**Wednesday, April 18, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Jesus stated that:

“ ‘No one sews a patch of unshrunk cloth on an old garment, for the patch will pull away from the garment, making the tear worse. Neither do men pour new wine into old wineskins’. ”

(Matthew 9:16-17a)

Let us pray:

Glorious Lord, so many teachings of old have great power. They endure and direct us, even here in 2012, with good reason. And so we pray, O God, that You grant to each of these Senators and to their faithful staff members the wisdom to strive for solutions and goals that are custom-made for this age in which we live. By Your Spirit’s grace, allow them sometimes to think “outside the box” in order to bring about good and meaningful results during these difficult and challenging days. Inspire these servants, as You alone can. In Your loving name we pray, Lord.

Amen.

**Point of Quorum**

At 2:03 P.M., Senator LEVENTIS made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bright Bryant

Cleary Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Knotts Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Peeler Ryberg

Setzler Sheheen Shoopman

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators ANDERSON, CAMPBELL, CAMPSEN, COLEMAN, ELLIOTT, FORD, JACKSON, LAND, LOURIE, MATTHEWS, McGILL, NICHOLSON, O’DELL, PINCKNEY, RANKIN, REESE, ROSE, SCOTT, THOMAS, VERDIN and WILLIAMS recorded their presence subsequent to the Call of the Senate.

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

**Doctor of the Day**

Senators REESE and PEELER introduced Dr. Ashish G. Shanbhag of Spartanburg, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRYANT rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 947 Sen. Williams

S. 1107 Sen. Knotts

S. 1438 Sen. Cleary

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 485 Sen. Rose

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1453 -- Senator Cromer: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT WHEN AN OWNER RECEIVING THE FOUR PERCENT ASSESSMENT RATIO DIES, THE PROPERTY SHALL CONTINUE TO RECEIVE THE SPECIAL ASSESSMENT RATE UNTIL THE DECEASED’S ESTATE IS CLOSED, BUT FOR NO LONGER THAN THE END OF THE SECOND PROPERTY TAX YEAR FOLLOWING THE YEAR OF THE DECEDENT'S DEATH; AND TO AMEND SECTION 12-37-3150, AS AMENDED, RELATING TO THE DETERMINATION OF WHEN TO APPRAISE REAL PROPERTY, SO AS TO PROVIDE THAT A CONVEYANCE BY DISTRIBUTION UNDER A WILL OR INTESTATE SUCCESSION IS NOT AN ASSESSABLE TRANSFER OF INTEREST.

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

S. 1454 -- Senator Leventis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “TRAC RECOMMENDATION ACT OF 2012”; TO AMEND SECTION 12-36-110, RELATING TO THE DEFINITION OF “RETAIL SALE”, SO AS TO EXCLUDE CERTAIN PROVISIONS REGARDING ITEMS INCIDENT TO SALE AND DELIVERY; TO AMEND SECTION 12-36-140, AS AMENDED, RELATING TO THE DEFINITION OF “STORAGE” AND “USE”, SO AS TO EXCLUDE CERTAIN PROVISIONS REGARDING COOPERATIVE DIRECT MAIL PROMOTIONAL ADVERTISING MATERIALS; TO AMEND SECTION 12-36-1110, RELATING TO THE ADDITIONAL ONE PERCENT SALES TAX, SO AS TO PROVIDE THAT THE ADDITIONAL TAX APPLIES TO ADDITIONAL ITEMS; TO AMEND SECTION 12-36-2110, AS AMENDED, RELATING TO THE MAXIMUM SALES TAX ON CERTAIN ITEMS, SO AS TO INCREASE THE MAXIMUM TAX OVER THREE YEARS AND TO AMEND THE ITEMS TO WHICH IT APPLIES; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO DELETE VARIOUS EXEMPTIONS; TO AMEND SECTION 12-36-2610, AS AMENDED, RELATING TO THE DISCOUNT FOR TIMELY PAYMENT OF TAX, SO AS TO REDUCE THE DISCOUNT; TO AMEND SECTION 12-36-2620, AS AMENDED, RELATING TO THE COMPONENTS OF THE SALES TAX, SO AS TO DELETE THE ONE PERCENT EXEMPTION TO INDIVIDUALS OVER EIGHTY-FIVE YEARS OF AGE; TO AMEND SECTION 12-36-2630, AS AMENDED, RELATING TO THE COMPONENTS OF THE ACCOMMODATIONS TAX, SO AS TO DELETE THE ONE PERCENT EXEMPTION TO INDIVIDUALS OVER EIGHTY-FIVE YEARS OF AGE; TO AMEND SECTION 12-36-2640, AS AMENDED, RELATING TO THE COMPONENTS OF THE CASUAL EXCISE TAX, SO AS TO DELETE THE ONE PERCENT EXEMPTION TO INDIVIDUALS OVER EIGHTY-FIVE YEARS OF AGE; BY ADDING SECTION 12-6-3790 SO AS TO ALLOW A REFUNDABLE CREDIT AGAINST THE INCOME TAX FOR SALES TAX PAID ON CERTAIN MEDICINES AND MEDICAL SUPPLIES IN EXCESS OF ONE HUNDRED DOLLARS IN THE TAX YEAR; BY ADDING SECTION 11-11-290 SO AS TO REQUIRE THE EXCESS SALES TAX REVENUE COLLECTED DUE TO THIS ACT BE APPROPRIATED FOR CERTAIN PURPOSES; AND TO REPEAL SECTION 12-36-2646 RELATING TO THE REQUIREMENT THAT RETAILERS POST NOTICE OF THE ONE PERCENT EXEMPTION FOR INDIVIDUALS OVER EIGHTY-FIVE YEARS OF AGE.

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

S. 1455 -- Senator O'Dell: A BILL TO AMEND SECTION 12-6-3377, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX CREDITS FOR CERTAIN VEHICLES, SO AS TO DISALLOW THE CREDIT TO CERTAIN VEHICLES AND TO PROVIDE THAT THE CREDIT EXPIRES WHEN THE SIMILAR FEDERAL CREDIT EXPIRES; AND BY ADDING SECTION 12-6-3378 SO AS TO PROVIDE A ONE THOUSAND DOLLAR TAX CREDIT FOR THE IN-STATE PURCHASE OR LEASE OF A NEW QUALIFIED HYBRID ELECTRIC VEHICLE OR NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE, AND TO PROVIDE THE PROCESS BY WHICH THE CREDIT MAY BE CLAIMED.

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

S. 1456 -- Senator Ryberg: A BILL TO AMEND SECTION 2-1-180 OF THE 1976 CODE, RELATING TO THE ANNUAL SESSION OF THE GENERAL ASSEMBLY, TO REQUIRE THE SESSION TO END ON THE SECOND THURSDAY IN MARCH IN EVEN-NUMBERED YEARS AND ON THE SECOND THURSDAY IN APRIL IN ODD-NUMBERED YEARS; AND TO AMEND SECTION 2-7-60, RELATING TO THE GENERAL APPROPRIATION ACT, TO REQUIRE THE GENERAL ASSEMBLY TO PASS BIENNIAL APPROPRIATIONS IN EACH ODD NUMBERED YEAR.

