**Tuesday, May 8, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

 The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

We read in the book of Jeremiah:

 “My joy is gone, grief is upon me, my heart is sick.”

(Jeremiah 8:18)

 Join me as we once again bow in prayer:

 Gracious Lord, with difficulties and problems coming from almost every corner and bombarding these Senators, it is so tempting to join the speaker in Jeremiah and to whine and complain about all that is going on. Perhaps doing so would ease anxiety levels somewhat. But almost all of us know that it would not be likely to bring about equitable results. Rather, dear God, grant to each Senator the necessary wisdom and fill each with determination to do all that can be done to secure hope filled promise for the people of South Carolina. And as always, may right thinking and cooperation within this Body transcend everything else. In Your loving name we pray, O Lord.

Amen.

**Point of Quorum**

 At 12:03 P.M., Senator LEVENTIS made the point that a quorum was not present. It was ascertained that a quorum was not present.

 **RECESS**

 At 12:04 P.M., on motion of Senator LEVENTIS, the Senate receded from business not to exceed five minutes.

 At 12:11 P.M., the Senate resumed.

**Call of the Senate**

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

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Grooms Hayes

Hutto Leatherman Leventis

*Martin, Larry Martin, Shane* Massey

Nicholson O'Dell Peeler

Reese Rose Ryberg

Setzler Sheheen Shoopman

Thomas Williams

 A quorum being present, the Senate resumed.

**Recorded Presence**

 Senators MALLOY, KNOTTS, LAND, SCOTT, McGILL, JACKSON, ELLIOTT, FORD and MATTHEWS recorded their presence subsequent to the Call of the Senate.

**Privilege of the Chamber**

 On moton of Senator HAYES and the entire York County Delegation, the Privilege of the Chamber, to that area behind the rail, was extended to Ms. Denise Khaalid the 2012 National Assistant Principal of the Year (NASSP/VIRCO recipient) from South Point High School in Rock Hill, S.C.

 The Senate’s congratulations and best wishes were extended to Ms. Khaalid on this tremendous accomplishment.

**Expression of Personal Interest**

 Senator RYBERG rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator SHEHEEN rose for an Expression of Personal Interest.

**Motion to Ratify Adopted**

 At 12:55 P.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 convenient time.

 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.

**REGULATION RECEIVED**

 The following was received and referred to the appropriate committee for consideration:

Document No. 4284

Agency: Clemson University, State Crop Pest Commission

Chapter: 27

Statutory Authority: 1976 Code Section 46-9-40

SUBJECT: Limited Herbicide Applicators License

Received by Lieutenant Governor May 8, 2012

Referred to the Agriculture and Natural Resources Committee

Legislative Review Expiration April 7, 2013

**REGULATION WITHDRAWN**

 The following was received:

Document No. 4239

Agency: Department of Labor, Licensing and Regulation - Massage/Bodywork Therapy Panel

Chapter: 77

Statutory Authority: 1976 Code Section 40-30-60

SUBJECT: Qualification for Licensure

Received by Lieutenant Governor February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn May 8, 2012

**REGULATION WITHDRAWN AND RESUBMITTED**

 The following was received:

Document No. 4243

Agency: Manufactured Housing Board

Chapter: 79

Statutory Authority: 1976 Code Sections 40-1-70 and 40-29-10

SUBJECT: Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses

Received by Lieutenant Governor February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Withdrawn and Resubmitted May 5, 2012

**Doctor of the Day**

 Senator COURSON introduced Dr. Schaberg of West Columbia, S.C., Doctor of the Day.

**Leave of Absence**

 On motion of Senator GROOMS, at 12:05 P.M., Senator VERDIN was granted a leave of absence until 1:30 P.M.

**Leave of Absence**

 On motion of Senator HUTTO, at 12:10 P.M., Senator LOURIE was granted a leave of absence for today.

**CO-SPONSORS ADDED**

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

S. 1317 Sen. Campsen

S. 1321 Sen. Campsen

**OBJECTION**

 H. 5181 -- Reps. White, Anderson and Gambrell: A BILL TO AMEND SECTION 7‑7‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ANDERSON COUNTY, SO AS TO ADD THE “TOWN CREEK” PRECINCT, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

 Senator BRYANT asked unanimous consent to make a motion to recall the Bill from the Committee of Judiciary.

