDS FOR BEACH CONSERVATION, AND USE OF CONSERVATION BANK FUNDS TO ACQUIRE LAND FOR STATE PARKS AS SECTIONS 12‑24‑96, 48‑59‑65, 27‑8‑37, 48‑59‑150, 48‑59‑160, AND 48‑59‑170, ALL OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

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

**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.

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

Senator GROOMS spoke on the committee amendment.

Senator MALLOY spoke on the Bill.

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

**CARRIED OVER**

H. 4983 -- Reps. Pope, King, Norman, Simrill, Delleney, Long and D.C. Moss: A BILL TO AMEND SECTION 50‑11‑870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BIRD SANCTUARIES AND THE USE OF FIREARMS WITHIN THEIR BORDERS, SO AS TO REVISE THE BOUNDARIES OF CERTAIN BIRD SANCTUARIES IN YORK COUNTY.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 148 -- Senators Campsen, Rose, Verdin, McConnell and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “HOME INVASION PROTECTION ACT”, BY ADDING SECTION 16‑11‑320 TO ESTABLISH THE OFFENSE OF HOME INVASION, AND TO PROVIDE A PENALTY; TO AMEND SECTION 16‑1‑60, AS AMENDED, RELATING TO VIOLENT OFFENSES, SO AS TO INCLUDE HOME INVASION; AND TO AMEND SECTION 16‑3‑20, AS AMENDED, RELATING TO THE PUNISHMENT FOR MURDER, SO AS TO INCLUDE AS A SEPARATE STATUTORY AGGRAVATING CIRCUMSTANCE WHICH MAY BE CONSIDERED IN THE DETERMINATION OF WHETHER THE DEATH PENALTY SHOULD BE IMPOSED, A MURDER COMMITTED WHILE IN THE COMMISSION OF THE OFFENSE OF HOME INVASION.

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

The Judiciary Committee proposed the following amendment (JUD0148.001), which was adopted:

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

/ SECTION 1. This act may be cited as the “Home Invasion Protection Act”.

SECTION 2. Section 16-11-311 of the 1976 Code is amended to read:

“Section 16-11-311. (A) A person is guilty of burglary in the first degree if the person enters a dwelling without consent and with intent to commit a crime in the dwelling, and either:

(1) when, in effecting entry or while in the dwelling or in immediate flight, ~~he~~ the person or another participant in the crime:

(a) is armed with a deadly weapon or explosive; ~~or~~

(b) causes physical injury to a person who is not a participant in the crime; ~~or~~

(c) uses or threatens the use of a dangerous instrument; or

(d) displays what is or appears to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; ~~or~~

(2) the burglary is committed by a person with a prior record of two or more convictions for burglary or housebreaking or a combination of both; or

(3) the entering or remaining occurs in the nighttime.

(B) Burglary in the first degree is a felony punishable by life imprisonment. For purposes of this section, ‘life’ means until death. ~~The~~ If the burglary involves an element of subitem (A)(2), (A)(3), or subitems (A)(2) and (A)(3), but does not involve an element of subitem (A)(1), the court, in its discretion, may sentence the defendant to a term of not less than fifteen years. If the burglary involves an element of subitem (A)(1), and a person who is not a participant in the crime is present in the dwelling, the court, in its discretion, may sentence the defendant to a term of not less than twenty years.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

