**Tuesday, February 25, 2014**

**(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 Gospel of John:

“ ‘I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another.’ ” (John 13:34)

Let us pray:

O Loving God, there is absolutely nothing shallow or commonplace about our prayer today. It is not some empty sentiment, casually tossed about. Rather, Lord, we really do pray for each one of these Senators and every one of our Senate aides to love our State and every citizen who resides here. We trust that the Senators actually do, O God. What we ask for this legislative term is that the actions they take fully define the breadth and depth and width of that very love. And may the end results clearly and ultimately be to the benefit of every woman, man, and child dwelling within our borders. We pray this, of course, in Your loving name, dear Lord. Amen.

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

**Point of Quorum**

At 12:07 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Johnson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews Nicholson Peeler

Scott Setzler Shealy

Thurmond Turner Verdin

Young

A quorum being present, the Senate resumed.

**Recorded Presence**

Senator McGILL recorded his presence subsequent to the Call of the Senate.

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Reappointment, South Carolina State Agency of Vocational Rehabilitation, with the term to commence March 15, 2012, and to expire March 15, 2019

5th Congressional District:

Derle Alden Lowder, Sr., 107 Adams Ave., Sumter, SC 29150

Referred to the Committee on General.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2014, and to expire June 30, 2018

1st Congressional District:

William Lee McCullough, 18 Rivers Ct., Beaufort, SC 29907 *VICE* William Lawson

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2012, and to expire April 6, 2018

5th Congressional District:

Gretchen Love Balin, 2016 Stone Quarter Court, York, SC 29745 *VICE* Dr. Albert W. Platt III

Referred to the Committee on Agriculture and Natural Resources.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2012, and to expire April 6, 2018

Consumer Advocate:

Rebecca I. Shealy, 41 Fernie Lane, Rembert, SC 29128 *VICE* Dr. Cindy Nord

Referred to the Committee on Agriculture and Natural Resources.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2013, and to expire June 30, 2018

1st Congressional District:

Francis E. Grimball, 723 Kirk Ct., Mt. Pleasant, SC 29464 *VICE* Dr. Richard Fitzgerald

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2012, and to expire June 30, 2015

3rd Congressional District:

Ashley P. Case, 1192 Garrett-Patton Rd., Fountain Inn, SC 29644 *VICE* Jose F. Garcia

Referred to the Committee on Judiciary.

Initial Appointment, State Human Affairs Commission, with the term to commence June 30, 2012, and to expire June 30, 2015

7th Congressional District:

Harold Jean Brown, Post Office Box 2376, Georgetown, SC 29442 *VICE* Vacant Due to Redistricting

Referred to the Committee on Judiciary.

**Local Appointments**

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2013, and to expire April 30, 2017

Angela M. McCall-Tanner, 1 Hathaway Lane, Bluffton, SC 29910 *VICE* New Seat

Initial Appointment, Florence County Probate Judge, with the term to commence January 1, 2014, and to expire November 4, 2014

John Munford Scott, Jr., 336 Country Club Blvd., Florence, SC 29501 *VICE* Kenneth Eaton

Reappointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2014, and to expire July 1, 2020

2nd Congressional District:

Robert E. Barnett, 219 West Passage, Columbia, SC 29212

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2012, and to expire July 1, 2018

4th Congressional District:

Stephen J. Burry, 303 Pawleys Drive, Simpsonville, SC 29681 *VICE* Tammy Devine

**REGULATION WITHDRAWN**

The following was received:

Document No. 4379

Agency: Real Estate Appraisers Board

Chapter: 137

Statutory Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3)

SUBJECT: Requirements of Licensure in Real Estate Appraisal

Received by Lieutenant Governor April 29, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration April 5, 2014

04/30/2013 Senate Referred to Committee

02/24/2014 Agency Withdrawal

120 Day Period Tolled

02/24/2014 Permanently Withdrawn

**Leave of Absence**

On motion of Senator NICHOLSON, at 12:05 P.M., Senator WILLIAMS was granted a leave of absence for the week.

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 1040 Sen. Cromer

S. 905 Sen. Bryant

S. 300 Sen. Thurmond

S. 825 Sen. Davis

**RECALLED**

S. 957 -- Senator Bennett: A BILL TO AMEND SECTION 7‑7‑230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DORCHESTER COUNTY, SO AS TO REDESIGNATE AN EXISTING PRECINCT, TO ADD NINE PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

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

**RECALLED**

H. 4647 -- Reps. Pitts, Willis and Anthony: A BILL TO AMEND SECTION 7‑7‑360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LAURENS COUNTY, SO AS TO REVISE BOUNDARIES OF EXISTING PRECINCTS AND TO DESIGNATE THE MAP NUMBER ON WHICH THE BOUNDARIES OF LAURENS COUNTY VOTING PRECINCTS AS REVISED BY THIS ACT MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1047 -- Senator S. Martin: A BILL TO AMEND CHAPTER 18, TITLE 59 OF THE 1976 CODE, BY REPEALING SECTION 59-18-310, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM TO MEASURE STUDENT PERFORMANCE UNDER THE EDUCATION ACCOUNTABILITY ACT, SECTION 59-18-320, RELATING TO FIELD TESTING OF THE ASSESSMENT PROGRAM, SECTION 59-18-360, RELATING TO DISSEMINATION OF ASSESSMENT RESULTS, AND SECTION 59-18-370, RELATING TO A TECHNICAL CHANGE; AND TO AMEND SECTION 59-18-350, RELATING TO THE CYCLICAL REVIEW OF STATE STANDARDS AND ASSESSMENTS, TO DELETE REVIEW OF STATE ASSESSMENTS BY THE STATE BOARD OF EDUCATION AND TO DELETE THE PROVISIONS RELATING TO AN ANALYSIS OF ASSESSMENT RESULTS.

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

S. 1048 -- Senator Hutto: A CONCURRENT RESOLUTION TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT LITERACY IS A VITAL AND FUNDAMENTAL ELEMENT OF THE WELL-BEING OF EVERY CITIZEN OF SOUTH CAROLINA FORMING THE FOUNDATION FOR EDUCATION AND COMMUNICATION LEADING TO IMPROVED QUALITY OF LIFE AND A WELL-PREPARED WORKFORCE THEREBY AIDING SOUTH CAROLINA IN ATTRACTING BUSINESS AND INDUSTRY AND ADVANCING THE ECONOMIC INTERESTS OF OUR BELOVED STATE, AND TO NAME THE WEEK OF MARCH 2, 2014, THROUGH MARCH 8, 2014, AS "READERS-2-LEADERS LITERACY AWARENESS WEEK" IN SOUTH CAROLINA.

