**Wednesday, March 14, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

We read in Jeremiah:

“ ‘So there is hope for your future,’ declares the Lord.”

(Jeremiah 31:17a)

Join me as we unite our hearts in prayer:

During trying times, O God, in the midst of life’s challenges, we find ourselves very much wanting to hear about “hope.” We know that we are always to be hopeful. Our faith itself, even our state’s motto reminds us: *“Dum spiro spero”—*“While I breathe, I hope.” Yet, sometimes the realities of day-to-day problems cause us to lose sight of our goals, of what matters. Lord, guide the members of this Senate as they focus afresh. Grant that they make “hope” real for the children, the women, and the men of South Carolina. And may each Senator and every staff member themselves draw hope from Your rich promises. We pray this in Your loving and hopeful name, O Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

March 14, 2012

Mr. President and Members of the Senate:

I respectfully request withdrawal from your consideration the appointment listed below:

Respectfully,

Nikki R. Haley

**Withdrawal of Statewide Appointment**

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2011, and to expire June 30, 2014

At-Large:

Melanie G. Stith, 3704 Hidden Marsh Rd., Mt. Pleasant, SC 29466

**Appointment Withdrawn**

On motion of Senator RYBERG, the Senate acceded to the Governor’s request and the Clerk was directed to return the appointment to the Governor.

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointment**

Initial Appointment, Crime Victims’ Ombudsman, with term coterminous with Governor

Debora D. Curtis, 1047 Beagle Run Road, Chapin, SC 29036

Referred to the Committee on Judiciary.

**Doctor of the Day**

Senator CLEARY introduced Dr. Gerald Harmon of Georgetown, S.C., Doctor of the Day, along with and 3rd year medical student, Jumera Chaudhary.

**Leave of Absence**

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

**Leave of Absence**

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

**Leave of Absence**

At 4:00 P.M., Senator ALEXANDER requested a leave of absence until 4:45 P.M.

**Leave of Absence**

On motion of Senator KNOTTS, at 4:00 P.M., Senator ROSE was granted a leave of absence until 9:00 A.M. in the morning.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 302 Sen. Ford

S. 744 Sen. Ford

S. 746 Sen. Cromer

S. 1066 Sen. Ford

S. 1135 Sen. Davis

S. 1210 Sen. Lourie

S. 1307 Sen. Hayes

**RECALLED**

H. 4886 -- Rep. Willis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 17, 2012, BY THE STUDENTS OF FOUNTAIN INN ELEMENTARY SCHOOL OF GREENVILLE COUNTY SCHOOL DISTRICT, WHEN THE SCHOOL WAS CLOSED DUE TO BAT INFESTATION, IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Senator THOMAS asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Education.

The Joint Resolution was recalled from the Committee on Education and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

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

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 1329 -- Senator Fair: A BILL TO AMEND SECTION 24-21-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, AND THE MEMBERS OF THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT THE MEMBER OF THE BOARD WHO IS APPOINTED ON AN AT-LARGE BASIS MUST BE SELECTED FROM ONE OF THE CONGRESSIONAL DISTRICTS AND AT LEAST ONE APPOINTEE SHALL POSSESS THE QUALIFICATIONS THAT THE AT-LARGE APPOINTEE FORMERLY MET.

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Read the first time and referred to the Committee on Corrections and Penology.

S. 1330 -- Senators Coleman and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE “SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT” WHICH PROVIDES THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING MAY AT HIS OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

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

S. 1331 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13-17-89 SO AS TO PROVIDE THAT NO PROVISION IN CHAPTER 17, TITLE 13 MAY BE CONSTRUED TO AUTHORIZE THE SOUTH CAROLINA RESEARCH AUTHORITY TO COMMIT THE CREDIT AND TAXING POWER OF THE STATE, TO PROVIDE A WRITTEN NOTICE REQUIREMENT WHEN THE AUTHORITY HAS CERTAIN RELATIONSHIPS WITH A NONPROFIT ENTITY THAT ESTABLISHES A FOR-PROFIT ENTITY, AND TO PROVIDE THAT A FAILURE TO PROVIDE THIS NOTICE MAY NOT BE CONSTRUED TO INDICATE THE AUTHORITY MAY PLEDGE THE CREDIT AND TAXING POWER OF THE STATE; TO AMEND SECTION 13-17-40, AS AMENDED, RELATING TO THE MEMBERSHIP AND TERMS OF THE BOARD OF TRUSTEES AND EXECUTIVE COMMITTEE OF THE AUTHORITY, SO AS TO PROVIDE FOR THE ELECTION OF TWO ADDITIONAL TRUSTEES, TO PERMIT A UNIVERSITY PRESIDENT WHO IS AN EX OFFICIO MEMBER OF THE BOARD TO DESIGNATE THE CHIEF RESEARCH OFFICER OF HIS UNIVERSITY TO PARTICIPATE AND VOTE IN NO MORE THAN TWO MEETINGS OF THE EXECUTIVE COMMITTEE EACH YEAR, TO PROVIDE FOR MEMBERS’ TERMS, FILLING OF VACANCIES, AND REMOVAL OF EXECUTIVE COMMITTEE MEMBERS, AND TO ALLOW THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE AND THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, OR THEIR DESIGNEES, TO SERVE ON THE BOARD, AND TO DELETE ARCHAIC REFERENCES; TO AMEND SECTION 13-17-70, AS AMENDED, RELATING TO THE POWERS OF THE BOARD OF TRUSTEES OF THE AUTHORITY, SO AS TO PROVIDE THE BOARD MAY PROVIDE GUARANTEES AS SECURITY FOR CERTAIN OBLIGATIONS; TO AMEND SECTION 13-17-87, AS AMENDED, RELATING TO COSTS ASSOCIATED WITH INNOVATION CENTERS ESTABLISHED BY THE AUTHORITY, SO AS TO MAKE CERTAIN FINANCING OPTIONAL RATHER THAN MANDATORY, TO EXPAND THE SOURCES OF FUNDING AVAILABLE FOR FINANCING THESE COSTS, AND TO PROHIBIT THE USE OF A PLEDGE OF CREDIT AND TAXING POWER OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE TO FINANCE THESE COSTS; AND TO AMEND SECTION 8-13-770, AS AMENDED, RELATING TO MEMBERS OF THE GENERAL ASSEMBLY SERVING ON BOARDS, SO AS TO MAKE CONFORMING CHANGES.

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

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

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The Concurrent Resolution was introduced and referred to the Committee on Fish, Game and Forestry.

S. 1333 -- Senator Ryberg: A BILL TO AMEND SECTION 20-3-170, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE THAT UPON THE MOTION OF A PARTY TO A JUDGMENT OF DIVORCE, THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE RETIREMENT OF THE SUPPORTING SPOUSE CONSTITUTES A CHANGE OF CIRCUMSTANCES FOR THE PURPOSE OF ALIMONY PAYMENTS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER IN MAKING THIS DETERMINATION.

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

S. 1334 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH BETHEL FOREST ROAD TO ITS INTERSECTION WITH GORDON DRIVE “MELVIN L. CRUM MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MELVIN L. CRUM MEMORIAL HIGHWAY”.

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

S. 1335 -- Senators Land and Leventis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 95 AND SOUTH CAROLINA HIGHWAY 341 IN SUMTER COUNTY IN HONOR OF NASCAR RACING LEGEND CALE YARBOROUGH AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “NASCAR RACING LEGEND CALE YARBOROUGH INTERCHANGE”.

