**Wednesday, May 9, 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:

In the historical book of Joshua we read:

“Those twelve stones, which they had taken out of the Jordan, Joshua set up in Gilgal, saying to the Israelites, ‘When your children ask their parents in time to come, “What do these stones mean?” then you shall let your children know...’ ” (Joshua 4:20-22a)

Let us pray:

Holy God, with Confederate Memorial Day being observed tomorrow, it is logical that we find ourselves reflecting on the history of South Carolinians who fought for the ideals of their State and their nation. Having been through periods of testing, our South Carolina heroes have left their mark in bold and heart-touching fashion, not only in the monuments that surround us, but also in the evidence of progress that has been made. Continue, O God, to bless this State we love so that all of our children might experience hope. And may our modern-day heroes never fail to embrace causes that bring about good for all South Carolinians. This we pray in Your loving name, dear Lord. Amen.

**Point of Quorum**

At 2:02 P.M., Senator KNOTTS made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Anderson Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hutto

Knotts Leventis Malloy

*Martin, Larry Martin, Shane* Massey

McGill O'Dell Peeler

Reese Rose Ryberg

Setzler Sheheen Shoopman

Thomas Verdin Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators ALEXANDER, LEATHERMAN, FORD, NICHOLSON, LAND, HAYES, MATTHEWS, SCOTT, LOURIE, RANKIN and JACKSON recorded their presence subsequent to the Call of the Senate.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

Reappointment, Dillon County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Linda Sue Edwards, 814 Mark Road, Dillon, SC 29536

Reappointment, Dillon County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Alton G. Green III, Post Office Box 38, Latta, SC 29565

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

William D. Corbett, 4065 John G. Richards Road, Liberty Hill, SC 29074

**Doctor of the Day**

Senator LEVENTIS introduced Dr. Chris Mahr of Sumter, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SHEHEEN, at 5:45 P.M., Senator MASSEY was granted a leave of absence until 6:20 P.M.

**Leave of Absence**

On motion of Senator HUTTO, at 5:45 P.M., Senator LAND was granted a leave of absence until 6:20 P.M.

**Leave of Absence**

On motion of Senator HUTTO, at 5:45 P.M., Senator SETZLER was granted a leave of absence until 6:20 P.M.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**Remarks by Senator GROOMS**

Mr. PRESIDENT, members of the body, following up on the introduction by the Senator from Spartanburg, with us today we have not only Ms. Neill and Ms. Newman but a number of folks with pregnancy centers throughout South Carolina. If you are with a pregnancy center, would you please rise? The South Carolina Association of Pregnancy Care Centers operates with an executive committee. We have a number of folks here, so it will be hard to name them all because I would miss some, but I do want to make note of the executive committee members. We have mentioned two, Ms. Neill with Piedmont and Ms. Newman from Spartanburg. Ms. Hill is with the Lowcountry Pregnancy Center and she is also a member of the church I attend, Pointe North in Moncks Corner. These are fantastic and wonderful people. They have a yearning for life. They have a yearning for all people. In God’s word, in Psalm 139, verse 13, “For you formed my inward parts, you covered me in my mother’s womb. I will praise you, for I am fearfully and wonderfully made. Marvelous are your works, and that my soul knows very well. My frame was not hidden from you when I was made in secret and skillfully wrought. Your eyes saw my substance, being yet unformed. In your book, they were all written, the days fashioned for me, when there were none of them. How precious also are your thoughts to me, O God.” Life is given to us. Life is precious. Sometimes we forget that we are a creation of an Almighty God. We were born and sent to this earth for a purpose. Life is important. The first right ever agreed to in our land was the right to life. Sometimes it seems cheapened and sometimes we get caught up in our daily activities and forget to acknowledge life. These women and the fine work they do need to be recognized. At this time I ask the reading clerk to read a Concurrent Resolution.

