**Wednesday, February 26, 2014**

**(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:

We read in II Chronicles that:

“The weight of gold that came to Solomon in one year was six hundred sixty-six talents of gold, besides that which the traders and merchants brought, and all the kings of Arabia and the governors of the land brought gold and silver to Solomon.” (II Chronicles 9:13)

Join me as we bow in prayer:

O God, here with the 2014 Olympic Games now behind us, we still find ourselves thinking about the blessings of gold and silver, and bronze -- precious trophies, every one. Yet here in our State of South Carolina we are blessed with even greater wealth than those awards represent: our natural resources. Such treasures, indeed: our waterways, our forests, our coastline, indeed, our people! Lord, guide this Senate as it continues to find the ways and means to care for all of the natural resources that enrich South Carolina in so many marvelous ways. In Your loving name we pray, O Lord. Amen.

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

**Point of Quorum**

At 2:05 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:

Bennett Bright Bryant

Campbell Coleman Corbin

Courson Cromer Davis

Fair Grooms Hayes

Hembree Hutto *Martin, Larry*

*Martin, Shane* McElveen McGill

Nicholson Peeler Scott

Setzler Shealy Thurmond

Turner Verdin Young

A quorum being present, the Senate resumed.

**Doctor of the Day**

Senator ALEXANDER introduced Dr. David Garr of Mount Pleasant, S.C., Doctor of the Day. Dr. Garr is the Executive Director of the SCAHEC Association and Dean of MUSC for Community Medicine.

**Leave of Absence**

On motion of Senator SHANE MARTIN, at 2:05 P.M., Senator MALLOY was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator McELVEEN, at 2:05 P.M., Senator LOURIE was granted a leave of absence for today.

**Leave of Absence**

At 2:05 P.M., Senator BRYANT requested a leave of absence beginning at 4:10 P.M.

**Leave of Absence**

On motion of Senator CAMPBELL, at 4:00 P.M., Senator BENNETT was granted a leave of absence for the balance of the day.

**Motion to Ratify Adopted**

At 2:10 P.M., Senator COURSON asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at 11:15 A.M., Thursday, February 27, 2014.

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

**Expression of Personal Interest**

Senator McELVEEN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 416 Sen. Cromer

S. 963 Sen. Thurmond

S. 943 Sen. Alexander

S. 813 Sens. McElveen, McGill, Pinckney

S. 857 Sen. Campsen

**RECALLED**

S. 983 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑617 SO AS TO DESIGNATE MARCH OF EACH YEAR AS “ENDOMETRIOSIS AWARENESS MONTH”.

Senator HUTTO asked unanimous consent to make a motion to recall the Bill from the Committee on Medical Affairs.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1052 -- Senator L. Martin: A SENATE RESOLUTION TO COMMEND FRIENDS OF PICKENS COUNTY GUARDIAN AD LITEM PROGRAM FOR ITS DEDICATED LABORS OF NEARLY TWELVE YEARS IN PROVIDING HELP TO ABUSED AND NEGLECTED CHILDREN AND IN CONTRIBUTING FINANCIAL SUPPORT TO THE PICKENS COUNTY GUARDIAN AD LITEM OFFICE AND ITS COURT-APPOINTED GUARDIAN AD LITEM VOLUNTEERS.

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The Senate Resolution was adopted.

S. 1053 -- Senator Massey: A BILL TO AMEND SECTION 59-67-420 OF THE 1976 CODE, RELATING TO THE EXTENT OF SCHOOL TRANSPORTATION PROVIDED, TO REVISE THE TRANSPORTATION OBLIGATION THE STATE ASSUMES FROM ONE AND ONE-HALF MILES TO ONE-HALF MILE.

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

S. 1054 -- Senators Hayes, Peeler, Coleman and Gregory: A CONCURRENT RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE PALMETTO STATE AND TO DECLARE MARCH 4, 2014, "YORK COUNTY DAY" IN SOUTH CAROLINA.

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

S. 1055 -- Senator Nicholson: A BILL TO AMEND SECTION 40-35-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING LONG TERM HEALTH CARE ADMINISTRATORS, SO AS TO REVISE AND ADD NECESSARY DEFINITIONS; TO AMEND SECTION 40-35-40, RELATING TO THE LICENSURE OF LONG TERM HEALTH CARE ADMINISTRATORS, SO AS TO REVISE LICENSURE CRITERIA; AND TO AMEND SECTION 40-35-200, RELATING TO THE PROHIBITION AGAINST A PERSON ACTING OR SERVING IN THE CAPACITY OF A NURSING HOME ADMINISTRATOR OR RESIDENTIAL CARE FACILITY ADMINISTRATOR WITHOUT A LICENSE, SO AS TO MAKE A CONFORMING CHANGE.

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

S. 1056 -- Senators Turner, Campbell and Reese: A BILL TO AMEND SECTION 40-25-60 OF THE 1976 CODE, RELATING TO THE LICENSE REQUIRED TO ENGAGE IN THE PRACTICE OF SPECIALIZING IN HEARING AIDS, TO PROVIDE THAT NO PERSON MAY ENGAGE IN THE PRACTICE OF SPECIALIZING IN HEARING AIDS OR DISPLAY A SIGN OR IN ANOTHER WAY ADVERTISE OR REPRESENT HIMSELF AS A PERSON WHO ENGAGES IN THE PRACTICE OF SPECIALIZING IN HEARING AIDS OR OFFER FOR THE SALE OF HEARING AIDS THROUGH THE MAIL, INTERNET, OR OTHER MEANS, UNLESS HE HOLDS AN UNSUSPENDED, UNREVOKED LICENSE ISSUED BY THE DEPARTMENT AND PROVIDES FOR THE DIRECT FITTING, SALE, AND DELIVERY OF THE PRODUCTS, AND TO PROVIDE THAT NOTHING IN THIS CHAPTER PROHIBITS A PERSON FROM ENGAGING IN THE BUSINESS OF SELLING OR OFFERING FOR SALE HEARING AIDS THROUGH THE MAIL, INTERNET, OR OTHER MEANS TO DISTRIBUTORS, DEALERS, OR SPECIALISTS LICENSED IN THIS STATE.

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

S. 1057 -- Senators Thurmond and Davis: A BILL TO AMEND SECTION 59-25-410, THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMPLOYMENT AND DISMISSAL OF TEACHERS, SO AS TO PROVIDE THAT IF A TEACHER IS DISMISSED OR RECEIVES NO NOTICE OF HAVING A CONTRACT RENEWED THAT TEACHER IS TERMINATED AND HAS NO RIGHTS TO APPEAL OR PROTEST THE TERMINATION EXCEPT AS PROVIDED FOR DISCRIMINATION BY ARTICLE 7, CHAPTER 25, TITLE 59; AND TO REPEAL SECTION 59-25-420.

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Senator THURMOND spoke on the Bill.

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

S. 1058 -- Senators Thurmond and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-45, SO AS TO PROVIDE THAT THE PRINCIPAL OR SCHOOL DISTRICT MUST NOTIFY PARENTS IF THEIR CHILDREN ARE BEING TAUGHT BY AN ANNUAL CONTRACT TEACHER UNDERGOING A HIGHLY CONSEQUENTIAL EVALUATION OR A CONTINUING CONTRACT TEACHER WHO HAS RECEIVED WRITTEN NOTICE AND IS UNDERGOING A FORMAL SUMMATIVE EVALUATION.

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Senator THURMOND spoke on the Bill.

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

S. 1059 -- Senator Thurmond: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-47, SO AS TO PROVIDE THAT TEACHERS FAILING TO PASS CERTAIN EVALUATIONS, TEACHERS NOT RENEWED FOR FAILURE TO MEET CERTAIN STANDARDS, TEACHERS WHOSE CERTIFICATES ARE SUSPENDED OR REVOKED, AND TEACHERS DISMISSED FOR JUST CAUSE MUST BE LISTED IN A DATABASE AT THE SCHOOL DISTRICT OFFICE AND THAT DATABASE INFORMATION MUST BE AVAILABLE TO POTENTIAL SCHOOL DISTRICT EMPLOYERS.

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Senator THURMOND spoke on the Bill.