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

S. 1336 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO DEFINITIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4237, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1337 -- Senator Leatherman: A BILL TO AMEND ACT 239 OF 1981, AS AMENDED, RELATING TO FLORENCE COUNTY SCHOOL DISTRICT NO. 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE FLORENCE COUNTY SCHOOL DISTRICT NO. 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

S. 1338 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-1-15 TO PROVIDE THAT AN INDIVIDUAL WHO OWES THE STATE ETHICS COMMISSION UNPAID FINES OR OTHER MONIES MAY NOT BE ELECTED, REELECTED, OR APPOINTED TO A PUBLIC OFFICE WHOSE QUALIFICATIONS ARE NOT DEFINED IN THE CONSTITUTION.

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

S. 1339 -- Senator Elliott: A SENATE RESOLUTION TO CELEBRATE THE 31st ANNUAL “WORLD FAMOUS” BLUE CRAB FESTIVAL, TO BE HELD IN LITTLE RIVER ON SATURDAY, MAY 19, AND SUNDAY, MAY 20, 2012, TO ENCOURAGE ALL SOUTH CAROLINIANS TO ATTEND AND ENJOY THIS FAMILY-FRIENDLY EVENT, AND TO WISH ITS ORGANIZERS EVERY SUCCESS.

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The Senate Resolution was adopted.

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

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

S. 1341 -- Senator Courson: A CONCURRENT RESOLUTION TO CONGRATULATE SOUTH CAROLINA’S 2012 DISTRICT TEACHERS OF THE YEAR UPON BEING SELECTED TO REPRESENT THEIR RESPECTIVE SCHOOL DISTRICTS, TO EXPRESS APPRECIATION FOR THEIR DEDICATED SERVICE TO CHILDREN, AND TO WISH THEM CONTINUED SUCCESS IN THE FUTURE.

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

H. 4451 -- Reps. Bowen, Whipper, Bikas, Sottile, Herbkersman, D. C. Moss, Allison, Parker, Huggins, Bowers and Hearn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56-5-3890, 56-5-3895, AND 56-5-3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THESE PROVISIONS; AND TO AMEND SECTION 56-1-720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON'S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF IMPROPER USE OF AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE.

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

H. 4517 -- Rep. D. C. Moss: A BILL TO AMEND SECTION 56-3-8800, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF WORLD WAR II VETERANS SPECIAL LICENSE PLATES, SO AS TO PROVIDE THAT THE LICENSE PLATE MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESS FOR PERSONS WHO QUALIFY TO BE ISSUED THIS LICENSE PLATE AND HANDICAPPED PARKING PLACARD.

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

H. 4582 -- Reps. Atwater and Quinn: A BILL TO AMEND SECTION 56-3-2320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF DEALER AND WHOLESALER LICENSE PLATES, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE LICENSE PLATES TO BE USED ON VEHICLES LOANED OR RENTED TO THE UNITED SERVICE ORGANIZATION SOUTH CAROLINA, AND THE AMERICAN RED CROSS.

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

H. 4710 -- Reps. White, Bingham, Herbkersman, Limehouse, Merrill, Simrill, G. M. Smith and J. R. Smith: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF SECTION 6-27-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON AMENDING OR REPEALING PROVISIONS IN THE STATE AID TO SUBDIVISIONS ACT ARE SUSPENDED FOR FISCAL YEAR 2012-2013, AND TO PROVIDE THAT FOR FISCAL YEAR 2012-2013 COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

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

H. 4721 -- Reps. Bingham, Merrill, Hixon, Southard, Corbin, Erickson, Parker, J. R. Smith, Allison, G. R. Smith, Sottile, Gambrell, Huggins, Murphy, Ryan, Putnam, Brady, Whitmire, Atwater, Ballentine, Bannister, Barfield, Bowen, G. A. Brown, Chumley, Cole, Crawford, Crosby, Daning, Forrester, Frye, Hamilton, Harrell, Henderson, Herbkersman, Horne, Limehouse, Long, Lowe, McCoy, D. C. Moss, V. S. Moss, Norman, Owens, Pinson, Pitts, Pope, Quinn, Sandifer, Simrill, Skelton, G. M. Smith, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, White, Willis, Hardwick and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “BUSINESS FREEDOM TO CHOOSE ACT”, BY AMENDING SECTION 44-96-80, RELATING TO COUNTY SOLID WASTE PROGRAMS, INCLUDING A COUNTY'S AUTHORITY TO ENACT ORDINANCES CONSISTENT WITH THE STATE PLAN, LAW, AND REGULATIONS, SO AS TO MAKE TECHNICAL CORRECTIONS, DELETE OBSOLETE LANGUAGE AND TO PROVIDE THAT AN ORDINANCE THAT RESTRICTS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER; AND TO AMEND SECTION 44-55-1210, RELATING TO A COUNTY'S AUTHORITY TO REQUIRE THE COLLECTION AND DISPOSAL OF SOLID WASTE, SO AS TO PROVIDE THAT A COUNTY ORDINANCE IS VOID TO THE EXTENT THAT THE ORDINANCE RESTRICTS OR PROHIBITS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM.

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

H. 4801 -- Reps. Sandifer, Gambrell, Bowen, Whitmire, Agnew, Thayer, Putnam and White: A BILL TO AMEND SECTION 6-13-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PIONEER RURAL WATER DISTRICT OF OCONEE AND ANDERSON COUNTIES, SO AS TO REVISE THE QUALIFICATIONS OF PERSONS WHO MAY BE APPOINTED TO THE GOVERNING BOARD OF THE DISTRICT AND THE MANNER OF THEIR APPOINTMENT; AND TO AMEND SECTION 6-13-240, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE DISTRICT ACTING THROUGH ITS GOVERNING BOARD, SO AS TO PROVIDE THAT THE DISTRICT MUST NOT CONTRACT FOR OR UNDERTAKE THE CONSTRUCTION OF ANY NEW FRESHWATER TREATMENT FACILITIES UNTIL JANUARY 1, 2016.

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

H. 4924 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF DENTISTRY, RELATING TO REGISTRATION OF LICENSES OR CERTIFICATES; ANNUAL ELECTION OF THE BOARD; AND EXECUTIVE DIRECTOR, DESIGNATED AS REGULATION DOCUMENT NUMBER 4232, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4925 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF CHIROPRACTIC EXAMINERS, RELATING TO ORGANIZATION, ADMINISTRATION AND PROCEDURE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4228, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4926 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN OPTICIANRY, RELATING TO REQUIREMENTS OF LICENSURE FOR OPTICIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4247, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4927 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF PODIATRY EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR PODIATRISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4250, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4928 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF BARBER EXAMINERS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4265, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4929 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF BARBER EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE IN THE FIELD OF BARBERING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4225, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4930 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR COSMETOLOGISTS, ESTHETICIANS, AND NAIL TECHNICIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4230, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4952 -- Rep. Herbkersman: A BILL TO AMEND SECTION 7-7-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN BEAUFORT COUNTY, SO AS TO CHANGE THE NAME OF THE “BLUFFTON 3A” PRECINCT TO THE “MOSS CREEK” PRECINCT, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

H. 5005 -- Reps. McLeod, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF THOMAS JOSEPH BARDIN, JR., OF LEXINGTON COUNTY, DIRECTOR OF THE SOUTH CAROLINA LEGISLATIVE AUDIT COUNCIL, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 302 -- Senators Fair, Hutto, Jackson, Knotts and Rankin: A BILL TO AMEND SECTION 63-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY SERVICES THAT THE DEPARTMENT OF JUVENILE JUSTICE SHALL PROVIDE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO GRANT PROBATIONERS AND PAROLEES UNDER THE DEPARTMENT’S SUPERVISION UP TO A TEN-DAY REDUCTION OF THE PROBATIONARY OR PAROLE TERM FOR EACH MONTH THEY ARE COMPLIANT WITH THE TERMS AND CONDITIONS OF THEIR PROBATION OR PAROLE.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

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

Ordered for consideration tomorrow.