 Senator KNOTTS objected.

**INTRODUCTION OF RESOLUTION**

 The following was introduced:

 S. 1513 -- Senators Verdin, Bright and Grooms: A SENATE RESOLUTION TO DESIGNATE MAY AS CONFEDERATE HISTORY AND HERITAGE MONTH IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS AND GUESTS OF OUR STATE TO LEARN MORE ABOUT THIS CRUCIAL TIME IN THE HISTORY OF OUR PEOPLE.

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 The Senate Resolution was introduced and referred to the General Committee.

**REPORT OF STANDING COMMITTEE**

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

 H. 3111 -- Reps. Young, Sandifer, Hayes and D.C. Moss: A BILL TO AMEND SECTION 38‑73‑525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS’ COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, SO AS TO REQUIRE THE INSURER TO ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38‑73‑1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, SO AS TO REQUIRE THESE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

 Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 8, 2012

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 1307 -- Senators Courson, Setzler, Matthews, Hayes and Ford: 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 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.

Respectfully submitted,

Speaker of the House

 Received as information.

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 8, 2012

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 H. 3066 -- Reps. G.R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G.M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D.C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2011” INCLUDING PROVISIONS TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1‑30‑125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1‑11‑20, AS AMENDED, 1‑11‑22, 1‑11‑55, 1‑11‑56, 1‑11‑58, 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, 1‑11‑110, 1‑11‑180, 1‑11‑220, 1‑11‑225, 1‑11‑250, 1‑11‑260, 1‑11‑270, 1‑11‑280, 1‑11‑290, 1‑11‑300, 1‑11‑310, AS AMENDED, 1‑11‑315, 1‑11‑320, 1‑11‑335, 1‑11‑340, 1‑11‑435; 2‑13‑240, CHAPTER 9, TITLE 3; 10‑1‑10, 10‑1‑30, AS AMENDED, 10‑1‑40, 10‑1‑130, 10‑1‑190, CHAPTER 9, TITLE 10, 10‑11‑50, AS AMENDED, 10‑11‑90, 10‑11‑110, 10‑11‑140, 10‑11‑330; 11‑9‑610, 11‑9‑620, 11‑9‑630, 11‑35‑3810, AS AMENDED, 11‑35‑3820, AS AMENDED, 11‑35‑3830, AS AMENDED, 11‑35‑3840, AS AMENDED, 13‑7‑30, AS AMENDED, 13‑7‑830, AS AMENDED; 44‑53‑530, AS AMENDED, AND 44‑96‑140; 48‑46‑30, 48‑46‑40, 48‑46‑50, 48‑46‑60, 48‑46‑90, 48‑52‑410, 48‑52‑440, AND 48‑52‑460; AND BY ADDING SECTION 1‑11‑185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Respectfully submitted,

Speaker of the House

 Received as information.

 The Bill was ordered placed on the Calendar for consideration tomorrow.

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

 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.

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

**Motion Under Rule 26B**

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

 There was no objection.

 Senator GROOMS proposed the following amendment (4761R001.LKG), which was adopted:

 Amend the bill, as and if amended, page 2, by striking line 25 and inserting:

 / equal to or exceeding 26,001 pounds must meet the requirements of the /

 Amend the bill, as and if amended, page 4, by striking lines 24 - 25 and inserting:

 / (B) A private motor truck or truck tractor ~~of more than twenty‑six thousand~~ equal to or exceeding 26,001 pounds gross weight and a for‑hire motor /

 Renumber sections to conform.

 Amend title to conform.

 Senator GROOMS explained the amendment.

 The amendment was adopted.

 The question then was third reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Williams

**Total--38**

**NAYS**

**Total--0**

 There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**THIRD READING BILL**

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

 S. 1473 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CONTACTORS' LICENSING BOARD, RELATING TO REQUIREMENTS OF LICENSURE FOR CONTRACTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4229, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**ADOPTED**

 S. 1501 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY FROM ITS INTERSECTION WITH DOUGLAS ROAD TO ITS INTERSECTION WITH CLARKE BRIDGE ROAD “EDWARD L. STEVENSON, JR. MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “EDWARD L. STEVENSON, JR. MEMORIAL HIGHWAY”.