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Senator RYBERG spoke on the Bill.

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

S. 1457 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO GRADUATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4261, 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. 1458 -- Senator Fair: A SENATE RESOLUTION TO SUPPORT DONATE LIFE SOUTH CAROLINA AND LIFEPOINT'S LIFE-SAVING MISSION TO PROMOTING AWARENESS ABOUT THE NEED FOR ORGAN AND TISSUE DONATION.

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The Senate Resolution was adopted.

S. 1459 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSIONERS OF PILOTAGE, RELATING TO REQUIREMENTS OF LICENSURE FOR PILOTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4249, 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. 1460 -- Senators Hayes and Gregory: A BILL TO AMEND ACT 270 OF 1981, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 IN YORK COUNTY, SO AS TO PROVIDE FOR THE EXPIRATION DATE OF THE TERMS OF CERTAIN MEMBERS OF THE BOARD IN ORDER TO HAVE ALL MEMBERS OF THE BOARD ELECTED IN NOVEMBER OF EVEN-NUMBERED YEARS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1461 -- Senator McGill: A BILL TO AMEND SECTION 7-7-520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN WILLIAMSBURG COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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Read the first time and, on motion of Senator LARRY MARTIN, with unanimous consent, S. 1461 was ordered placed on the Calendar without reference.

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D. C. Moss and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A “DRUG TEST”.

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

H. 4092 -- Reps. Limehouse, Sottile, Gilliard, Stavrinakis, McCoy, Whipper and R. L. Brown: A BILL TO AMEND SECTION 44-95-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE SMOKING IS PROHIBITED, SO AS TO PROVIDE THAT SMOKING IS NOT ALLOWED IN BUILDINGS ON CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING WHEN IT IS PROHIBITED BY THE GOVERNING BODY OF THE INSTITUTION AND TO PROVIDE THAT A GOVERNING BODY IS NOT PRECLUDED FROM ESTABLISHING A SMOKE-FREE CAMPUS.

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

H. 5128 -- Reps. Huggins, Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CONGRATULATE MARIA KENNEDY MUNGO OF COLUMBIA ON THE OCCASION OF HER FIFTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF HEALTH AND HAPPINESS.

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

H. 5131 -- Reps. Clemmons, Bowen, Taylor, J. R. Smith, Sandifer and Vick: A CONCURRENT RESOLUTION MEMORIALIZING THE UNITED STATES JUSTICE DEPARTMENT TO REVISE ITS REGULATIONS FOR THE AMERICANS WITH DISABILITIES ACT OF 1990 PERTAINING TO PLACES OF PUBLIC ACCOMMODATION PROVIDING INDIVIDUALS WITH DISABILITIES ACCESS TO AMENITIES, INCLUDING ACCESS TO POOLS, SO AS TO REQUIRE THAT THIS ACCESS MAY BE PROVIDED BY USE OF A PORTABLE CHAIRLIFT, RATHER THAN A PERMANENT CHAIRLIFT.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 485 -- Senators Knotts, Bright, Campbell, McConnell, L. Martin, Leatherman and Rose: A BILL TO AMEND SECTION 47‑3‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIABILITY OF THE OWNER OR A PERSON HAVING A DOG IN HIS CARE WHEN THE DOG ATTACKS A PERSON, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN TRAINED POLICE DOGS.

Ordered for consideration tomorrow.

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

S. 947 -- Senators Malloy and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 49, SO AS TO CREATE THE LAKE PAUL A. WALLACE AUTHORITY.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 1044 -- Senators Knotts, Cromer and Ford: A BILL TO AMEND SECTION 38‑59‑250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE REQUIREMENTS FOR THE INITIATION OF OVERPAYMENT RECOVERY EFFORTS PURSUANT TO THE SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT, SO AS TO ADD REQUIREMENTS CONCERNING AN APPEAL.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 1229 -- Senators O’Dell and Ford: A BILL TO AMEND SECTION 38‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSES REQUIRED FOR ADJUSTERS, SO AS TO ADD EXEMPTIONS FROM LICENSURE; AND TO AMEND SECTION 38‑47‑20, RELATING TO RECIPROCAL AGREEMENTS FOR LICENSING NONRESIDENT ADJUSTERS, SO AS TO PROVIDE WHERE A NONRECIPROCAL AGREEMENT EXISTS BETWEEN THIS STATE AND ANOTHER STATE, AN APPLICANT FOR A NONRESIDENT ADJUSTER’S LICENSE WHO HOLDS A LICENSE IN ANOTHER STATE MAY RESIDE IN THE UNITED STATES OR CANADA WITHOUT LOSING THE BENEFITS OF THE RECIPROCAL AGREEMENT IF HE COMPLIES WITH OTHER APPLICABLE LICENSURE REQUIREMENTS.

Ordered for consideration tomorrow.

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

S. 1231 -- Senator Gregory: A BILL TO AMEND SECTION 50‑1‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VARIOUS CLASSIFICATIONS OF BIRDS, GAME ANIMALS, AND FISH, SO AS TO CLASSIFY COBIA RACHYCENTRON CANADUM AS A SALTWATER GAME FISH.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 1267 -- Senators Hayes, Matthews, Courson, Setzler, Jackson and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 59 SO AS TO ESTABLISH A SCHOOL DISTRICT CHOICE PROGRAM AND OPEN ENROLLMENT PROGRAM WITHIN THE PUBLIC SCHOOL SYSTEM OF THIS STATE, TO PROVIDE FOR A VOLUNTARY PILOT TESTING OF THE PROGRAM BEFORE FULL IMPLEMENTATION, TO DEFINE CERTAIN TERMS, TO PROVIDE FOR AN APPLICATION PROCESS FOR STUDENTS WISHING TO TRANSFER, TO PROVIDE RESPONSIBILITIES OF AND STANDARDS AND CRITERIA FOR SENDING AND RECEIVING SCHOOLS AND SCHOOL DISTRICTS, TO PROVIDE STANDARDS OF APPROVAL, PRIORITIES FOR ACCEPTING STUDENTS, AND CRITERIA FOR DENYING STUDENTS, TO PROVIDE THAT WITH CERTAIN EXCEPTIONS THE PARENT IS RESPONSIBLE FOR TRANSPORTING THE STUDENT TO SCHOOL, TO PROVIDE THAT DISTRICTS SHALL RECEIVE ONE HUNDRED PERCENT OF THE BASE STUDENT COST FROM THE STATE FOR NONRESIDENT STUDENTS ENROLLED PURSUANT TO THIS CHAPTER, TO PROVIDE THAT A STUDENT WITH EXCEPTIONS MAY NOT PARTICIPATE IN INTERSCHOLASTIC ATHLETIC CONTESTS AND COMPETITIONS FOR ONE YEAR AFTER HIS DATE OF ENROLLMENT, TO PROVIDE THAT A RECEIVING DISTRICT SHALL ACCEPT CERTAIN CREDITS TOWARD A STUDENT’S REQUIREMENTS FOR GRADUATION, TO PROVIDE THAT A SCHOOL DISTRICT MAY CONTRACT WITH CERTAIN ENTITIES FOR THE PROVISION OF SERVICES, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN REPORTS ON THE PROGRAM TO THE GENERAL ASSEMBLY, AND TO PROVIDE THAT IMPLEMENTATION OF THIS PROGRAM EACH FISCAL YEAR IS CONTINGENT UPON THE APPROPRIATION OF ADEQUATE FUNDING BY THE GENERAL ASSEMBLY.