The Reading Clerk: This is a Concurrent Resolution to recognize the many contributions made by pregnancy care centers and to commend the compassionate work by staff and volunteers at pregnancy centers across the state and the nation. Whereas, the life-affirming impact of pregnancy resource centers on women, families, and the communities they serve is considerable and growing, and pregnancy resource centers serve with integrity and compassion; and Whereas, more than two thousand five hundred pregnancy centers across the United States provide individualized care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs; and Whereas, pregnancy care centers offer women free, confidential, and compassionate services, including pregnancy tests, peer counseling, twenty-four hour telephone hotlines, childbirth and parenting classes, and referrals to community, health care, and other support services; and Whereas, pregnancy care centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options, including adoption information and referrals and the development of their unborn children; and Whereas, pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes, as well as provide abstinence education, domestic violence information, and relationship counseling; and Whereas, pregnancy care centers provide important support and resources for women who choose childbirth over abortion; and Whereas, pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and Whereas, many pregnancy care centers provide limited obstetrical ultrasound to confirm pregnancy and enable women to visualize the baby in utero; and Whereas, many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and Whereas, pregnancy care centers operate primarily through reliance on the voluntary donations and time of caring individuals who are committed to caring for the needs of women and promoting and protecting life, receiving no government funding or insurance funding; and Whereas, many pregnancy care centers provide grief assistance for women who regret the loss of a child from past choices they made or the circumstances they were placed in; and Whereas, many pregnancy centers provide training to parents to guide their teens to healthy decision making about sexual health. Now, therefore, Be it resolved by the Senate, the House of Representatives concurring: That the General Assembly recognizes the many contributions made by pregnancy care centers and strongly supports pregnancy care centers in their unique, positive contributions to the individual lives of women, men, and babies, both born and unborn; and That the General Assembly commends the compassionate work of thousands of volunteers and paid staff at pregnancy care centers in South Carolina and across the United States; and Be it further resolved that a copy of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States Congress, the Governor of South Carolina and each member of the South Carolina Congressional Delegation.

PRESIDENT: Welcome to the South Carolina Senate.

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

**CO-SPONSORS ADDED**

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

S. 390 Sen. Ford

S. 1494 Sen. Bryant

S. 1512 Sens. Verdin, Peeler and Courson

**RECALLED AND ADOPTED**

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.

Senator VERDIN asked unanimous consent to make a motion to recall the Senate Resolution from the General Committee.

The Resolution was recalled from the General Committee.

Senator VERDIN asked unanimous consent to take the Senate Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Senate Resolution. The question then was the adoption of the Senate Resolution.

The Senate Resolution was adopted.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1514 -- Senators Sheheen, Malloy, Rose, Bryant, Knotts and Ford: A SENATE RESOLUTION TO REQUEST INTERVENTION BY THE PRESIDENT PRO TEMPORE IN ANY LAWSUIT FILED CONCERNING THE CONSTITUTIONALITY OF SECTION 8-13-1356 OF THE 1976 CODE AND ANY RELATED ISSUES.

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

S. 1515 -- Senator Reese: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO COUNTIES AND COUNTY GOVERNMENT, BY ADDING A NEW SECTION SO AS TO PROVIDE THAT THERE MUST BE ELECTED IN EACH COUNTY A PROPERTY TAX ASSESSOR WHO SHALL SERVE FOR A TERM OF FOUR YEARS AND UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIES AND TO PROVIDE THAT THE GENERAL ASSEMBLY BY GENERAL LAW SHALL PROVIDE FOR THE DUTIES, QUALIFICATIONS, AND COMPENSATION OF COUNTY PROPERTY TAX ASSESSORS.

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

S. 1516 -- Judiciary Committee: A BILL TO AMEND SECTION 7-11-15 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, TO PROVIDE FOR THE ENTITY THAT A CANDIDATE SEEKING NOMINATION FOR AN OFFICE BY POLITICAL PARTY PRIMARY OR POLITICAL PARTY CONVENTION MUST FILE A STATEMENT OF INTENTION OF CANDIDACY; AND TO AMEND SECTION 8-13-1356(B) TO ALLOW A CANDIDATE’S STATEMENT OF ECONOMIC INTERESTS TO FILED IN PAPER OR ELECTRONICALLY.

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

S. 1517 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 267 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 15 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 “REVEREND DR. SAMUEL MARSHALL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “REVEREND DR. SAMUEL MARSHALL HIGHWAY”.

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

S. 1518 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR PASTOR LUCIUS R. SMITH FOR TWENTY-FIVE YEARS OF DEDICATED SERVICE TO MOUNT PLEASANT BAPTIST CHURCH OF SWANSEA, AND TO CONGRATULATE HIM FOR A QUARTER CENTURY OF MINISTRY TO GOD’S PEOPLE.

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The Senate Resolution was adopted.

S. 1519 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LIFE AND FAITHFULNESS OF ROSA LEE DYCKES OF RICHLAND COUNTY ON MOTHER’S DAY, AND TO COMMEND HER FOR YEARS OF DEVOTED SERVICE TO HER FAMILY AND HER CHURCH.

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The Senate Resolution was adopted.