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

S. 1049 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-39-25 SO AS TO PROVIDE A PERSON WHO DOES NOT HOLD A CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS AS A PAWN SHOP MAY NOT DISPLAY CERTAIN INDICIA OF A PAWN SHOP ON THE PREMISES OF HIS BUSINESS OR HOLD HIMSELF OUT TO THE PUBLIC TO BE A PAWNBROKER; BY ADDING SECTION 40-39-55 SO AS TO PROVIDE A METHOD FOR PERIODICALLY REVISING FEES, FINES, LOAN CHARGES, AND OTHER MONETARY DESIGNATIONS IN THE CHAPTER SUBJECT TO CERTAIN LIMITS AND EXCEPTIONS, TO REQUIRE PUBLICATION OF THESE REVISIONS IN A NOTICE IN THE STATE REGISTER, AND TO PROVIDE NECESSARY DEFINITIONS; BY ADDING SECTION 40-39-155 SO AS TO PROVIDE REMEDIES UNDER THE ADMINISTRATIVE PROCEDURES ACT FOR A PERSON AGGRIEVED BY A FINAL ADMINISTRATIVE ORDER ISSUED PURSUANT TO THIS CHAPTER; BY ADDING SECTION 40-39-165 SO AS TO PROVIDE LOCAL GOVERNMENTS MAY ENACT NO ORDINANCE MORE RESTRICTIVE THAN THE PROVISIONS OF THIS CHAPTER, SUBJECT TO CERTAIN EXCEPTIONS; TO AMEND SECTION 40-39-10, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PAWNBROKERS, SO AS TO AMEND THE DEFINITION OF "PLEDGED GOODS"; TO AMEND SECTION 40-39-20, RELATING TO REGULATION OF PAWNBROKERS BY THE DEPARTMENT OF CONSUMER AFFAIRS, SO AS TO REVISE THE CRIMINAL BACKGROUND CHECK REQUIREMENTS AND FINANCIAL RESPONSIBILITY REQUIREMENTS, AND TO PROVIDE A PAWNBROKER MAY NOT EMPLOY A PERSON CONVICTED OF A FELONY TO DO THE WORK OF A PAWNBROKER, SUBJECT TO CERTAIN EXCEPTIONS; TO AMEND SECTION 40-39-30, RELATING TO THE REQUIREMENT OF A CERTIFICATE OF AUTHORITY FOR EACH LOCATION, SO AS TO PROVIDE A PAWNBROKER MAY NOT RETAIN PLEDGED GOODS IN A LOCATION OTHER THAN THE ONE DESIGNATED IN THE CERTIFICATE WITHOUT FIRST FILING A RATIFICATION WITH THE DEPARTMENT ON FORMS PRESCRIBED BY THE DEPARTMENT, AND TO PROVIDE A PAWNBROKER SHALL CONSPICUOUSLY POST HIS HOURS OF OPERATION; TO AMEND SECTION 40-39-40, RELATING TO UNAUTHORIZED FEES PROHIBITED BY PAWNBROKERS, SO AS TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 40-39-50, RELATING TO REQUIRED EVIDENCE OF FINANCIAL RESPONSIBILITY, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-39-70, RELATING TO MANDATORY RECORD OF LOANS AND GOODS PAWNED AND PLEDGED, SO AS TO IMPOSE CERTAIN REQUIREMENTS FOR VERIFICATION OF PLEDGORS AND SELLERS, AND TO REQUIRE THE PAWN TRANSACTION BE CONDUCTED ONLY BY THE PAWNBROKER OR HIS AUTHORIZED AGENT, WHOSE IDENTITY MUST BE VERIFIED BY THE PAWNBROKER; TO AMEND SECTION 40-39-80, RELATING TO THE MANDATORY ISSUANCE OF A MEMORANDUM OF NOTE BY A PAWNBROKER TO THE PERSON PAWNING OR PLEDGING ITEMS, SO AS TO REVISE REQUIREMENTS FOR THE MEMORANDUM OR NOTE; TO AMEND SECTION 40-39-100, RELATING TO CHARGES AND INTEREST ON LOANS BY A PAWNBROKER, SO AS TO INCREASE THE MAXIMUM AMOUNT OF INTEREST THAT MAY BE CHARGED AND THE MAXIMUM AMOUNT OF A LOAN THAT MAY BE MADE; TO AMEND SECTION 40-39-120, RELATING TO FEES FOR A CERTIFICATE OF AUTHORITY, SO AS TO PROVIDE ADDITIONAL FEES FOR FAILURE TO TIMELY RENEW, AND TO REQUIRE A PAWNBROKER TO MAINTAIN CERTAIN BUSINESS HOURS FOR SPECIFIC PURPOSES IN THE EVENT OF A CLOSURE; TO AMEND SECTION 40-39-140, RELATING TO THE PROHIBITED ACCEPTANCE OF THE PROPERTY OF A THIRD PARTY FROM A PLEDGOR, SO AS TO APPLY THE PROHIBITION TO THIRD PARTY-OWNED PROPERTY ACCEPTED FROM A SELLER, AND TO PROVIDE CIRCUMSTANCES WHEN LEASED PROPERTY SOLD OR PLEDGED TO A PAWNBROKER MUST BE RETURNED TO THE LESSOR, AND TO LIMIT THE PAWNBROKERS LIABILITY TO THE PLEDGOR OR SELLER FOR MAKING SUCH A RETURN; AND TO AMEND SECTION 40-39-150, RELATING TO THE IMPOSITION OF FINES FOR VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT MAY DIRECTLY ISSUE A CEASE AND DESIST ORDER RATHER THAN HAVING TO OBTAIN THE ORDER FROM THE ADMINISTRATIVE LAW COURT.

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

S. 1050 -- Senators Scott, Setzler, Malloy, Matthews, McElveen, Jackson, Nicholson, Kimpson, Johnson, Reese, Sheheen and Pinckney: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF INEZ G. ALLEN OF COLUMBIA AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1051 -- Senators Rankin, Cleary, McGill, Williams and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-4-36 SO AS TO PROVIDE FOR THE NOTIFICATION OF A MUNICIPALITY OR COUNTY BY THE TOURISM EXPENDITURE REVIEW COMMITTEE IF THE COMMITTEE FINDS AN EXPENDITURE TO BE IN NONCOMPLIANCE, TO PROVIDE FOR A PROCEDURE FOR REFUNDING THE AMOUNT FOUND IN NONCOMPLIANCE, TO PROVIDE FOR ACTIONS TO BE TAKEN AGAINST A MUNICIPALITY OR COUNTY THAT DOES NOT REFUND THE NONCOMPLIANT AMOUNT, TO PROVIDE A PROCEDURE FOR CERTIFICATION BY THE MUNICIPALITY OR COUNTY TO THE COMMITTEE THAT NONCOMPLIANT AMOUNTS HAVE BEEN REFUNDED, TO PROVIDE THE FISCAL YEARS TO WHICH THE ABOVE PROVISIONS APPLY, AND TO PROVIDE THAT THIS SECTION IS REPEALED JUNE 30, 2015.

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

H. 3231 -- Reps. Atwater, Huggins, Toole, Ballentine, Taylor, Bingham, Pitts and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-1-90 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL NOT DISCRIMINATE AGAINST MOTORCYCLES, MOTORCYCLE OPERATORS, OR MOTORCYCLE PASSENGERS.

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

H. 4658 -- Reps. Knight, Mack, Jefferson and Whipper: A JOINT RESOLUTION TO WAIVE THE MAKE UP REQUIREMENT FOR THE SCHOOL DAYS MISSED ON JANUARY 29 AND 30, AND FEBRUARY 12, 13, AND 14, 2014, BY THE STUDENTS OF DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4 WHEN ITS SCHOOLS WERE CLOSED DUE TO SNOW AND TO EXTEND THIS WAIVER TO CHARTER SCHOOLS AND HOME SCHOOLS IN THESE DISTRICTS.

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

H. 4671 -- Reps. Clemmons, Ryhal, Hardwick, Edge, Hardee, Barfield and H. A. Crawford: A JOINT RESOLUTION TO PROVIDE THAT THE HORRY COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MAY WAIVE TIME THAT SCHOOLS IN THE DISTRICT CLOSED IN 2014 DUE TO INCLEMENT WEATHER FROM WINTER STORM LEON AND WINTER STORM PAX FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

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

H. 4672 -- Rep. Delleney: A JOINT RESOLUTION TO PROVIDE THAT THE CHESTER COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MAY WAIVE TIME THAT SCHOOLS IN THE DISTRICT CLOSED IN 2014 DUE TO INCLEMENT WEATHER FROM WINTER STORM LEON AND WINTER STORM PAX FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

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

H. 4674 -- Reps. Hosey, Cobb-Hunter and Clyburn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 28, 29, AND 30, 2014, AND FEBRUARY 12 AND 13, 2014, BY THE STUDENTS OF ORANGEBURG SCHOOL DISTRICT 4 WHEN ITS SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 4675 -- Rep. Cobb-Hunter: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 28, 29, AND 30, 2014, AND FEBRUARY 12 AND 13, 2014, BY THE STUDENTS OF ORANGEBURG SCHOOL DISTRICT 3 WHEN ITS SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 4748 -- Reps. Owens, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND EXPRESS DEEP APPRECIATION TO THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM FOR ITS OUTSTANDING CONTRIBUTIONS IN EDUCATING AND TRAINING OUR STATE'S WORKFORCE AND TO DECLARE MARCH 25, 2014, AS SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM DAY.

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

**REPORTS OF STANDING COMMITTEES**

Senator FAIR from the Committee on Corrections and Penology polled out S. 440 favorable:

S. 440 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑19‑1435 SO AS TO PROVIDE THAT THE USE OF RESTRAINTS ON JUVENILES APPEARING IN COURT ARE PROHIBITED UNLESS THE RESTRAINTS ARE NECESSARY TO PREVENT HARM OR IF THE JUVENILE IS A FLIGHT RISK AND THERE ARE NO LESS RESTRICTIVE ALTERNATIVES AVAILABLE; TO GIVE A JUVENILE’S ATTORNEY THE RIGHT TO BE HEARD BEFORE THE COURT ORDERS THE USE OF RESTRAINTS; AND IF RESTRAINTS ARE ORDERED, TO REQUIRE THE COURT TO MAKE FINDINGS OF FACT IN SUPPORT OF THE ORDER.