Ordered for consideration tomorrow.

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

S. 1247 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND SECTION 58‑3‑250 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, TO ALLOW THE PUBLIC SERVICE COMMISSION TO SERVE A FINAL ORDER OR DECISION BY ELECTRONIC SERVICE, REGISTERED MAIL, OR CERTIFIED MAIL.

Ordered for consideration tomorrow.

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

S. 1332 -- Senator Campsen: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY H.R. 3061, THE “FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT OF 2011” WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, REQUIRES BETTER INFORMATION TO BE CONSIDERED IN THE MANAGEMENT OF FEDERAL FISHERIES.

Ordered for consideration tomorrow.

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

S. 1364 -- Senator Cromer: A BILL TO AMEND SECTIONS 50-5-1705 AND 50-5-1710, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LAWFUL SIZE AND CATCH LIMITS FOR CERTAIN FISH, SO AS TO PROVIDE LAWFUL SIZE AND CATCH LIMITS FOR SHEEPSHEAD (ARCHOSARGUS PROBATOCEPHALUS).

Ordered for consideration tomorrow.

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

S. 1382 -- Senators Reese and Alexander: A BILL TO AMEND CHAPTER 1, TITLE 26, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTARIES PUBLIC, SO AS TO PROVIDE FOR DEFINITIONS, QUALIFICATIONS FOR A NOTARIAL COMMISSION, SPECIFIC POWERS AND LIMITS ON POWERS OF A NOTARY, DISCLOSURE BY A NONATTORNEY NOTARY AND PROHIBITION OF A NONATTORNEY NOTARY ACTING IN THE UNAUTHORIZED PRACTICE OF LAW, PROHIBITION OF A NOTARY EXECUTING A CERTIFICATE IN A LANGUAGE OTHER THAN ENGLISH, CHARGING OF SPECIFIC FEES FOR SPECIFIC NOTARIAL ACTS, REQUIRED CIRCUMSTANCES UNDER WHICH A NOTARIAL CERTIFICATE MAY BE MADE OR GIVEN BY A NOTARY, MAINTENANCE OF A JOURNAL OF THE NOTARY’S NOTARIAL ACTS, FORMS AND PROCESSES FOR REPORTING CHANGES IN A NOTARY’S STATUS, PROHIBITION OF CERTAIN ACTS BY A NOTARY AND CRIMINAL AND ADMINISTRATIVE PENALTIES FOR A VIOLATION; AND PROCEDURES FOR THE ISSUANCE OF A CERTIFICATE OF AUTHORITY OR APOSTILLE BY THE SECRETARY OF STATE.

Ordered for consideration tomorrow.

Senator O’DELL from the Committee on Invitations polled out S. 1390 favorable:

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.

**Poll of the Invitations Committee**

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

**AYES**

O’Dell Knotts Alexander

McGill Reese Elliott

Ford Verdin Campsen

Cromer Malloy

**Total--11**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator O’DELL from the Committee on Invitations polled out S. 1414 favorable:

S. 1414 -- Senator Thomas: A CONCURRENT RESOLUTION TO RECOGNIZE THE MONTH OF APRIL 2012 AS “ZERO TOLERANCE FOR LITTER MONTH” IN SOUTH CAROLINA, AND TO ASK ALL OF OUR CITIZENS AND LAW ENFORCEMENT OFFICERS TO WORK TOGETHER THIS MONTH AND THROUGHOUT THE YEAR FOR A CLEANER COMMUNITY, THUS PRESERVING THE NATURAL BEAUTY OF OUR COMMUNITY, OUR STATE, AND OUR COUNTRY.

**Poll of the Invitations Committee**

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

**AYES**

O’Dell Knotts Alexander

McGill Reese Elliott

Ford Verdin Campsen

Cromer Malloy

**Total--11**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 1417 -- Senator Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF “SOUTH CAROLINA TENNIS PATRONS FOUNDATION” SPECIAL LICENSE PLATES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a majority favorable and Senator BRYANT a minority unfavorable report on:

S. 1431 -- Senators Leatherman, Campbell, Grooms, Alexander, L. Martin, Coleman, Ford, Cleary, Hutto, McGill, Nicholson, Anderson, Williams, Pinckney, Hayes, O’Dell, Land, Malloy, Jackson, Matthews, Elliott, Setzler, Fair, Reese, Lourie and Sheheen: A BILL TO AMEND ACT 1377 OF 1968, AS AMENDED, RELATING TO THE ISSUANCE OF STATE CAPITAL IMPROVEMENT BONDS, SO AS TO AUTHORIZE ADDITIONAL PROJECTS AND CONFORM THE AGGREGATE PRINCIPAL INDEBTEDNESS AMOUNT TO THE ADDITIONAL AMOUNTS AUTHORIZED BY THIS ACT.

Ordered for consideration tomorrow.

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

S. 1445 -- Senator Land: A JOINT RESOLUTION TO PROVIDE THAT CERTAIN NONRESIDENTS MAY OBTAIN A LIFETIME COMBINATION LICENSE FROM THE DEPARTMENT OF NATURAL RESOURCES UNDER CERTAIN CONDITIONS WHICH GRANTS THE SAME PRIVILEGES AS A STATEWIDE COMBINATION LICENSE DURING A SPECIFIED PERIOD.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable report on:

H. 3236 -- Reps. Daning and G.R. Smith: A BILL TO AMEND SECTION 59‑65‑10 AND SECTION 59‑65‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPULSORY EDUCATION FOR SOUTH CAROLINA SCHOOL CHILDREN AND THE EXCEPTION TO THE REQUIREMENT, RESPECTIVELY, SO AS TO INCLUDE THE SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS AS AN AUTHORIZER OF SCHOOLS THAT CHILDREN MAY ATTEND WITHIN THE COMPULSORY EDUCATION REQUIREMENT.

Ordered for consideration tomorrow.