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

**AMENDED, CARRIED OVER**

S. 1329 -- Senator Fair: A BILL TO AMEND SECTION 24‑21‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, AND THE MEMBERS OF THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT THE MEMBER OF THE BOARD WHO IS APPOINTED ON AN AT‑LARGE BASIS MUST BE SELECTED FROM ONE OF THE CONGRESSIONAL DISTRICTS AND AT LEAST ONE APPOINTEE SHALL POSSESS THE QUALIFICATIONS THAT THE AT‑LARGE APPOINTEE FORMERLY MET.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator FAIR proposed the following amendment (NBD\  
12304CM12), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 24‑21‑10(B) of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“(B) The Board of Probation, Parole and Pardon Services is composed of seven members. The terms of office of the members are for six years. ~~Six~~ Each of the seven members must be appointed from each of the congressional districts ~~and one member must be appointed at large~~. ~~The at‑large~~ At least one appointee shall have at least five years of work or volunteer experience in one or more of the following fields: parole, probation, corrections, criminal justice, law, law enforcement, psychology, psychiatry, sociology, or social work. Vacancies must be filled by gubernatorial appointment with the advice and consent of the Senate for the unexpired term. If a vacancy occurs during a recess of the Senate, the Governor may fill the vacancy by appointment for the unexpired term pending the consent of the Senate, provided the appointment is received for confirmation on the first day of the Senate’s next meeting following the vacancy. A chairman must be elected annually by a majority of the membership of the board. The chairman may serve consecutive terms.”/

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the amendment.

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

**OBJECTION**

H. 3508 -- Reps. Gambrell, Sandifer, Harrell, Erickson, Limehouse, Weeks, H.B. Brown, Agnew, Allison, Anthony, Bales, Bannister, Bedingfield, Bingham, Brady, Brannon, G.A. Brown, Cole, Crosby, Forrester, Hardwick, Harrison, Hayes, Hiott, Hixon, Horne, Lowe, Lucas, McCoy, D.C. Moss, Owens, Parker, Pinson, Pitts, Skelton, J.E. Smith, J.R. Smith, Sottile, Tallon, Vick, White, Taylor, Hamilton, Battle, Allen, Dillard, Alexander, Cooper, Mack and Bowen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO RETITLE ARTICLE 23, CHAPTER 9, TITLE 58, RELATING TO GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS AS “GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDERS”; BY ADDING SECTION 58‑9‑2660 SO AS TO PROVIDE A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER MAY PETITION THE PUBLIC SERVICE COMMISSION TO DESIGNATE ONE OR MORE AREAS AS AN “UNSERVED AREA”, TO SPECIFY THE PROCEDURE FOR MAKING AND PROTESTING THIS PETITION, TO PROVIDE FOR A HEARING OF A PROTEST TO A PETITION, TO PROVIDE FOR THE APPLICATION OF CERTAIN PROVISIONS OF LAW TO AN UNSERVED AREA, AND TO PROVIDE A PROCESS FOR PETITIONING FOR A DETERMINATION THAT AN AREA HAS CEASED TO BE AN UNSERVED AREA; TO AMEND SECTION 58‑9‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING TELEPHONE COMPANIES, SO AS TO MODIFY THE DEFINITION OF “BROADBAND SERVICE”; TO AMEND SECTION 58‑9‑2600, RELATING TO THE PURPOSE OF ARTICLE 23, CHAPTER 9, TITLE 58, SO AS TO MAKE CONFORMING CHANGES AND CLARIFY THE SCOPE OF THE ARTICLE; TO AMEND SECTION 58‑9‑2610, RELATING TO DEFINITIONS CONCERNING GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 58‑9‑2620, AS AMENDED, RELATING TO DUTIES, RESTRICTIONS, RATE COMPUTATIONS, AND ACCOUNTING REQUIREMENTS OF GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES, TO GIVE THE OFFICE OF REGULATORY STAFF JURISDICTION TO INVESTIGATE THE COMPLIANCE OF A GOVERNMENT‑OWNED COMMUNICATIONS PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, TO PROVIDE THE COMMISSION MAY ENFORCE THE COMPLIANCE OF A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, AND TO CLARIFY THAT THIS SECTION DOES NOT EXPAND OR LIMIT THE JURISDICTION OF THE COMMISSION OR OFFICE OF REGULATORY STAFF WITH RESPECT TO ANY SERVICE PROVIDER OTHER THAN A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER; TO AMEND SECTION 58‑9‑2630, RELATING TO CERTAIN TAX COLLECTIONS AND PAYMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 58‑9‑2650, AS AMENDED, RELATING TO LIABILITY INSURANCE RATES FOR COMMUNICATIONS OPERATIONS, SO AS TO MAKE CONFORMING CHANGES.