**Poll of the Corrections and Penology Committee**

**Polled 13; Ayes 13; Nays 0; Not Voting 4**

**AYES**

Fair Pinckney Williams

Massey Nicholson Matthews

Davis Allen Shealy

Turner Young Coleman

Kimpson

**Total--13**

**NAYS**

**Total--0**

**NOT VOTING**

Campbell *Martin, Shane* Gregory

Thurmond

**Total--4**

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education polled out H. 4576 favorable:

H. 4576 -- Reps. Anderson, Harrell, Hosey, Hardwick, Spires, Gilliard, King, Parks, Williams, Anthony, Clyburn, Gambrell, Jefferson, Bowen, Brannon, R.L. Brown, George, Hayes, Hixon, Lowe, Mack, W.J. McLeod, D.C. Moss, Munnerlyn, Norman, Putnam, Robinson‑Simpson, Tallon and Thayer: A JOINT RESOLUTION TO PROVIDE THAT THE GOVERNING BODY OF A SCHOOL DISTRICT MAY WAIVE THE REQUIREMENT THAT SCHOOLS MAKE UP FULL DAYS MISSED DUE TO INCLEMENT WEATHER FOR UP TO FIVE FULL SCHOOL DAYS THAT STUDENTS WHO ATTEND A SCHOOL, CHARTER SCHOOL, OR APPROVED HOME SCHOOL PROGRAM IN THE DISTRICT MISSED DUE TO INCLEMENT WEATHER DURING THE 2013‑2014 SCHOOL YEAR.

**Poll of the Education Committee**

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

**AYES**

Courson Setzler Matthews

Hayes Rankin Fair

Peeler Jackson Grooms

*Martin, Larry* Malloy Hutto

Pinckney Sheheen Cleary

Hembree Thurmond

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., February 18, 2014

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Reappointment, South Carolina State Board for Technical and Comprehensive Education, with term to commence July 1, 2014, and to expire July 1, 2020:

2nd Congressional District:

Mr. Robert E. Barnett, 219 West Passage, Columbia, South Carolina 29212

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., February 18, 2014

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with term to commence July 1, 2012, and to expire July 1, 2018:

4th Congressional District:

Mr. Stephen J. Burry, 303 Pawleys Drive, Simpsonville, South Carolina 29681 *VICE* Tammy Devine

Very respectfully,

Speaker of the House

Received as information.

**Expression of Personal Interest**

Senator LARRY MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator RANKIN rose for an Expression of Personal Interest.

**Remarks by Senator MALLOY**

Thank you Mr. President, lady and gentlemen of the Senate. First, I want to thank our chairman, the Senator from Horry, for his willingness to serve as a trustee on the South Carolina Hall of Fame Board. Obviously, it is another endeavor that he has taken upon himself and, obviously, he will represent all of us well. He has adequately explained the night and the event. I think that we owe a great debt of gratitude to those who came before us. Marion Wright Edelman is one of those giants. She, if you will look at her life, came out of Marlboro County with the likes of Hugh McColl, also from Marlboro County. It is small-town U.S.A., Senator from Florence. You represented that area for a period of time and it is incredible now to see the challenges that they have in Marlboro County. Our staff attorney, Katherine Wells, came out of Marlboro County. Her mother was a librarian there. Something that is unique -- to these areas in rural South Carolina, you can look to see where they came from and what they have become with the likes of Mr. Bernanke from Dillon and others. It shows you what can happen. I remember when Ms. Edelman's brother came back. He was a pastor. Reverend Wright was from a church in New York and retired to Marlboro County along with one of our sisters. I remember going to the Frederick Douglass Museum in Washington, D.C., at a time when they were raising money to support Marion Wright Edelman: the library over in Marlboro County. I take this opportunity to thank you, members of the Senate, because little did you know the seeds we have planted here in the South Carolina Senate gave rise to the Marion Wright Edelman Library in the county. Basically, when they built the new library, I think it was from the Senate and the Appropriations Bill that we were able to give $100,000 toward that library, with a lot of other private donations to end up getting a pretty state-of-the-art facility over there. With that, I will just say one thank you. It is altogether fitting and proper that we will also honor those as it relates to Ms. Septima Clark. Ms. Marion Edelman gave some glowing comments. She talked about taking her granddaughters down to Mississippi and Alabama. She said, “I am glad that you all are talking about standing on my shoulders, but now I want you all to get to work.” I would just say that we will continue to honor those great South Carolinians. We are very proud to know her. I remember leaving -- so this may cause a little pause to the person that she gave her first job, after she graduated from Yale Law School who was none other than former First Lady and former Secretary of State Hillary Clinton. Marion Wright Edelman was blazing trails back then. For those of you that have tried and have seen folks go to Yale Law School, you know how hard it is to get into, not to mention getting out. She went to Yale Law School a long time ago. I was glad to be a part of the moment and glad to be in her presence. I am honored that my friend and college mate in law school, the senator from Horry, has put himself forward to serve on the Hall of Fame Committee. I hope that you a will give him recommendations. Let him be our voice so that we can make certain that we can have the South Carolina Hall of Fame that we want it to be. It can be everything that it needs to be, so that we can honor those great South Carolinians.

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

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3623 -- Reps. Atwater and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑77‑127 SO AS TO PROVIDE THAT AN AUTOMOBILE INSURER MUST VERIFY THE COVERAGE OF AN INSURED BY ELECTRONIC FORMAT TO A MOBILE ELECTRONIC DEVICE UPON REQUEST OF THE INSURED, AND TO PROVIDE A NECESSARY DEFINITION; AND TO AMEND SECTION 56‑10‑225, RELATING TO REQUIREMENTS FOR MAINTAINING PROOF OF FINANCIAL RESPONSIBILITY IN AN AUTOMOBILE, SO AS TO PERMIT THE USE OF A MOBILE ELECTRONIC DEVICE TO SATISFY THESE REQUIREMENTS.

**HOUSE BILL RETURNED**

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

H. 4468 -- Reps. Hardwick, Ryhal and Clemmons: A BILL TO AMEND SECTION 7‑7‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TWO PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

**THIRD READING BILLS**

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

S. 876 -- Senators Cromer and Campsen: A BILL TO AMEND SECTION 50‑11‑355 OF THE 1976 CODE, RELATING TO UNLAWFUL DEER HUNTING NEAR A RESIDENCE, TO PROVIDE THAT IT IS UNLAWFUL TO HUNT DEER WITH FIREARMS NEAR A RESIDENCE WITHOUT THE PERMISSION OF THE OWNER AND OCCUPANT.

S. 812 -- Senator O’Dell: A BILL TO AMEND SECTION 11‑50‑50, AS AMENDED, SECTIONS 11‑50‑60, 11‑50‑90, AND 11‑50‑160, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO UPDATE THE LIST OF COUNTIES IN WHICH A BOARD MEMBER MAY RESIDE OR REPRESENT, TO REMOVE THE AUTHORITY FROM THE JURISDICTION OF THE ADMINISTRATIVE PROCEDURES ACT, AND TO NO LONGER REQUIRE THE AUTHORITY TO OBTAIN REVIEW AND APPROVAL OF THE JOINT BOND REVIEW COMMITTEE BEFORE PROVIDING FINANCIAL ASSISTANCE, BUT TO REQUIRE THE AUTHORITY TO SUBMIT AN ANNUAL REPORT TO THE JOINT BOND REVIEW COMMITTEE REGARDING LOANS AND OTHER FINANCIAL ASSISTANCE.

S. 825 -- Senators Alexander and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 3‑1‑40 SO AS TO EXEMPT FROM AD VALOREM TAXATION ANY REAL PROPERTY LOCATED WITHIN A MILITARY BASE OR INSTALLATION THAT IS USED OR OWNED BY THE UNITED STATES ARMED FORCES AND IS USED AS MILITARY HOUSING FOR MILITARY AFFILIATED PERSONNEL AND THEIR FAMILIES EVEN IF THE REAL PROPERTY IS IMPROVED, MAINTAINED, OR LEASED TO A PARTY THAT WOULD OTHERWISE SUBJECT THE REAL PROPERTY TO TAX, SO LONG AS THERE IS A CONTRACTUAL AGREEMENT REQUIRING THE LESSEE TO USE THE PROPERTY FOR MILITARY HOUSING.

S. 842 -- Senator Cleary: A BILL TO AMEND CHAPTER 12, TITLE 25 OF THE 1976 CODE, RELATING TO VETERAN’S UNCLAIMED CREMATED REMAINS, TO PROVIDE THAT A CORONER MAY WORK WITH A VETERANS SERVICE ORGANIZATION TO PROVIDE FOR THE DISPOSITION OF UNCLAIMED CREMATED REMAINS OF A VETERAN PURSUANT TO THE PROVISIONS CONTAINED IN THIS CHAPTER.