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

 S. 1503 -- Senator Elliott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 57 IN HORRY COUNTY “STALVEY BELLAMY INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “STALVEY BELLAMY INTERSECTION”.

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

 H. 3601 -- Rep. H.B. Brown: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 77 FROM ITS INTERSECTION WITH FAIRFIELD/RICHLAND COUNTY LINE TO ITS INTERSECTION WITH THE FAIRFIELD/CHESTER COUNTY LINE “JOHN M. SPRATT, JR., FREEWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “JOHN M. SPRATT, JR., FREEWAY”.

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

**CARRIED OVER**

 H. 3259 -- Reps. Herbkersman and Forrester: A BILL TO AMEND SECTION 56‑3‑115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS ALONG THE STATE’S HIGHWAYS, SO AS TO PROVIDE THAT WHEN A GOLF CART OWNER’S RESIDENCE IS LOCATED WITHIN A GATED COMMUNITY THE TWO‑MILE LIMIT WITHIN WHICH A GOLF CART OWNER MAY OPERATE HIS GOLF CART MUST BE MEASURED FROM THE COMMUNITY’S PRIMARY ENTRANCE AND NOT FROM THE OWNER’S RESIDENCE, TO PROVIDE FOR THE OPERATION OF A GOLF CART ALONG A SECONDARY HIGHWAY OR STREET ON CERTAIN SEA ISLANDS, TO PROVIDE A DEFINITION FOR THE TERM “GATED COMMUNITY”, AND TO PROVIDE THAT A GOLF CART MAY CROSS CERTAIN SECONDARY HIGHWAYS.

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

 H. 3478 -- Reps. Young, D.C. Moss, Gambrell, Agnew, Bowen, H.B. Brown, Clyburn, Spires, Frye, Bingham, Cobb‑Hunter, Hardwick, Hayes, Herbkersman, Hixon, Horne, Hosey, Lucas, McEachern, Ott, Quinn, G.R. Smith, J.R. Smith, Taylor, Umphlett and White: A BILL TO AMEND SECTION 39‑41‑235, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETROLEUM PRODUCTS AND DIESEL FUEL SUITABLE FOR BLENDING, SALE OF UNBLENDED PRODUCTS WITHOUT NECESSARY ADDITIVES, RECORDKEEPING AND REGISTRATION, ENFORCEMENT, WHOLESALER RESPONSIBILITY, LIABILITY, AND NOTICE, SO AS TO PROVIDE THAT THESE REQUIREMENTS APPLY TO EVERY TERMINAL OPERATOR AND EVERY SUPPLIER.

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

 H. 3256 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE LANDING AT BUCKINGHAM OFF FOUNDING ISLAND ROAD IN BEAUFORT COUNTY “WILLIAM F. MARSCHER II MEMORIAL LANDING” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LANDING THAT CONTAIN THE WORDS “WILLIAM F. MARSCHER II MEMORIAL LANDING”.

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

**OBJECTION**

 Senator LARRY MARTIN objected to the uncontested Bills on the Second Reading Calendar.