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

S. 1012 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑5‑945 SO AS TO PROVIDE FOR THE DELEGATION OF A MILITARY PARENT’S VISITATION RIGHTS UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 63‑5‑960 SO AS TO PROVIDE FOR THIS STATE’S EXCLUSIVE CONTINUING JURISDICTION OVER AN ORDER OF CUSTODY DURING A MILITARY DEPLOYMENT FOR PURPOSES OF THE “UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT”; BY ADDING SECTION 63‑5‑970 SO AS TO RECOGNIZE A MILITARY FAMILY CARE PLAN FOR RESIDENCY PURPOSES DURING A MILITARY DEPLOYMENT FOR PURPOSES OF THE “UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT”; TO AMEND SECTION 63‑5‑930, RELATING TO THE TEMPORARY MODIFICATION OF A SUPPORT ORDER FOR THE DURATION OF A MILITARY PARENT’S MILITARY SERVICE, SO AS TO PROVIDE THAT A PROPERLY FILED NOTICE OF ACTIVATION AND ACCOMPANYING PETITION CONSTITUTES COMPLIANCE WITH 42 U.S.C., SECTION 666(a)(9)(C); AND TO AMEND SECTION 63‑5‑940, RELATING TO MUTUALLY AGREEABLE ARRANGEMENTS BETWEEN MILITARY AND NONMILITARY PARENTS PRIOR TO MOBILIZATION, SO AS TO PROVIDE THAT A NONDEPLOYED PARENT SHALL FACILITATE OPPORTUNITIES FOR TELEPHONIC AND ELECTRONIC COMMUNICATION BETWEEN A DEPLOYED PARENT AND CHILD.

Ordered for consideration tomorrow.

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

S. 1066 -- Senator McConnell: A BILL TO AMEND CHAPTER 35, TITLE 23, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIREWORKS AND EXPLOSIVES, BY ADDING SECTION 23‑35‑180, SO AS TO PERMIT A LOCAL GOVERNING BODY TO REGULATE THE DISCHARGE OF FIREWORKS.

Ordered for consideration tomorrow.

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

S. 1149 -- Senators Campsen, Campbell, Massey, Shoopman, Bright, Gregory, Alexander, Peeler, Grooms, Bryant, S. Martin, Davis, Knotts, L. Martin, Rose, Hayes and Thomas: A BILL TO ENACT THE “BORN ALIVE INFANT PROTECTION ACT” BY AMENDING SECTION 2‑7‑30 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF THE WORDS “PERSON” AND “PARTY” AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, TO PROVIDE FURTHER FOR THE CONSTRUCTION OF “PERSON”, “HUMAN BEING”, “CHILD”, AND “INDIVIDUAL”, SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE “BORN ALIVE”, TO PROHIBIT THE DEPRIVATION OF MEDICALLY APPROPRIATE AND REASONABLE MEDICAL CARE FOR AN INFANT, TO CLARIFY THE RIGHT OF A PARENT OR GUARDIAN TO REFUSE TREATMENT THAT IS NOT MEDICALLY APPROPRIATE OR REASONABLE, AND TO PROVIDE FOR THE SEVERABILITY AND ENFORCEABILITY OF THE PORTIONS OF THIS SECTION.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Invitations polled out S. 1318 favorable:

S. 1318 -- Senators Courson and Lourie: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN’S CHRISTIAN ASSOCIATION TO USE THE SENATE CHAMBER AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE SENATE OFFICE BUILDING ON THURSDAY, NOVEMBER 15, 2012, AND FRIDAY, NOVEMBER 16, 2012, TO CONDUCT THE YOUTH IN GOVERNMENT PROGRAM.

**Poll of the Invitations Committee**

**Polled 9; Ayes 9; Nays 0; Not Voting 2**

**AYES**

Knotts Alexander McGill

Reese O’Dell Elliott

Campsen Cromer Malloy

**Total--9**

**NAYS**

**Total--0**

**NOT VOTING**

Ford Verdin

**Total--2**

Ordered for consideration tomorrow.

Senator SHEHEEN from the Committee on Judiciary submitted a majority favorable and Senator HUTTO a minority unfavorable report on:

H. 4139 -- Reps. Limehouse, Sottile, Gilliard, McCoy, Clyburn, Hosey, Stavrinakis and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑190 SO AS TO ESTABLISH THE “STATE DAY OF PRAYER” AS THE FIRST THURSDAY IN MAY OF EACH YEAR.

Ordered for consideration tomorrow.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

H. 4475 -- Reps. Young, Clyburn, Taylor, Hixon, Frye, Southard, Clemmons and Hardwick: A BILL TO AMEND SECTION 47‑9‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF EQUINE LIABILITY IMMUNITY, SO AS TO INCLUDE TRAIL RIDING IN THE DEFINITION OF “EQUINE ACTIVITY”; AND TO AMEND SECTION 47‑9‑730, RELATING TO WARNING SIGNS REQUIRED TO BE POSTED BY EQUINE PROFESSIONALS AND EQUINE ACTIVITY SPONSORS, SO AS TO INCLUDE A REQUIREMENT THAT WARNING SIGNS ARE TO BE POSTED AT THE ENTRANCE TO RIDING TRAILS.

H. 4295 -- Reps. Bowers and Brantley: A BILL TO AMEND SECTION 7‑7‑300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HAMPTON COUNTY, SO AS TO DELETE POLLING PLACE LOCATIONS IN THE VOTING PRECINCTS OF HAMPTON COUNTY, TO DESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO AUTHORIZE THE HAMPTON COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, WITH THE APPROVAL OF A MAJORITY OF THE HAMPTON COUNTY LEGISLATIVE DELEGATION, TO DETERMINE THE POLLING PLACES FOR THE PRECINCTS IN HAMPTON COUNTY.

**HOUSE BILL RETURNED**

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

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V.S. Moss, Cobb‑Hunter, Herbkersman, Willis, Harrell, Pope, D.C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET‑BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE AS AMENDED**

H. 3254 -- Rep. Daning: A BILL TO AMEND SECTION 57‑23‑815, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT AT EXIT 199 ALONG INTERSTATE HIGHWAY 26 IN BERKELEY COUNTY, SO AS TO PROVIDE THAT BOTH THE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF SUMMERVILLE MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 26 AT THIS LOCATION.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators VERDIN and WILLIAMS proposed the following amendment (3254R004.DBV), which was adopted:

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

/ SECTION 1. Section 57‑23‑800 of the 1976 Code is amended to read:

“Section 57‑23‑800. (A) The Department of Transportation shall conduct vegetation management of the medians, roadsides, and interchanges along the interstate highway system in accordance with the following requirements:

(1) a median of not more than ~~sixty~~ eighty feet in width shall have its mowable area mowed in its entirety. A median wider than ~~sixty~~ eighty feet shall only be mowed within ~~thirty~~ forty feet from the edges of the pavement.

(2) a roadside shall be mowed thirty feet from the edge of the pavement. If fill slopes or back slopes are steep, one swath of the mower or not less than five feet shall be mowed on these slopes.