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

**Remarks by Senator THURMOND**

Thank you Mr. President. Fellow Senators, if you do not mind, lend me your ears for a minute or two. I think we all come into this body with a little background. How we were raised, our parents, and people we have interaction with build our experiences. As a result of my up bringing, I am a very strong proponent of public education. Now some of you might find that somewhat unusual, I guess. But, I want to tell you when Senator CAMPSEN was up here earlier giving his opening remarks, I wrote down something he said. The conviction of the heart-- Senator, this is about the conviction from my heart. I can speak on it because I was raised in public schools in Aiken. Senator YOUNG from Aiken was my neighbor. He and I both attended Aiken High School. I had some outstanding teachers there. As you listen to my proposed Bill, a Bill that deals with teachers and issues with underperforming teachers, I want to talk about that process from my perspective being raised in Aiken. I can remember two teachers being instrumental. David Salter who taught biology, the other Jill Garret, formerly Jill Walston, taught English. They inspired me to be educated in those subjects. I was raised by a father who was the former superintendent of education in Edgefield. I am reminded about the importance of education in my family life as my wife’s mother, Diane England, was an administrator in Oconee. Senator ALEXANDER was part of that family for about 30 years as an administrator and teacher. I was fortunate enough to attend the College of Charleston for two years. I bring these things, these experiences, along with, most importantly, four children that I have the challenge of raising. Two of my children are currently in public schools. If it is up to me, they will be raised in public schools. So one of the first things I did after having this background and interest in public education was sit down with my school superintendent in Charleston. I literally did this probably a couple weeks after I was elected. I met with Superintendent Nancy McGinley. She explained that the district spends thousands of dollars dealing with administrative appeals concerning non-renewal of teacher contracts through the administrative process. In other words, these teachers are challenging being fired. Money is not in the class room, not spent to recruit or retain good teachers, but rather spent on lawyers. Those in the legal profession might find it ironic that I am talking about not giving money to lawyers. I believe it would be better spent in the classroom. I was perplexed by this process. As you know, we live in a right to work State. How were teachers appealing termination? I moved on with that idea. So over the last 14 months I tried to learn about it. I believe good teachers are extremely important. The last 14 months I have been trying to understand how do teachers really go about the process -- excuse me, how do principals go through the process of getting rid of underperforming teachers given we have administrative or union type of rights. I met with the school superintendent of education, principals from around the State, from Orangeburg, Spartanburg and Lexington, to name a few, along with obviously many in my own district. Just so you know, I am not aware of any profession in which this type protection is afforded. How to go about the process of non-renewal? How do we get there? The first step is an informal discussion. I have learned this through talking to the vice principals and trying to become educated on this process. The first step is informal discussion. The teacher is notified that he or she is not meeting expectations. Encouragement is given, but no formal evaluation is undertaken. The second step is an improvement plan. The teacher who is underperforming may be placed on an improvement plan. They have written documentation of the problem, which usually includes a goal-based evaluation and a professional plan. This offers a good amount of time and encouragement to try to get a teacher on the right track. A mentor is also usually assigned. That is my understanding of this improvement plan phase. Step two can take up to a year. Step three is a formal evaluation in which the three-person team is assigned to gather evidence and data from other teachers, students and parents. This team meets with the teacher, who is of concern, and will evaluate that teacher and offer an improvement plan. In other words, improvements have not been met so there is an opportunity to continue encouragement. They are offered summary evaluation. This process also takes months and months. Step four is the non-renewal. This usually occurs in March with the teacher who is on contract indicated, or renewed. Usually, they have two and one-half months prior to the end of the semester or end of time period of teaching and have been told by their administrator, principal, they are not welcome to come back. This non-renewal can be appealed to the elected board. During the appeal, very frustratingly, the teacher continues to be paid. Senator from Lexington, can you imagine this being the way you operated things in your own business? By analogy I want to just point out that you have a young paralegal and they have these requirements. It is not working well. You are missing deadlines; you are simply not able to file the documents properly. We will have a short discussion. Nothing written about this. The second phase, we will assign a mentor, maybe another paralegal. This is required of you. The third phase is we will actually find three people in your law firm to evaluate you, pull them from what they are doing and sit down and evaluate. All the while you are continuing to be able to work as the paralegal. Presumably missing more deadlines, presumably missing more, non-performing as you would see fit. Finally, upon the decision you make to say, “Ma’am, this is not working out.” That paralegal says, “I will appeal to another body and you will not be able to fire me.” I bring this up because a lot of us would agree that our children are extremely important and our children are our most valuable asset. We have a system in place that allows for that child to be taught for years on end. They are taught by somebody identified as being ineffective or insufficient. Another issue is the parents of that child or those children over the years are never notified that the teacher is not up to par. Teachers continue to get paid as I mentioned earlier. This is a major problem in rural communities. Those that do not have the ability to simply put another teacher in because they do not have the funds. This keeps the rural community or that district in limbo. Often teachers will wait to the last second as they appeal and withdraw their appeal -- getting paid for doing nothing. No record is created of attempt to non-renew. Without it, another district can inherit underperforming teachers. Principles spend an exorbitant amount of time regarding non-renewal and in my meeting with them could at most handle two teacher non-renewals in one year. Finally, principals often change which causes the process to start over, delaying some ineffective teachers from being let go. Once a non-renewal is reversed, the future ability to dismiss the teacher is exponentially harder and more difficult. As a result, the teacher having the argument says they are simply picking on her. I have identified the problem but I have not done a good job explaining what the solution is. That is what the purpose of these Bills are. I want to go over the three Bills briefly. The first is the union-like non-renewal appeal. In essence it would uphold our tradition as a right to work State at the same time allowing for teachers to challenge the termination under the traditional antidiscrimination option, such as race, gender, etc. and enables all employees in South Carolina. The second Bill would require districts to inform parents their child is being taught by a teacher who has been put on a formal evaluation. The third would require the Department of Education to create a database for all principals to access and gain valuable knowledge of a teacher who has been on the path of non-renewal, ensuring they are making informed decisions about hiring new teachers. At the same time I have introduced these Bills I want to also say that I co-sponsored S. 963, which is Senator JACKSON’s Bill, which raises teacher salaries to the national average. I want to make it clear that I am for good teachers in South Carolina. As I pointed out earlier, I was frustrated as a tenth grader in history. I can remember, as would Senator YOUNG, without saying the teacher’s name, nor will I say it now, this teacher taught by asking me to write down everything she said, along with 30 other students in there. As I wrote everything down, if I had a question, she would simply say, “Look at your notes.” She had been there for a long time. I have no knowledge whatsoever of chemistry as a result of that method of teaching. I want to make it clear that I am for good teachers. If that is ratified, teachers like that Driftwood chemistry teacher I mentioned who are simply getting by, and do not care to make a difference in lives of young people -- her days and those like her would be numbered. Mr. President, I would be happy to answer any questions.

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

S. 1060 -- Senators Campbell, Shealy and O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 67, TITLE 40 SO AS TO ENACT THE "SIGN LANGUAGE INTERPRETERS ACT"; TO PROVIDE A CITATION; TO PROVIDE FOR THE APPLICABILITY AND PURPOSE OF THE CHAPTER; TO DEFINE NECESSARY TERMS; TO CREATE THE SIGN LANGUAGE INTERPRETER BOARD, AND TO PROVIDE FOR THE COMPOSITION, TERMS, DUTIES, AND POWERS OF THE BOARD; TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MUST ADMINISTER THE BOARD; TO REQUIRE THAT A PERSON WHO PROVIDES INTERPRETING SERVICES IN A COMMUNITY SETTING OR CERTAIN EDUCATIONAL SETTINGS FOR REMUNERATION MUST BE LICENSED BY THE BOARD, SUBJECT TO EXCEPTIONS; TO PROVIDE FOR RECIPROCITY WITH OTHER STATES; TO PROVIDE FOR THE DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE; TO PROVIDE REQUIREMENTS FOR INITIAL LICENSURE AND RENEWAL; TO PROVIDE FOR THE INITIATION AND DISPENSATION OF CERTAIN MISCONDUCT CHARGES AGAINST A LICENSEE; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF THE ACT; TO REQUIRE A LICENSEE WHO RECEIVES A FELONY CONVICTION OR IS SUBJECT TO A CIVIL ACTION MUST PROVIDE NOTICE TO THE BOARD; TO PROVIDE A MEMBER OF THE BOARD IS COVERED BY THE TORT CLAIMS ACT; TO PROVIDE THAT NOMINATIONS FOR INITIAL APPOINTMENTS TO THE BOARD MUST BE MADE AND THE BOARD MUST MEET WITHIN A SPECIFIC TIME FRAME; AND TO REDESIGNATE THE EXISTING SECTIONS OF CHAPTER 67, TITLE 40 AS ARTICLE 1 ENTITLED "SPEECH PATHOLOGISTS AND AUDIOLOGISTS".

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

S. 1061 -- Senator Corbin: A BILL TO AMEND SECTION 56-15-550 OF THE 1976 CODE, RELATING TO SALES THROUGH AUCTIONS OF MOTOR VEHICLES, TO PROVIDE THAT ANY PERSON WHO EFFECTS OR ATTEMPTS TO EFFECT THE SALE OF LESS THAN FIVE MOTOR VEHICLES IN ANY ONE CALENDAR YEAR MAY SELL THROUGH A WHOLESALE MOTOR VEHICLE AUCTION.

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

S. 1062 -- Senators McElveen, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: 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 adopted, ordered sent to the House.

H. 4734 -- Reps. King, Pope, Norman, Felder, Delleney, V. S. Moss, Long, Simrill and D. C. Moss: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF FIVE OR FEWER DAYS THAT SCHOOLS IN YORK COUNTY 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. 4738 -- Rep. Williams: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF EIGHT OR FEWER DAYS THAT SCHOOLS IN THE DARLINGTON COUNTY SCHOOL 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. 4740 -- Reps. Hiott, Owens and Skelton: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF SIX OR FEWER DAYS THAT SCHOOLS IN THE PICKENS COUNTY SCHOOL 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. 4750 -- Reps. Norrell and Long: A JOINT RESOLUTION TO PROVIDE THAT THE LANCASTER 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. 4756 -- Rep. Douglas: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF FIVE OR FEWER DAYS THAT SCHOOLS IN THE FAIRFIELD COUNTY SCHOOL 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. 4762 -- Reps. Govan, Hosey, R. L. Ott and Cobb-Hunter: A JOINT RESOLUTION TO PROVIDE THAT THE ORANGEBURG CONSOLIDATED SCHOOL DISTRICT 5 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. 4766 -- Reps. J. E. Smith, 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, Owens, 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. 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 DECLARE WEDNESDAY, MARCH 19, 2014, "NATIONAL GUARD DAY" IN SOUTH CAROLINA AND TO RECOGNIZE AND HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THE SOUTH CAROLINA NATIONAL GUARD MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

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

H. 4784 -- Reps. J. E. Smith, 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, Owens, 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. 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 COMMEND COLONIAL LIFE & ACCIDENT INSURANCE COMPANY ON ITS SEVENTY-FIFTH ANNIVERSARY AND FOR ITS MANY YEARS OF OUTSTANDING AND DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA.