Senators FORD and MATTHEWS objected to the Bill.

**OBJECTION**

H. 4061 -- Rep. Harrison: A BILL TO AMEND SECTION 62‑2‑612, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROBATE PROCEEDINGS TO DETERMINE A DECEDENT’S INTENT REGARDING THE APPLICATION OF CERTAIN FEDERAL TAX FORMULAS, SO AS TO IMPOSE CERTAIN TIME LIMITS ON THE AVAILABILITY OF THESE PROCEEDINGS.

Senator SCOTT objected to the Bill.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on March 29, 2012, at 11:30 A.M. and the following Acts were ratified:

(R148, S. 321) -- Senators O’Dell and Nicholson: AN ACT TO AMEND ACT 595 OF 1994, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF GREENWOOD SCHOOL DISTRICT 50 IN GREENWOOD COUNTY, SO AS TO FURTHER PROVIDE FOR THE MANNER OF AND DATES FOR FILING NOTICES OF CANDIDACY FOR ELECTION TO THESE OFFICES.

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(R149, S. 833) -- Senators Jackson, Courson, Lourie, Knotts, Anderson, Sheheen, Scott, Hayes, Ford, Nicholson, Leventis, Rose, Malloy and Setzler: AN ACT TO AMEND SECTION 59‑112‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO PROVIDE THAT ACTIVE DUTY MILITARY PERSONNEL MAY BE CHARGED LESS THAN THE UNDERGRADUATE TUITION RATE FOR SOUTH CAROLINA RESIDENTS FOR CERTAIN COURSES.

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(R150, S. 1227) -- Senator Peeler: AN ACT 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.

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(R151, S. 1298) -- Senator McGill: AN ACT 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.

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(R152, S. 1337) -- Senator Leatherman: AN ACT TO AMEND ACT 239 OF 1981, AS AMENDED, RELATING TO FLORENCE COUNTY SCHOOL DISTRICT NO. 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE FLORENCE COUNTY SCHOOL DISTRICT NO. 1 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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(R153, H. 3221) -- Rep. Nanney: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑53‑45 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO FILE ELECTRONICALLY ALL DOCUMENTS RELATING TO THE ENFORCED COLLECTION OF TAXES DUE THIS STATE WITH COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS IN THOSE COUNTIES WHICH ACCEPT ELECTRONIC FILINGS.

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(R154, H. 3254) -- Rep. Daning: AN ACT TO AMEND SECTION 57‑23‑800, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT BY THE DEPARTMENT OF TRANSPORTATION ALONG THE INTERSTATE HIGHWAY SYSTEM, SO AS TO INCREASE THE PORTION OF VEGETATION THE DEPARTMENT MAY MANAGE ALONG THE INTERSTATE HIGHWAY SYSTEM, AND TO ALLOW LOCAL GOVERNMENTAL ENTITIES TO CONDUCT VEGETATION MANAGEMENT ACTIVITIES BEYOND THE PORTIONS OF ROADWAYS MANAGED BY THE DEPARTMENT; AND TO REPEAL SECTIONS 57‑23‑810, 57‑23‑815, 57‑23‑820, 57‑23‑825, 57‑23‑830, 57‑23‑835, 57‑23‑840, AND 57‑23‑850 ALL RELATING TO ROADSIDE VEGETATION MANAGEMENT PROCEDURES IN VARIOUS COUNTIES.