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

**MADE SPECIAL ORDER**

 H. 3392 -- Reps. Clemmons, Sellers, Allen, G.M. Smith and Weeks: A BILL TO AMEND SECTION 7‑13‑35, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICE FOR GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE POSTED TIME AT WHICH ABSENTEE BALLOTS MAY BEGIN TO BE EXAMINED FROM 2:00 P.M. TO 9:00 A.M. AND TO REQUIRE NOTIFICATION OF THE DATE THE MAKE‑UP ELECTION WILL BE HELD IN THE EVENT OF INCLEMENT WEATHER OR OTHER EMERGENCY; TO AMEND SECTION 7‑13‑40, AS AMENDED, RELATING TO THE DATE BY WHICH THE PARTY CHAIRMAN, VICE CHAIRMAN, OR SECRETARY MUST PROVIDE WRITTEN CERTIFICATION OF THE CANDIDATES’ NAMES TO THE STATE ELECTION COMMISSION, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7‑13‑190, AS AMENDED, RELATING TO SPECIAL ELECTIONS, SO AS TO PROVIDE THAT IF THE GOVERNOR DECLARES A STATE OF EMERGENCY COVERING AN ENTIRE JURISDICTION HOLDING AN ELECTION, THE ELECTION MUST BE POSTPONED AND HELD ON THE NEXT TUESDAY; AND TO AMEND SECTION 7‑13‑350, AS AMENDED, RELATING TO THE CERTIFICATION OF CANDIDATES, SO AS TO CHANGE THE DATE BY WHICH CANDIDATES FOR PRESIDENT AND VICE PRESIDENT MUST BE CERTIFIED TO THE STATE ELECTION COMMISSION FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN SEPTEMBER.

 Senator LARRY MARTIN moved to make the Bill a Special Order.

 Senator KNOTTS moved to table the motion to make the Bill a Special Order.

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

**Ayes 0; Nays 40**

**AYES**

**Total--0**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

 The Senate refused to table the motion to make the Bill a Special Order.

 The question then was the motion to make the Bill a Special Order.

**Expression of Personal Interest**

 Senator MALLOY rose for an Expression of Personal Interest.

 Senator LARRY MARTIN spoke on the motion.

**Objection**

 Senator SHEHEEN asked unanimous consent to make a motion to waive the provisions of Rule 26B as it relates to allowing further amendments on third reading of H. 3392.

 Senator FORD objected.

**Motion Adopted**

 Senator MALLOY asked unanimous consent to make a motion to waive the provisions of Rule 26B as it relates to allowing further amendments on third reading of H. 3392.

 There was no objection and the motion was adopted.

 The question then was the motion to make the Bill a Special Order.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

 The Bill was set for Special Order.

**Statement by Senator ROSE**

 Having been out of the Chamber at the time the vote was taken, I would have voted in favor of setting H. 3392 for Special Order.

**Notice of Motion**

 Senator DAVIS noted a motion under Rule 43 to suspend the provisions of Rule 24A regarding H. 3392.

**MOTION ADOPTED**

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

S. 220 -- Senators Jackson and Ford: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE 1976 CODE, BY ADDING SECTION 44‑1‑149 TO PROHIBIT THE RESALE OF FOOD THAT HAS BEEN SERVED OR SOLD TO AND POSSESSED BY A CONSUMER.

 The House returned the Bill with amendments.

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

 There was no objection.

 The question then was concurrence with the House amendments.

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

**Ayes 34; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Hayes Hutto

Jackson Knotts Land

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Reese

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--34**

**NAYS**

Bryant

**Total--1**

 The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Statement by Senator ROSE**

 Having been out of the Chamber at the time the vote was taken, I would have voted in favor of concurrence in S. 220.

**RATIFICATION OF ACTS**

 Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 08, 2012, at 1:20 P.M. and the following Acts and Joint Resolutions were ratified:

 (R172, S. 6) -- Senators Leatherman, McGill, Rose, McConnell, Campsen, Fair, Setzler, Alexander and Rankin: AN ACT TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO PROVIDE THAT MONIES IN THE CAPITAL RESERVE FUND, IN ANY YEAR THE GENERAL RESERVE FUND DOES NOT HAVE THE REQUIRED PERCENTAGE OF GENERAL FUND REVENUE, FIRST MUST BE USED TO FULLY REPLENISH THE APPLICABLE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND BEFORE BEING USED FOR OTHER AUTHORIZED PURPOSES WHICH DO NOT INCLUDE OFFSETTING MIDYEAR BUDGET REDUCTIONS.

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 (R173, S. 271) -- Senators Cleary, Ford and Knotts: AN ACT TO AMEND SECTION 15‑41‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO DELETE THE PROVISION THAT THE EXEMPTION ONLY APPLIES TO THE EXTENT REASONABLY NECESSARY FOR THE SUPPORT OF THE DEBTOR AND ANY DEPENDENT OF THE DEBTOR, AND TO PROVIDE THAT THE INTEREST OF AN INDIVIDUAL IS EXEMPT FROM CREDITOR PROCESS  IN CERTAIN CIRCUMSTANCES.