(3) an interchange shall be mowed in the same manner as a roadside, provided that the distance from the pavement required to be mowed may be increased to address any safety concerns involved.

(B) The mowing widths provided in subsection (A) may be increased when necessary to provide adequate visibility for signs erected by the department~~.~~, when the department determines that increasing the widths is in the public interest, or upon request of the governing body of a county or municipality.

(C) The vegetation management activities conducted by the department shall not interfere in any way with the visibility of any outdoor advertising sign.

(D) If the Department of Natural Resources makes an assessment and written determination that vegetation management pursuant to this section causes an increase in safety risks because of the attraction of wildlife to a specific area along the highway, then the department may increase the distance from the pavement required to be mowed.

(E) Upon the written approval of the Department of Transportation, a county or municipality, at its own expense, may itself conduct vegetation management activites beyond vegetation management widths provided in subsection (A) if the department declines to conduct vegetation management in those areas.”

SECTION 2. Sections 57‑23‑810, 57‑23‑815, 57‑23‑820, 57‑23‑825, 57‑23‑830, 57‑23‑835, 57‑23‑840, and 57‑23‑850 of the 1976 Code are repealed.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment wasadopted.

The question then was third reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Cleary Courson

Cromer Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**THIRD READING BILLS**

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

S. 1029 -- Senator L. Martin: A BILL TO AMEND SECTION 50‑1‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GEOGRAPHIC BOUNDARIES OF CERTAIN BODIES OF WATER, SO AS TO GIVE A NUMERICAL DESIGNATION TO EACH BODY OF WATER ENUMERATED IN THE SECTION AND TO MAKE OTHER TECHNICAL CHANGES TO THE SECTION.

S. 1062 -- Senators Bryant, Verdin, Grooms, Bright, Shoopman and Rose: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 24 OF THE 1976 CODE, RELATING TO THE STATE PRISON SYSTEM, BY ADDING SECTION 24‑3‑83 TO PROHIBIT THE DEPARTMENT OF CORRECTIONS FROM USING STATE FUNDS OR STATE RESOURCES TO PROVIDE A PRISONER WITH SEXUAL REASSIGNMENT SURGERY OR HORMONAL THERAPY.

S. 1227 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10‑1‑35 SO AS TO PROHIBIT CAMPING, SLEEPING, OR USE OF THE STATE HOUSE GROUNDS AND ALL BUILDINGS LOCATED ON THE GROUNDS FOR LIVING ACCOMMODATIONS PURPOSES.

**AMENDED, READ THE THIRD TIME**

H. 4716 -- Rep. Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑23‑855 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MAINTAIN AND MOW ROADSIDE VEGETATION BEYOND THIRTY FEET FROM THE PAVEMENT ADJACENT TO EXIT 190 ALONG INTERSTATE HIGHWAY 95 IN DILLON COUNTY.

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

There was no objection.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators WILLIAMS and VERDIN proposed the following amendment (4716R003.KMW), which was adopted:

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

/ SECTION 1. Section 57‑23‑800 of the 1976 Code is amended to read:

“Section 57‑23‑800. (A) The Department of Transportation shall conduct vegetation management of the medians, roadsides, and interchanges along the interstate highway system in accordance with the following requirements:

(1) a median of not more than ~~sixty~~ eighty feet in width shall have its mowable area mowed in its entirety. A median wider than ~~sixty~~ eighty feet shall only be mowed within ~~thirty~~ forty feet from the edges of the pavement.

(2) a roadside shall be mowed thirty feet from the edge of the pavement. If fill slopes or back slopes are steep, one swath of the mower or not less than five feet shall be mowed on these slopes.

(3) an interchange shall be mowed in the same manner as a roadside, provided that the distance from the pavement required to be mowed may be increased to address any safety concerns involved.

(B) The mowing widths provided in subsection (A) may be increased when necessary to provide adequate visibility for signs erected by the department~~.~~, when the department determines that increasing the widths is in the public interest, or upon request of the governing body of a county or municipality.

(C) The vegetation management activities conducted by the department shall not interfere in any way with the visibility of any outdoor advertising sign.

(D) If the Department of Natural Resources makes an assessment and written determination that vegetation management pursuant to this section causes an increase in safety risks because of the attraction of wildlife to a specific area along the highway, then the department may increase the distance from the pavement required to be mowed.

(E) Upon the written approval of the Department of Transportation, a county or municipality, at its own expense, may itself conduct vegetation management activites beyond vegetation management widths provided in subsection (A) if the department declines to conduct vegetation management in those areas.”

SECTION 2. Sections 57‑23‑810, 57‑23‑815, 57‑23‑820, 57‑23‑825, 57‑23‑830, 57‑23‑835, 57‑23‑840, and 57‑23‑850 of the 1976 Code are repealed.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator VERDIN 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 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1037 -- Senator Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 22 TO CHAPTER 13, TITLE 24 SO AS TO PROVIDE THAT CERTAIN PERSONS WHO HAVE BEEN WRONGFULLY CONVICTED OF AND IMPRISONED FOR A CRIME MAY RECOVER THE MONETARY VALUE OF THE LOSS SUSTAINED THROUGH THE WRONGFUL CONVICTION AND IMPRISONMENT.

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

The Committee on Corrections and Penology proposed the following amendment (SWB\5188CM12), which was adopted:

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

/ SECTION 1. Chapter 13, Title 24 of the 1976 Code is amended by adding:

“Article 22

Compensation for a Wrongful Conviction

Section 24‑13‑2310. (A) The court shall award to a person who has been wrongfully convicted of an offense an amount equal to fifteen thousand dollars for each year or the pro rata amount for the portion of each year of the imprisonment actually served, including any time spent awaiting trial. However, the compensation shall not exceed fifty thousand dollars. The court shall give written notice of its decision to all parties concerned, and the State Treasurer.

(B) The State Treasurer shall pay the amount of the award to the person out of funds appropriated by the General Assembly for this purpose.

(C) If a person is wrongfully convicted by the State of an offense and imprisoned subsequent to the wrongful conviction, and the conviction is reversed or vacated and a final judgment has been rendered, then the person is not eligible for compensation pursuant to this section if the person:

(1) was convicted of any of the acts charged in conjunction with the offense;

(2) served the term of imprisonment concurrently with the sentence for the conviction of another crime; or

(3) is serving a term of imprisonment for the conviction of another crime.

(D) A person awarded compensation pursuant to this section and who is subsequently convicted of a crime is not eligible to receive any unpaid amounts from any compensation authorized by this section.”

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

Renumber sections to conform.

Amend title to conform.

Senator FAIR 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 39; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McGill

Nicholson O'Dell Peeler

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Massey

**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. 1101 -- Senators Sheheen, Malloy, Land, Leventis, Scott, Hutto, Nicholson, McGill, Setzler, Ford, Matthews, Reese and Anderson: A BILL TO AMEND CHAPTER 2, TITLE 12 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING TAXATION AND THE DEPARTMENT OF REVENUE, BY ADDING SECTION 12‑2‑110, TO PROVIDE THAT THE DEPARTMENT MUST DEVELOP A CHART TO REFLECT THE PROPORTION OF APPROPRIATIONS FOR CERTAIN APPROPRIATIONS CATEGORIES TO TOTAL STATE APPROPRIATIONS AND TO DEVELOP A CHART TO REFLECT THE PROPORTION OF CATEGORIZED REVENUE SOURCES TO THE TOTAL REVENUE USED IN THE ANNUAL APPROPRIATIONS ACT, AND TO PROVIDE THAT THE CHARTS MUST BE DISPLAYED ON INCOME TAX FORMS, INCOME TAX FORM INSTRUCTION BOOKLETS, AND IN CONFIRMATION EMAILS FOR INCOME TAX RETURNS FILED ELECTRONICALLY; AND TO AMEND CHAPTER 54, TITLE 12, RELATING TO THE UNIFORM METHOD OF COLLECTION AND ENFORCEMENT OF TAXES LEVIED AND ASSESSED BY THE SOUTH CAROLINA DEPARTMENT OF REVENUE, BY ADDING SECTION 12‑54‑255, TO REQUIRE THAT THE DEPARTMENT OF REVENUE SEND A CONFIRMATION EMAIL FOR ALL INCOME TAX RETURNS FILED ELECTRONICALLY, AND TO REQUIRE THAT THE CONFIRMATION EMAIL CONTAIN THE CHARTS REQUIRED BY SECTION 12‑2‑110.