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

H. 4463 -- Reps. Harrison, Clyburn, Murphy, McLeod and Weeks: A BILL TO AMEND SECTION 22‑3‑545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF CERTAIN CRIMINAL CASES FROM GENERAL SESSIONS COURT TO MAGISTRATES OR MUNICIPAL COURT, SO AS TO CLARIFY THE TYPES OF CASES THAT MAY BE TRANSFERRED INCLUDES CRIMINAL CASES ORIGINALLY CHARGED AND THOSE IN WHICH THE CHARGES ARE REDUCED FOR PURPOSES OF A GUILTY PLEA, TO ALLOW DEFENDANTS TO WAIVE CERTAIN RIGHTS, AND TO REQUIRE THE APPROVAL OF A CIRCUIT COURT JUDGE REGARDING TERMS OF COURT OF THE MAGISTRATES AND MUNICIPAL COURTS FOR THE DISPOSITION OF TRANSFERRED CASES.

Ordered for consideration tomorrow.

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

H. 4614 -- Reps. Pitts, Lucas, Hearn, Brannon, Weeks, Spires, Loftis and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 15, TITLE 63 SO AS TO SPECIFY CERTAIN PROCEDURES AND REQUIREMENTS FOR COURT‑ORDERED CHILD CUSTODY, INCLUDING, BUT NOT LIMITED TO, DEFINING “JOINT CUSTODY” AND “SOLE CUSTODY”, REQUIRING PARENTS TO JOINTLY PREPARE AND SUBMIT A PARENTING PLAN, WHICH THE COURT MUST CONSIDER BEFORE ISSUING TEMPORARY AND FINAL CUSTODY ORDERS; REQUIRING THE COURT TO MAKE FINAL CUSTODY DETERMINATIONS IN THE BEST INTEREST OF THE CHILD BASED UPON THE EVIDENCE PRESENTED, REQUIRING THE COURT TO CONSIDER JOINT CUSTODY IF EITHER PARENT SEEKS IT, STATING FINDINGS OF FACT AS TO WHY OR WHY NOT JOINT CUSTODY WAS AWARDED, PROVIDING MATTERS THAT MAY BE INCLUDED IN A CUSTODY ORDER, PROVIDING FACTORS THE COURT MAY CONSIDER IN ISSUING OR MODIFYING A CUSTODY ORDER WHEN CONSIDERING THE BEST INTEREST OF THE CHILD, AND AUTHORIZING A PARENT TO SEEK ARBITRATION OF AN ISSUE THAT CANNOT BE RESOLVED BETWEEN THE PARENTS; AND TO AMEND SECTION 63‑5‑30, RELATING TO THE RIGHTS AND DUTIES OF PARENTS TO THEIR CHILDREN, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROVIDED BY AN ORDER OF THE COURT, PARENTS HAVE EQUAL POWERS, RIGHTS, AND DUTIES CONCERNING ALL MATTERS AFFECTING THEIR CHILDREN.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable with amendment report on:

H. 4678 -- Reps. Nanney, Brantley, Clemmons, Toole, Parker, Long, Allison, Limehouse, J.R. Smith, Bedingfield, Bowen, Corbin, Hamilton, Henderson, Hixon, Stringer and Willis: A BILL TO AMEND SECTION 29‑3‑330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORDS, SO AS TO PROVIDE THAT The mortgagee of record, the owner or holder of the debt instrument secured by the mortgage, the trustee or beneficiary of a deed of trust, or the legal representative or attorney‑in‑fact of any of those parties may execute a mortgage satisfaction or deed of trust release, AND TO PROVIDE A PROCEDURE AND FORM FOR USE IN THIS EXECUTION.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 4733 -- Rep. Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN GEORGETOWN COUNTY AS THE PLANTERSVILLE SCENIC BYWAY, AND TO MAKE IT SUBJECT TO REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 4761 -- Reps. Hiott, D.C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J.R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V.S. Moss, Pitts, Putnam, Taylor, White and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑225 SO AS TO DEFINE THE TERM “FARM TRUCK”; BY ADDING SECTION 56‑5‑363 SO AS TO PROVIDE THAT CERTAIN COMMERCIAL MOTOR VEHICLES AND FARM TRUCKS ARE EXEMPT FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY LAWS AND REGULATIONS; TO AMEND SECTION 56‑3‑670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO REVISE THE WEIGHT REQUIREMENTS FOR FARM TRUCKS THAT MAY BE USED FOR DOMESTIC PURPOSES AND GENERAL TRANSPORTATION BUT MAY NOT BE USED TO TRANSPORT PERSONS OR PROPERTY FOR HIRE; TO AMEND SECTION 56‑5‑4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS; AND TO AMEND SECTION 56‑5‑4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN “FARM TRUCKS” ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

Ordered for consideration tomorrow.

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

H. 4984 -- Reps. Pitts, White, Funderburk and Harrell: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY H.R. 3061, THE “FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT OF 2011” WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, REQUIRES BETTER INFORMATION TO BE CONSIDERED IN THE MANAGEMENT OF FEDERAL FISHERIES.

Ordered for consideration tomorrow.

**Appointment Reported**

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

Initial Appointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2010, and to expire June 30, 2016

At-Large:

Melody L. James, 152 Golden Pond Drive, Lexington, SC 29073 *VICE* G. Bryan Lyndon

Received as information.

**Motion Adopted**

On motion of Senator O’DELL , with unanimous consent, Senators PEELER, REESE, ELLIOTT, FAIR and O’DELL were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

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

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

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 HUTTO 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 third reading of the Bill.

Senator BRIGHT spoke on the Bill.

The Bill was read the third time and ordered returned to the House.

**Statement by Senator SHANE MARTIN**

    I abstained from the consideration of and voting on matters pertaining to H. 3059.

**THIRD READING BILLS**

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

S. 788 -- Senator Verdin: A BILL TO AMEND CHAPTER 21, TITLE 47 OF THE 1976 CODE, RELATING TO THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT, BY AMENDING SECTION 47‑21‑70 TO PROVIDE ADDITIONAL LIABILITY EXEMPTIONS TO VETERINARIANS AND PEOPLE WHO HOLD A SUPERIOR INTEREST IN THE PROPERTY; BY ADDING SECTION 47‑21‑90 TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR A PERSON THAT SUFFERS DAMAGES AS A RESULT OF VIOLATIONS OF CHAPTER 21 RELATING TO ANIMAL FACILITY OPERATIONS; AND BY ADDING ARTICLE 5 TO PROVIDE THAT IT IS UNLAWFUL TO TAMPER WITH CROP OPERATIONS, TO INTERFERE WITH THE OPERATIONS OF A CROP OPERATION, TO FRAUDULENTLY GAIN ACCESS TO A CROP OPERATION, AND TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR VIOLATIONS OF THIS ACT RELATED TO CROP OPERATIONS, TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT, TO DEFINE NECESSARY TERMS, AND TO MAKE TECHNICAL CORRECTIONS.

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.

**Statement by Senators CROMER and BRYANT**

    We abstained from the consideration of and voting on matters pertaining to S. 1269.