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(R155, H. 3333) -- Reps. Sandifer, Toole, Bowers, Hayes, Erickson and Brady: AN ACT 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 AMEND SECTION 38‑9‑10, RELATING TO CASH OR MARKETABLE SECURITIES THAT MUST COMPRISE INITIAL CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO PROVIDE THE CASH AND MARKETABLE SECURITIES MUST QUALIFY AS ADMITTED ASSETS ON THE MOST RECENT STATUTORY FINANCIAL STATEMENT OF THE INSURER FILED WITH THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38‑9‑20, RELATING TO CASH OR MARKETABLE SECURITIES THAT MUST COMPRISE INITIAL CAPITAL AND SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO PROVIDE THE CASH AND MARKETABLE SECURITIES MUST QUALIFY AS ADMITTED ASSETS ON THE MOST RECENT STATUTORY FINANCIAL STATEMENT OF THE INSURER FILED WITH THE DEPARTMENT 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 THOSE THAT QUALIFY AS ADMITTED ASSETS ON THE MOST RECENT FINANCIAL STATEMENT FILED BY THE ASSUMING INSURER; TO AMEND SECTION 38‑10‑40, RELATING TO THE PROTECTED CELL ASSETS, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑33‑130, RELATING TO STOP‑LOSS COVERAGE REQUIRED OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE CERTAIN REQUIREMENTS OF RELATED OPTIONAL CONVERSION POLICIES; TO AMEND SECTION 38‑55‑80, RELATING TO LOANS BY AN INSURER TO ITS DIRECTORS OR OFFICERS, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑41‑10, RELATING TO THE DEFINITION OF A MULTIPLE EMPLOYER SELF‑INSURED HEALTH PLAN, SO AS TO PROVIDE AN ABBREVIATION OF THE TERM AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 38‑41‑50, RELATING TO EXCESS STOP‑LOSS COVERAGE OF MULTIPLE EMPLOYER SELF‑INSURED HEALTH PLANS, SO AS TO PROVIDE A PLAN MUST MAINTAIN EXCESS COVERAGE WRITTEN BY AN INSURER CONSIDERED APPROVED OR ELIGIBLE TO DO BUSINESS IN THIS STATE BY THE DEPARTMENT, THE COVERAGE MUST HAVE A NET RETENTION LEVEL IN COMPLIANCE WITH SOUND ACTUARIAL PRINCIPLES, TO PROVIDE THE PLAN MUST FILE ITS POLICY CONTRACT WITH THE DEPARTMENT, AND THE POLICY CONTRACT MUST INCLUDE SPECIFIC TERMS RELATING TO ITS CANCELLATION AND MODIFICATION; AND TO AMEND SECTION 38‑41‑80, RELATING TO RECORD KEEPING REQUIREMENTS OF A MULTIPLE EMPLOYER SELF‑INSURED HEALTH PLAN, SO AS TO PROVIDE A PLAN IS SUBJECT TO CERTAIN FINANCIAL EXAMINATION.

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(R156, H. 3393) -- Rep. Sandifer: AN ACT TO AMEND SECTION 32‑8‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT’S AGENT TO AUTHORIZE CREMATION, SO AS TO FURTHER PROVIDE FOR THOSE PERSONS WHO IN ORDER OF PRIORITY MAY AUTHORIZE CREMATION, AND TO PROVIDE THAT A FUNERAL HOME RECEIVING A DECEDENT’S BODY FOR CREMATION MAY RELY ON A CREMATION AUTHORIZATION EXECUTED AT ANOTHER FUNERAL HOME HANDLING THE FUNERAL ARRANGEMENTS.

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(R157, 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: AN ACT TO AMEND SECTION 48‑34‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS PROVIDE THAT THESE FIRES MUST COMPLY WITH SOUTH CAROLINA SMOKE MANAGEMENT GUIDELINES; TO FURTHER SPECIFY RESPONSIBILITIES OF A CERTIFIED PRESCRIBED FIRE MANAGER; AND TO EXEMPT PURPOSEFULLY SET PRESCRIBED FIRES THAT COMPLY WITH SMOKE MANAGEMENT GUIDELINES AND STATUTORY REQUIREMENTS IF THEY ARE SET FOR CERTAIN MANAGEMENT PRACTICES, AGRICULTURAL PURPOSES, OR GAME MANAGEMENT PURPOSES; TO AMEND SECTION 48‑34‑50, RELATING TO IMMUNITY FROM LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, EXCEPT FOR RESULTING SMOKE, SO AS TO PROVIDE THAT A PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE IS NOT LIABLE FOR DAMAGES, INJURY, OR LOSS CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE OR RECKLESSNESS IS PROVEN; AND TO PROVIDE THAT “SMOKE MANAGEMENT GUIDELINES FOR VEGETATIVE DEBRIS BURNING FOR FORESTRY, AGRICULTURE, AND WILDLIFE PURPOSES IN THE STATE OF SOUTH CAROLINA” IS DEEMED TO BE PROMULGATED BY THE STATE FORESTRY COMMISSION AND ANY AMENDMENT TO THESE GUIDELINES MUST BE PROMULGATED BY THE COMMISSION.