S. 989 -- Senator Nicholson: A BILL TO AMEND SECTION 7‑7‑290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REVISE BOUNDARIES OF EXISTING PRECINCTS AND TO DESIGNATE THE MAP NUMBER ON WHICH THE BOUNDARIES OF GREENWOOD COUNTY VOTING PRECINCTS AS REVISED BY THIS ACT MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 840 -- Senator Bryant: A BILL TO AMEND SECTION 44‑53‑1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF CERTAIN INFORMATION BY DISPENSERS AS PART OF THE STATE PRESCRIPTION MONITORING PROGRAM, SO AS TO REVISE THE MANNER OF SUBMISSION; AND TO AMEND SECTION 44‑53‑1650, RELATING TO CONFIDENTIALITY AND RELEASE OF DATA FROM THE STATE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE A COURT ORDER FOR THE RELEASE OF CERTAIN INFORMATION FOR RESEARCH AND EDUCATION PURPOSES, AND TO REQUIRE A COURT ORDER TO RELEASE INFORMATION TO CERTAIN INDIVIDUALS WHEN THE REQUEST IS FOR SYSTEM DATA MAINTAINED FOR LONGER THAN ONE YEAR.

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

Senator CLEARY proposed the following amendment (CASTO), which was adopted:

Amend the committee amendment, as and if amended, page [840-4], by striking lines 15-20 and inserting:

/ Education to recognize and accredit organizations in South Carolina offering continuing medical education or from a statewide organization approved to provide continuing medical education by its national organization which is accredited by the Accreditation Council for Continuing Medical Education. Each renewal form submitted pursuant to Section 40-47-41 must include a certificate of participation with the prescribing and monitoring education requirement issued by the organization from which the education was received;” /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the perfecting amendment.

The Committee on Medical Affairs proposed the following amendment (S-840), which was adopted:

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

/ SECTION 1. Section 44-53-1630 of the 1976 Code, as added by Act 396 of 2006, is amended by adding:

“(5) ‘Authorized delegate’ means an individual who is approved as having access to the prescription monitoring program and who is directly supervised by an authorized practitioner or pharmacist.”

SECTION 2. Section 44‑53‑1640(B)(2) of the 1976 Code, as added by Act 396 of 2006, is amended to read:

“(2) A dispenser shall submit daily to the department the information required pursuant to subsection (B)(1) in accordance with transmission methods and protocols provided in the latest edition of the ‘ASAP Telecommunications Format for Controlled Substances~~, May 1995 Version~~’, developed by the American Society for Automation in Pharmacy~~, and frequent established by drug control, but shall report every thirty days, between the 1~~~~st~~ ~~and the 15~~~~th~~ ~~of the month following the month the prescription was dispensed~~.”

SECTION 3. Section 44‑53‑1650 of the 1976 Code, as added by Act 396 of 2006, is amended to read:

“Section 44‑53‑1650. (A) Prescription information submitted to drug control is confidential and not subject to public disclosure under the Freedom of Information Act or any other provision of law, except as provided in subsections (C) and (D).

(B) Drug control shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed, except as provided for in subsections (C) and (D).

(C) If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, drug control shall notify the appropriate law enforcement or professional licensure, certification, or regulatory agency or entity and shall provide prescription information required for an investigation.

(D) Drug control may provide data in the prescription monitoring program to the following persons:

(1) a practitioner or pharmacist or authorized delegate who requests information and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide patient;

(2) an individual who requests the individual’s own prescription monitoring information in accordance with procedures established pursuant to state law;

(3) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;

(4) a local, state, or federal law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of the laws governing licit drugs and who is involved in a bona fide specific drug related investigation involving a designated person;

(5) the South Carolina Department of Health and Human Services regarding Medicaid program recipients;

(6) a properly convened grand jury pursuant to a subpoena properly issued for the records;

(7) personnel of drug control for purposes of administration and enforcement of this article;

(8) qualified personnel for the purpose of bona fide research or education; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser must be deleted or redacted from such information prior to disclosure. Further, release of the information only may be made pursuant to a written agreement between qualified personnel and the department in order to ensure compliance with this subsection.”

SECTION 4. Section 44‑53‑1680 of the 1976 Code, as added by Act 396 of 2006, is amended to read:

“Section 44-53-1680. (A) A dispenser or authorized delegate who knowingly fails to submit prescription monitoring information to drug control as required by this article, or who knowingly submits incorrect prescription information, is guilty of a misdemeanor~~,~~ and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both.

(B) A person or persons authorized to have prescription monitoring information pursuant to this article who knowingly discloses this information in violation of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(C) A person or persons authorized to have prescription monitoring information pursuant to this article who uses this information in a manner or for a purpose in violation of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(D) A pharmacist or practitioner, licensed in Title 40, who knowingly discloses prescription monitoring information in a manner or for a purpose in violation of this article shall have his license revoked.

(E) Nothing in this chapter requires a pharmacist or practitioner to obtain information about a patient from the prescription monitoring program. A pharmacist or practitioner does not have a duty and must not be held liable in damages to any person in any civil or derivative criminal or administrative action for injury, death, or loss to person or property on the basis that the pharmacist or practitioner did or did not seek or obtain information from the prescription monitoring program. A pharmacist or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting or receiving information from the prescription monitoring program.”

SECTION 5. Section 40-47-40(2)(a) of the 1976 Code, as added by Act 385 of 2006 is amended to read:

“(2) For renewal of an active permanent license biennially, documented evidence of at least one of following options during the renewal period is required:

(a) forty hours of Category I continuing medical education sponsored by the American Medical Association, American Osteopathic Association, or another organization approved by the board as having acceptable standards for courses it sponsors, at least thirty hours of which must be related directly to the licensee's practice area, and at least two (2) hours of which may be related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in Sections 44-53-210, 44-53-230, 44-53-250, and 44-53-270, and must be received from a statewide organization recognized by the Accreditation Council for Continuing Medical Education to recognize and accredit organizations in South Carolina offering continuing medication education. Each renewal form submitted pursuant to Section 40-47-41 must include a certificate of participation with the prescribing and monitoring education requirement issued by the organization from which the education was received;”

SECTION 6. This act takes effect upon approval by the Governor./ Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--43**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3089 -- Reps. Pope, Tallon, Hixon, Wells, McCoy and Daning: A BILL TO AMEND SECTION 12‑6‑1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS ALLOWED FROM SOUTH CAROLINA TAXABLE INCOME OF AN INDIVIDUAL FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW A MAXIMUM THREE THOUSAND DOLLAR A YEAR DEDUCTION FOR VOLUNTEER STATE CONSTABLES DESIGNATED BY THE STATE LAW ENFORCEMENT DIVISION AS STATE CONSTABLES AND TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR THIS DEDUCTION.

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

The Committee on Finance proposed the following amendment (BH\3089C001.BH.DG14), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect upon approval by the Governor and applies for taxable years beginning after 2013. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 815 -- Senators Larry Martin and Campsen: A BILL TO AMEND SECTION 7‑11‑30, SOUTH CAROLINA CODE OF LAWS, 1976, TO PROVIDE THAT A PARTY MAY CHOOSE TO CHANGE NOMINATION OF CANDIDATES BY PRIMARY TO A CONVENTION IF THREE‑FOURTHS OF THE CONVENTION MEMBERSHIP APPROVES OF THE CONVENTION NOMINATION PROCESS, AND A MAJORITY OF THE VOTERS IN THAT PARTY’S NEXT PRIMARY ELECTION APPROVES THE USE OF A CONVENTION.

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

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen Nicholson O'Dell

Peeler Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--39**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**CARRIED OVER**

H. 3563 -- Reps. Delleney, J.E. Smith and Lucas: A BILL TO AMEND CHAPTER 20, TITLE 39, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF‑SERVICE STORAGE FACILITIES, SO AS TO DEFINE “ELECTRONIC MAIL”, TO PROVIDE THAT WHEN RENT OR OTHER CHARGES ARE FIVE OR MORE DAYS PAST DUE THE OWNER MAY DENY THE OCCUPANT ACCESS TO THE PERSONAL PROPERTY AND THE OCCUPANT IS CONSIDERED IN DEFAULT, TO PROVIDE THAT WHEN RENT OR OTHER CHARGES ARE FOURTEEN OR MORE DAYS PAST DUE THE OCCUPANT MUST BE NOTIFIED, AND TO PROVIDE THE PROCESS BY WHICH A DEFAULTING OCCUPANT’S PERSONAL PROPERTY MAY BE DESTROYED OR SOLD.