S. 1520 -- Senator Scott: A SENATE RESOLUTION TO HONOR MRS. LORIE GIBBS WASHINGTON OF RICHLAND COUNTY ON THE OCCASION OF MOTHER’S DAY AND TO WISH HER A JOYOUS CELEBRATION AND MANY MORE YEARS OF HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 1521 -- Senator Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE ADMINISTRATORS, FACULTY, AND STAFF OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FIVE TECHNOLOGY CENTER FOR THE SIGNIFICANT IMPACT THEY HAVE MADE ON THE LIVES OF THEIR STUDENTS, AND TO CONGRATULATE THE STUDENTS FOR THE EDUCATIONAL SUCCESS THEY HAVE ACHIEVED.

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

S. 1522 -- Senator Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE ADMINISTRATORS, FACULTY, AND STAFF OF BETHUNE-BOWMAN MIDDLE/HIGH SCHOOL FOR THE SIGNIFICANT IMPACT THEY HAVE MADE ON THE LIVES OF THEIR STUDENTS, AND TO CONGRATULATE THE STUDENTS FOR THE EDUCATIONAL SUCCESS THEY HAVE ACHIEVED.

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

S. 1523 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JAMES AUBREY “JIM” BARTLEY FOR A LIFE OF SELFLESS SERVICE TO HIS COMMUNITY, HIS STATE, AND HIS NATION.

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The Senate Resolution was adopted.

H. 5196 -- Reps. Battle and Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES UNITED STATES HIGHWAY 501 IN MARION COUNTY ALONG SOUTH CAROLINA HIGHWAY 41 “EBBIE JAMES ‘E.J.’ ATKINSON BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “EBBIE JAMES ‘E.J.’ ATKINSON BRIDGE”.

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

H. 5215 -- Rep. Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE SOUTH CAROLINA HIGHWAY PATROL LANCE CORPORAL CHRISTOPHER BRIGHAM UPON BEING NOMINATED FOR 2011 DUI ENFORCEMENT OFFICER OF THE YEAR AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 390 -- Senators Lourie, Jackson, Reese, Knotts, Alexander, Matthews, Campsen, McConnell, Cleary, Cromer, Rose and Ford: A BILL TO AMEND SECTION 23‑3‑115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, OR COUNTY.

Ordered for consideration tomorrow.

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

S. 1512 -- Senators Bryant, Leventis, Bright, Ryberg, Davis, Grooms, Gregory, Ford, Williams, Anderson, Fair, Coleman, Setzler, Cromer, Verdin, Peeler and Courson: A JOINT RESOLUTION TO PROVIDE ANY PERSON PROHIBITED FROM APPEARING ON THE JUNE 2012 PRIMARY BALLOT AS THE RESULT OF THEIR FAILURE TO FILE A STATEMENT OF ECONOMIC INTERESTS WITH AN OPPORTUNITY TO FILE A STATEMENT OF ECONOMIC INTERESTS AND APPEAR ON THE BALLOT.

Ordered for consideration tomorrow.

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

H. 3543 -- Reps. Hart and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑15‑175 SO AS TO PROVIDE THAT A JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UNLESS THE SOLICITOR FILES AN AFFIDAVIT WITH THE COURT TO CONFIRM THAT WRITTEN NOTICE OF HIS INTENT TO SEEK A BENCH WARRANT FOR FAILURE TO APPEAR HAS BEEN GIVEN TO THE DEFENDANT, HIS ATTORNEY, AND THE BOND SURETY COMPANY AND TO REQUIRE THE COURT TO HOLD A RULE TO SHOW CAUSE HEARING BEFORE ISSUING THE BENCH WARRANT.

Ordered for consideration tomorrow.

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

H. 3665 -- Reps. Cooper, Pitts, Taylor, G.R. Smith, Bedingfield, White and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 23‑31‑130, 23‑31‑150, AND 23‑31‑180 RELATING TO REQUIRING A RETAIL DEALER TO POSSESS A LICENSE TO SELL OR TRANSFER A PISTOL AND THE ISSUANCE OF THE LICENSE, AND RELATING TO CERTAIN WEAPONS DECLARED TO BE CONTRABAND.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry polled out H. 3710 favorable:

H. 3710 -- Reps. J.E. Smith, Hayes, D.C. Moss and Sandifer: 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

**Poll of the Labor, Commerce and Industry Committee**

**Polled 16; Ayes 16; Nays 0; Not Voting 0**

**AYES**

Ryberg Setzler Leventis

O’Dell Reese Ford

Alexander Leatherman Bryant

Bright Cleary Lourie

Massey Nicholson Williams

Rose

**Total--16**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

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

H. 4675 -- Reps. Henderson, G.M. Smith, J.R. Smith, Parker, Barfield, Allison, Atwater, Bowen, Corbin, Delleney, Forrester, Hamilton, Lowe, Lucas, Owens, Putnam, Simrill, G.R. Smith, Stringer, Toole, Tribble, Willis, Funderburk, Nanney and Quinn: A BILL TO AMEND SECTION 61‑2‑180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12‑21‑2710; AND TO AMEND SECTION 61‑4‑580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO CLARIFY THAT THIS ITEM DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12‑21‑2710.

Ordered for consideration tomorrow.

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

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32‑7‑100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

Ordered for consideration tomorrow.

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

H. 4939 -- Reps. Quinn, Weeks and Rutherford: A BILL TO AMEND SECTION 61‑6‑1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS THE SOLE RESPONSIBILITY OF THE RETAIL DEALER.

Ordered for consideration tomorrow.

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

H. 4996 -- Reps. Stringer, Bingham, Harrell, White, McCoy, Norman, Clemmons, Quinn, Ballentine, Ryan, Brannon, Bedingfield, Spires, Thayer, Parker, Taylor, Daning, Hearn, J.R. Smith, Patrick, Murphy, Bowen, Lowe, Nanney, Hiott, Sottile, Loftis, Allison, Atwater, Bannister, Chumley, Crosby, Delleney, Erickson, Hamilton, Hardwick, Henderson, Herbkersman, Hixon, Horne, Limehouse, Long, Merrill, D.C. Moss, V.S. Moss, Owens, Pinson, Pope, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Willis, Young and Forrester: A BILL TO AMEND SECTION 12‑6‑545, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS‑THROUGH TRADE AND BUSINESS INCOME, SO AS TO REDUCE THE TAX RATE FROM FIVE PERCENT TO THREE PERCENT.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

**Appointment Reported**

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

Reappointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2012, and to expire June 30, 2018

At-Large:

Henry Gene McCaskill, 604 Kirkwood Circle, Camden, SC 29020

Received as information.

**Message from the House**

Columbia, S.C., May 9, 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. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56‑5‑5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56‑5‑5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56‑5‑5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56‑5‑5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56‑5‑5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56‑5‑5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56‑5‑5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56‑5‑5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

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.**

**HOUSE BILL RETURNED**

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

H. 3417 -- Rep. Funderburk: A BILL TO AMEND SECTION 6‑11‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY TO ESTABLISH SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICTS, SO AS TO INCLUDE THE PROVISION OF EMERGENCY MEDICAL AND RESCUE RESPONSE SERVICES AS AN AUTHORIZED PURPOSE FOR WHICH A SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT MAY BE ESTABLISHED.

**OBJECTION**

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.

Senator MALLOY objected to the Bill.

**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.

Senator DAVIS spoke on the Bill.

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

**OBJECTION**

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

**AMENDED AND ADOPTED**

**RETURNED TO THE HOUSE**

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”.

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

Senator CROMER proposed the following amendment (SWB\  
5316CM12), which was adopted:

Amend the concurrent resolution, as and if amended, by deleting lines 23 through 28 and inserting:

/ That the members of the General Assembly request that the Department of Natural Resources rename the Buckingham Landing located on State Road S‑7‑242 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”. /

Amend the title, as and if amended, by deleting lines 11 through 18 and inserting:

/ TO REQUEST THAT THE DEPARTMENT OF NATURAL RESOURCES RENAME THE BUCKINGHAM LANDING LOCATED ON STATE ROAD S‑7‑242 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”. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

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

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

**MOTION ADOPTED**

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

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

**CONCURRENCE**

S. 1213 -- Senators Alexander, L. Martin, Scott, Knotts, Peeler, Cromer, Setzler, Leventis, Hayes, Nicholson, Ryberg and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 2 SO AS TO ESTABLISH THE STATE OF SOUTH CAROLINA MEDAL OF VALOR TO RECOGNIZE SOUTH CAROLINIANS, OR INDIVIDUALS WITH CERTAIN TIES TO SOUTH CAROLINA, WHO WERE KILLED IN ACTION WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA; TO PROVIDE FOR THE SOUTH CAROLINA MEDAL OF VALOR ROLL; AND TO ESTABLISH THE SOUTH CAROLINA MEDAL OF VALOR AWARD CRITERIA.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator ALEXANDER explained the amendments.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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.