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(R158, 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: AN ACT TO AMEND SECTION 44-53-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANNER IN WHICH CHANGES IN SCHEDULES OF CONTROLLED SUBSTANCES MUST BE MADE, SO AS TO PROVIDE THAT CHANGES MADE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO THESE SCHEDULES WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION HAVE THE FORCE AND EFFECT OF LAW UNLESS OVERTURNED BY THE GENERAL ASSEMBLY AND TO REQUIRE THE DEPARTMENT TO DISTRIBUTE THESE CHANGES TO ADDITIONAL LEGISLATIVE COMMITTEES AND POST THESE CHANGES TO THE DEPARTMENT’S WEBSITE; TO CLARIFY THAT THE BOARD OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST CONFORM CHANGES MADE BY FEDERAL LAW OR REGULATION TO THESE SCHEDULES AND TO REQUIRE THE DEPARTMENT TO DISTRIBUTE THESE CHANGES TO CERTAIN LEGISLATIVE COMMITTEES AND THE CLERKS OF THE SENATE AND HOUSE AND POST THESE CHANGES ON THE DEPARTMENT’S WEBSITE; AND TO PROVIDE THAT CHANGES MADE TO SCHEDULES OF CONTROLLED SUBSTANCES PURSUANT TO THIS SECTION ARE NOT REQUIRED TO BE PROMULGATED AS REGULATIONS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTION 44‑53‑190, AS AMENDED, RELATING TO MATERIALS, COMPOUNDS, MIXTURES, AND PREPARATIONS CLASSIFIED AS SCHEDULE I CONTROLLED SUBSTANCES, INCLUDING HALLUCINOGENICS, SO AS TO ADD SYNTHETIC CANNABINOIDS, CATHINONES, AND SUBSTITUTED CATHINONES, COMMONLY KNOW AS “BATH SALTS” TO THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES.

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(R159, H. 4295) -- Reps. Bowers and Brantley: AN ACT 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 DIVISION 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.

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(R160, H. 4475) -- Reps. Young, Clyburn, Taylor, Hixon, Frye, Southard, Clemmons and Hardwick: AN ACT 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 REVISE THE DEFINITIONS OF “EQUINE ACTIVITY” AND “EQUINE ACTIVITY SPONSOR”; 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 PRIMARY ENTRANCE TO RIDING TRAILS.

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(R161, H. 4639) -- Reps. Sandifer, Gambrell, Toole and Hardwick: AN ACT TO AMEND SECTION 6‑10‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, SO AS TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD OF THIS STATE.

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(R162, H. 4716) -- Rep. Hayes: AN ACT TO AMEND SECTION 57‑23‑800, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT BY THE DEPARTMENT OF TRANSPORTATION ALONG THE INTERSTATE HIGHWAY SYSTEM, SO AS TO INCREASE THE PORTION OF VEGETATION THE DEPARTMENT MAY MANAGE ALONG THE INTERSTATE HIGHWAY SYSTEM, AND TO ALLOW LOCAL GOVERNMENTAL ENTITIES TO CONDUCT VEGETATION MANAGEMENT ACTIVITIES BEYOND THE PORTIONS OF ROADWAYS MANAGED BY THE DEPARTMENT; AND TO REPEAL SECTIONS 57‑23‑810, 57‑23‑815, 57‑23‑820, 57‑23‑825, 57‑23‑830, 57‑23‑835, 57‑23‑840, AND 57‑23‑850 ALL RELATING TO ROADSIDE VEGETATION MANAGEMENT PROCEDURES IN VARIOUS COUNTIES.