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

**REPORTS OF STANDING COMMITTEES**

**Invitations Accepted**

Tuesday, March 4, 2014 - 6:00 - 8:00 pm

Members of the Senate and Staff, Reception, Columbia Convention Center, by the YORK COUNTY REGIONAL CHAMBER OF COMMERCE

Tuesday, March 4, 2014 - 7:00 - 9:00 pm

Members of the Senate, Reception, Capital City Club, by the SC GOVERNOR’S SCHOOL FOR SCIENCE AND MATH

Wednesday, March 5, 2014 - 8:00 - 10:00 am

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the LEADERSHIP SOUTH CAROLINA

Wednesday, March 5, 2014 - 12:00 - 2:00 pm

Members of the Senate and Staff, Luncheon, Room 112, Blatt Building, by the SC ASSOCIATION OF COMMUNITY DEVELOPMENT CORPORATIONS

Wednesday, March 5, 2014 - 6:00 - 8:00 pm

Members of the Senate and Staff, Reception, The Clarion, by ALEC

Thursday, March 6, 2014 - 8:00 - 10:00 am

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by PIEDMONT MUNICIPAL POWER ASSOCIATION

Tuesday, March 18, 2014 - 1:00 - 3:00 pm

Members of the Senate, Luncheon, State House Grounds, by the SC BAPTIST CONVENTION

Tuesday, March 18, 2014 - 6:00 - 8:00 pm

Members of the Senate and Staff, Reception, Columbia Museum of Art, by the FLORENCE COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP “FLORENCE COUNTY DAY”

Wednesday, March 19, 2014 - 8:00 - 10:00 am

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the SC FORESTRY ASSOCIATION

Wednesday, March 19, 2014 - 12:00 - 2:00 pm

Members of the Senate and Staff, Luncheon, State House Grounds, by the SC NATIONAL GUARD

Wednesday, March 19, 2014 - 6:30 - 10:00 pm

Members of the Senate, Reception, Ameri-Craft Cantey Building, by THE CITADEL ALUMNI ASSOCIATION BBQ

Thursday, March 20, 2014 - 8:00 - 10:00 am

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the SC HOMEOWNERSHIP & EMPLOYMENT LENDING PROGRAM (SC HELP), SC HOUSING CORPORATION

Tuesday, March 25, 2014 - 6:00 - 8:00 pm

Members of the Senate, Reception, Seawell’s, by the HOME BUILDERS ASSOCIATION OF SC “BIRD SUPPER”

Tuesday, March 25, 2014 - 7:00 - 9:00 pm

Members of the Senate and Staff, Reception, The Palmetto Club, by the CAROLINAS ASSOCIATED GENERAL CONTRACTORS (AGC)

Wednesday, March 26, 2014 - 8:00 - 10:00 am

Members of the Senate, Breakfast, Room 112, Blatt Building, by LANDER UNIVERSITY

Wednesday, March 26, 2014 - 12:00 - 2:00 pm

Members of the Senate and Staff, Luncheon, State House Grounds, by the SC STATE FIREFIGHTERS’ ASSOCIATION

Wednesday, March 26, 2014 - 6:00 - 8:00 pm

Members of the Senate, Reception, Seawell’s, by the SC SUMMARY COURT JUDGES

Thursday, March 27, 2014 - 8:00 - 10:00 am

Members of the Senate, Breakfast, Room 112, Blatt Building, by the SC ASSOCIATION OF SCHOOL ADMINISTRATORS

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable with amendment report on S. 405 which was returned from the House of Representatives:

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.

Ordered for consideration tomorrow.

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

S. 416 -- Senators Alexander and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT A PERSON MAY NOT OPERATE A MOTOR VEHICLE ON A PUBLIC ROAD, STREET, OR HIGHWAY IN THIS STATE WHILE USING A WIRELESS TELECOMMUNICATION DEVICE TO WRITE, SEND, OR READ A TEXT‑BASED COMMUNICATION, TO DEFINE TERMS, TO PROVIDE FOR PENALTIES, AND TO PROVIDE FOR REPORTING.

Ordered for consideration tomorrow.

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

S. 459 -- Senator Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑55, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON WHO HOLDS A BEGINNER’S PERMIT OR A RESTRICTED DRIVER’S LICENSE TO DRIVE A MOTOR VEHICLE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE; AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO DRIVE A MOTOR VEHICLE THROUGH A SCHOOL ZONE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE WHEN THE SCHOOL ZONE’S WARNING LIGHTS HAVE BEEN ACTIVATED.

Ordered for consideration tomorrow.

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

S. 687 -- Senator L. Martin: A BILL TO AMEND CHAPTER 15, TITLE 63, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO CHILD CUSTODY AND VISITATION, TO ENACT THE “SOUTH CAROLINA BLIND PERSON’S RIGHT TO PARENT ACT”, BY ADDING ARTICLE 4 TO THE CHAPTER SO AS TO PROVIDE THAT A COURT MAY NOT MAKE A DECISION ON GUARDIANSHIP, CUSTODY, OR VISITATION BASED UPON A SOLE CONSIDERATION OF THE BLINDNESS OF A CHILD’S PARENT OR GUARDIAN, AND THAT DECISIONS CONCERNING ADOPTIONS MAY NOT BE BASED UPON THE SOLE CONSIDERATION THAT THE PERSON SEEKING TO ADOPT A CHILD IS BLIND.

Ordered for consideration tomorrow.

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

S. 872 -- Senators Fair, Hutto, Jackson and L. Martin: A BILL TO AMEND SECTION 63‑1‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO ESTABLISH IT AS A PERMANENT JOINT COMMITTEE AND TO DELETE OBSOLETE PROVISIONS.

Ordered for consideration tomorrow.

Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

S. 908 -- Senator Hayes: A BILL TO AMEND SECTION 38‑9‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING RISK‑BASED CAPITAL, SO AS TO REVISE EXISTING DEFINITIONS AND DEFINE ADDITIONAL TERMS; TO AMEND SECTION 38‑9‑320, RELATING TO PREPARING AND SUBMITTING A RISK‑BASED CAPITAL REPORT, SO AS TO PROVIDE FOR DETERMINING A HEALTH ORGANIZATION’S RISK‑BASED CAPITAL REPORT AND TO PROVIDE THAT EACH RISK FOR A LIFE AND HEALTH INSURER, PROPERTY AND CASUALTY INSURER, AND A HEALTH ORGANIZATION MUST BE DETERMINED IN A CERTAIN MANNER; TO AMEND SECTION 38‑9‑330, AS AMENDED, RELATING TO COMPANY ACTION LEVEL EVENTS, SO AS TO ADD AN ADDITIONAL EVENT CONCERNING A HEALTH ORGANIZATION, AMONG OTHER THINGS; TO AMEND SECTION 38‑9‑360, RELATING TO THE ROLE OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE WHEN A MANDATORY CONTROL LEVEL EVENT OCCURS, SO AS TO ADD PROVISIONS CONCERNING HEALTH ORGANIZATIONS; TO AMEND SECTION 38‑9‑370, RELATING TO HEARINGS AVAILABLE TO A LICENSEE TO CHALLENGE A DETERMINATION OR ACTION BY THE DIRECTOR IN RESPONSE TO A MANDATORY CONTROL LEVEL EVENT, SO AS TO PROVIDE A LICENSEE MAY HAVE THE HEARING CONFIDENTIALLY, ON THE RECORD, AND BEFORE THE DIRECTOR UPON PROVISION OF CERTAIN NOTICE, AND TO PROVIDE THE DIRECTOR SHALL SET A DATE FOR THE HEARING IN A CERTAIN MANNER; TO AMEND SECTION 38‑9‑380, RELATING TO THE CONFIDENTIALITY OF RISK‑BASED CAPITAL REPORTS AND ADJUSTED RISK‑BASED CAPITAL REPORTS, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH THE DIRECTOR MAY SHARE, RECEIVE, AND USE CERTAIN RELATED INFORMATION THAT IS CONFIDENTIAL AND PRIVILEGED; TO AMEND SECTION 38‑9‑430, RELATING TO EXEMPTIONS FROM REPORTING REQUIREMENTS, SO AS TO ADD PROVISIONS CONCERNING DOMESTIC HEALTH ORGANIZATIONS; AND TO AMEND SECTION 38‑9‑340, SECTION 38‑9‑350, SECTION 38‑9‑365, SECTION 38‑9‑390, SECTION 38‑9‑400, SECTION 38‑9‑440, AND SECTION 38‑9‑460, ALL RELATING TO CAPITAL, SURPLUS, RESERVES, AND OTHER FINANCIAL MATTERS, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

S. 909 -- Senator Hayes: A BILL TO AMEND SECTION 38‑90‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING CAPTIVE INSURANCE COMPANIES, SO AS TO DEFINE ‘RISK RETENTION GROUP’; TO AMEND SECTION 38‑90‑40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO INCLUDE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS A RISK RETENTION GROUP; TO AMEND SECTION 38‑90‑50, AS AMENDED, RELATING TO FREE SURPLUS REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO INCLUDE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS A RISK RETENTION GROUP; AND TO AMEND SECTION 38‑90‑70, AS AMENDED, SECTION 38‑90‑100, AS AMENDED, SECTION 38‑90‑110, AS AMENDED, AND SECTION 38‑90‑160, AS AMENDED, ALL RELATING TO MISCELLANEOUS REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE CONFORMING PROVISIONS FOR CAPTIVE INSURANCE COMPANIES FORMED AS RISK RETENTION GROUPS AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS RISK RETENTION GROUPS.

Ordered for consideration tomorrow.

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

S. 986 -- Senator Campsen: A BILL TO AMEND SECTION 50‑1‑90 OF THE 1976 CODE, RELATING TO HUNTING, FISHING, OR TRAPPING WITHOUT CONSENT ON THE LAND OF OTHERS, TO INCREASE THE PENALTIES FOR THESE OFFENSES.