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

Senators McELVEEN, THURMOND and TURNER proposed the following amendment (JUD3563.004), which was adopted:

Amend the committee report, as and if amended, page [3563-3], by striking lines 19 through 35, in Section 39-20-40, as contained in SECTION 1, and inserting therein the following:

/ Section 39‑20‑40. If an owner complies with the requirements of this code section and Section 39‑20‑45, he may enforce the lien without judicial intervention. An owner shall obtain from the occupant a written rental agreement and a copy of the completed agreement shall be given to the occupant upon execution. ~~which~~ The rental agreement must include the following language with bold type where indicated:

This agreement, made and entered into this \_\_\_ day of\_\_\_\_\_\_\_\_\_\_, ~~19~~ 20\_\_\_, by and between \_\_\_\_\_\_\_\_\_\_, the owner and \_\_\_\_\_\_\_\_\_\_, the occupant, whose last known address is \_\_\_\_\_\_\_\_\_\_. YOU HAVE THE RIGHT TO CHOOSE WHETHER YOU WANT TO RECEIVE ANY NOTICE OF DEFAULT BY MAIL OR ELECTRONIC MAIL. WHEN CHOOSING ELECTRONIC MAIL, YOU WAIVE ANY RIGHT TO RECEIVE NOTICE OF DEFAULT PROCEEDINGS THROUGH PERSONAL SERVICE OR MAIL.

TO CHOOSE NOTICE BY MAIL TO THE ADDRESS WRITTEN ABOVE, SIGN HERE:

(*Occupant signs on this line to receive notice by mail.*)

TO CHOOSE NOTICE BY ELECTRONIC MAIL, SIGN HERE AND PRINT YOUR ELECTRONIC MAIL ADDRESS:

(*Occupant signs on this line to receive notice by electronic mail.*)

(*If Occupant selects to receive notice by electronic mail, on this line* *Occupant must print the electronic mail address for Owner to use in sending notice.*)

CHANGES TO YOUR PREFERRED METHOD OF RECEIVING NOTICE MUST BE SUBMITTED IN WRITING AND SENT BY FIRST CLASS MAIL OR HAND DELIVERED TO THE OWNER. /

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the perfecting amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD3563.002), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND CHAPTER 20, TITLE 39, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF‑SERVICE STORAGE FACILITIES, SO AS TO DEFINE “ELECTRONIC MAIL”, TO PROVIDE THAT WHEN RENT IS SEVEN OR MORE CALENDAR DAYS PAST DUE THE OWNER MAY DENY THE OCCUPANT ACCESS TO THE PERSONAL PROPERTY AND THE OCCUPANT IS CONSIDERED IN DEFAULT, TO PROVIDE THAT WHEN RENT IS FOURTEEN OR MORE DAYS PAST DUE THE OCCUPANT MUST BE NOTIFIED, AND TO PROVIDE THE PROCESS BY WHICH A DEFAULTING OCCUPANT’S PERSONAL PROPERTY MAY BE DESTROYED OR SOLD.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 39 of the 1976 Code is amended to read:

“CHAPTER 20

Self‑Service Storage Facilities

Section 39‑20‑10. This chapter is known and may be cited as the ‘South Carolina Self‑Service Storage Facility Act’.

Section 39‑20‑20. For purposes of this chapter:

(a) ‘Last known address’ means ~~that~~ the physical, mailing, or electronic mail address provided by the occupant either in the latest rental agreement or ~~the address provided by the occupant~~ in a subsequent written notice of a change of address as the address the occupant selects for the owner to use for making contact or providing notice to the occupant under the provisions of this chapter.

(b) ‘Occupant’ means a person, his sublessee, successor, or assign entitled to the use of the storage space at a self‑service storage facility under a rental agreement, to the exclusion of others.

(c) ‘Owner’ means the owner, operator, lessor, or sublessor of a self‑service storage facility, his agent, or any other person authorized by him to manage the facility or to receive rent from an occupant under a rental agreement.

(d) ‘Personal property’ means movable property not affixed to land and includes, but is not limited to, goods, merchandise, and household items.

(e) ‘Rental agreement’ means any written agreement or lease that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of a self‑service storage facility.

(f) ‘Self‑service storage facility’ means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property. No occupant may use a self‑service storage facility for residential purposes. A self‑service storage facility is not a warehouse within the meaning of Chapter 19 ~~of~~, Title 39 and the provisions of law relative to bonded public warehousemen do not apply to the owner of a self‑service storage facility. A self‑service storage facility is not a safe‑deposit box or vault maintained by banks, trust companies, or other financial entities.

(g) ‘Electronic mail’ means an electronic message or an executable program or computer file that contains an image of a message that is transmitted between two or more computers or electronic terminals and includes electronic messages that are transmitted within or between computer networks from which a confirmation of receipt is received.

Section 39‑20‑30. (A) The owner of a self‑service storage facility and his heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at a self‑service storage facility for rent~~, labor, or other charges~~ in relation to the personal property, and for expenses necessary for its preservation or expenses reasonably incurred in its sale or other disposition pursuant to this chapter. The lien provided for in this chapter is junior to any other liens or security interests which are perfected and recorded or liens by any lienholder with an interest in the property of whom the owner has knowledge either through the disclosure provision of the rental agreement or through other written notice. The lien attaches as of the date the occupant is considered in default.

(B) When rent is seven or more calendar days past due the owner may deny the occupant access to the personal property located in the self‑storage facility.

Section 39‑20‑40. If an owner complies with the requirements of this code section and Section 39‑20‑45, he may enforce the lien without judicial intervention. An owner shall obtain from the occupant a written rental agreement which must include the following language with bold type where indicated:

This agreement, made and entered into this \_\_\_ day of\_\_\_\_\_\_\_\_\_\_, ~~19~~ 20\_\_\_, by and between \_\_\_\_\_\_\_\_\_\_, the owner and \_\_\_\_\_\_\_\_\_\_, the occupant, whose last known address is \_\_\_\_\_\_\_\_\_\_.

BY SIGNING HERE, THE OCCUPANT AGREES TO RECEIVE ANY NOTICE OF DEFAULT PROCEEDINGS THROUGH THE ELECTRONIC MAIL ADDRESS PROVIDED IN THIS AGREEMENT OR BY SUBSEQUENT WRITTEN NOTICE TO THE OWNER AND AFFIRMATIVELY WAIVES ANY RIGHT TO RECEIVE NOTICE OF DEFAULT PROCEEDINGS THROUGH PERSONAL SERVICE OR MAIL.

For the consideration provided for in this agreement, the owner agrees to let the occupant use and occupy a space in the self‑service storage facility, known as \_\_\_\_\_\_\_\_\_\_, located in the City of \_\_\_\_\_\_\_\_\_\_, State of South Carolina, and more particularly described as follows: ~~Building #\_\_\_~~ Space #\_\_\_, ~~Size \_\_\_~~. The space is to be occupied and used for the purposes specified in this agreement and subject to the conditions set forth ~~for a period of \_\_\_\_\_\_\_\_\_\_,~~ beginning on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, ~~19~~ 20\_\_\_, and continuing month to month until terminated.

‘Space’, as used in this agreement, means that part of the self‑service storage facility as described above. The occupant agrees to pay the owner, as payment for the use of the space and improvements on the space, the monthly sum of $\_\_\_\_\_\_\_\_\_\_. Monthly installments are payable in advance on or before ~~the first~~ \_\_\_\_\_day of each month, in the amount of $\_\_\_\_\_\_\_\_\_\_, and a like amount of each month after that, until the termination of this agreement.

~~If any monthly installment is not paid by the fifteenth of the month~~ When rent is seven calendar days past due, or if any check given in payment is dishonored, occupant is considered to be in default and the owner may deny access to the personal property located in the self-storage facility. THIS IS THE OCCUPANT’S NOTICE THAT OCCUPANT MAY BE DENIED ACCESS UPON DEFAULT.

~~Occupant further agrees to pay the sum of one month’s fees, which must be used as a clean‑up and maintenance fund, and is to be used, if required, for the repair of any damage done to the space and to clean up the space at the termination of the agreement. In the event that the space is left in a good state of repair, and in a broom‑swept condition, then this amount must be refunded to the occupant. It is agreed to between the parties that the owner may set off any claims it may have against the occupant from this fund.~~

The space named in this agreement is to be used by the occupant solely for the purpose of storing any personal property belonging to the occupant. The occupant agrees not to store any explosives or any highly inflammable goods or any other goods in the space which would cause danger to the space. The occupant agrees that the property will not be used for any unlawful purposes and the occupant agrees not to commit waste, nor alter, nor affix signs on the space, and will keep the space in good condition during the term of this agreement.