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 (R174, S. 872) -- Senators Knotts, Rose, Reese, O’Dell, Verdin, Rankin, Bryant, Malloy, McConnell, Scott, Grooms, Fair, Campbell, Elliott, Setzler, McGill, Davis, Williams, Pinckney, Cromer, Hayes, Land, Jackson, Lourie, Nicholson, Matthews, L. Martin, Alexander and Ford: AN ACT TO AMEND SECTION 25‑1‑590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RETIREMENT OF MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD, SO AS TO EXTEND THE RETIREMENT HONORARY PROMOTION PROVISIONS TO HONORABLY DISCHARGED SERVICE MEMBERS WHO ARE REMOVED FROM THE NATIONAL GUARD DUE TO MEDICAL CONDITIONS, AND TO PROVIDE THAT THE EXPANDED HONORARY PROMOTION ELIGIBILITY DESCRIBED ABOVE IS TO BE APPLIED RETROACTIVELY.

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 (R175, S. 1085) -- Senator Hayes: AN ACT TO AMEND SECTION 48‑11‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ORGANIZATION AND FUNCTIONING OF SPECIFIC WATERSHED CONSERVATION DISTRICTS UNDER THE GENERAL LAW PERTAINING TO SUCH DISTRICTS, SO AS TO PROVIDE THAT FOR PURPOSES OF CHAPTER 11, TITLE 48, INCLUDING THE CONDUCT OF ELECTIONS, THE DIGITAL HYDROLOGIC MAP PREPARED BY THE SERVICE CENTER AGENCIES OF THE UNITED STATES DEPARTMENT OF AGRICULTURE OF THE FISHING CREEK WATERSHED DISTRICT IN YORK COUNTY REPRESENTS AND IS DECLARED TO BE THE BOUNDARIES OF THE DISTRICT.

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 (R176, S. 1122) -- Senator Gregory: AN ACT 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 DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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 (R177, S. 1223) -- Senator Alexander: AN ACT TO AMEND SECTION 7‑7‑430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN OCONEE 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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 (R178, S. 1316) -- Senator L. Martin: AN ACT TO AMEND SECTION 7‑7‑450, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN PICKENS COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, 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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 (R179, S. 1351) -- Senator Fair: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑55‑2390 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE OF THE POOL AND NUMBER OF PATRONS, A TYPE “A” PUBLIC SWIMMING POOL MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT; TO REQUIRE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVAL OF LIFEGUARD COVERAGE PLANS FOR TYPE “E” PUBLIC SWIMMING POOLS; TO PROVIDE THAT A POOL REQUIRED TO HAVE ONLY ONE LIFEGUARD MUST HAVE AN ADDITIONAL EMPLOYEE AVAILABLE; AND TO PROVIDE PROCEDURES FOR APPLYING FOR A VARIANCE.

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 (R180, S. 1384) -- Senator Hayes: AN ACT 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.

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 (R181, S. 1412) -- Senators Grooms, Campbell and Campsen: AN ACT TO AMEND ACT 518 OF 1982, RELATING TO BERKELEY COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF BERKELEY COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BERKELEY COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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 (R182, S. 1413) -- Senator Peeler: AN ACT 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.

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 (R183, S. 1460) -- Senators Hayes and Gregory: AN ACT 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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 (R184, S. 1461) -- Senator McGill: AN ACT 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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 (R185, H. 3059) -- Reps. Merrill, Stavrinakis, J.E. Smith and Whipper: AN ACT 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”, REVISE THE METHOD OF ALLOCATING THE CREDIT, PROVIDE THAT CERTAIN INFORMATION MUST BE PROVIDED TO THE DEPARTMENT OF REVENUE IN ORDER TO CLAIM THE CREDIT, REVISE ITS EXPIRATION DATE, AND PROVIDE THAT THE CREDIT MUST BE ALLOCATED TO ELIGIBLE CLAIMANTS DURING A FISCAL YEAR ON A FIRST‑COME, FIRST‑SERVE BASIS.