Ordered for consideration tomorrow.

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

S. 1000 -- Senators Peeler and Reese: A JOINT RESOLUTION TO PROVIDE THAT IN 2015 AND 2016, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN THE MANUFACTURER’S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SEVEN HUNDRED FIFTY‑FOUR DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

Ordered for consideration tomorrow.

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

H. 3561 -- Reps. White, Stavrinakis and Merrill: A BILL TO AMEND SECTION 12‑36‑920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX ON ACCOMMODATIONS, SO AS TO DELETE CERTAIN ITEMS SUBJECT TO THE FIVE PERCENT TAX ON ADDITIONAL SURCHARGES.

Ordered for consideration tomorrow.

Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

H. 4559 -- Reps. McCoy, Merrill, Erickson, Stavrinakis, Daning, Crosby, Rivers, Patrick, Sottile, Whipper, Newton, Gilliard, Mack, Murphy, Limehouse, R.L. Brown, Harrell and Horne: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT SENATE BILL S.1846, THE HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT OF 2013, IN ORDER TO DELAY FLOOD INSURANCE RATE INCREASES CAUSED BY THE BIGGERT‑WATERS FLOOD INSURANCE REFORM ACT OF 2012, AND TO REQUIRE THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO STUDY THE AFFORDABILITY OF THAT ACT ON PROPERTY OWNERS AND TO IMPLEMENT AN ACCURATE FLOOD MAPPING APPROACH BEFORE RAISING FLOOD INSURANCE RATES; AND TO UNDERTAKE EFFORTS TO DEVELOP A LONG‑TERM SOLUTION TO ENSURING AN AFFORDABLE, ACCESSIBLE, AND SUSTAINABLE FLOOD INSURANCE PROGRAM.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., February 25, 2014

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4521 -- Reps. Newton, Herbkersman and Bowers: A BILL TO AMEND SECTION 7‑7‑330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD A PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAME OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCE**

S. 1046 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. HENRY N. TISDALE, PRESIDENT OF CLAFLIN UNIVERSITY, AND MRS. ALICE CARSON TISDALE, DIRECTOR OF THE HONORS COLLEGE OF CLAFLIN UNIVERSITY, AND TO CONGRATULATE THEM UPON BEING NAMED PEOPLE OF THE YEAR BY THE *TIMES AND DEMOCRAT* NEWSPAPER.

Returned with concurrence.

Received as information.

**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. 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.

**THIRD READING BILLS**

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

S. 815 -- Senators L. 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.

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.

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 558 -- Senator Reese: A BILL TO AMEND ARTICLE 13, CHAPTER 25, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS PLACED ON THE USE OF WATERCRAFT ON LAKES WILLIAM C. BOWEN AND H. TAYLOR BLALOCK IN SPARTANBURG COUNTY, SO AS TO SPECIFY THE TYPES OF WATERCRAFT TO WHICH THESE RESTRICTIONS APPLY, TO PROVIDE THAT CERTAIN SIGNS THAT CONTAIN THESE RESTRICTIONS MUST BE DESIGNED AND INSTALLED BY THE SPARTANBURG WATER SYSTEM, TO PROVIDE THAT CERTAIN VESSELS ARE EXEMPTED FROM THESE RESTRICTIONS, TO PROVIDE THAT THESE RESTRICTIONS APPLY TO A HYDROELECTRIC GENERATOR OUTFALL, AND TO PROVIDE THAT CERTAIN RESTRICTIONS APPLICABLE TO LAKE H. TAYLOR BLALOCK DO NOT APPLY TO THE HUNTING OF WATERFOWL IN CERTAIN AREAS DURING CERTAIN TIMES OF THE YEAR.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator REESE proposed the following amendment (S-558), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 24-30 and inserting:

/ (2) operate any boat, watercraft, or any other type of vessel between midnight and one hour before sunrise, except that public access to Lake H. Taylor Blalock for the purpose of hunting waterfowl on South Carolina Department of Natural Resources leased premises shall be open weekly on Wednesday mornings beginning at 5:00 a.m. during the federal Waterfowl Hunting Season, provided the hunting of waterfowl shall no longer be allowed on Lake H. Taylor Blalock after December 31, 2018 unless reauthorized in statute; /

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 37; Nays 0; Present 4**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Cleary Coleman Corbin

Courson Davis Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson *Martin, Larry Martin, Shane*

Massey McElveen McGill

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--37**

**NAYS**

**Total--0**

**PRESENT**

Campsen Cromer Gregory

Leatherman

**Total--4**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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

The Committee on Judiciary proposed the following amendment (JUD0611.002), which was adopted:

Amend the bill, as and if amended, by striking on page 2, lines 20‑29, and inserting:

/ “Section 1‑31‑60 (A) Notwithstanding any other provision of law, upon and after the effective date of this statute:

(1) any Native American Indian Group that on the effective date of this section has been recognized by the Commission for Minority Affairs through its regulatory process remains and continues to be:

(a) recognized as a Native American Indian Group, and

(b) eligible to exercise the privileges and obligations authorized by that designation;

(2) the Commission for Minority Affairs must:

(a) eliminate the eligibility for any additional Native American Indian Groups to receive official recognized status in the state; and

(b) cease to recognize any additional entities as Native American Indian Groups; and

(3) any regulations providing for recognition as a Native American Indian Group are repealed.

(B) The Commission for Minority Affairs must revise any regulations to:

(a) eliminate any recognition procedure as a Native American Indian Group; and

(b) provide for the privileges and obligations a Native American Indian Group that continues to be recognized is authorized to exercise.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Johnson Kimpson Leatherman

*Martin, Larry Martin, Shane* Massey

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--40**

**NAYS**

Hutto

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 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”.

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

The Committee on Medical Affairs proposed the following amendment (NBD\748C003.NBD.AC14), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-30-310 on page 1 and inserting:

/ Section 44-30-310. If a health care provider, licensed pursuant to the laws of this State, informs his or her patient in writing, which may include use of an electronic medical record device, before treatment that the treatment to be rendered by the health care provider will be provided free of charge, the services rendered are deemed to be within the scope of the Good Samaritan statute, pursuant to Section 15‑1‑310, mutatis mutandis.” /

Amend the bill further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Section 38-79-30 of the 1976 Code is amended to read:

“Section 38-79-30. No licensed health care provider, as defined in Section 38‑79‑410, who renders medical services voluntarily and without compensation or the expectation or promise of compensation and seeks no reimbursement from charitable and governmental sources is liable for any civil damages for any act or omission resulting from the rendering of the services unless the act or omission was the result of the licensed health care provider's gross negligence or wilful misconduct. The agreement to provide a voluntary, noncompensated service must be made in writing, which may include use of an electronic medical record device, before rendering service in the case of a nonemergency and may be evidenced by the provider's giving notice in writing, which may include use of an electronic medical record device, to the patient or to the person responsible for the patient's care and acting for the patient that the service being rendered is voluntary and without compensation.” /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman *Martin, Larry Martin, Shane*

Massey Matthews 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.

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

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.

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

The Committee on Judiciary proposed the following amendment (JUD0560.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 6-8, and inserting:

/ (B) A person who violates this section is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars, or imprisoned not more than five years, or both. /

Amend the bill further, as and if amended, page 2, by striking lines 24-25, and inserting:

/ “Section 58‑15‑875. (A) It is unlawful to purchase, sell, or transport railroad track materials for the purpose of recycling. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator HUTTO proposed the following amendment (JUD0560.002), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 9-11, and inserting:

/ (C) A person who violates this section resulting in the endangerment of another person’s life or great bodily injury to another person is guilty of a felony, and, upon conviction, must be imprisoned not more than twenty years. ‘Great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Allen Bright Bryant

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--40**

**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. 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.

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 36; Nays 4**

**AYES**

Alexander Allen Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

*Martin, Larry* Massey Matthews

McElveen McGill O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--36**

**NAYS**

Bright Bryant Corbin

*Martin, Shane*

**Total--4**

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

**READ THE SECOND TIME**

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.

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 36; Nays 1**

**AYES**

Alexander Allen Bryant

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman *Martin, Larry Martin, Shane*

Massey McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Setzler Shealy Thurmond

Turner Verdin Young

**Total--36**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

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 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.

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 41; Nays 0**

**AYES**

Alexander Allen Bright

Bryant Campbell Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Young

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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.

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 41; Nays 0**

**AYES**

Alexander Allen Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Young

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

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.

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

Senator HUTTO proposed the following amendment (BH\4576C001.BH.DG14), which was adopted:

Amend the amendment bearing document number P:\LEGWORK\SENATE\amend\COUNCIL\agm\4576C003.AGM.AB.14.docx, as and if amended, by striking the amendment in its entirety and inserting:

// Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Notwithstanding the provisions of Section 59‑1‑425, the governing body of a school district may waive the requirement that schools make up full days missed due to inclement weather for five or fewer full school days that students who attend schools or charter schools in the district missed due to inclement weather during the 2013‑2014 school year; provided, however, that a district may not waive this requirement until it has exhausted all statutorily required make up days remaining on the 2013-2014 school calendar. When a district waives a make‑up day pursuant to this section, the make‑up day also is waived for any student participating in a home schooling program approved by the board of trustees of the district in which the student resides.

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

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senators HAYES, COURSON, MATTHEWS, MALLOY, HUTTO, PINCKNEY, RANKIN, FAIR and PEELER proposed the following amendment (AGM\4576C003.AGM.AB14), which was adopted:

Amend the joint resolution, as and if amended, deleting all after the enacting words and inserting:

/ SECTION 1. Notwithstanding the provisions of Section 59‑1‑425, the governing body of a school district may waive the requirement that schools make up full days missed due to inclement weather for five or fewer full school days that students who attend schools or charter schools in the district missed due to inclement weather during the 2013‑2014 school year; provided, however, that a district may not waive this requirement until it has made up three days missed due to inclement weather during this period. When a district waives a make‑up day pursuant to this section, the make‑up day also is waived for any student participating in a home schooling program approved by the board of trustees of the district in which the student resides.