UPON DEFAULT BY THE OCCUPANT THE OWNER HAS A LIEN ON ALL PERSONAL PROPERTY STORED IN OCCUPANT’S SPACE FOR RENT~~, LABOR, OR OTHER CHARGES~~ IN RELATION TO THE PERSONAL PROPERTY, AND FOR ITS PRESERVATION OR EXPENSES REASONABLY INCURRED IN ITS SALE OR OTHER DISPOSITION PURSUANT TO THIS AGREEMENT. PERSONAL PROPERTY STORED IN OCCUPANT’S SPACE WILL BE SOLD OR OTHERWISE DISPOSED OF IF NO PAYMENT HAS BEEN RECEIVED FOR A CONTINUOUS FIFTY‑DAY PERIOD AFTER DEFAULT. IF ANY ~~MONTHLY INSTALLMENT~~ RENT IS SEVEN CALENDAR DAYS PAST ~~IS NOT MADE BY THE FIFTEENTH OF THE MONTH~~ DUE, OR IF ANY CHECK GIVEN IN PAYMENT IS DISHONORED, THE OCCUPANT IS IN DEFAULT FROM DATE PAYMENT WAS DUE.

For purposes of owner’s lien: ‘personal property’ means movable property, not affixed to land and includes, but is not limited to, goods, merchandise, and household items; ‘last known address’ means that address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address. The owner’s lien attaches as of the date the occupant is considered in default.

OWNER DOES NOT PROVIDE ANY TYPE OF INSURANCE WHICH WOULD PROTECT THE OCCUPANT’S PERSONAL PROPERTY FROM LOSS BY FIRE, THEFT, OR ANY OTHER TYPE CASUALTY LOSS. IT IS THE OCCUPANT’S RESPONSIBILITY TO PROVIDE SUCH INSURANCE.

Section 39‑20‑45. (A) If the occupant has been in default continuously for fifty days, owner may enforce its lien, provided owner shall comply with, during the fifty‑day default period, the following procedure.

~~The occupant must be notified in writing by delivery by certified mail, return receipt requested, to the last known address of occupant. The owner also shall notify other parties with superior liens or security interests as defined in this rental agreement. The notice is presumed delivered when notice of delivery, failure to accept delivery, or the impossibility of delivery is received by owner.~~

(B) When rent is fourteen or more days past due the occupant must be notified by written notice delivered to the occupant’s last known address (1) in person, or (2) by personal delivery service as provided by court rule, or (3) by first‑class mail with a certificate of mailing, or (4) by certified mail, or (5) by electronic mail.

(C) Owner’s notice to occupant shall include: ~~an itemized statement of the owner’s claim showing the sum due, at the time of the notice, and the date when the sum became due. It shall briefly and generally describe the personal property subject to the lien. The description must be reasonably adequate to permit the person notified to identify it, except that any container included, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents. The inventory of any property taken under the provisions of this section must be done by the owner or the owner’s agent with at least one other person present.~~

(1) a brief and general description of what is believed to constitute the personal property contained in the storage unit;

(2) a statement of the owner’s claim, showing the sum due at the time of the notice and the date the sum became due;

(3) a demand for payment within a specified time not less than fourteen days after delivery of notice;

(4) a conspicuous statement that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale or disposed of as provided by law and will be sold or otherwise disposed of after a specified date;

(5) a conspicuous statement that partial payment of the owner’s claim does not stop or delay the owner’s right to proceed with the sale or disposition of the property;

(6) ~~Owner’s notice shall notify~~ a conspicuous statement notifying the occupant of denial of access to the personal property and provide the name, street address, and telephone number of the owner or its designated agent, whom the occupant may contact to respond to this notice.

~~Owner’s notice shall demand payment within a specified time, not less than fourteen days after delivery of the notice. It shall state that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for public sale to the highest bidder, and will be sold at public sale to the highest bidder at a specified time and place.~~

(D) Any notice given pursuant to this section is presumed delivered when it is (1) properly addressed to the last known address, and (2) either deposited with the United States Postal Service with postage prepaid for first class mail with a certificate of mailing or certified mail or sent by electronic mail from which a confirmation of receipt is received.

(E) After the expiration of the fifty‑day default period, the owner shall publish an advertisement of the public sale to the highest bidder once a week for two consecutive weeks in a newspaper of general circulation where the self‑service storage facility is located.

(F) The advertisement shall include:

(1) a brief and general description of what is believed to constitute the personal property, ~~reasonably adequate to permit its identification; the address of the self‑service storage facility and the number, if any, of the space where the personal property is located, and the name of the occupant; and the time, place, and manner of the public sale. The public sale to the highest bidder shall take place not sooner than fifteen days after the first publication. If there is no newspaper of general circulation where the self‑service storage facility is located, the advertisement must be posted at least fifteen days before the date of the public sale and in not less than six conspicuous places in the neighborhood where the self‑service storage facility is located.~~ contained in the storage unit;

(2) the address of the self‑storage facility or the address where the self‑contained storage unit is located and the name of the occupant; and

(3) the time, place, and manner of the public sale or other disposition.

(G) If the owner determines that the property in the storage space has a sale value of less than three hundred dollars, the owner, at the owner’s sole discretion, may hold the property for sixty days from the date notice was provided pursuant to this section. If the occupant fails to claim the goods and pay the rent owed during that period, the owner may destroy or dispose of the property without further notice to occupant and occupant’s debt shall be extinguished and the owner shall have no liability to the occupant or any other person for the personal property.

(H) If the property upon which the lien is claimed is a motor vehicle or a watercraft and rent and other charges related to the property remain unpaid or unsatisfied for sixty days following the maturity of the obligation to pay rent, the lienor may have the property towed by a towing company licensed pursuant to law. If a motor vehicle is towed as authorized in this paragraph, the lienor shall not be liable for the motor vehicle or any damages to the motor vehicle once the tower takes possession of the property.

(I) If no one purchases the property at the public sale and if the owner has complied with the foregoing procedures, the owner may otherwise dispose of the property and shall notify the occupant of the action taken. Any sale or disposition of the personal property must be held at the self‑service storage facility or at the nearest suitable place to where the personal property is held or stored.

(J) Before any sale or other disposition of personal property pursuant to this agreement, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred, and by that action redeem the personal property and after that the owner shall have no liability to any person with respect to the personal property. A partial payment of rent shall not satisfy the lien, stop or delay the owner’s right to proceed with a sale or disposition of the occupant’s property as provided in this section unless the owner agrees to the stop or delay in a writing signed by the owner.

(K) A purchaser in good faith of the personal property sold to satisfy owner’s lien takes the property subject to any other liens or security interests which are perfected and recorded or liens by any lienholder with an interest in the property of whom the owner has knowledge either through the disclosure provision of the rental agreement or through other written notice.

(L) In the event of a sale, the owner may satisfy his lien from the proceeds of the sale. The owner shall hold the balance of the proceeds, if any, for the occupant or any notified, secured interest holder. If not claimed within two years of the date of sale, the balance of the proceeds must be disposed of in accordance with Chapter 18 ~~of~~, Title 27. In no event may the owner’s liability exceed the proceeds of the sale.

Section 39‑20‑47. (A) If no written rental agreement exists between the owner and occupant and the oral rental agreement was entered into prior to the effective date of this chapter, an owner may enforce collection of rent due by distress in the manner prescribed by this section if the occupant has been in default continuously for thirty days. Any magistrate having jurisdiction over the district in which the self‑service storage facility is located may issue, upon receipt of an affidavit of the owner or his agent setting forth the amount of rent due, a notice directed to the occupant stating the alleged amount of rent due, including any cost, and fixing a time and place for a predistress hearing to be held not earlier than five days after the service of the notice. The notice, together with a copy of the affidavit, must be delivered to (a) any regular constable, (b) such special constable as the magistrate may appoint, or (c) the sheriff of the county for enforcement. The officer shall serve a copy of the notice and affidavit on the occupant by personal service by any method provided by law.

(B) The purpose of the predistress hearing is to protect the occupant’s use and possession of property from arbitrary encroachment and to prevent unfair or mistaken deprivation of property. If the magistrate shall, after conducting the hearing, find that the owner’s right to distress is valid and the occupant has no overriding right to continue in possession of the property subject to distress, then the magistrate may issue his distress warrant naming the amount of rent due, with costs, and the warrant shall be delivered to an officer as set forth in subsection (A).