**Recorded Vote**

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

**SECOND READING BILL**

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

S. 1413 -- Senator Peeler: A BILL TO AMEND ACT 587 OF 1992, AS AMENDED, RELATING TO CHEROKEE COUNTY SCHOOL DISTRICT 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF CHEROKEE 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.

On motion of Senator PEELER, the Bill was read the second time, passed and ordered to a third reading.

**AMENDED, READ THE SECOND TIME**

H. 3730 -- Reps. Munnerlyn, Sabb, Vick, Hayes, Tribble and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑450 SO AS TO PROVIDE THAT A COMMERCIAL FUR LICENSE, IN ADDITION TO A STATE HUNTING LICENSE IS REQUIRED OF ALL PERSONS WHO SELL OR TAKE FURBEARING ANIMALS BY ANY MEANS, EXCEPT A PROCESSOR, MANUFACTURER, OR RETAILER, AND TO PROVIDE THAT A PERSON UNDER THE AGE OF SIXTEEN MAY PURCHASE A COMMERCIAL FUR LICENSE WITHOUT HAVING TO PURCHASE A STATE HUNTING LICENSE AFTER COMPLETING THE TRAPPERS EDUCATION COURSE; TO AMEND SECTION 50‑11‑40, RELATING TO THE UNLAWFUL USE OF RECORDED SOUNDS OR AMPLIFIED IMITATIONS OF CALLS OR SOUNDS BY A PERSON TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS, SO AS TO DELETE THE PROVISION THAT MAKES IT UNLAWFUL TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE HUNTING AND TAKING OF COYOTES; TO AMEND SECTION 50‑11‑1080, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES DECLARING OPEN SEASON ON COYOTES, SO AS TO PROVIDE THAT THERE IS NO CLOSED SEASON FOR HUNTING OR TAKING COYOTES WITH WEAPONS; TO AMEND SECTION 50‑11‑2400, RELATING TO DEFINITIONS OF CERTAIN TERMS THAT PERTAIN TO THE TRAPPING OF FURBEARING ANIMALS, SO AS TO REVISE THE DEFINITION OF THE TERMS “FURBEARING ANIMAL” AND “COMMERCIAL PURPOSES”, AND TO PROVIDE DEFINITIONS FOR THE TERMS “OWNER” AND “AGENT”; TO AMEND SECTION 50‑11‑2430, RELATING TO REQUIRING A FUR TRAPPER TO CARRY PROOF THAT HE IS THE OWNER OF THE PROPERTY ON WHICH HE SETS HIS TRAPS, OR HAS PERMISSION FROM THE OWNER OF THE PROPERTY UPON WHICH HIS TRAPS ARE SET, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50‑11‑2440, RELATING TO REQUIRING A TRAPPER TO VISIT HIS TRAPS DAILY, SO AS TO MODIFY THE FREQUENCY THAT A TRAPPER MUST VISIT HIS TRAPS; TO AMEND SECTION 50‑11‑2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE BY THE OWNERS OF TRAPS, SO AS TO ALLOW A TRAP OWNER’S DESIGNEE TO REMOVE WILDLIFE FROM HIS TRAPS, AND TO PROVIDE THAT A DESIGNEE MUST POSSESS WRITTEN PERMISSION FROM THE TRAP’S OWNER TO ACT ON HIS BEHALF AND MUST MEET ALL COMMERCIAL FUR LICENSING REQUIREMENTS OR BE LISTED ON A VALID DEPREDATION PERMIT; TO AMEND SECTION 50‑11‑2460, RELATING TO CERTAIN TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RESTRICTS THE TYPES OF TRAPS THAT ARE ALLOWED TO THOSE THAT ARE IN ACCORDANCE WITH APPROVED COMMERCIAL FUR LICENSES, TO ALLOW FOR THE USE OF LIVE TRAPS TO CAPTURE CERTAIN FERAL ANIMALS, TO REVISE THE SIZE OF FOOT‑HOLD TRAPS THAT ARE ALLOWABLE, TO PROVIDE THAT SMALL SNAP, BOX, AND OTHER TRAPS ARE ALLOWED FOR TRAPPING; TO AMEND SECTION 50‑11‑2475, RELATING TO THE ISSUANCE OF A FUR PROCESSOR’S LICENSE, SO AS TO REVISE THE COST OF THE LICENSE, TO REQUIRE A TAXIDERMIST TO KEEP A DAILY REGISTER OF THE NAME AND ADDRESS OF EACH PERSON FROM WHOM A FURBEARING ANIMAL IS RECEIVED ALONG WITH OTHER INFORMATION ABOUT THE ANIMAL, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTIONS 50‑11‑1060, 50‑11‑1070, AND 50-11-2420 RELATING TO THE ISSUANCE OF A COMMERCIAL FUR LICENSE, THE ISSUANCE OF A PERMIT TO POISON PREDATORY ANIMALS, AND THE KILLING OF BOBCATS.

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

Senator HUTTO proposed the following amendment (MS\  
7756AHB12), which was adopted:

Amend the bill, as and if amended, by deleting Section 50-11-2460(D) in its entirety, as contained in SECTION 8, page 6, lines 18 and 19.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator LAND proposed the following amendment (SWB\  
5262CM12), which was adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. (A) Notwithstanding any other provision of law, a nonresident may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the Department of Natural Resources at its Columbia office if:

(1) the applicant was born in this State and provides a notarized birth certificate from the South Carolina Department of Health and Environmental Control;

(2) the applicant has held title in fee simple, either in whole or in part, to real property located within this State for at least five years immediately preceding the date of application, and the applicant provides a notarized record of ownership from the appropriate county official in the county where the real property is located;

(3) the applicant, if born after June 30, 1979, and having attained the age of sixteen or older, complies with all hunter education requirements of this State and provides a certificate of completion for the course; and

(4) the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

(B) This license is available for purchase from July 1, 2012, through September 30, 2012. The fee is seven hundred dollars. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

**H. 3730--Point of Order**

Senator MASSEY raised a Point of Order under Rule 24 that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT overruled the Point of Order.

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 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

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.

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

Senator GREGORY proposed the following amendment (GGS\  
22356ZW12), which was adopted:

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

/ SECTION 1. Section 7‑7‑350 of the 1976 Code, as last amended by Act 369 of 2006, is further amended to read:

“Section 7‑7‑350. (A) In Lancaster County there are the following voting precincts:

Antioch;

~~Belaire;~~

Belaire Number 2;

Camp Creek;

Carmel;

Chesterfield Avenue;

Douglas;

Dwight;

Elgin;

Erwin Farm;

Gooch’s Cross Road;

Heath Springs;

Hyde Park;

Jacksonham;

Kershaw North;

Kershaw South;

Lake House;

Lancaster East;

Lancaster West;

Lynwood Drive;

Midway;

Pleasant Hill;

Pleasant Valley;

Pleasant Valley Number 2;

Rich Hill;

Riverside;

Spring Hill;

Unity;

Van Wyck; and

Wylie Park.