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

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was second reading of the Joint Resolution.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bright

Campbell Campsen Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--39**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

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.

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

Senator BENNETT proposed the following amendment (JUD0957.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 16, in Section 7‑7‑230, as contained in SECTION 1, and inserting therein the following:

/ Cypress /.

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bright

Campbell Campsen Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese 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.

**READ THE SECOND TIME**

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.

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 Bright

Campbell Campsen Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese 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.

**CARRIED OVER**

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.

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

**AMENDMENT PROPOSED, OBJECTION**

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.

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

Senator BRYANT proposed the following amendment (BH\940C007.BH.DG14):

Amend the bill, as and if amended, SECTION 1, Section 4-10-470, by adding an appropriately lettered subsection at the end to read:

/ ( ) If the Education Capital Improvements Sales and Use Tax is imposed pursuant to subsection (B), then beginning with the property tax year in which the tax is first imposed, the applicable county auditor must grant each taxpayer a nonrefundable business personal property tax credit which, in the aggregate, equals the estimated annual revenue from the tax imposed pursuant to subsection (B), as evidenced by the estimated costs of the education capital improvements listed in the referendum. The amount of the credit must be granted on a pro-rata basis based on the amount the taxpayer otherwise owes for business personal property taxes imposed by the school district when compared to the total amount owed for business personal property taxes by the school district. After the granting of the business personal property tax credit, if any amounts remain, the county auditor must grant each taxpayer paying school debt millage a nonrefundable school debt tax credit, which in the aggregate, equals the remaining excess amount. The amount of the credit must be granted on a pro rata basis in the same manner as the business personal property tax credit. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

**Point of Order**

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

Senators BRYANT and SETZLER spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HAYES objected to further consideration of the Bill.

**AMENDMENT PROPOSED, OBJECTION**

H. 3491 -- Reps. Sandifer, Clemmons, Atwater, H.L. Ott, D.C. Moss, Erickson, Herbkersman, Ballentine, Forrester, Sottile, Lowe, Toole, Bales, Weeks, Edge and Loftis: A BILL TO AMEND SECTION 27‑32‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING VACATION TIME SHARING PLANS, SO AS TO DEFINE AND REDEFINE CERTAIN TERMS; TO AMEND SECTION 27‑32‑55, RELATING TO FEES FOR THE RESALE OF AN INTEREST IN A VACATION TIMESHARE, SO AS TO PROVIDE REQUIREMENTS OF A RESALE VACATION TIMESHARE SERVICE PROVIDER; TO AMEND SECTION 27‑32‑80, RELATING TO THE TRANSFER OF AN INTEREST IN A VACATION TIME SHARING PLAN FROM A SELLER TO A THIRD PARTY, SO AS TO MAKE THE PROVISIONS APPLICABLE TO A RESALE OF THE INTEREST; AND TO AMEND SECTION 27‑32‑130, RELATING TO ENFORCEMENT AND IMPLEMENTATION PROVISIONS, SO AS TO MAKE THE PROVISIONS APPLICABLE TO A VACATION TIME SHARING ASSOCIATION.

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

Senator SCOTT proposed the following amendment (3491R002.JS):

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

/ SECTION . Title 27, Chapter 32 of the 1976 Code is amended by adding:

“Section 27‑32‑380. Notwithstanding any other provision of law, the owner of a vacation time sharing plan may, at any time in the owner’s discretion, forfeit his plan to his vacation time sharing association for no compensation. If the owner of a vacation time sharing plan forfeits his plan, as provided in this section, the owner is not liable for any obligations, monetary or otherwise, incurred after the forfeiture date, but remains liable for any obligations incurred prior to the forfeiture date.”/

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

Senator THURMOND objected to further consideration of the Bill.

**OBJECTION**

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.

Senator ALEXANDER objected to 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.

**RECALLED**

S. 995 -- Senator Hayes: A BILL TO AMEND SECTION 7‑7‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE BOUNDARIES OF EXISTING PRECINCTS AND TO DESIGNATE THE MAP NUMBER ON WHICH THE BOUNDARIES OF YORK 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.

**RECESS**

At 4:30 P.M., on motion of Senator HAYES, the Senate receded from business.

At 4:51 P.M., the Senate resumed.

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

**CONCURRENCE**

S. 943 -- Senators Bryant and Alexander: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE DAN DELLINGER, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:00 P.M. ON TUESDAY, MARCH 4, 2014.

The House returned the Concurrent Resolution with amendments, the question being concurrence in the House amendments.

Senator BRYANT explained the amendments.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Johnson

Kimpson *Martin, Larry* Massey

McElveen McGill Nicholson

O'Dell Peeler Scott

Setzler Shealy Thurmond

Turner Verdin Young

**Total--33**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. The Concurrent Resolution was ordered placed on the Calendar for consideration tomorrow.

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

**AMENDED**

**DEBATE INTERRUPTED**

H. 3945 -- Reps. G.M. Smith, Harrell, Lucas, Bannister, Toole, Stringer, Hamilton, Sottile, Barfield, Bingham, Spires, Hardwick, Owens, Hiott, Long, Erickson, Murphy, Horne, Willis, Gagnon, Simrill, Funderburk and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, TO PROVIDE FOR ITS POWERS, DUTIES, PROCEDURES, AND JURISDICTION, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO REPEAL ARTICLE 3, CHAPTER 13, TITLE 8 RELATING TO THE STATE ETHICS COMMISSION; TO REPEAL ARTICLE 5, CHAPTER 13, TITLE 8 RELATING TO THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES; TO AMEND SECTION 8‑13‑100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8‑13‑700, AS AMENDED, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, SO AS TO PROVIDE THAT IF A MEMBER OF THE GENERAL ASSEMBLY DETERMINES THAT HE HAS A CONFLICT OF INTEREST, HE MUST COMPLY WITH CERTAIN REQUIREMENTS BEFORE ABSTAINING FROM ALL VOTES ON THE MATTER, AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL WHO IS REQUIRED TO RECUSE HIMSELF FROM A MATTER MUST DO SO; TO AMEND SECTION 8‑13‑740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL ENTITY, SO AS TO FURTHER DELINEATE WHAT IS CONSIDERED A CONTESTED CASE WHEN REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY IS PERMITTED; TO AMEND SECTION 8‑13‑745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY OR AN ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO DELETE A PROHIBITION AGAINST CERTAIN CONTRACTS WITH AN ENTITY FUNDED WITH GENERAL FUNDS; TO AMEND SECTION 8‑13‑1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 8‑13‑1300, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8‑13‑1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, SO AS TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8‑13‑1338, RELATING TO PERSONS WHO MAY NOT SOLICIT CONTRIBUTIONS, SO AS TO INCLUDE THE HEAD OF ANY STATE AGENCY WHO IS SELECTED BY THE GOVERNOR, THE GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8‑13‑1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, SO AS TO DELETE AN EXCEPTION FOR A COMMITTEE CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 8‑13‑1510 AND 8‑13‑1520, BOTH AS AMENDED, RELATING TO PENALTIES FOR ETHICAL AND OTHER VIOLATIONS, AND BY ADDING SECTION 8‑13‑1530 SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS AND FOR WHERE CERTAIN WILFUL VIOLATIONS MUST BE TRIED; AND TO REPEAL SECTIONS 8‑13‑710 AND 8‑13‑715 RELATING TO REPORTING OF PARTICULAR GIFTS AND AUTHORIZED REIMBURSEMENTS FOR SPEAKING ENGAGEMENTS.

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

On motion of Senator LARRY MARTIN, with unanimous consent, the amendment from the Committee on Judiciary and Amendment No. 1 were withdrawn.

**Amendment No. P1-3**

Senator HUTTO proposed the following amendment (3945R016.CBH), which was withdrawn:

Amend the amendment bearing file path L:\S‑RES\Amend\3945R010.GH, as and if amended, by striking that portion of the amendment that amends Section 8-13-700(F).

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was withdrawn.

**Amendment No. 5**

Senator HUTTO proposed the following amendment (JUD3945.070), which was adopted:

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

/ SECTION \_\_\_. Section 2-17-10(13) of the 1976 Code is amended to read:

“(13) ‘Lobbyist’ means any person who is employed, appointed, or retained, with or without compensation, by another person to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official on any state agency, board, or commission concerning any covered agency actions; or (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions. ‘Lobbyist’ also means any person who is employed, appointed, or retained, with or without compensation, by a state agency, college, university, or other institution of higher learning to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official of any state agency, board, or commission concerning any covered agency actions; or (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions. ‘Lobbyist’ does not include:

(a) an individual who receives no compensation to engage in lobbying and who expresses a personal opinion on legislation, covered gubernatorial actions, or covered agency actions to any public official or public employee;

(b) a person who appears only before public sessions of committees or subcommittees of the General Assembly, public hearings of state agencies, public hearings before any public body of a quasi‑judicial nature, or proceedings of any court of this State;

(c) any duly elected or appointed official or employee of the State, the United States, a county, municipality, school district, or a political subdivision thereof, or a member of the judiciary when appearing solely on matters pertaining to his office and public duties unless lobbying constitutes a regular and substantial portion of such official's or employee's duties;

(d) ~~a person performing professional services in drafting legislation or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation;~~  a public employee for a member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer whose scope of employment includes drafting legislation or advising and rendering opinions as to the construction and effect of proposed or pending legislation, provided that the employee is acting within the scope of employment and lobbying does not constitute a regular and substantial portion of such employee's duties;