(C) The officer to whom a distress warrant is delivered after the predistress hearing shall demand of the occupant payment of the rent with costs as enumerated in the distress warrant. If the amount is paid the officer shall return the warrant with the amount collected to the magistrate who shall settle with the owner. If the tenant fails or refuses to pay the rent with costs, the officer shall distrain sufficient of the property upon the rented premises to pay the amount by delivering or mailing to the occupant at his last known address a list in writing of the property distrained together with a copy of the distress warrant.

(D) If any property distrained is not the property of the occupant, the occupant shall immediately name the owner of the property and inform the officer of the ownership and the officer shall distrain sufficient other property of the occupant to pay the rent and costs. The property of the occupant must be first applied to payments of the rent and costs. All property in the self‑service storage facility is subject to distress as provided in this section.

(E) Any property belonging to the occupant removed from the self‑service storage facility must, if found, be subject to distraint and sale, provided the distraint be made within thirty days after the removal.

(F) Within five days after the distraint, the occupant may free the property from the lien of the distraint by giving a bond payable to the owner in double the amount claimed, with sufficient surety or sureties approved by the court, and the issues thus joined must be tried by the court. The owner has the right to except to the surety or sureties and the surety or sureties shall justify before the magistrate as provided for justification for sureties in claim and delivery actions.

(G) If the occupant fails to give bond as prescribed in subsection (F) then the officer may sell the property at public auction to the highest bidder for cash at a designated place of sale after posting a notice of the sale for five days upon the premises and two other public places in the county stating the time and place of the sale.

(H) The purchaser at a sale of chattels seized under a distress warrant takes the property subject to any other perfected and recorded liens on the property.

(I) If the property distrained brings more than the rent with costs at the sale the surplus must be paid to the occupant and the rent must be paid to the owner.

Section 39‑20‑49. The owner of a self‑service storage facility may require of a person laying claim to any of the contents of the self‑service storage facility that the claimant pay to the owner all unpaid rents due for the use of the facility before taking possession of the contents. The owner is not responsible for any property taxes that may be due on any contents that have been in storage in the facility.

Section 39‑20‑50. Nothing in this chapter may be construed as in any manner impairing or affecting the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement. The rights provided by this chapter are in addition to all other rights allowed by law to a creditor against his debtor.”

SECTION 2. All rental agreements entered into before the effective date of this act, and not extended or renewed after that date, and the rights and duties and interests flowing from them remain valid and may be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this State.

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee amendment was adopted.

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

**CARRIED OVER**

H. 3459 -- Reps. Sandifer, Bales, J.E. Smith and Erickson: A BILL TO AMEND SECTION 40‑2‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, SO AS TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE BOARD, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE BOARD, AND TO PROVIDE THESE PERSONNEL MAY BE TERMINATED BY THE DIRECTOR OF A MAJORITY OF THE BOARD; TO AMEND SECTION 40‑2‑30, RELATING TO THE PRACTICE OF ACCOUNTANCY, SO AS TO PROVIDE A CERTIFIED PUBLIC ACCOUNTANT LICENSED BY THE BOARD IS EXEMPT FROM LICENSURE REQUIREMENTS OF PRIVATE SECURITY AND INVESTIGATION AGENCIES; AND TO AMEND SECTION 40‑2‑70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD MAY CONDUCT PERIODIC INSPECTIONS OF LICENSEES OR FIRMS; AND TO AMEND SECTION 40‑2‑80, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT SHALL DIRECT THE INVESTIGATOR ASSIGNED TO THE BOARD TO INVESTIGATE AN ALLEGED VIOLATION TO DETERMINE THE EXISTENCE OF PROBABLE CAUSE MERITING FURTHER PROCEEDINGS.

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

S. 605 -- Senators Lourie, Sheheen, Jackson, Coleman, Johnson, Allen, McElveen, Bryant, Bright, Davis, Shealy and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑13‑791 SO AS TO PROVIDE THAT THE USE OF ANY AIRCRAFT OWNED OR LEASED BY THIS STATE, OR ANY STATE AGENCY, ENTITY, OR INSTITUTION, INCLUDING INSTITUTIONS OF HIGHER LEARNING, BY A MEMBER OF THE GENERAL ASSEMBLY MUST BE FIRST APPROVED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IN REGARD TO MEMBERS OF THE HOUSE, BY THE PRESIDENT PRO TEMPORE OF THE SENATE IN REGARD TO MEMBERS OF THE SENATE, OR BY THE CHAIRMAN OF A STATE BOARD, COMMISSION, OR COMMITTEE IN THE EXECUTIVE BRANCH IN REGARD TO A MEMBER OF THAT BOARD, COMMISSION, OR COMMITTEE WHO IS PERMITTED TO REQUEST USE OF STATE AIRCRAFT, TO PROVIDE THAT NO AIRCRAFT OWNED OR LEASED BY THIS STATE, OR ANY STATE AGENCY, ENTITY, OR INSTITUTION, INCLUDING INSTITUTIONS OF HIGHER LEARNING, MAY TRANSPORT A PERSON FROM A LOCATION IN OR OUT OF THIS STATE TO COLUMBIA OR ANOTHER LOCATION TO TESTIFY BEFORE A STANDING OR SPECIAL COMMITTEE OF THE GENERAL ASSEMBLY OR EITHER HOUSE OF THE GENERAL ASSEMBLY ABOUT ANY MATTER UNDER CONSIDERATION BY THAT COMMITTEE, AND TO PROVIDE PENALTIES FOR VIOLATIONS, INCLUDING A REQUIREMENT THAT THE COST OF THE FLIGHT MUST BE REIMBURSED TO THE STATE GENERAL FUND.

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

S. 611 -- Senator Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑31‑60, SO AS TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS ELIMINATE ELIGIBILITY FOR A NATIVE AMERICAN INDIAN GROUP TO RECEIVE OFFICIAL RECOGNIZED STATUS IN THIS STATE, TO REPEAL ANY REGULATIONS PROVIDING FOR RECOGNITION AS A NATIVE AMERICAN INDIAN GROUP, AND TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS REVISE ANY OF ITS REGULATIONS TO DELETE ANY REFERENCES OR ELIMINATE ANY PROCEDURES FOR RECOGNIZING A NATIVE AMERICAN INDIAN GROUP.

Senator MASSEY spoke on the Bill.

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

H. 3027 -- Reps. G.M. Smith, Pitts, Ballentine, J.E. Smith, Bernstein, Harrell, Cobb‑Hunter, Whipper and R.L. Brown: A BILL TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX ASSESSMENT RATIOS, SO AS TO PROVIDE THAT, IN CERTAIN SITUATIONS, AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO REGARDLESS OF THE OWNER’S RELOCATION AND REGARDLESS OF ANY RENTAL INCOME, AND TO PROVIDE THAT AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES, IN CERTAIN SITUATIONS, MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO ON TWO RESIDENTIAL PROPERTIES SO LONG AS THE OWNER ATTEMPTS TO SELL THE FIRST RESIDENCE WITHIN THIRTY DAYS OF ACQUIRING THE SECOND RESIDENCE.

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

S. 940 -- Senators Young, Massey, Setzler and Peeler: A BILL TO AMEND SECTION 4‑10‑470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX, SO AS TO ALLOW A COUNTY THAT DOES NOT COLLECT A CERTAIN AMOUNT IN ACCOMMODATIONS TAX TO IMPOSE THE SALES TAX SO LONG AS NO PORTION OF THE COUNTY AREA IS SUBJECT TO MORE THAN TWO PERCENT TOTAL SALES TAX.

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

S. 748 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 30, TITLE 44 SO AS TO BE ENTITLED “IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES”, AND TO PROVIDE THAT THE SERVICES OF A HEALTH CARE PROVIDER TREATING A PATIENT FREE OF CHARGE ARE DEEMED TO BE WITHIN THE SCOPE OF THE GOOD SAMARITAN STATUTE; TO REENTITLE CHAPTER 30, TITLE 44 AS “HEALTH CARE PROFESSIONALS”; AND TO DESIGNATE SECTIONS 44‑30‑10 THROUGH 44‑30‑90 AS ARTICLE 1, CHAPTER 30, TITLE 44, ENTITLED “HEALTH CARE PROFESSIONAL COMPLIANCE ACT”.

Senator CLEARY spoke on the Bill.