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 (R186, 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: AN ACT TO AMEND ACT 200 OF 2002, RELATING TO THE ESTABLISHMENT AND FUNDING SOURCES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO EXTEND FOR FIVE YEARS THROUGH JUNE 30, 2018, THE PROVISIONS OF CHAPTER 59, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, THE SOUTH CAROLINA CONSERVATION BANK ACT OTHERWISE SCHEDULED FOR REPEAL EFFECTIVE JULY 1, 2013, AND SIMILARLY TO EXTEND THE PROVISIONS OF ACT 200 OF 2002, RELATING TO FUNDING SOURCES AND OTHER MATTERS RELATING TO THE OPERATION OF THE SOUTH CAROLINA CONSERVATION BANK.

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 (R187, H. 3236) -- Reps. Daning and G.R. Smith: AN ACT 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.

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 (R188, 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: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL SPONSOR 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; BY ADDING SECTION 59‑40‑235 SO AS TO PROVIDE THAT THE GEOGRAPHICAL BOUNDARIES FROM WHICH A CHARTER SCHOOL SPONSORED BY A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING MAY ACCEPT STUDENTS ARE THE SAME AS THE BOUNDARIES OF THE STATE OF SOUTH CAROLINA; 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, INCLUDING PROVISIONS WITHIN THE DEFINITION OF A “CHARTER SCHOOL” TO ALLOW AN APPLICANT TO SEEK TO FORM A SINGLE GENDER CHARTER SCHOOL, AND TO PERMIT WITHIN THE DEFINITIONS OF “SPONSOR” AND “APPLICANT” A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING OR ITS BOARD TO BE A SPONSOR OR APPLICANT; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES AND FOR OTHER PROVISIONS PERTAINING TO THE OPERATION OR GOVERNANCE OF THE CHARTER SCHOOL, INCLUDING THE SELECTION OF ITS BOARD OF DIRECTORS AND THE AUTHORIZATION OF CHARTER SCHOOLS AND CHARTER SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC COMPETITIONS, PROGRAMS, AND EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO REQUIRE A CONTRACT TO BE EXECUTED BETWEEN THE CHARTER SCHOOL AND ITS SPONSOR, REFLECTING THE PROVISIONS IN THE APPLICATION AMONG OTHER REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL DEVELOP A CONTRACT TEMPLATE TO BE USED BY CHARTER SCHOOLS AND THEIR SPONSORS, AND TO FURTHER PROVIDE FOR ACTIONS REQUIRED OF AN APPLICANT AND WHAT MUST BE IN THE APPLICATION; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP, 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, AND TO PROVIDE FOR OTHER PROVISIONS RELATIVE TO THE APPLICATION, INCLUDING A REQUIREMENT THAT THE ADVISORY COMMITTEE