(e) a person who provides written information in response to a written request from any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer or from their respective public employees acting within the scope of employment, for technical advice or factual information regarding legislation;

~~(e)~~(f) a person who owns, publishes, or is employed by a radio station, television station, wire service, or other bona fide news medium which in the ordinary course of business disseminates news, editorials, columns, other comments, or other regularly published periodicals if such person represents no other person in lobbying for legislation, covered agency actions, or covered gubernatorial actions. This exception applies to the publication of any periodical which is published and distributed by a membership organization to its subscribers at least twelve times annually and for which an annual subscription charge of at least one dollar fifty cents a subscriber is made;

~~(f)~~(g) a person who represents any established church solely for the purpose of protecting the rights of the membership of the church or for the purpose of protecting the doctrines of the church or on matters considered to have an adverse effect upon the moral welfare of the membership of the church;

~~(g)~~(h) a person who is running for office elected by the General Assembly or a person soliciting votes on the behalf of a person who is running for office elected by the General Assembly unless such person is otherwise defined as a lobbyist by this section; or

~~(h)~~(i) an individual who receives no compensation to engage in lobbying and who does not make expenditures or incur obligations for lobbying in an aggregate amount in excess of five hundred dollars in a calendar year.” /

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

/ SECTION \_\_\_\_. Chapter 17, Title 2 of the 1976 Code of Laws is amended by adding:

“Section 2-17-10(22) ‘Consultant’ means any person who is employed, appointed, or retained, with or without compensation, by a lobbyist or a lobbyist’s principal to perform professional services in drafting legislation or in advising and rendering opinions to lobbyists or a lobbyist’s principal, or to any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer on behalf of a lobbyist or lobbyist’s principal as to the construction and effect of proposed or pending legislation and strategies for a lobbyist or lobbyist’s principal in its lobbying activities. This includes, but is not limited to, accompanying a lobbyist or lobbyist’s principal during lobbying activities or communicating on behalf of a lobbyist or lobbyist’s principal for any action contained within the definition of ‘lobbying’ as defined by Section 2-17-10(12) or ‘lobbyist’ as defined by Section 2-17-10(13). ‘Consultant’ does not include:

(a) a person registered as a lobbyist pursuant to Section 2-17-20;

(b) an individual who receives no compensation and who expresses a personal opinion on legislation, covered gubernatorial actions, or covered agency actions to any public official or public employee;

(c) a person who appears only before public sessions of committees or subcommittees of the General Assembly, public hearings of state agencies, public hearings before any public body of a quasi‑judicial nature, or proceedings of any court of this State;

(d) any duly elected or appointed official or employee of the State, the United States, a county, municipality, school district, or a political subdivision thereof, or a member of the judiciary when appearing solely on matters pertaining to his office and public duties;

(e) a person who provides written information in response to a written request from any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer or from their respective public employees acting within the scope of employment, for technical advice or factual information regarding legislation;

(f) a person who owns, publishes, or is employed by a radio station, television station, wire service, or other bona fide news medium which in the ordinary course of business disseminates news, editorials, columns, other comments, or other regularly published periodicals if such person represents no other person in lobbying for legislation, covered agency actions, or covered gubernatorial actions. This exception applies to the publication of any periodical which is published and distributed by a membership organization to its subscribers at least twelve times annually and for which an annual subscription charge of at least one dollar fifty cents a subscriber is made.” /

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

/ SECTION \_\_\_\_. Title 2, Chapter 17 of the 1976 Code is amended by adding:

“Section 2-17-21. (A) Any person who acts as a consultant must, within fifteen days of being employed, appointed, or retained as a consultant, register with the State Ethics Commission as provided in this section. Each person registering must pay a fee of two hundred dollars. If a partnership, committee, association, corporation, labor organization, or any other organization or group of persons registers as a consultant, it must identify each person who will act as a consultant on its behalf during the covered period.

(B) The registration must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the consultant's full name and address, telephone number, occupation, name of employer, principal place of business, and position held in that business by the lobbyist;

(2) an identification of the public office or public body and the subject matter which the consultant will assist a lobbyist or lobbyist’s principal, including the name of legislation, covered agency actions, or covered gubernatorial actions, if known;

(3) an identification of the lobbyist or lobbyist’s principal for which the consultant will provide consulting services, including the lobbyist’s or lobbyist principal’s name, address and telephone number; and

(4) certification by the consultant that the information contained on the registration statement is true and correct.

(5) If a consultant fails to identify the public office or public body for which he provides consulting services to a lobbyist or a lobbyist’s principal as required by item (2) of this subsection, then the consultant is deemed to be a consultant as to all public offices or public bodies of the State.

(C) Each consultant who ceases to engage in activities requiring him to register pursuant to the provisions of this section shall file a written statement with the State Ethics Commission acknowledging the termination of the consulting services. The written statement of termination is effective immediately, except that the provisions of Sections 2‑17‑75(A)(5), 2‑17‑75(B)(5), 2‑17‑110(C), and 2‑17‑110(F) continue in force and effect for the remainder of the calendar year in which the consultant was registered, regardless of the date of the termination statement filed with the State Ethics Commission. Each consultant who files a written statement of termination pursuant to the provisions of this section must file reports required by this chapter for any reporting period during which the consultant was registered pursuant to the provisions of this section.

(D) A consultant must file a supplemental registration statement indicating any substantial change in the information contained in the prior registration statement within fifteen days after the date of the change.

(E) The State Ethics Commission annually must furnish to each chairman of standing and special committees of the General Assembly, each member of the General Assembly, and each statewide constitutional officer a list of all consultants registered with that office. The State Ethics Commission must furnish monthly updates to the same persons. These lists must be available to state agency heads upon request.

(F) Each consultant must maintain for not less than four years records which must be available to the State Ethics Commission for inspection and which must contain:

(1) the identification of each person from whom income is attributable to the consultant's services to a lobbyist or lobbyist’s principal is paid or promised and the amount of such income; and

(2) the total expenditures of the consultant for the consulting services pursuant to this chapter.

(G) A consultant must reregister annually with the State Ethics Commission by January fifth of each year.

(H) The State Ethics Commission shall not allow a consultant to register, reregister, or continue to be registered pursuant to this section until the consultant complies with the reporting requirements pursuant to this sectionand pays all late filing penalties in accordance with Section 2‑17‑50 and all complaint fines levied by the State Ethics Commission.” /

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

/ SECTION \_\_\_. Section 2-17-20(B) of the 1976 Code is amended to read:

“(B) The registration must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the lobbyist’s full name and address, telephone number, occupation, name of employer, principal place of business, and position held in that business by the lobbyist;

(2) an identification of the public office or public body which the lobbyist will engage in lobbying and the subject matter in which the lobbyist will engage in lobbying, including the name of legislation, covered agency actions, or covered gubernatorial actions, if known; ~~and~~

(3) an identification of any consultant which the lobbyist will engage and the amount paid to the consultant, if applicable; and

(~~3~~)(4) certification by the lobbyist that the information contained on the registration statement is true and correct.

(~~4~~)(5) If a lobbyist fails to identify the public office or public body for which he is authorized to engage in lobbying, as required by item (2) of this subsection, then the lobbyist’s principal for whom the lobbyist is authorized to engage in lobbying is deemed a lobbyist’s principal as to all public offices or public bodies of the State.” /

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

/ SECTION\_\_\_. Section 2-17-20(F) of the 1976 Code is amended to read:

“(F) Each lobbyist must maintain for not less than four years records which must be available to the State Ethics Commission for inspection and which must contain:

(1) the identification of each person from whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of such income attributable to the lobbyist’s lobbying paid or promised; ~~and~~

(2) the identification of any consultant which the lobbyist engaged and the amount paid to the consultant; and

(~~2~~)(3) the total expenditures of the lobbyist for lobbying.” /

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

/ SECTION \_\_\_. Section 2-17-25(B) of the 1976 Code is amended to read:

“(B) The registration must be in a form prescribed by the State Ethics Commission and be limited to and include:

(1) the full name, address, and telephone number of the lobbyist’s principal. If the lobbyist’s principal is an individual, the lobbyist’s principal also shall include his occupation, name of employer, principal place of business, and position of authority held in that business by the lobbyist’s principal;

(2) an identification of each person the lobbyist’s principal expects to employ, appoint, or retain as a lobbyist;

(3) an identification of the public office or public body which the lobbyist’s principal will authorize lobbying and the subject matter in which the lobbyist’s principal will authorize lobbying, including the name of legislation, covered agency actions, or covered gubernatorial actions, if known; ~~and~~

(4) an identification of any consultant which the lobbyist’s principal will engage and the amount paid to the consultant, if applicable; and

~~(4)~~(5) certification by the lobbyist’s principal that the information contained on the registration statement is true and correct.

~~(5)~~ If a lobbyist’s principal fails to identify the public office or public body for which he has authorized lobbying as required by item (3) of this subsection, then the lobbyist’s principal is deemed a lobbyist’s principal as to all public offices or public bodies of the State.