(B) The precinct lines defining the above precincts are as shown on maps filed with the clerk of court of the county and also on file with the State Election Commission as provided and maintained by the ~~Division~~Office of Research and ~~Statistical Services~~Statistics of the State Budget and Control Board designated as document ~~P‑57‑06~~P‑57‑12.

(C) The polling places for the precincts provided in this section must be established by the Lancaster County Board of Elections and Voter Registration subject to approval by a majority of the Lancaster County Legislative Delegation. ”

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

Renumber sections to conform.

Amend title to conform.

Senator GREGORY 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 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1221 -- Senators O’Dell and Ford: A BILL TO AMEND SECTION 29‑5‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISSOLUTION OF A MECHANIC’S LIEN UPON THE FAILURE OF A CERTAIN EVENT TO OCCUR WITHIN A SPECIFIC TIME PERIOD, SO AS TO ADD A BASIS FOR BEGINNING THE RUNNING OF THIS TIME PERIOD, AND TO CORRECT ARCHAIC LANGUAGE.

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

Senator SETZLER asked unanimous consent to amend the Bill on third reading.

There was no objection.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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

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

Senator HAYES 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 2; Present 1**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Elliott Fair Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Bryant

**Total--2**

**PRESENT**

Davis

**Total--1**

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

**READ THE SECOND TIME**

S. 1328 -- Senator Verdin: A BILL TO AMEND ARTICLE 11, CHAPTER 9, TITLE 48 OF THE 1976 CODE, RELATING TO SOIL AND WATER CONSERVATION DISTRICT COMMISSIONERS AND THE POWERS OF THE COMMISSIONERS AND THE DISTRICTS, BY ADDING SECTION 48‑9‑1330 TO PROVIDE FOR AN EXEMPTION FOR APPOINTED COMMISSIONERS FROM FINANCIAL DISCLOSURE REQUIREMENTS CONTAINED IN ARTICLE 11, CHAPTER 13, TITLE 8.

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

Senator VERDIN explained the Bill.

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

**Ayes 41; Nays 2**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

Bright Reese

**Total--2**

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

**READ THE SECOND TIME**

S. 1340 -- Senator Malloy: A BILL TO AMEND SECTION 41‑15‑520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES OF EMPLOYEES ALLEGING DISCRIMINATION, SO AS TO PROVIDE PROCEDURES THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL FOLLOW UPON RECEIPT OF A COMPLAINT ALLEGING SUCH DISCRIMINATION.

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

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

**Ayes 43; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1392 -- Senators Campbell and Ford: 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.

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

Senator HAYES explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1419 -- Senators Thomas and Ford: A BILL TO AMEND CHAPTER 45, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE BROKERS AND SURPLUS LINES INSURANCE, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE REVENUE COLLECTED FROM THE BROKER’S PREMIUM TAX RATE MUST BE CREDITED TO A SPECIAL EARMARKED FUND, TO PROVIDE THE MANNER IN WHICH THE FUND MAY BE USED AND DISBURSED, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO CONDUCT EXAMINATIONS OF BROKER RECORDS, TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THE CHAPTER, TO PROVIDE THE MANNER IN WHICH THE NONADMITTED AND REINSURANCE REFORM ACT OF 2010 MAY BE IMPLEMENTED; AND TO AMEND SECTION 38‑7‑160, RELATING TO MUNICIPAL LICENSE FEES AND TAXES, SO AS TO DISALLOW A MUNICIPALITY FROM CHARGING AN ADDITIONAL LICENSE FEE OR TAX BASED UPON A PERCENTAGE OF PREMIUMS FOR PURPOSES OF SURPLUS LINES INSURANCE.

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

Senator HAYES explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3921 -- Rep. Hardwick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 25 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE UNCLAIMED CREMATED REMAINS OF A VETERAN MAY BE INTERRED WITHOUT LIABILITY TO THE FUNERAL DIRECTOR, UNDERTAKER, FUNERAL HOME, OR OTHERS INVOLVED IN THE INTERMENT.

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

Senator CLEARY explained the amendment.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1107 -- Senators Leventis, Hayes and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑1‑77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

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

The Committee on Labor, Commerce and Industry proposed the following amendment (1107R001.WGR), which was adopted:

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

/ SECTION 1. Article 1, Chapter 1, Title 40 of the 1976 Code is amended by adding:

“Section 40-1-77. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 may issue a temporary professional license, notwithstanding any language to the contrary in the board or commission’s licensing act, for a profession or occupation it regulates, to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member.

(B)(1) A person seeking a temporary professional license under subsection (A) shall submit an application to the board or commission from which it is seeking the temporary license on forms the board or commission shall create and provide. In addition to general personal information about the applicant, the application must include proof that:

(a) the applicant is married to a member of the United States Armed Forces who is on active duty;

(b) the applicant holds a valid license in good standing issued by another state, the District of Columbia, a possession or territory of the United States, or a foreign jurisdiction for the profession for which temporary licensure is sought; and

(c) the spouse of the applicant is assigned to a duty station in this State pursuant to the official active duty military orders of the member.

(2) If a board or commission’s licensing act to which the application for a temporary licensure is made requires a fingerprint-base background check, the applicant must submit the results of a recent fingerprint‑based background check, taken at the applicant’s expense.

(3) The board or commission may charge a fee for the processing of this application as provided by regulation.

(4) Persons licensed pursuant to this section must comply with the continuing education requirements as otherwise set forth by statute.

(C) A temporary license issued under this section expires one year from the date of issue and may be renewed by the board or commission.”

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

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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 42; Nays 0; Present 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

**PRESENT**

Ford

**Total--1**

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

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**READ THE SECOND TIME**

H. 4690 -- Reps. Owens, J.M. Neal, Patrick, Willis, Daning, Erickson and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “JASON FLATT ACT” BY ADDING SECTION 59‑26‑110 SO AS TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL REQUIRE TWO HOURS OF TRAINING IN YOUTH SUICIDE AWARENESS AND PREVENTION AS A REQUIREMENT FOR THE RENEWAL OF CREDENTIALS FOR INDIVIDUALS EMPLOYED IN MIDDLE SCHOOLS AND HIGH SCHOOLS; TO REQUIRE THE DEPARTMENT TO DEVELOP GUIDELINES FOR TRAINING AND MATERIALS THAT MAY BE USED BY SCHOOLS AND SCHOOL DISTRICTS AND TO PROVIDE THAT SCHOOL DISTRICTS MAY APPROVE TRAINING MATERIALS FOR TRAINING THEIR EMPLOYEES; TO PROVIDE THAT THIS TRAINING REQUIREMENT MAY BE SATISFIED THROUGH SELF REVIEW OF SUICIDE PREVENTION MATERIALS; AND TO PROVIDE THAT NO CAUSE OF ACTION RESULTS FROM THE IMPLEMENTATION OF THIS ACT.