SHALL NOTIFY THE LOCAL DELEGATION OF A COUNTY IN WHICH A PROPOSED CHARTER SCHOOL IS TO BE LOCATED UPON RECEIPT OF A CHARTER SCHOOL APPLICATION AND ALSO SHALL PROVIDE A COPY OF THE CHARTER SCHOOL APPLICATION UPON REQUEST BY A MEMBER OF THE LOCAL DELEGATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO A CHARTER SCHOOL CONVERSION, SO AS TO PROVIDE FOR SPECIFIC VOTE REQUIREMENTS IF THE PROPOSED CONVERSION SCHOOL HAS CERTAIN TYPES OF OUTSTANDING GENERAL OBLIGATION BOND DEBT, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION, AND TO PROHIBIT UNLAWFUL REPRISALS AGAINST EMPLOYEES OF A SCHOOL DISTRICT BECAUSE OF THEIR INVOLVEMENT IN ESTABLISHING OR CONVERTING A CHARTER SCHOOL; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO PERMIT A CHARTER SCHOOL TO SUBMIT A RENEWAL APPLICATION TO ANOTHER CHARTER GRANTING AUTHORITY IF THE SPONSOR REFUSES TO RENEW THE CHARTER UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO REVISE THE MANNER IN WHICH SPECIFIC FUNDS MUST BE DISTRIBUTED BY THE DEPARTMENT OF EDUCATION TO SCHOOL DISTRICTS HAVING CHARTER SCHOOLS AND THEN BY THE DISTRICTS TO THE CHARTER SCHOOLS, TO FURTHER PROVIDE FOR THE DISTRIBUTION OF CERTAIN OTHER FUNDS TO A CHARTER SCHOOL BY THE SPONSOR, TO FURTHER PROVIDE FOR CONTRACT AND REPORTING REQUIREMENTS IN REGARD TO THE CHARTER SCHOOL, AND TO PROVIDE FOR THE MANNER IN WHICH FUNDING SHALL BE DETERMINED FOR CONVERTED CHARTER SCHOOLS; 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 OR AREA COMMISSION 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 DISTRICT, SO AS TO REVISE ITS MEMBERSHIP; 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; TO AMEND SECTION 59‑40‑220, RELATING TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT HAVING A LOCAL TAX BASE AND RECEIVING LOCAL PROPERTY TAXES DOES NOT EXTEND TO CERTAIN LOCAL FUNDS; TO AMEND SECTION 59‑18‑920, RELATING TO REPORT CARD REQUIREMENTS FOR CHARTER AND OTHER SCHOOLS, SO AS TO PROVIDE THAT THE PERFORMANCE OF CHARTER SCHOOL STUDENTS MUST NOT BE INCLUDED IN THE OVERALL PERFORMANCE RATINGS OF THE LOCAL SCHOOL DISTRICT UNLESS THERE IS A MUTUAL AGREEMENT TO INCLUDE SCORES IN THE LOCAL DISTRICT RATINGS; AND BY ADDING SECTION 59‑19‑350 SO AS TO PROVIDE THAT A LOCAL SCHOOL DISTRICT BOARD OF TRUSTEES DESIROUS OF CREATING AN AVENUE FOR NEW, INNOVATIVE, AND MORE FLEXIBLE WAYS OF EDUCATING CHILDREN WITHIN THEIR DISTRICT MAY CREATE A SCHOOL OF CHOICE WITHIN THE DISTRICT THAT IS EXEMPT FROM STATE STATUTES WHICH GOVERN OTHER SCHOOLS IN THE DISTRICT AND REGULATIONS PROMULGATED BY THE STATE BOARD OF EDUCATION, AND TO PROVIDE FOR THE REQUIREMENTS AND PROCEDURES TO IMPLEMENT THESE SCHOOLS OF CHOICE.