**CARRIED OVER**

H. 4726 -- Reps. Pitts, Parks and Pinson: A BILL TO AMEND SECTION 6‑11‑1230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF PUBLIC SERVICE DISTRICT AND SPECIAL PURPOSE DISTRICT COMMISSIONS, INCLUDING, AMONG OTHER THINGS, THE POWER TO ASSESS THE COST OF THE ESTABLISHMENT AND CONSTRUCTION OF A SEWER LATERAL COLLECTION LINE, SO AS TO PROVIDE THAT IF A RESIDENTIAL SUBDIVISION RECEIVED CONCEPTUAL APPROVAL FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR SEPTIC TANK USE AND SUBSEQUENTLY FIVE OR MORE LOTS IN THE SUBDIVISION WERE DENIED PERMITS BY THE DEPARTMENT, AN ASSESSMENT MAY BE LEVIED ON THE ABUTTING PARCELS IN THE SUBDIVISION FOR THE ACTUAL COSTS OF THE SEWER LATERAL COLLECTION LINES, TRANSMISSION LINES, AND ASSOCIATED INFRASTRUCTURE AND TO PROVIDE THAT A LETTER OR CERTIFICATE OF THE DEPARTMENT ESTABLISHES THESE CONDITIONS AUTHORIZING THE ASSESSMENT.

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

**CARRIED OVER**

H. 3720 -- Reps. Cooper, Henderson and Patrick: A BILL TO AMEND SECTION 12‑6‑3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE JOBS TAX CREDIT, SO AS TO REVISE THE REQUIREMENTS OF A QUALIFYING SERVICE‑RELATED FACILITY AND A TECHNOLOGY INTENSIVE FACILITY; BY ADDING SECTION 12‑6‑3411 SO AS TO PROVIDE THAT A CORPORATION ESTABLISHING A NATIONAL CORPORATE HEADQUARTERS OR EXPANDING OR ADDING TO AN EXISTING NATIONAL CORPORATE HEADQUARTERS IN THIS STATE, WHICH IN CONNECTION THEREWITH ADDS AT LEAST FIFTY NEW FULL‑TIME JOBS SHALL BE EXEMPT FROM PAYING STATE CORPORATE INCOME TAXES FOR A PERIOD OF TEN YEARS; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO TAX CREDITS FOR PROVIDING INFRASTRUCTURE, SO AS TO INCREASE THE MAXIMUM AGGREGATE CREDIT TO FOUR HUNDRED THOUSAND DOLLARS ANNUALLY; TO AMEND SECTIONS 4‑12‑30, 4‑29‑67, AND 12‑44‑90, ALL AS AMENDED, RELATING TO FEE IN LIEU OF TAXES, SO AS TO PROVIDE THAT A COUNTY AUDITOR OR COUNTY ASSESSOR MAY REQUEST AND OBTAIN ANY FINANCIAL BOOKS AND RECORDS FROM A SPONSOR THAT SUPPORT THE SPONSOR’S TAX FORM OR RETURN TO VERIFY THE CALCULATIONS OF THE FEE IN LIEU OF TAXES TAX FORM OR RETURN; AND TO AMEND SECTION 12‑36‑2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT COMPUTERS, COMPUTER EQUIPMENT, COMPUTER HARDWARE AND SOFTWARE PURCHASES FOR A DATACENTER AND ELECTRICITY USED BY A DATACENTER.

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

**CONCURRENCE**

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.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator HAYES explained the amendments.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary 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

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

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.

**NONCONCURRENCE**

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.

The House returned the Bill with amendments.

Senator LARRY MARTIN spoke on the Bill.

Senator LARRY MARTIN moved to nonconcur in the House amendments.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

The Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**CARRIED OVER**

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

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

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

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

**TABLED**

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.

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

**Expression of Personal Interest**

Senator LARRY MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator HUTTO 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.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**Point of Order**

Senator SHEHEEN raised a Point of Order that no Senator may impugn the motives of another Senator.

The PRESIDENT sustained the Point of Order.

**Expression of Personal Interest**

Senator THOMAS rose for an Expression of Personal Interest.

**Sense of the Senate Motion Out of Order**

Senator LARRY MARTIN made a Sense of the Senate motion that it be the position of the Senate that the nonexempt candidates who filed a Statement of Economic Interests by April 15, 2012 be permitted to be placed on the ballot.

**Parliamentary Inquiry**

Senator FORD made a Parliamentary Inquiry as to whether or not the motion required unanimous consent.