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

There was no objection.

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

The Committee on Finance proposed the following amendment (NBD\12195DG12), which was adopted:

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

/ SECTION 1. Chapter 2, Title 12 of the 1976 Code, is amended by adding:

“Section 12‑2‑110. (A) As used in this section:

(1) ‘Appropriation category’ means each of the functional groups under which the Office of State Budget categorizes agency appropriations for purposes of historical analysis, including a category for tax relief for businesses and individuals, including, but not limited to, property tax relief pursuant to Sections 12‑37‑220(B)(47)(a), 12‑37‑250, 12‑37‑450, and 12‑37‑935.

(2) ‘Revenue sources’ means each category of state revenue as contained in the ‘Revenue and Source of Income’ portion of Part 1A of the annual appropriations act excluding non‑state portions of transportation revenue, but including revenue generated by the tax imposed pursuant to Section 12‑36‑1110 as projected by the Board of Economic Advisors in its annual ‘General Fund Revenue Forecast Table’ utilized during the annual appropriations process. Revenue sources may include non‑recurring state revenue utilized in the annual appropriations act.

(B)(1) The Office of State Budget must develop a chart that accurately reflects the relative proportion of appropriations for each appropriations category to the total appropriations contained in the most recent annual appropriations act for those categories in the aggregate. For purposes of this subsection, ‘appropriations’ shall mean appropriations made from a revenue source.

(2) The Office of State Budget must also develop a separate chart that accurately reflects the relative proportion of revenue sources to the total revenue from those sources utilized in the most recent annual appropriations act. Revenue sources contained in this chart must be categorized as being derived from collections of retail sales taxes, individual income taxes, corporate income taxes and license fees, or miscellaneous revenue or other sources.

(3) The Office of State Budget shall provide these charts, along with explanations, to the Department of Revenue no later than August first of each year, to the extent possible.

(C) The department must conspicuously display the charts, along with explanations, in its individual income tax return instruction booklet, and prominently display a link to the charts on the homepage of its website. To the extent practicable, the department shall include a link to these charts on Form 1099G if space permits.”

SECTION 2. Chapter 54, Title 12 of the 1976 Code is amended by adding:

“Section 12‑54‑255. The department shall encourage tax software providers to create a link to the charts displayed on its website pursuant to Section 12‑2‑110 in the email sent by providers when confirming the receipt of income taxes filed electronically.”

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

Renumber sections to conform.

Amend title to conform.

Senators O’DELL and SHEHEEN 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 39; Nays 0**

**AYES**

Alexander Bright Bryant

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**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. 300 -- Senators Fair, Hutto, Jackson, Knotts, Rankin and Ford: A BILL TO AMEND SECTION 63‑19‑1440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO ALLOW A JUVENILE WHO IS TEMPORARILY COMMITTED TO ITS CUSTODY, AFTER BEING ADJUDICATED FOR A STATUS OFFENSE, MISDEMEANOR OFFENSE, OR A PROBATION VIOLATION OR CONTEMPT, TO UNDERGO A COMMUNITY EVALUATION WITH CERTAIN SAFEGUARDS AND EXCEPTIONS.

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 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 1316 -- Senator L. Martin: A BILL TO AMEND SECTION 7‑7‑450, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN PICKENS COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

Senator LARRY MARTIN proposed the following amendment (GGS\22336ZW12), which was adopted:

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

/ SECTION 1. Section 7‑7‑450 of the 1976 Code, as last amended by Act 108 of 2001, is further amended to read:

“Section 7‑7‑450. In Pickens County there are the following voting precincts:

~~Albert R. Lewis~~

~~Arial Mill~~

~~Brushy Creek~~

~~Calhoun~~

~~Cedar Rock~~

~~Central 1~~

~~Central 2~~

~~Clemson 1~~

~~Clemson 2~~

~~Crossroads~~

~~Crosswell 1~~

~~Crosswell 2~~

~~Dacusville 1~~

~~Dacusville 2~~

~~Easley~~

~~Flat Rock~~

~~Forest Acres~~

~~Georges Creek~~

~~Glassy Mountain~~

~~Griffin~~

~~Holly Springs~~

~~Lawrence Chapel~~

~~Liberty 1~~

~~Liberty 2~~

~~McKissick~~

~~Morrison~~

~~Mountain View~~

~~Norris~~

~~Park Street~~

~~Pickens 1~~

~~Pickens 2~~

~~Pickens 3~~

~~Pickens 4~~

~~Pickensville~~

~~Pike~~

~~Powdersville 1~~

~~Powdersville 2~~

~~Praters Creek 1~~

~~Praters Creek 2~~

~~Pumpkintown~~

~~Rice’s Creek~~

~~Rock Springs~~

~~Saluda~~

~~Simpson~~

~~Six Mile~~

~~Skelton~~

~~Smith Grove~~

~~Stone Church~~

~~University~~

~~Woodside~~

~~Zion~~

Abel

Albert R. Lewis

Arial Mill

Brushy Creek

Calhoun

Cedar Rock

Clemson

Crescent Hill

Crestview

Crossroads

Crosswell

Dacusville

Easley

East Liberty

East Pickens

Flat Rock

Forest Acres

Fruit Mountain

Georges Creek

Glassy Mountain

Griffin

Holly Springs

Issaqueena

Lawrence Chapel

Lenhart

McAllister

McKissick

Morrison

Mountain View

Nine Forks

Norris

North Central

North Liberty

North Pickens

Pendleton

Pickensville

Pike

Pope Field

Praters Creek

Pumpkintown

Rices Creek

Rock Springs

Saluda

Sheffield

Simpson

Sitton

Six Mile

Six Mile Mountain

Skelton

Smith Grove

South Central

South Pickens

Stone Church

Tri County

University

Vinland

West Central

West Liberty

West Pickens

Woodside

Zion

(B) The precinct lines defining the above precincts are as shown on official maps on file with the ~~Office~~Division of Research and ~~Statistical Services~~Statistics of the State Budget and Control Board designated as document ~~P‑77‑01~~P‑77‑12 and as shown on certified copies provided to the ~~State Election Commission and the~~ Pickens County Board of Voter Registration ~~by the office~~.

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

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN 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 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**ADOPTED**

S. 1303 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 15, 2012.

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

H. 4146 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON WEST CAMBRIDGE STREET IN THE CITY OF GREENWOOD “CARL JULIEN BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “CARL JULIEN BRIDGE”.

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

H. 4803 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 72 AND WILLARD ROAD IN GREENWOOD COUNTY “JIMMY BRITT INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “JIMMY BRITT INTERSECTION”.