Senator LARRY MARTIN 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, printed as follows:

Senators LARRY MARTIN and ROSE proposed the following amendment (JUD4690.002), which was withdrawn:

Amend the bill, as and if amended, by striking lines 35 through 42 on page 1 and lines 1 though 17 on page 2, as contained in SECTION 2, and inserting therein the following:

/ SECTION 2. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59‑26‑110. (A) Beginning with the 2013‑2014 school year, the Department of Education shall require two hours of professional development in youth suicide awareness and methods for identification and locating assistance resources for students at risk of attempting suicide as a requirement for the renewal of credentials of individuals employed in a middle school or high school as defined in Section 59‑1‑150. The required professional development shall count toward the one hundred twenty renewal credits specified in Department of Education regulations for renewal of credentials.

(B)(1) The department shall develop guidelines suitable for professional development and materials that may be used by schools and districts; however districts may approve materials to be used in providing professional development for employees.

(2) The professional development required in this section may be accomplished through self‑review of suicide awareness and identification programs and resource materials that meet guidelines developed by the Department of Education.

(C) A person may not bring a civil action for damages against the state or a school district, or an officer, agent, or employee of the state or a school district for a death, personal injury, or property damage that results from an act or omission in performing or failing to perform activities or duties authorized under this section.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

Senators MALLOY and ROSE spoke on the amendment.

Senator LARRY MARTIN asked unanimous consent to withdraw his previously proposed amendment.

There was no objection and the amendment was withdrawn.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 2**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

Bright Bryant

**Total--2**

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

**ADOPTED**

S. 1418 -- Senator Ford: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF UNITED STATES HIGHWAY 17 AND MAGNOLIA ROAD IN CHARLESTON COUNTY “JAMES J. FRENCH INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “JAMES J. FRENCH INTERSECTION”.

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

**AMENDMENT PROPOSED, OBJECTION**

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.

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

Senator SHANE MARTIN proposed the following amendment (3083R001.SRM), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately number SECTION:

/ SECTION \_\_. Section 48‑59‑60 of the 1976 Code is amended to read:

“Section 48‑59‑60. To receive and hold revenues of the bank, there is created in the State Treasury separate and distinct from all other funds the South Carolina Conservation Bank Trust Fund. Earnings on the trust fund are retained in the trust fund and unexpended trust fund revenues at the end of a fiscal year are carried forward in the trust fund. The trust fund may receive revenues ~~from any source the General Assembly may provide by law and~~ from governmental grants and private gifts and bequests. Effective July 1, 2013, the fund must not receive any state funds, whether from appropriations or transfers from other state agencies. Trust fund revenues may be used only as provided in this chapter.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN asked unanimous consent to withdraw his previously proposed amendment.

There was no objection and the amendment was withdrawn.

Senator SHANE MARTIN proposed the following amendment (3083R002.SRM):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION:

/ SECTION \_\_. Section 48-59-75 of the 1976 Code is amended to read:

“Section 48-59-75. In a fiscal year when the General Assembly in the annual general appropriations act provides less appropriations than what was provided for the previous year to at least one‑half of the state agencies or departments contained therein the act or in any year when the Budget and Control Board orders across the board cuts to state agencies and departments in the manner provided by law, ~~no further transfer of deed recording fees or~~ ten cents of the one dollar thirty-cent state deed recording fee must be credited to the South Carolina Conservation Bank Trust Fund and no other appropriated funds, state or local, may be credited to the trust fund for the fiscal year or balance of the fiscal year, but existing balances in the trust fund may be used as provided by Chapter 59 of Title 48 of the 1976 Code.” /

Amend the bill further, as and if amended, by adding an appropriately numbered SECTION:

/ SECTION \_\_. Section 48-59-70(O) of the 1976 Code is amended to read:

“(O)(1) Trust funds may not be used to acquire interest in land downzoned within three years of the application unless the interest is sold for the predownzoning value or current value, whichever is greater. However, this requirement is waived if the owner of the downzoned property agrees to accept a lesser amount.

(2) If the owner of an interest in land which is the subject of an application for acquisition with trust funds proves to the satisfaction of the board that intentional and improper acts of planning, zoning, or other regulatory officials resulted in substantial delay or denial of a lawful permit or permission to develop the interest in land and the permit or permission was requested by the owner before the application, then the value of the interest in land is deemed to be its value as if those permits or permissions were granted unless the owner of the interest agrees to a lesser value in writing. An owner aggrieved by the decision of the board with respect to this item may appeal to the Administrative Law Judge Division where the matter must be heard as a contested case.

(3) State funds may not be used for any project or group associated with the implementation or promotion of the United Nations Agenda 21.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

Senator SHANE MARTIN objected to further consideration of the Bill.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**AMENDMENT PROPOSED**

**OBJECTION**

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2905 TO INCLUDE MOPEDS IN THE DEFINITION OF MOTOR VEHICLES FOR THE PURPOSES OF THE ARTICLE.

Senator KNOTTS 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, as follows:

Senator SCOTT proposed the following amendment (3163R004.JLS):

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

/ SECTION \_\_. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-2937. (A) Notwithstanding any other provision of law, a person convicted of violating Section 56-5-2930 or Section 56-5-2933 while operating a moped must be punished as follows:

(1) for a first offense, by a fine of not less than one hundred dollars but not more than five hundred dollars or imprisonment of not more than thirty days;

(2) for a second offense, by a fine of not less than five hundred dollars but not more than one thousand dollars or imprisonment of not more than sixty days;

(3) for a third or subsequent offense, by imprisonment of ninety days, no part of which may be suspended.

(B) Any conviction for a violation of Section 56-5-2930 or Section 56-5-2933 may be used for enhancement purposes under this section.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 1395 -- Senators Lourie, Cleary, Bryant, S. Martin, Knotts and Bright: 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.

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

The Committee on Medical Affairs proposed the following amendment (S-1395-2), which was adopted:

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

/ SECTION 1. Section 40‑1‑50(D) of the 1976 Code is amended to read:

“(D) ~~Initial fees~~ All fees for revenue‑funded boards must be ~~established~~ recommended by each board ~~and shall serve as the base for necessary administrative adjustments. Each board, on at least a biennial basis, shall provide the director with a statement of anticipated expenditures, program changes, and other information as may be used in determining fees for the next biennial period~~ and to the General Assembly and apply as provided by legislative enactment in the general and permanent law of the State.