A lobbyist’s principal may comply with the requirements of items (1), (2), and (3) above by attaching a copy of the information submitted by any lobbyist employed, retained, or appointed by the lobbyist’s principal if the information requested from the lobbyist’s principal is the same as the information supplied by the lobbyist pursuant to Section 2‑17‑20.” /

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

/ SECTION\_\_. Section 2-17-25(F) of the 1976 Code is amended to read:

“(F) Each lobbyist’s principal must maintain for not less than four years records which must be available to the State Ethics Commission for inspection and which must contain:

(1) the identification of each person to whom income attributable to lobbying is paid or promised and the amount of such income attributable to lobbying paid or promised;

(2) the identification of any consultant which the lobbyist’s principal engaged and the amount paid to the consultant; and

~~(2)~~(3) the total expenditures of the lobbyist’s principal for lobbying; and

~~(3)~~(4) in the case of a voluntary membership organization, dues, fees, or other amounts payable to the organization during any calendar year from a member need be recorded only if the contribution to the organization is more than five hundred dollars and more than twenty percent of the total contributions of the organization during that calendar year.” /

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

/ SECTION\_\_\_ . Section 2-17-30(A)(5) of the 1976 Code is amended to read:

“(5)(a) a complete and itemized account of the totals of all amounts expended by a lobbyist in the performance of his lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying, including the use of a consultant, if expended while engaged in the general course of lobbying and if reimbursed by the lobbyist’s principal;” /

Amend the bill further, as and if amended, adding an appropriately numbered SECTION in PART I to read:

/ SECTION\_\_. Section 2-17-35(5)(a) of the 1976 Code is amended to read:

“(5)(a) a complete and itemized account of all amounts expended by a lobbyist’s principal for lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying, including the use of a consultant, if expended while a lobbyist’s principal or his lobbyist is engaged in the general course of lobbying;” /

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

/ SECTION\_\_. Chapter 17, Title 2 of the 1976 Code of Laws is amended by adding:

Section 2-17-37. (A) Each consultant, no later than July tenth and January tenth of each year, must file a report with the State Ethics Commission covering that consultant's expenditures attributable to consulting services during that filing period. The filing periods are from January first to June thirtieth for the July tenth report, and are from July first to December thirty‑first for the January tenth report. Any consulting services not reflected on the July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑21 must be reported no later than January tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the full name, address, and telephone number of the reporting consultant;

(2) an identification of each lobbyist or lobbyist’s principal for whom consulting services were rendered during the covered period;

(3) the official name, number, or description, designated by the House or Senate or by an agency, of legislation, covered agency actions, or covered gubernatorial actions for which the consultant engaged in consulting services during the covered period;

(4) the identification of each person to whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of all amounts expended by a lobbyist’s principal for lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while a lobbyist’s principal or his lobbyist is engaged in the general course of lobbying;

(6) a statement detailing any direct business association of a consultant with any current member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a consultant and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in the entity; or

(b) any commercial transaction between a consultant and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in which the fair market value of the goods transferred or services rendered is paid;

(7) any contribution, as defined by Section 8‑13‑1300(7), made by the consultant to any candidate or public official, including an itemization of:

(a) the name and address of the public official or candidate to whom the contribution was made;

(b) the amount of the contribution;

(c) the date of the contribution;

(8) in the case of a voluntary membership organization, dues, fees, or other amounts payable to the organization during any calendar year from a member need be recorded only if the contribution to the organization is more than five hundred dollars and more than twenty percent of the total contributions of the organization during that calendar year.

(B) Where total amounts are required to be reported, totals must be reported both for the period covered and for the entire calendar year to date.

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

/ SECTION \_\_\_. Section 2-17-40(A) of the 1976 Code is amended by adding an item at the end to read:

“(5) an identification of any consultant which the agency or department engages and the amount paid to the consultant.” /

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

/ SECTION \_\_\_. Section 2-17-65 of the 1976 Code is amended to read:

“Section 2-17-65. (A) The State Ethics Commission shall conduct periodic reviews of reports filed with the State Ethics Commission so as to ascertain whether any consultant, lobbyist or lobbyist’s principal has failed to comply fully and accurately with the disclosure requirements of this chapter and promptly notify the person to file notices and reports as are necessary to satisfy the requirements of this chapter or regulations prescribed by the State Ethics Commission under this chapter.

(B) The State Ethics Commission, upon a failure by any consultant, lobbyist or lobbyist’s principal to comply fully and accurately with the disclosure requirements of this chapter, may conduct audits of the records of the consultant, lobbyist or the lobbyist’s principal to verify the accuracy of the information provided by the consultant, lobbyist or the lobbyist’s principal according to the requirements of this chapter. However, the State Ethics Commission shall limit ~~his~~ its audit of those records of a consultant, lobbyist or a lobbyist’s principal to matters within the scope of lobbying.

(C) If, after notification by the State Ethics Commission that a required statement has not been filed, the person fails to file the necessary notices and reports, the State Ethics Commission shall, upon a finding of probable cause, file a complaint against the person in accordance with the provisions of Section 8‑13‑320(9) and (10).” /

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

/ SECTION \_\_\_. Title 2, Chapter 17 of the 1976 Code is amended by adding:

“Section 2-17-75 (A) A consultant shall not offer, solicit, facilitate, or provide to or on behalf of any member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees any of the following:

(1) lodging;

(2) transportation;

(3) entertainment;

(4) food, meals, beverages, money, or any other thing of value.

(B) A member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees shall not solicit or receive from a consultant any of the following:

(1) lodging;

(2) transportation;

(3) entertainment;

(4) food, meals, beverages, money, or any other thing of value.

(C) Subsections (A) and (B) of this section do not apply to the furnishing of lodging, transportation, entertainment, food, meals, beverages, or any other thing of value which also is furnished on the same terms or at the same expense to a member of the general public without regard to status as a public official or public employee.

(D) Subsections (A)(1), (A)(2), (B)(1), and (B)(2) of this section do not apply to the rendering of emergency assistance given gratuitously and in good faith by a consultant or any person acting on behalf of a consultant to any member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees.

(E) Subsections (A) and (B) do not apply to anything of value given to a family member for love and affection.” /

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

/ SECTION \_\_\_. Section 2-17-110 of the 1976 Code is amended to read:

“Section 2-17-110. (A) A lobbyist may not solicit or accept compensation dependent in any manner upon the passage or defeat of any pending or proposed legislation, covered agency actions, or covered gubernatorial actions. A lobbyist’s principal may not employ, appoint, or retain a lobbyist for compensation dependent in any manner upon the passage or defeat of any pending or proposed legislation, covered agency actions, or covered gubernatorial actions.

(B) A lobbyist may not cause the introduction of legislation, covered agency actions, or covered gubernatorial actions for the purpose of obtaining employment to engage in lobbying in support of or in opposition to the action.

(C) A lobbyist may not serve as a treasurer for a candidate, as defined in Section 8‑13‑1300(4).

(D) A lobbyist may not serve as a member of a state board or state commission, except that any lobbyist serving as a member of a state board or a state commission before January 1, 1991, may continue to serve as a member of the same state board or state commission until the end of his current term.

(E) A lobbyist or consultant, including a ~~lobbyist who is a~~ former member of the General Assembly, may not enter the floor of the House of Representatives or the Senate unless invited by the membership of the respective chamber during a session of the General Assembly.

(F) A consultant, lobbyist, a lobbyist’s principal, or a person acting on behalf of a consultant, lobbyist or a lobbyist’s principal may not host events to raise funds for public officials. No public official may solicit a consultant, lobbyist, a lobbyist’s principal, or a person acting on behalf of a consultant, lobbyist or a lobbyist’s principal to host a fundraising event for the public official.

(G) A consultant, lobbyist, a lobbyist’s principal, or a person acting on behalf of a consultant, lobbyist or a lobbyist’s principal may not employ on retainer a public official, a public employee, a member of the immediate family of a public official or public employee, or a firm or organization in which the public official or public employee has an economic interest. A retainer, for purposes of this section, is a payment for availability to perform services rather than for actual services rendered.

(H) A consultant, lobbyist, a lobbyist’s principal, or a person acting on behalf of a consultant, lobbyist or a lobbyist’s principal shall not pay an honorarium to a public official or a public employee. This subsection does not prohibit the reimbursement of or expenditure for actual expenses by a lobbyist’s principal as allowed in Section 2‑17‑100.

(I) A consultant, lobbyist, a lobbyist’s principal, or a person acting on behalf of a consultant, lobbyist or a lobbyist’s principal may not offer, facilitate, or provide a loan to or on behalf of a statewide constitutional officer or a member of the General Assembly unless the lobbyist’s principal is a financial institution authorized to transact business in the State and makes the loan in the ordinary course of business.

(J) A consultant, lobbyist, a lobbyist’s principal, or a person acting on behalf of a consultant, lobbyist or a lobbyist’s principal shall not offer or provide contributions or any other type of funds or financial assistance to a legislative special interest caucus as defined in Section 2‑17‑10(21).” /

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

/ SECTION \_\_\_. Section 2-17-130 of the 1976 Code is amended to read:

“Section 2-17-130. (A) A consultant, lobbyist or a lobbyist’s principal who wilfully violates the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned for not more than one year, or both. In addition, any lobbyist or lobbyist’s principal convicted of or pleading guilty or nolo contendere to a misdemeanor under the provisions of this section is barred from acting as a lobbyist or a lobbyist’s principal for a period of three years from the date of the conviction.

(B) A member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees who wilfully violate the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned for not more than one year, or both.

(C) The payment of any fines does not in any way excuse or exempt any person required to file from the filing requirements of this chapter.” Amend the bill further, as and if amended, by adding an appropriately numbered SECTION in PART I to read:

/ SECTION \_\_\_. Section 8-13-320(10)(h) of the 1976 Code is amended to read:

(h) The commission must afford a public official, public member, public employee, lobbyist, ~~or~~ lobbyist’s principal, or consultant who is the subject of a complaint the opportunity to be heard on the alleged violation under oath, the opportunity to offer information, and the appropriate due process rights including, but not limited to, the right to counsel. The commission, in its discretion, may turn over to the Attorney General for prosecution apparent evidence of a violation of the chapter. /

EFFECTIVE DATE LANGUAGE

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 67**

Senator SHEHEEN proposed the following amendment (JUD3945.112),which was tabled:

Amend the bill, as and if amended, p. 22 by striking lines 14-26 and inserting:

/ (10) the source, type, and amount or value of income, from any source, received by a public official or a member of the public official’s immediate family; and the source, date, and amount of honoraria from any source, received by a public official or a member of the public official's immediate family in the aggregate of two hundred dollars or more in value during the preceding calendar year, and the source, date, and amount of payments made to charitable organizations in lieu of honoraria. This does not include income received pursuant to:

(i) a court order;

(ii) a savings, checking, or brokerage account with a bank, savings and loan, or other licensed financial institution which offers savings, checking or brokerage accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee;

(iii) a mutual fund or similar fund in which an investment company invests its shareholders’ money in a diversified selection of securities. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

The amendment was laid on the table.