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

**RECOMMITTED**

S. 501 -- Senators Cromer, Peeler, Leatherman, L. Martin, McGill, Courson, Thomas, Grooms, Verdin, O’Dell, Campsen, Matthews, Campbell, Hutto, Alexander, Williams, Fair, Scott, Cleary, Reese, Davis, Leventis, Shoopman, Elliott, Anderson, S. Martin, Nicholson, Coleman, Rose, Ford and Knotts: A BILL TO AMEND SECTION 48‑34‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A FIRE MANAGER WHO SUPERVISES A PRESCRIBED FIRE MUST CONSIDER BOTH FIRE BEHAVIOR AND SMOKE MANAGEMENT AND TO PROVIDE CITATIONS TO OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48‑34‑50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

On motion of Senator MALLOY, the Bill was recommitted to the Committee on Fish, Game and Forestry.

**COMMITTEE AMENDMENT ADOPTED, AMENDED CARRIED OVER AS AMENDED**

S. 1059 -- Senators Cromer and Elliott: A BILL TO AMEND SECTION 48‑4‑30 OF THE 1976 CODE, RELATING TO THE COMPOSITION OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, TO INCREASE THE NUMBER OF BOARD MEMBERS TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT, AND TO DESIGNATE THE AT‑LARGE BOARD MEMBER AS CHAIRMAN.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

The Committee on Fish, Game and Forestry proposed the following amendment (1059R005.RWC), which was adopted:

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

/ SECTION 1. Section 48-4-30 of the 1976 Code is amended to read:

“Section 48‑4‑30. (A) The department shall be governed by a board consisting of ~~seven~~ non‑salaried board members to be appointed and constituted in a manner provided by law. ~~Board members of the former Department of Wildlife and Marine Resources shall serve as board members for the Department of Natural Resources until their terms expire and their successors are appointed and qualify.~~ The Governor shall appoint one member to serve as chairman, upon the advice and consent of the Senate. The appointment to chairman is subject to the advice and consent of the Senate, even if the person appointed to serve as chairman is already a current member of the board.

(B) All board members shall be appointed by the Governor with the advice and consent of the Senate. One member shall be appointed from each congressional district of the ~~state and one shall be appointed from the state at‑large~~ State.

(C) Notwithstanding subsection (B), membership on the board shall also include the at‑large board member serving on the board on March 1, 2012. The at-large board member may continue to serve on the board until that board member’s term expires, he is removed from the board as provided by law, or he resigns from the board. At the expiration of the at-large board member’s term, or upon his removal from or resignation from the board, the provisions of this subsection no longer apply to the composition of the membership of the board.

(D) In making appointments, race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. Board members must possess sound moral character, superior knowledge in the fields of wildlife, marine, and natural resource management, and proven administrative ability.

(E) The Governor may remove any board member pursuant to the provisions of Section 1‑3‑240.

(F) Terms of the members shall be for four years and until their successors are appointed and qualify. If a vacancy occurs when the General Assembly is not in session, it must be filled by the Governor’s appointment for the unexpired term, subject to confirmation by the Senate at the next session of the General Assembly.

(G) Each board member, within thirty days after notice of appointment and before taking office, shall take and file with the Secretary of State the oath of office prescribed by the State Constitution.

~~One of the members of the board shall be designated by the Governor to serve as chairman.~~”

SECTION 2. Section 48‑4‑60 of the 1976 Code is amended to read:

“Section 48‑4‑60. The board shall appoint a director, upon the advice and consent of the Senate. The director shall ~~to~~ serve at ~~its~~ the pleasure ~~who~~ of the board and shall be the administrative head of the department. The director must carry out the policies of the board and administer the affairs of the department. The director may exercise all powers belonging to the board within the guidelines and policies established by the board. The director shall manage the administration and organization of the department and may appoint such assistants or deputies as the director considers necessary. The director may hire such employees as the director considers necessary for the proper administration of the affairs of the department. The director must prescribe the duties, powers, and functions of all assistants, deputies, and employees of the department.”

SECTION 3. Notwithstanding any other provision of law to the contrary, a person appointed to serve, or serving, as a member of the Department of Natural Resources Board to represent a congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was appointed; however, the appointing authority shall appoint an additional member to the board from the district which loses a resident member on it as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires.

SECTION 4. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The committee amendment was adopted.

Senators CROMER and HUTTO proposed the following amendment (1059R004.RWC), which was adopted:

Amend the bill, as and if amended, page 2, by adding appropriately lettered new subsections to Section 48-4-30 to read:

/ “( ) Notwithstanding subsection (E), the terms of members representing congressional districts serving on the board on March 1, 2012, shall terminate on the dates provided in this subsection. The terms of the members representing the Fourth and the Sixth Congressional Districts shall expire July 1, 2012. The terms of the members representing the First, Second, Third, and Fifth Congressional Districts shall expire on July 1, 2014.

( ) Notwithstanding subsection (E), the initial term of the member representing the Seventh Congressional District shall expire July 1, 2016.” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

Senator McGILL proposed the following amendment (1059R006.JYM), which was adopted:

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

/ SECTION \_\_\_. Section 48-4-50 of the 1976 Code is amended to read:

“Section 48-4-50. The board shall be vested with the duty and authority to oversee~~, manage, and control~~ the management, operation, administration, and organization of the department subject only to the laws of this State and the United States.” /

Renumber sections to conform.

Amend title to conform.

Senator McGILL explained the amendment.

The amendment was adopted.

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

**CARRIED OVER**

S. 1122 -- Senator Gregory: A BILL TO AMEND SECTION 7‑7‑350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

S. 45 -- Senators McConnell, Campsen and Ford: A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17‑15‑55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT’S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT’S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE’S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY‑EIGHT HOURS.

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

S. 1301 -- Senators Fair and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑11‑335 SO AS TO PROVIDE THAT TO ENSURE A REPRESENTATIVE GOVERNING BODY ABOVE A SIZE OF THREE, AN ELECTED GOVERNING BODY OF A PUBLIC SERVICE DISTRICT LOCATED WHOLLY IN ONE COUNTY WHICH PROVIDES WATER, SEWER, OR FIRE SERVICE WITHIN ITS SERVICE AREA MAY BE ENLARGED BY ADDITIONAL MEMBERS IN THE MANNER AND UNDER THE PROCEDURES SPECIFIED IN THIS SECTION.

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

H. 3059 -- Reps. Merrill, Stavrinakis, J.E. Smith and Whipper: A BILL TO AMEND SECTION 12‑6‑3376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INCOME TAX CREDIT FOR PLUG‑IN HYBRID VEHICLES, SO AS TO REVISE THE DEFINITION OF “PLUG‑IN HYBRID VEHICLE”, TO RAISE THE AGGREGATE AMOUNT OF THE CREDIT AVAILABLE EACH FISCAL YEAR AND DELETE ITS EXPIRATION DATE, AND TO PROVIDE THAT THE CREDIT MUST BE ALLOCATED TO ELIGIBLE CLAIMANTS DURING A FISCAL YEAR ON A FIRST‑COME, FIRST‑SERVE BASIS.