~~Fees for revenue‑funded boards must be assessed, collected, and adjusted on behalf of each board by the department in accordance with this article. Fees may be adjusted biennially to ensure that they are sufficient but not excessive to cover expenses including the total of the direct and indirect costs to the State for the operations of each respective board. Fees must be deposited in accounts established for each respective board.~~

~~The following steps must be used in the development and analysis of fee structures:~~

~~(1) Determine current financial position of the program. Each month, the department’s administrative section shall prepare statements reflecting monthly revenue collection activity and related program expenses for each board program. The financial standing of a board program must be reviewed each biennium for boards that renew biennially, annually for boards that renew on an annual basis, and more frequently if indicators evidence a significant financial fluctuation of more than ten percent variance between a program’s revenue and related expenses;~~

~~(2) Project future activity and related costs of the program. By reviewing historical volume information and adjusting trends to reflect changes in the industry, changes in the program, indicators from the board members to the staff, and general economic indicators, project program activity including, but not limited to, renewals and new applicants for the upcoming two to three years. Based on these population projections, forecast program revenues using the current fee structure. With input from the board and the staff, analyze related program direct board costs for the upcoming two to three years, based on historical trends, changes in program requirements, changes to expenditure centers, and changes in staffing requirements. To these direct costs, add the program’s proportionate share of other related costs of the program including, but not limited to, administration of exams, agency administration, and information systems to arrive at the total program cost;~~

~~(3) Determine the projected financial position of the program, propose changes where necessary, and compare the total projected revenue at the current fees to the total projected costs of the program over the next two to three years. If the current fees and the projected program activity do not support the projected program’s expenses, develop alternative fee structures which would ensure the program’s continuing financial stability as required by law;~~

~~(4) Present findings to the director and staff for discussion, revision, evaluation, and adoption. While developing fee analyses, maintain communications with staff and agency management to ensure all necessary factors are evaluated and cost savings, efficiencies, and alternative cost reduction scenarios are pursued. Present fee analyses to board staff and management for discussion and revision where necessary. Propose alternatives to the director for consideration when preparing to adopt proposed fee schedules to achieve a structure sufficient to support the program.~~

~~Fees for a board funded by general appropriations must be set by the General Assembly and deposited into the general fund. All fees are nonrefundable.~~”

SECTION 2. This act takes effect January 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator LOURIE explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT AMENDED**

**CARRIED OVER**

H. 5028 -- Reps. G.M. Smith and White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2012‑2013 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.

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

Senator CLEARY proposed the following amendment (H-5028-2), which was adopted:

Amend the committee amendment, as and if amended, page [5028-1] by striking lines 41-42, and on page [5028-2] by striking lines 1-15 and inserting:

/ (C) Notwithstanding the provisions of Section 44-7-90, after June 30, 2012, a nursing home which exceeds its Medicaid patient days stated in its permit must be fined on the number of Medicaid patient days exceeding the permit days multiplied by its daily Medicaid per diem. Medicaid permit days provided to Complex Care residents, as certified by the Department of Health and Human Services, shall not be counted against the facility’s Medicaid permit for the first six month of their care. Any Complex Care provided after six months shall be counted towards the facility’s Medicaid permit day allocation. Complex Care reimbursement shall not be used in the fine calculation. A facility must be fined incrementally for exceeding its Medicaid permit. Violations above five and up to ten percent of the stated permit must be fined at thirty percent of its Medicaid per diem rate times the number of excess Medicaid permit days. A facility must be fined fifty percent of its Medicaid per diem rate for each excess day above ten and up to fifteen percent of its stated Medicaid permit. A facility must be fined seventy percent of its Medicaid per diem rate for each day in excess of fifteen percent of its state Medicaid permit. A facility may appeal a fine based on circumstances related to a patient converting from Medicare to Medicaid and a facility’s inability to discharge residents based on Federal mandates. /

Amend the committee amendment further, page [5028-2] by striking lines 31-34 and inserting:

/ allocated the additional days. However, if Medicaid patient days remain available after being offered to those nursing homes currently holding a Medicaid patient day permit in that county, then existing nursing homes with a restricted Certificate of Need within the same county may apply for a Medicaid nursing home permit to receive the Medicaid patient days remaining available./

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the perfecting amendment to the committee amendment.

The perfecting amendment was adopted.

On motion of Senator SHEHEEN, the Joint Resolution was carried over, as amended.

**CARRIED OVER**

S. 1108 -- Senators Leventis, Hutto, Williams, Elliott, Matthews, O’Dell and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37‑3‑414 SO AS TO PROVIDE THAT A VIOLATION OF FEDERAL LAW AS TO CERTAIN CONSUMER LOAN TRANSACTIONS IS A VIOLATION OF STATE LAW.

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

S. 1137 -- Senator Shoopman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 40‑3‑325 AND 40‑22‑295 SO AS TO ENACT THE “ARCHITECTS’ AND ENGINEERS’ VOLUNTEER ACT” WHICH PROVIDES IMMUNITY FOR A REGISTERED ARCHITECT OR ENGINEER WHO PROVIDES CERTAIN ARCHITECTURAL OR ENGINEERING SERVICES AT THE SCENE OF A DECLARED EMERGENCY.

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

S. 1307 -- Senators Courson, Setzler, Matthews, Hayes and Ford: A BILL TO AMEND THE 1976 CODE, RELATING TO CERTAIN BOARDS AND COMMISSIONS TO AMEND CERTAIN EDUCATIONAL BOARDS OR COMMISSIONS, BOARDS FOR INSTITUTIONS OF HIGHER EDUCATION, THE SC EDUCATIONAL TELEVISION COMMISSION, AND THE SC MUSEUM COMMISSION TO ADJUST MEMBERSHIP TO ACCOUNT FOR THE SEVENTH CONGRESSIONAL DISTRICT, AND TO PROVIDE FOR THE CONTINUATION OF A MEMBER WHOSE RESIDENCY IS TRANSFERED. *(ABBREVIATED TITLE)*

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

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

**MADE SPECIAL ORDER**

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 0COLLECTIONS 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.

Senator KNOTTS moved to make the Bill a Special Order.

**Objection**

Senator MALLOY asked unanimous consent to make a motion to apply the roll of the Senate of those members present.

Senator GROOMS objected.

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

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

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

Leventis

**Total--1**

**PRESENT**

Ford

**Total--1**

The Bill 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 THE SPECIAL ORDERS.**

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

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.

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

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

**Recorded Vote**

Senator SHANE MARTIN desired to be recorded as voting in favor of the third reading of the Bill.

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

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.

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

Senator HUTTO proposed the following amendment (3152MW4):

Amend the committee amendment, as and if amended, by adding appropriately numbered SECTIONS to read:

/SECTION \_\_. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

“Section 7. (A) There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, aTreasurer, ~~a Superintendent of Education~~, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

(B) The office of Superintendent of Education shall be appointed by the Governor.

SECTION \_\_\_. The proposed amendment in SECTION \_\_ must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 7, Article VI of the Constitution of the State be amended by adding a provision to provide that the Superintendent of Education must be appointed by the Governor?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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Renumber sections to conform.

Amend title to conform.

Senator COURSON moved that the Senate stand adjourned.

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

**Ayes 28; Nays 13**

**AYES**

Alexander Campbell Cleary

Coleman Courson Elliott

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Larry* Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams

**Total--28**

**NAYS**

Bright Bryant Campsen

Cromer Davis Fair

Ford *Martin, Shane* Massey

Rose Shoopman Thomas

Verdin

**Total--13**

Debate was interrupted by adjournment.

**ADJOURNMENT**

At 5:35 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

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