**Point of Order**

Senator KNOTTS raised a Point of Order that the Sense of the Senate motion was out of order inasmuch as the motion should be made in the Motion Period.

Senator LARRY MARTIN spoke on the Point of Order.

Senator FORD spoke on the Point of Order.

The PRESIDENT overruled the Point of Order and stated that it was proper to make a Sense of the Senate motion at this time.

**Point of Order**

Senator LEVENTIS raised a Point of Order that the Sense of the Senate motion was not in order in that it was not related to the Senate’s position on a point of procedure.

Senator LARRY MARTIN spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**RECESS**

At 5:42 P.M., on motion of Senator MALLOY, with unanimous consent, the Senate receded from business not to exceed ten minutes.

At 5:52 P.M., the Senate resumed.

The PRESIDENT took up the Point of Order raised by Senator LEVENTIS.

The PRESIDENT sustained the Point of Order and the Sense of the Senate Motion was out of order.

**Motion Failed to Suspend Rule 24A**

**Regarding H. 3392**

Senator LARRY MARTIN moved under Rule 43 to suspend the provisions of Rule 24A regarding H. 3392.

**Parliamentary Inquiry**

Senator LOURIE made a Parliamentary Inquiry as to whether or not 30 votes were required to suspend Rule 24A.

The PRESIDENT stated that two-thirds of the membership would be required to suspend Rule 24A.

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

**Ayes 24; Nays 15**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

*Martin, Larry Martin, Shane* McGill

O'Dell Peeler Rankin

Rose Ryberg Shoopman

Thomas Verdin Williams

**Total--24**

**NAYS**

Anderson Campbell Coleman

Elliott Ford Hutto

Jackson Knotts Lourie

Malloy Matthews Nicholson

Reese Scott Sheheen

**Total--15**

Having failed to receive the necessary vote, the motion to suspend Rule 24A failed.

**Motion to Recommit Failed**

Senator MARTIN moved to recommit H. 3392 to the Committee on Judiciary.

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

**Ayes 20; Nays 21**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Davis Fair

Gregory Hayes *Martin, Larry*

*Martin, Shane* O'Dell Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--20**

**NAYS**

Anderson Coleman Cromer

Elliott Ford Grooms

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy Matthews McGill

Nicholson Rankin Reese

Scott Sheheen Williams

**Total--21**

The Senate refused to recommit the Bill.

Senator PEELER moved to table the Bill.

Senator KNOTTS moved that the Senate stand adjourned.

**Point of Order**

Senator THOMAS raised a Point of Order that the motion to table was in order inasmuch as it was made prior to the motion to adjourn.

The PRESIDENT overruled the Point of Order and stated that the motion to adjourn was a higher motion.

The question then was the motion to adjourn.

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

**Ayes 4; Nays 35**

**AYES**

Ford Leventis Malloy

Sheheen

**Total--4**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Knotts Leatherman

Lourie *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Shoopman Thomas

Verdin Williams

**Total--35**

The Senate refused to adjourn.

The question then was the motion to table the Bill.

The Bill was laid on the table.

**Recorded Vote**

Senator GROOMS desired to be recorded as voting in favor of the motion to table the Bill.

Senator LARRY MARTIN moved to revert to the Motion Period.

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

**Ayes 21; Nays 18**

**AYES**

Alexander Bright Bryant

Campsen Courson Cromer

Davis Fair Gregory

Grooms Hayes *Martin, Larry*

*Martin, Shane* O'Dell Peeler

Rankin Rose Ryberg

Shoopman Thomas Verdin

**Total--21**

**NAYS**

Campbell Cleary Coleman

Elliott Ford Hutto

Jackson Knotts Leatherman

Leventis Malloy Matthews

McGill Nicholson Reese

Scott Sheheen Williams

**Total--18**

Having failed to receive the necessary vote, the Senate refused to revert to the Motion Period.

On motion of Senator LARRY MARTIN, the Senate stood adjourned.

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

William D. Corbett, 4065 John G. Richards Road, Liberty Hill, SC 29074

Reappointment, Dillon County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Linda Sue Edwards, 814 Mark Road, Dillon, SC 29536

Reappointment, Dillon County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Alton G. Green III, Post Office Box 38, Latta, SC 29565

**ADJOURNMENT**

At 6:20 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow under the provisions of Rule 1B.

**Recorded Vote**

Senators BRIGHT, BRYANT, VERDIN, SHANE MARTIN and ROSE desired to be recorded as voting against the motion to adjourn.

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