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(R163, H. 4797) -- Rep. Norman: AN ACT TO AMEND SECTION 5‑31‑230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MUNICIPALITIES IN WHICH THERE ARE NO BOARD OF COMMISSIONERS OF PUBLIC WORKS, SO AS TO INCLUDE THE CITY OF TEGA CAY.

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

**MADE SPECIAL ORDER**

S. 1149 -- Senators Campsen, Campbell, Massey, Shoopman, Bright, Gregory, Alexander, Peeler, Grooms, Bryant, S. Martin, Davis, Knotts, L. Martin, Rose, Hayes and Thomas: A BILL TO ENACT THE “BORN ALIVE INFANT PROTECTION ACT” BY AMENDING SECTION 2‑7‑30 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF THE WORDS “PERSON” AND “PARTY” AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, TO PROVIDE FURTHER FOR THE CONSTRUCTION OF “PERSON”, “HUMAN BEING”, “CHILD”, AND “INDIVIDUAL”, SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE “BORN ALIVE”, TO PROHIBIT THE DEPRIVATION OF MEDICALLY APPROPRIATE AND REASONABLE MEDICAL CARE FOR AN INFANT, TO CLARIFY THE RIGHT OF A PARENT OR GUARDIAN TO REFUSE TREATMENT THAT IS NOT MEDICALLY APPROPRIATE OR REASONABLE, AND TO PROVIDE FOR THE SEVERABILITY AND ENFORCEABILITY OF THE PORTIONS OF THIS SECTION.

Senator KNOTTS moved that the Bill be made a Special Order.

The Bill was made a Special Order.

**MADE SPECIAL ORDER**

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

Senator HUTTO moved that the Joint Resolution be made a Special Order.

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

**Ayes 35; Nays 0; Present 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

**PRESENT**

Knotts

**Total--1**

The Joint Resolution was made a Special Order.

**MOTION ADOPTED**

On motion of Senator KNOTTS, 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 A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**H. 3241--POINT OF ORDER**

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

On motion of Senator HAYES, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HAYES explained the report.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 37 that the report had not been on the desks of the members at least one day.

The PRESIDENT sustained the Point of Order.

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 710 -- Senators Knotts, O’Dell, Ford, Alexander, Bryant and Setzler: A BILL TO AMEND SECTION 56‑1‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER’S LICENSE, SO AS TO, UPON THE LICENSEE’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER’S LICENSE; AND TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HUTTO proposed the following amendment (GGS\  
22352HTC12), which was adopted:

Amend the bill, as and if amended, by adding a penultimate new SECTION appropriately numbered to read:

/ SECTION \_\_\_. A. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56-1-205. An applicant for the issuance or renewal of a driver’s license may request that a notation be placed on the license indicating that the applicant is hearing impaired.

The department shall place the notation on the driver’s license if requested by the applicant and if the applicant provides an original certificate from a licensed physician, as defined in Section 40‑47‑5, that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears.

This section shall apply to a driver’s license issued after 2012.”

B. Article 7, Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56-3-1920. (A) An identification placard must be issued to a hearing impaired licensed driver upon application. The application is to be on a form prescribed by the department and may be made in person or by mail. The application must include an original certificate from a licensed physician, as defined in Section 40‑47‑5, that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears. No licensed applicant may be denied a placard if the completed application includes an original certificate from a licensed physician. The placard shall expire on the licensee’s birth date of the fifth calendar year after the calendar year in which a hearing impaired driver is issued a license.

(B) The placard must be rectangular in shape, approximately the same size as an average motor vehicle sun visor, as determined by the department, to enable it to be attached to a sun visor in a motor vehicle. The department shall determine the shape, size preferred, and manner in which a hearing impaired motorcycle operator is to carry or display the placard. The placard must contain the heading `Hearing Impaired Driver’ in boldface type and the name, signature, and driver’s license number of the hearing impaired person along with an explanation of appropriate use if the hearing impaired driver is stopped by a law enforcement officer while driving.