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

**Message from the House**

Columbia, S.C., March 8, 2012

Mr. President and Senators:

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

H. 3393 -- Rep. Sandifer: A BILL TO AMEND SECTION 32‑8‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT’S AGENT TO AUTHORIZE CREMATION, SO AS TO FURTHER PROVIDE FOR THOSE PERSONS WHO IN ORDER OF PRIORITY MAY AUTHORIZE CREMATION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**MOTION FOR SPECIAL ORDER FAILED**

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms, Peeler and Shoopman: A BILL TO AMEND SECTION 41‑35‑120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

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

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

**Ayes 24; Nays 18**

**AYES**

Alexander Bright Bryant

Cleary Courson Cromer

Davis Fair Gregory

Grooms Hayes Knotts

Leatherman *Martin, Larry Martin, Shane*

Massey O'Dell Peeler

Rankin Rose Setzler

Shoopman Thomas Verdin

**Total--24**

**NAYS**

Anderson Coleman Elliott

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Reese

Scott Sheheen Williams

**Total--18**

Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

**RECALLED**

H. 4639 -- Reps. Sandifer, Gambrell, Toole and Hardwick: A BILL TO AMEND SECTION 6‑10‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, SO AS TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD.

Senator LARRY MARTIN made 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.

**MOTION ADOPTED**

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**VETO CARRIED OVER**

(R135, H4723) -- Reps. Loftis, Corbin, Allen, Dillard, Hamilton, Henderson, Nanney, G.R. Smith, Stringer, Willis and Bannister: AN ACT TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

The veto of the Governor was taken up for immediate consideration.

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

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, DEBATE INTERRUPTED**

H. 3241 -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND CHAPTER 40, TITLE 59 OF THE 1976 CODE RELATED TO CHARTER SCHOOLS, TO PROVIDE FOR AMENDED DEFINITIONS, SPONSORSHIP, APPLICATION AND CONVERSION PROCEDURES, POWERS, DUTIES, REGULATIONS, ENROLLMENT LIMITS, LIABILITY, AND RETIREMENT SYSTEM AVAILABILITY FOR CERTAIN EMPLOYEES; AND TO REVISE THE MEMBERSHIPS OF THE CHARTER SCHOOL ADVISORY COMMITTEE AND THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL. *(ABBREVIATED TITLE)*

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

Senator HAYES, chairman of the subcommittee, was recognized to explain the Bill.

**Amendment No. P1**

Senator HAYES proposed the following Amendment No. P1 (3241R005.RWH), which was adopted:

Amend the committee amendment, as and if amended, page [3241-1], by striking lines 40-41 and inserting:

/ Loan Program Fund must be used to finance loans by the South Carolina Department of Education to charter schools for construction, purchase, /

Amend the committee amendment further, as and if amended, page [3241-2], by striking lines 1-3 and inserting:

/ The South Carolina Department of Education shall establish guidelines and procedures for application, approval, allocation, and repayment of the loans. The Department of Education may be reimbursed from /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

The Committee on Education proposed the following amendment (3241R002.JEC), which was adopted:

Amend the bill, as and if amended, page 4, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59‑40‑175. (A) There is established in the State Treasury the Charter School Facility Revolving Loan Program Fund. This fund is comprised of federal funds obtained by the State for charter school facilities, other funds appropriated or transferred to the fund by the State, and private donations, contributions, bequests, or other gifts. Earnings and interest on this fund must be credited to it and any balance at the end of a fiscal year carries forward to the fund in the succeeding fiscal year.

(B) Funds deposited to the Charter School Facility Revolving Loan Program Fund must be used to finance loans by the Budget and Control Board to charter schools for construction, purchase, renovation, and maintenance of public charter school facilities. The Budget and Control Board shall establish guidelines and procedures for application, approval, allocation, and repayment of the loans. The Budget and Control Board may be reimbursed from the fund for costs associated with the administration of the loans.” /

Amend the bill further, as and if amended, by striking Section 59‑40‑50(B)(9)(ii), as contained in SECTION 6, page 9, lines 18‑23.

Amend the bill further, as and if amended, by striking Section 59‑40‑70(A)(6), as contained in SECTION 8, page 15, lines 19‑23.

Amend the bill further, as and if amended, page 28, by striking SECTION 16 in its entirety and inserting:

/ SECTION 16. Section 59‑18‑920 of the 1976 Code is amended to read:

“Section 59‑18‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card. The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District must be included in the overall performance ratings of the South Carolina Public Charter School District. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card and must not be included in the overall performance ratings of the local school district, unless there is a mutual agreement to include the scores in the local school district ratings. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

**Amendment No. 4**

Senator HAYES proposed the following Amendment No. 4 (MS\  
7363AHB11), which was adopted:

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

/ SECTION \_\_. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 7**

Senator CAMPSEN proposed the following Amendment No. 7 (NBD\11621DG11), which was adopted:

Amend the bill, as and if amended, SECTION 9, page 18, by striking line 27 and inserting:

/ former district.

(G) A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school.

As used in this subsection, ‘unlawful reprisal’ means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or education program and:

(1) with respect to a school district employee, results in:

(a) disciplinary or corrective action;

(b) detail, transfer, or reassignment;

(c) suspension, demotion, or dismissal;

(d) an unfavorable performance evaluation;

(e) a reduction in pay, benefits, or awards;

(f) elimination of the employee’s position without a reduction in force by reason of lack of monies or work; or

(g) other significant changes in duties or responsibilities that are inconsistent with the employee’s salary or employment classification.

(2) with respect to an educational program, results in:

(a) suspension or termination of the program;

(b) transfer or reassignment of the program to a less favorable department;

(c) relocation of the program to a less favorable site within the school district; or

(d) significant reduction or termination of funding for the program.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 9B**

Senator MATTHEWS proposed the following Amendment No. 9B (NBD\12140DG12), which was tabled:

Amend the bill, as and if amended, by deleting in its entirety Section 59‑40‑100(A), as contained in SECTION 9, page 17, lines 5‑25, and inserting:

/ (A)(1) Subject to item (2), an ~~An~~ existing public school may be converted into a charter school if two‑thirds of the faculty and instructional staff employed at the school and two‑thirds of all voting parents or legal guardians of students enrolled in the school agree to the filing of an application with the local school board of trustees for the conversion and formation of that school into a charter school. Parents or legal guardians of students enrolled in the school must be given the opportunity to vote on the conversion. Parents or guardians of a student shall have one vote for each student enrolled in the school seeking conversion. The application must be submitted pursuant to Section 59‑40‑70(A)(5) by the principal of that school or his designee who must be considered the applicant. The application must include all information required of other applications pursuant to this chapter. The local school board of trustees shall approve or disapprove this application in the same manner it approves or disapproves other applications. The existence of another charter granting authority must not be grounds for disapproving a school desiring to convert to a charter school.

(2) If a proposed conversion school is located within a local school district that has outstanding general obligation bond debt as determined by the local school district board of trustees, the school may be converted into a charter school if two‑thirds of the faculty and instructional staff employed at the school and a majority of the residents of the school district participating in a referendum held by the school district agree to the filing of the application with the local school board of trustees for the conversion and formation of that school into a charter school. /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator HAYES spoke on the amendment.

Senator HAYES moved to lay the amendment on the table.

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

**Ayes 23; Nays 17**

**AYES**

Bright Bryant Campbell

Cleary Courson Cromer

Davis Fair Gregory

Grooms Hayes Knotts

Leatherman *Martin, Larry Martin, Shane*

Massey O'Dell Peeler

Rankin Rose Shoopman

Thomas Verdin

**Total--23**

**NAYS**

Elliott Ford Hutto

Jackson Land Leventis

Lourie Malloy Matthews

McGill Nicholson Pinckney

Reese Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

**Amendment No. 11**

Senators RANKIN, HAYES, DAVIS, CROMER and ROSE proposed the following Amendment No. 11 (BBM\10508HTC12), which was adopted:

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

/ SECTION \_\_\_. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑350. (A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district may create a school of choice within the district that is exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two‑thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education.