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 (R189, H. 3558) -- Reps. J.E. Smith, Govan and Harrell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑2270 SO AS TO REQUIRE ALL STATE INSTITUTIONS OF HIGHER EDUCATION TO ALLOW STUDENTS TO COMPLETE ASSIGNMENTS OR TAKE MAKE‑UP EXAMINATIONS WHEN AN ABSENCE IS CAUSED BY ATTENDING OR PARTICIPATING IN MILITARY SERVICE, DUTY, TRAINING, OR DISASTER RELIEF EFFORTS.

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 (R190, H. 3921) -- Rep. Hardwick: AN ACT 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 HOME, FUNERAL ESTABLISHMENT, MORTUARY, OR ANY MANAGER THEREOF OR A VETERANS’ SERVICE ORGANIZATION INVOLVED IN THE INTERNMENT.

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 (R191, H. 3923) -- Rep. Parker: AN ACT TO AMEND SECTION 7‑7‑490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO RENAME THE INMAN MILLS BAPTIST VOTING PRECINCT THE GREATER ST. JAMES VOTING PRECINCT AND REDESIGNATE 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.

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 (R192, H. 4205) -- Reps. Funderburk, G.A. Brown and Lucas: AN ACT TO AMEND ARTICLE 8, CHAPTER 36, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOT‑FOR‑PROFIT CORPORATIONS PROVIDING WATER SERVICE FINANCED BY FEDERAL OR STATE LOANS BEING PERMITTED TO CONVERT TO A PUBLIC SERVICE DISTRICT, BY ADDING SECTION 33‑36‑1315 SO AS TO PROVIDE FOR ADDITIONAL CONVERSION PROVISIONS, TERMS, AND LIMITATIONS FOR NOT-FOR-PROFIT CORPORATIONS OF A CERTAIN SIZE THAT PROVIDE WATER SERVICE IN TWO OR MORE COUNTIES; AND TO AMEND SECTION 33‑36‑1330, RELATING TO THE GOVERNING BOARD AND STRUCTURE OF A CORPORATION WHICH HAS BEEN CONVERTED TO A PUBLIC SERVICE DISTRICT, SO AS TO PROVIDE FOR THE GOVERNING STRUCTURE OF A PUBLIC SERVICE DISTRICT OF A CERTAIN SIZE THAT PROVIDES SERVICE IN TWO OR MORE COUNTIES.

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 (R193, H. 4463) -- Reps. Harrison, Clyburn, Murphy, McLeod and Weeks: AN ACT 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 PURSUANT TO A PLEA AGREEMENT, TO ALLOW DEFENDANTS TO WAIVE CERTAIN RIGHTS, AND TO DELETE PROVISIONS WHICH REQUIRED THE APPROVAL OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES FOR THE GENERAL SESSIONS COURT REGARDING TERMS OF COURT OF THE MAGISTRATES AND MUNICIPAL COURTS FOR THE DISPOSITION OF TRANSFERRED CASES.

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 (R194, H. 4690) -- Reps. Owens, J.M. Neal, Patrick, Willis, Daning, Erickson and Whipper: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS 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.

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 (R195, H. 4733) -- Rep. Anderson: AN ACT 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.

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 (R196, H. 4787) -- Reps. Brady and Sandifer: AN ACT 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 REQUIREMENTS CONCERNING THE MODIFICATION OR TERMINATION OF ELECTRONICS INSURANCE, TO PROVIDE LICENSURE REQUIREMENTS AND PROCEDURES, AND TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY TAKE CERTAIN MEASURES TO PROTECT THE PUBLIC AND IMPLEMENT THE PROVISIONS OF THIS CHAPTER.

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 (R197, H. 4906) -- Rep. J.E. Smith: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE VETERANS’ ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM JANUARY 31, 2012, TO JANUARY 31, 2016.

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 (R198, H. 5028) -- Reps. G.M. Smith and White: A JOINT RESOLUTION TO PROVIDE CERTAIN REQUIREMENTS WITH WHICH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL COMPLY IN ORDER TO MEET APPROPRIATIONS FOR MEDICAID NURSING HOME SERVICE FOR FISCAL YEAR 2012‑2013; TO PROVIDE CERTAIN REQUIREMENTS WITH WHICH NURSING HOMES SHALL COMPLY FOR FISCAL YEAR 2012‑2013; AND TO REQUIRE THE DEPARTMENT REGULARLY TO REPORT TO SPECIFIED COMMITTEES OF THE GENERAL ASSEMBLY REGARDING CHANGES IN NURSING HOME PERFORMANCE AND TO POST THESE CHANGES ON THE DEPARTMENT’S WEBSITE.

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**MOTION ADOPTED**

 On motion of Senators LEVENTIS and LAND, with unanimous consent, the Senate stood adjourned out of respect to the memory of Judge Thomasine Mason (1917-2012) of Summerton, S.C., widow of Edgar F. Mason. She was one of the first two women to attend the law school at the University of South Carolina and sat for and passed the bar exam during her junior year and was graduated from law school June 1, 1942. Judge Mason was elected to the S. C. Senate in 1966, representing Clarendon and Sumter Counties. She was the second woman to serve in the S. C. Senate and on February 22, 1967, she presided over a session of the Senate, becoming the first woman to preside in that body. She had a varied career in public service becoming a Federal Administrative Law Judge for the Social Security Administration’s Office of Disability Adjudication and Review. She was the first Administrative Law Judge to sit on the Appeals Council as an acting member of the council. She served as Hearing Office Chief Administrative Law Judge for 17 years. She served as a volunteer in numerous community and state organizations. She was involved with Palmetto Girls State for more than 40 years. Judge Mason had a profound influence on many people in South Carolina and will be deeply missed by family, friends and colleagues.

**ADJOURNMENT**

 At 1:30 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 2:00 P.M.

**Recorded Vote**

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

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