(C) A fee not to exceed five dollars may be charged to each applicant issued a placard in accordance with this section. These fees may be retained by the department to offset the cost of providing these placards.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the House amendments.

The question then was the adoption of the amendment.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Knotts Malloy

*Martin, Larry Martin, Shane* Massey

Nicholson Peeler Pinckney

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

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

**CARRIED OVER**

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

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

**Motion Under Rule 26B Failed**

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

Senator HUTTO explained the amendment.

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

**Ayes 13; Nays 19; Present 1**

**AYES**

Anderson Elliott Ford

Hutto Malloy Matthews

Nicholson Pinckney Reese

Scott Setzler Sheheen

Williams

**Total--13**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Courson

Davis Fair Gregory

Grooms Hayes *Martin, Larry*

*Martin, Shane* Massey Peeler

Rose Shoopman Thomas

Verdin

**Total--19**

**PRESENT**

Knotts

**Total--1**

The Senate refused to take up the amendment for consideration.

**Statement by Senator HUTTO**

I attempted to amend S.836 with the following amendment which was defeated by the above vote. This amendment simply exempted Medicare so as to protect the healthcare of the senior citizens of South Carolina:

Senator HUTTO proposed the following amendment (836R001.CBH):

Amend the bill, as and if amended, page 3 by striking lines 11-15 and inserting:

/(c) an individual or group plan that provides, or pays the cost of care, services, or supplies related to health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense, the United States department of Veteran Affairs, provided to Native Americans, and Medicare. /

Renumber Sections to confirm.

Amend title to confirm.

Senator ROSE spoke on the Bill.

Senator ROSE moved to carry over the Bill.

Senator BRIGHT moved to lay the motion to carry over on the table.

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

**Ayes 13; Nays 19; Abstain 1**

**AYES**

Anderson Elliott Ford

Hutto Malloy Matthews

Nicholson Pinckney Reese

Scott Setzler Sheheen

Williams

**Total--13**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Courson

Davis Fair Gregory

Grooms Hayes *Martin, Larry*

*Martin, Shane* Massey Peeler

Rose Shoopman Thomas

Verdin

**Total--19**

**ABSTAIN**

Knotts

**Total--1**

The Senate refused to table the motion to carry over the Bill. The question then was the motion to carry over the Bill.

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

**Ayes 18; Nays 15**

**AYES**

Anderson Campbell Campsen

Cleary Elliott Ford

Hutto Knotts Malloy

Massey Matthews Nicholson

Pinckney Reese Rose

Scott Sheheen Williams

**Total--18**

**NAYS**

Alexander Bright Bryant

Courson Davis Fair

Gregory Grooms *Martin, Larry*

*Martin, Shane* Peeler Setzler

Shoopman Thomas Verdin

**Total--15**

The Bill was carried over.

**EXECUTIVE SESSION**

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

**STATEWIDE APPOINTMENT**

**Confirmation**

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was confirmed in open session:

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

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

On motion of Senator BRYANT, the question was confirmation of Ms. Pisarik.

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

**Ayes 32; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Ford

Grooms Hutto Knotts

Malloy *Martin, Larry Martin, Shane*

Massey Matthews Nicholson

Peeler Pinckney Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

**Total--0**

The appointment of Ms. Pisarik was confirmed.

Senator COURSON moved that the Senate stand adjourned.

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

**Ayes 25; Nays 4**

**AYES**

Alexander Anderson Campbell

Campsen Courson Davis

Elliott Ford Grooms

Hutto Knotts Malloy

*Martin, Larry* Massey Matthews

Nicholson Peeler Pinckney

Reese Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--25**

**NAYS**

Bright Bryant *Martin, Shane*

Rose

**Total--4**

**ADJOURNMENT**

At 1:52 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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