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

H. 3978 -- Reps. White and G.M. Smith: A BILL TO AMEND ARTICLE 2, CHAPTER 7, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAID NURSING HOME PERMITS, TO DEFINE “MEDICAID PERMIT DAY”, TO SPECIFY THE MANNER IN WHICH ADDITIONAL MEDICAID PERMIT DAYS ARE ALLOCATED, TO SET FORTH COMPLIANCE STANDARDS AND PENALTIES FOR VIOLATIONS, AND TO PROVIDE CERTAIN REPORTING REQUIREMENTS.

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

S. 560 -- Senator L. Martin: A BILL TO AMEND SECTION 58‑15‑870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WILFULL AND MALICIOUS INJURY TO A RAILROAD OR ELECTRIC RAILWAY, SO AS TO PROVIDE A TIER OF PENALTIES FOR VIOLATIONS; AND TO AMEND ARTICLE 9, CHAPTER 15, TITLE 58, RELATING TO RAILROADS, ELECTRIC RAILROADS, AND THE LIKE, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO PURCHASE, SELL, OR TRANSPORT RAILROAD TRACK MATERIALS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE A TIER OF PENALTIES FOR VIOLATIONS.

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

S. 661 -- Senators S. Martin, Bryant, Bright and Grooms: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, TO ENACT THE “AGENDA 21 PROTECTION ACT” BY ADDING CHAPTER 137 TO PROHIBIT THIS STATE AND ITS POLITICAL SUBDIVISIONS FROM ADOPTING AND DEVELOPING ENVIRONMENTAL AND DEVELOPMENTAL POLICIES THAT, WITHOUT DUE PROCESS, WOULD INFRINGE OR RESTRICT THE PRIVATE PROPERTY RIGHTS OF THE OWNER OF THE PROPERTY.

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

S. 912 -- Senators Peeler and Malloy: A BILL TO AMEND SECTION 6‑1‑730, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF HOSPITALITY TAX REVENUE, SO AS TO ALLOW REVENUE TO BE SPENT ON ROADS AND BRIDGES PROVIDING ACCESS TO DESTINATIONS CONTRIBUTING TO TOURIST ACTIVITIES.

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

H. 3367 -- Reps. J.E. Smith and Mitchell: A BILL TO AMEND SECTION 33‑56‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA SOLICITATION OF CHARITABLE FUNDS ACT, SO AS TO REVISE SPECIFIC DEFINITIONS; TO AMEND SECTION 33‑56‑60, RELATING TO CERTAIN FILING REQUIREMENTS, SO AS TO FURTHER PROVIDE FOR WHICH CHARITABLE ORGANIZATIONS ARE REQUIRED TO FILE AND THE APPLICABLE FILING REQUIREMENTS; TO AMEND SECTION 33‑56‑70, RELATING TO CONTRACTS WITH PROFESSIONAL SOLICITORS REQUIRED TO BE FILED WITH THE SECRETARY OF STATE, SO AS TO PROVIDE FOR ADDITIONAL FILING INFORMATION AND TO FURTHER PROVIDE WHEN A PROFESSIONAL SOLICITOR, COMMERCIAL CO‑VENTURER, OR PROFESSIONAL FUNDRAISING COUNSEL MAY BEGIN PROVIDING OR CONTINUE PROVIDING SOLICITATIONS AND SERVICES IN THIS STATE; TO AMEND SECTION 33‑56‑110, RELATING TO REGISTRATION OF CERTAIN PERSONS, SO AS TO REVISE THE PROVISIONS OF THE SECTION IN REGARD TO THE REQUIREMENTS OF AND PROCEDURES FOR REGISTRATION, INCLUDING THE SANCTIONS OR PENALTIES FOR NONCOMPLIANCE OR VIOLATION; AND TO AMEND SECTION 33‑56‑120, RELATING TO PROHIBITED MISREPRESENTATIONS, SO AS TO CLARIFY A REFERENCE.

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

**MINORITY REPORT REMOVED**

S. 764 -- Senators Alexander, Cromer and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2, CHAPTER 35, TITLE 43 SO AS TO CREATE THE VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM WITHIN THE OFFICE ON AGING TO RECRUIT, TRAIN, AND SUPERVISE VOLUNTEERS TO SERVE AS COURT APPOINTED GUARDIANS AD LITEM FOR VULNERABLE ADULTS IN ABUSE, NEGLECT, AND EXPLOITATION PROCEEDINGS; TO PROVIDE THE DUTIES AND RESPONSIBILITIES OF A GUARDIAN AD LITEM; TO PROVIDE THAT A GUARDIAN AD LITEM MAY BE A LAYPERSON OR AN ATTORNEY; TO PROVIDE QUALIFICATIONS TO BECOME A GUARDIAN AD LITEM; TO AUTHORIZE THE VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM TO INTERVENE IN PROCEEDINGS TO PETITION FOR REMOVAL OF A GUARDIAN AD LITEM UNDER CERTAIN CONDITIONS; TO PROVIDE THAT CERTAIN INFORMATION, REPORTS, AND RECORDS MUST BE MADE AVAILABLE TO GUARDIANS AD LITEM BY CERTAIN STATE AND FEDERAL AGENCIES, MEDICAL AND DENTAL PRACTITIONERS, AND FINANCIAL INSTITUTIONS; TO PROVIDE THAT REPORTS AND INFORMATION COLLECTED AND MAINTAINED BY THE PROGRAM ARE CONFIDENTIAL AND TO PROVIDE FOR CIVIL IMMUNITY WHEN ACTING IN GOOD FAITH AND IN THE ABSENCE OF GROSS NEGLIGENCE; AND TO AMEND SECTION 43‑35‑45, RELATING, AMONG OTHER THINGS, TO THE APPOINTMENT OF AN ATTORNEY AND A GUARDIAN AD LITEM FOR A VULNERABLE ADULT IN A PROCEEDING, SO AS TO FURTHER PROVIDE THAT THE COURT SHALL APPOINT AN ATTORNEY FOR A LAY GUARDIAN AD LITEM AND THAT THE GUARDIAN AD LITEM MAY BE REMOVED IF THE VULNERABLE ADULT HAS THE CAPACITY TO ASSIST IN THE CASE.

Senator BRIGHT spoke on the Bill.

Senator BRIGHT asked unanimous consent to remove his name from the minority report of the Bill.

There was no objection and proper notation was made on the Bill.

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

**MOTION ADOPTED**

On motion of Senator PEELER, the Senate agreed to dispense with the balance of the Motion Period.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator JOHNSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator McELVEEN rose for an Expression of Personal Interest.

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

**RECOMMITTED**

S. 405 -- Senator L. Martin: A BILL TO AMEND SECTION 1‑23‑560, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE CODE OF JUDICIAL CONDUCT TO ADMINISTRATIVE LAW JUDGES AND THE ENFORCEMENT AND ADMINISTRATION OF THESE RULES BY THE STATE ETHICS COMMISSION, SO AS TO PROVIDE INSTEAD THAT THE JUDICIAL DEPARTMENT SHALL HANDLE COMPLAINTS AGAINST ADMINISTRATIVE LAW JUDGES FOR POSSIBLE VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT IN THE SAME MANNER AS COMPLAINTS AGAINST OTHER JUDGES.

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

Senator LARRY MARTIN explained the Bill.

Senator LARRY MARTIN asked unanimous consent to recommit the Bill to the Committee on Judiciary.

There was no objection.

The Bill was recommitted to the Committee on Judiciary.

**LOCAL APPOINTMENTS**

**Confirmations**

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

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2012, and to expire July 1, 2018

4th Congressional District:

Stephen J. Burry, 303 Pawleys Drive, Simpsonville, SC 29681 *VICE* Tammy Devine

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2013, and to expire April 30, 2017

Angela M. McCall-Tanner, 1 Hathaway Lane, Bluffton, SC 29910 *VICE* New Seat

Reappointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2014, and to expire July 1, 2020

2nd Congressional District:

Robert E. Barnett, 219 West Passage, Columbia, SC 29212

Initial Appointment, Florence County Probate Judge, with the term to commence January 1, 2014, and to expire November 4, 2014

John Munford Scott, Jr., 336 Country Club Blvd., Florence, SC 29501 *VICE* Kenneth Eaton

**MOTION ADOPTED**

On motion of Senator YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Meredith Legg Stapleton of Aiken, S.C. Meredith fought a courageous battle against cancer and died a week before her 27th birthday. She was a former star of the USC Aiken basketball team and was inducted into the USCA’s Athletic Hall of Fame and remains the programs all-time leading scorer. Meredith was a wonderful woman who had a passion for life. She was a loving daughter and devoted wife who will be dearly missed.

**ADJOURNMENT**

At 1:34 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 2:00 P.M.

**Recorded Vote**

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

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