**Recorded Vote**

Senators SHEHEEN, GROOMS, SHEALY, DAVIS, BRIGHT, THURMOND and CORBIN desired to be recorded as voting against the motion to table Amendment No. 67.

**Amendment No. 61A**

Senator THURMOND proposed the following amendment (JUD3945.115),which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION in PART I, LOBBYISTS AND LOBBYIST PRINCIPALS, to read:

/ SECTION \_\_. Subsections (12) and (13) of Section 2‑17‑10 of the 1976 Code are amended to read:

“(12) ‘Lobbying’ means promoting or opposing through direct communication with public officials or public employees:

(a) the introduction or enactment of legislation before the General Assembly or the committees or members of the General Assembly;

(b) covered gubernatorial actions;

(c) covered agency actions; ~~or~~

(d) consideration of the election or appointment of an individual to a public office elected or appointed by the General Assembly; or

(e) the action or vote of any member of the governing body of a political subdivision.

‘Lobbying’ does not include the activities of a member of the General Assembly, a member of the staff of a member of the Senate or House of Representatives, the Governor, the Lieutenant Governor, ~~or~~ a member of the executive staff of the Governor or Lieutenant Governor or a member or the staff of the governing body of a political subdivision acting in his capacity as a public official or public employee with regard to his public duties.

(13) ‘Lobbyist’ means any person who is employed, appointed, or retained, with or without compensation, by another person to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official on any state agency, board, governing body of a political subdivision, or commission concerning any covered agency actions; or (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions. ‘Lobbyist’ also means any person who is employed, appointed, or retained, with or without compensation, by a state agency, college, university, or other institution of higher learning to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official of any state agency, board, governing body of a political subdivision, or commission concerning any covered agency actions; or (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions. ‘Lobbyist’ does not include:

(a) an individual who receives no compensation to engage in lobbying and who expresses a personal opinion on legislation, covered gubernatorial actions, or covered agency actions to any public official or public employee;

(b) a person who appears only before public sessions of committees or subcommittees of the General Assembly, public hearings of state agencies, public hearings before any public body of a quasi‑judicial nature, public hearings before the governing body of a political subdivision, or proceedings of any court of this State;

(c) any duly elected or appointed official or employee of the State, the United States, a county, municipality, school district, or a political subdivision thereof, or a member of the judiciary when appearing solely on matters pertaining to his office and public duties unless lobbying constitutes a regular and substantial portion of such official’s or employee’s duties;

(d) a person performing professional services in drafting legislation or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation;

(e) a person who owns, publishes, or is employed by a radio station, television station, wire service, or other bona fide news medium which in the ordinary course of business disseminates news, editorials, columns, other comments, or other regularly published periodicals if such person represents no other person in lobbying for legislation, covered agency actions, or covered gubernatorial actions. This exception applies to the publication of any periodical which is published and distributed by a membership organization to its subscribers at least twelve times annually and for which an annual subscription charge of at least one dollar fifty cents a subscriber is made;

(f) a person who represents any established church solely for the purpose of protecting the rights of the membership of the church or for the purpose of protecting the doctrines of the church or on matters considered to have an adverse effect upon the moral welfare of the membership of the church;

(g) a person who is running for office elected by the General Assembly or a person soliciting votes on the behalf of a person who is running for office elected by the General Assembly unless such person is otherwise defined as a lobbyist by this section; or

(h) an individual who receives no compensation to engage in lobbying and who does not make expenditures or incur obligations for lobbying in an aggregate amount in excess of five hundred dollars in a calendar year.” /

To further amend the bill, as and if amended, by adding an appropriately numbered SECTION in PART I, LOBBYISTS AND LOBBYIST PRINCIPALS, to read:

/ SECTION \_\_\_. Subsection (16) of Section 2‑17‑10 of the 1976 Code is amended to read:

“(16) ‘Public body’ means the General Assembly, the Executive Office of the Governor, any department of the State, or any state board, commission, agency, ~~or~~ authority, or the governing body of a political subdivision, including committees of any such body, by whatever name known.” /

To further amend the bill, as and if amended, by adding an appropriately numbered SECTION in PART I, LOBBYISTS AND LOBBYIST PRINCIPALS, to read:

/ SECTION \_\_\_\_. Subsection (18) of Section 2‑17‑10 of the 1976 Code is amended to read:

“(18) ‘Public official’ means any elected or appointed official of the State, including candidates for any such state office, and also means any member of the governing body of a political subdivision and a candidate for that office. However, ‘public official’ does not mean a member of the judiciary.” /

To further Amend the bill, as and if amended, by adding an appropriately numbered SECTION in PART I, LOBBYISTS AND LOBBYIST PRINCIPALS, to read:

/ SECTION \_\_\_. Section 2-17-80 of the 1976 Code is amended to read:

“Section 2-17-80. (A) A lobbyist or a person acting on behalf of a lobbyist shall not offer, solicit, facilitate, or provide to or on behalf of any member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees any of the following:

(1) lodging;

(2) transportation;

(3) entertainment;

(4) food, meals, beverages, money, or any other thing of value;

(5) contributions, as defined in Section 8‑13‑1300(7).

(B) A member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official ~~of any state agency~~ who engaged in covered agency actions, or any of their employees shall not solicit or receive from a lobbyist or a person acting on behalf of a lobbyist any of the following:

(1) lodging;

(2) transportation;

(3) entertainment;

(4) food, meals, beverages, money, or any other thing of value;

(5) contributions, as defined in Section 8‑13‑1300(7).

(C) Subsections (A)(1) through (A)(4) and subsections (B)(1) through (B)(4) of this section do not apply to the furnishing of lodging, transportation, entertainment, food, meals, beverages, or any other thing of value which also is furnished on the same terms or at the same expense to a member of the general public without regard to status as a public official or public employee.

(D) Subsections (A)(1), (A)(2), (B)(1), and (B)(2) of this section do not apply to the rendering of emergency assistance given gratuitously and in good faith by a lobbyist, a lobbyist’s principal, or any person acting on behalf of a lobbyist or a lobbyist’s principal to any member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official ~~of any state agency~~ who engaged in covered agency actions, or any of their employees.

(E) Subsections (A) and (B) do not apply to anything of value given to a family member for love and affection.” /

To further amend the bill, as and if amended, by adding an appropriately numbered SECTION in PART I, LOBBYISTS AND LOBBYIST PRINCIPALS, to read:

/ SECTION \_\_. Subsection 2-17-130(B) of the 1976 Code is amended to read:

“(B) A member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official ~~of any state agency~~ who engaged in covered agency actions, or any of their employees who wilfully violate the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned for not more than one year, or both.” /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND explained the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 30; Nays 9**

**AYES**

Allen Campbell Campsen

Cleary Courson Cromer

Gregory Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman *Martin, Larry*

Massey McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Turner Verdin Young

**Total--30**

**NAYS**

Alexander Bright Corbin

Davis Fair Grooms

*Martin, Shane* Sheheen Thurmond

**Total--9**

The amendment was laid on the table.

**Amendment No. 60A**

Senator SHANE MARTIN proposed the following amendment (JUD3945.119), which was adopted:

Amend the bill, as and if amended, by striking Section 8-13-700(A) in SECTION 10, lines 12-36 on page 13, and inserting:

/ “Section 8-13-700. (A) ~~No~~ A public official, public member, or public employee may not knowingly use his official office, membership, or employment to:

(1) obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated~~.~~;

(2) participate or engage in a private business for which the public official, public member, or public employee is compensated for services rendered during the hours of employment for the State or for a political subdivision of the State. However, this item does not apply to a member of the General Assembly provided it does not result in additional public expense;

(3) use offices, equipment, materials, or supplies of the State or a political subdivision of the State for a private business or for private business activities for which the public official, public member, or public employee is compensated.

This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official’s, public member’s, or public employee’s use that does not result in additional public expense, or to the incidental conversations, communications, or activities of a part-time public official or part-time public member related to his primary occupation or business. /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

The amendment was adopted.

**Motion Adopted**

Senator COURSON moved that the Senate stand adjourned.

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

**Ayes 24; Nays 13**

**AYES**

Alexander Allen Campbell

Campsen Cleary Courson

Cromer Fair Hayes

Hutto Johnson Kimpson

Leatherman *Martin, Larry* Matthews

McElveen McGill Nicholson

O'Dell Pinckney Reese

Scott Setzler Sheheen

**Total--24**

**NAYS**

Bright Corbin Davis

Gregory Grooms Hembree

*Martin, Shane* Massey Peeler

Shealy Thurmond Turner

Young

**Total--13**

The Senate agreed to adjourn.

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Sarah Elizabeth Jones of West Columbia, S.C. Sarah was a native of West Columbia who was working and living in Atlanta, Georgia, as a camera assistant on many projects when she passed away. Sarah was a member of the International Cinematographers Guild. She was a graduate of Brookland Cayce High School and the College of Charleston. Sarah was a loving daughter, sister, granddaughter and friend who will be dearly missed.

**ADJOURNMENT**

At 5:43 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

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