(B) In seeking exemptions, the local board of trustees may not exempt:

(1) federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services;

(2) health, safety, civil rights, and disability rights requirements as are applied to other public schools operating in the district;

(3) minimum student attendance requirements;

(4) state assessment requirements; and

(5) certification requirements for teachers in the core academic areas as defined by the federal No Child Left Behind Act, Public Law 107‑110; however, up to twenty‑five percent of the teaching staff of the school may be employed if the individual possesses a baccalaureate or graduate degree in the subject he is hired to teach.

(C) Any school created pursuant to this section shall admit all children eligible to attend the school subject to space limitations and may not limit or deny admission or show preference in admission decisions to any individual or group of individuals.

(D) A local school district that provides exemptions pursuant to subsection (A) shall provide the State Department of Education with documentation of the approved exemptions and shall submit evaluation documentation to be reviewed by the State Board of Education after three years of the exemption to ensure that the district continues to meet the needs of its students. Upon review, if the State Board of Education determines the continuation of the exemption does not meet the needs of the students attending the district school of choice, the board may suspend exemptions granted by the local board of trustees with a two‑thirds vote. Before suspending the exemptions, the State Board of Education shall notify the district and provide the district with any opportunity to defend the continuation of approved exemptions.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

Senator MATTHEWS spoke on the amendment.

The amendment was adopted.

**Amendment No. 12**

Senators RANKIN and HAYES proposed the following Amendment No. 12 (BBM\10507HTC12), which was adopted:

Amend the bill, as and if amended, in Section 59-40-50, as contained in SECTION 6, page 10, by adding an appropriately lettered new subsection at the end to read:

/ ( ) The provisions contained in this section apply to traditional public schools and local public school districts as determined by the district school board. However, teachers employed in core areas in traditional public schools and local public school districts, as determined by the district school board, must be highly qualified, which requires state certification and excludes the provision of subsection (B)(9)(i) of this section. For purposes of this subsection, ‘core areas’ are as defined by applicable federal law. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

**Amendment No. 14**

Senator MATTHEWS proposed the following Amendment No. 14 (NBD\12132DG12), which was adopted:

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

/ SECTION \_\_\_. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59-40-165. On August 1, 2014, and every two years thereafter, the Department of Education shall employ an independent research group to determine:

(1) the number of economically disadvantaged students served by charter schools as a percentage of all charter school students during the past two school years; and

(2) the academic performance of the economically disadvantaged students served by charter schools compared to economically disadvantaged students served in public schools during the past two school years.” /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was adopted.

**Amendment No. 15**

Senators SHOOPMAN and DAVIS proposed the following Amendment No. 15 (3241R007.PWS), which was carried over:

Amend the bill, as and if amended, page 9, by striking lines 1-2 and inserting:

/ ~~already~~ currently enrolled ~~or previously enrolled,~~ or who attended the school for at least one academic /

Renumber sections to conform.

Amend title to conform.

Senator SHOOPMAN explained the amendment.

Senator MATTHEWS moved to carry over the amendment.

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

**Ayes 18; Nays 21**

**AYES**

Elliott Ford Hutto

Jackson Land Lourie

Malloy Massey Matthews

McGill Nicholson O'Dell

Pinckney Reese Scott

Setzler Sheheen Williams

**Total--18**

**NAYS**

Alexander Bright Bryant

Campbell Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

Knotts Leatherman *Martin, Larry*

*Martin, Shane* Peeler Rankin

Shoopman Thomas Verdin

**Total--21**

The Senate refused to carry over the amendment. The question then was the adoption of the amendment.

Senator MALLOY spoke on the amendment.

On motion of Senator COURSON, Amendment No. 15 was carried over.

**Amendment No. 16**

Senator RYBERG proposed the following Amendment No. 16 (3241R008.WGR), which was ruled out of order:

Amend the bill, as and if amended, page 10, by striking lines 11-30 and inserting:

/ (b) A charter school or home school student is eligible to compete for, and if selected, participate in extracurricular activities at the resident public school, except that a charter school student is only eligible to compete to participate in these activities at his resident public school only if the activities are not offered at his charter school and if the charter school he attends is not a member of the South Carolina High School League.

(c) A charter school or home school student is eligible for extracurricular activities at the student’s resident public school consistent with eligibility standards as applied to full‑time students of the resident public school.

(d) A school district or resident public school may not impose additional requirements on a charter school or home school student to participate in extracurricular activities that are not imposed on full‑time students of the resident public school.

(e) Charter school or home school students shall pay the same fees as other students to participate in extracurricular activities.

(f) Charter school or home school students shall be eligible for the same fee waivers for which other students are eligible. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

Amendment No. 16 was ruled out of order.

**Amendment No. 19A**

Senator SETZLER proposed the following Amendment No. 19A (AGM\19501AB12), which was adopted:

Amend the bill, as and if amended, Section 59‑40‑50, as contained in SECTION 6, page 8, beginning on line 21, by striking item (6) and inserting:

/ (6) hire or contract for, in its discretion, administrative staff to oversee the daily operation of the school. At least one of the administrative staff must be certified or experienced in the field of school administration; /

Amend further, Section 59‑40‑50, as contained in SECTION 6, page 9, beginning on line 8, by striking item (9) and inserting:

/ (9) ~~elect its~~ consist of a board of directors ~~annually~~ of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. A choice of the membership of the board must take place every two years. Fifty percent of the members of the board as specified by the bylaws must be individuals who reside in the geographical boundary of the charter school and who have a background in K‑12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the charter school. Parents or guardians shall have one vote for each student enrolled in the charter school. ~~All employees of the charter school and all parents or guardians of students enrolled in the charter school are eligible to participate in the election. Parents or guardians of a student shall have one vote for each student enrolled in the charter school.~~ A person who has been convicted of a felony must not be elected to a board of directors if the board of directors consists of an odd number of members, the extra member must be an individual who resides in the geographical boundary of the charter school and who has a background in K‑12 education or in business; /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**Amendment No. 20**

Senator DAVIS proposed the following Amendment No. 20 (3241R010.TD), which was adopted:

Amend the bill, as and if amended, page 19, by striking line 7 and inserting:

/ (C) A charter must be revoked or not renewed by the /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

**Amendment No. 21**

Senator MASSEY proposed the following Amendment No. 21 (3241R009.ASM), which was adopted:

Amend the bill, as and if amended, by striking Section 59‑40‑175(B) and inserting:

/ (B)    Funds deposited to the Charter School Facility Revolving Loan Program Fund must be used to finance loans by the South Carolina Department of Education to charter schools for the construction, purchase, renovation, and maintenance of public charter school facilities. The South Carolina Department of Education may be reimbursed from the fund for costs associated with the administration of the loans. The State Board of Education shall promulgate regulations concerning the application, approval, allocation, and repayment of the loans.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

On motion of Senator COURSON, debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator MASSEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Miss Tara Lee Shellhouse, 38, of Aiken, S.C., beloved oldest daughter of Robert and Brenda Shellhouse and wonderful sister to Tricia and Breigh. She passed away after a life-long battle with Chronic Granulo-matous Disease (CGD), a rare blood disorder affecting the immune system.

and

**MOTION ADOPTED**

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Miriam Servant, 91, of Litchfield Country Club, S.C., founder with her late husband of Surfside Realty Company. She was a devoted mother and doting grandmother.

**ADJOURNMENT**

At 5:29 P.M., on motion of Senator COURSON the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senators BRIGHT and SHANE MARTIN desired to be recorded as voting against adjournment.

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