**Wednesday, May 15, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.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:

The Psalmist writes:

“The ordinances of the Lord are sure and altogether righteous. They are more precious than gold, than much pure gold, they are sweeter than honey, than honey from the comb.” (Psalm 19:9b-10)

Bow with me, if you will:

Gracious God, we beseech You to open the hearts and minds of these leaders so that they will hear Your call to them and rightly respond. Remind them of Your teachings, Lord; set these leaders on the course You would have them to follow. Grant to each Senator insight and compassion. For indeed, how the members of this Body determine to make the best use of and the wisest distribution of our state’s resources will have impact for years and years to come. By Your grace, O God, may these leaders carry out their work wisely and well, in accord with Your expectations. Moreover, we ask You to embrace lovingly the family of Senator BOB LAKE, JR., upon his death, and we give You our thanksgiving for his many years of service to this State. In Your wondrous name we pray, Lord.

Amen.

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

**Doctor of the Day**

Senator SCOTT introduced Dr. E.J. Mayeaux of Columbia, S.C., Doctor of the Day, along with Jamie King, 1st year resident.

**Leave of Absence**

On motion of Senator PEELER, at 10:05 A.M., Senator FAIR was granted a leave of absence until 2:00 P.M.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 626 Sen. Verdin

**Motion Adopted**

On motion of Senator PEELER, with unanimous consent, Senator RANKIN was granted leave to attend a meeting and was granted leave to vote from the balcony.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 699 -- Senator Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-25-815 SO AS TO IMPOSE AN INSPECTION FEE OF ONE DOLLAR A TON ON THE DISTRIBUTION OR SALE OF COMMERCIAL FERTILIZER IN THIS STATE, TO PROVIDE THAT THIS FEE MUST BE REPORTED, PAID, AND ENFORCED IN THE SAME MANNER THAT THE EXISTING FIFTY CENTS A TON INSPECTION TAX ON THE SALE OF COMMERCIAL FERTILIZER IS REPORTED, PAID, AND ENFORCED, TO PROVIDE THAT THE REVENUES OF THIS INSPECTION FEE MUST BE RETAINED AND EXPENDED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS OF CLEMSON UNIVERSITY (CLEMSON PSA) FOR THE SUPPORT OF THE DIVISION'S PROGRAMS, AND TO PROVIDE THAT UNEXPENDED FEE REVENUES AT THE END OF A FISCAL YEAR CARRY FORWARD TO THE SUCCEEDING FISCAL YEAR AND MUST BE USED FOR THE SAME PURPOSES.

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

S. 700 -- Senator Thurmond: A BILL TO AMEND SECTION 17-1-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, , RELATING TO THE DESTRUCTION OF RECORDS WHERE CHARGES HAVE BEEN DISMISSED, SO AS TO PROVIDE THAT A PERSON OR ENTITY WHO PUBLISHES ON THE PERSON’S OR ENTITY’S PUBLICLY AVAILABLE WEBSITE A MUG SHOT OF A PERSON WHOSE CHARGES HAVE BEEN DISCHARGED, DISMISSED, OR THE PERSON HAS BEEN FOUND NOT GUILTY, SHALL, WITHOUT FEE OR COMPENSATION, REMOVE THE MUG SHOT FROM THE PERSON’S OR ENTITY’S WEBSITE WITHIN THIRTY DAYS OF THE PERSON SENDING A WRITTEN REQUEST TO THE PERSON OR ENTITY, AND TO PROVIDE THE PENALTIES FOR A PERSON OR ENTITY WHO FAILS TO REMOVE SUCH MUG SHOTS.

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

S. 701 -- Senators Verdin and Fair: A CONCURRENT RESOLUTION TO REQUEST THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH PLEASANTBURG DRIVE AND EAST FARIS ROAD IN GREENVILLE AS THE “SHERIFF SAM SIMMONS INTERSECTION” AND INSTALL APPROPRIATE MARKERS OR SIGNS ALONG THE ROAD INDICATING THIS DESIGNATION IN RECOGNITION OF SHERIFF SIMMONS’ YEARS OF HARD WORK AND SERVICE TO HIS COMMUNITY AND THIS STATE.

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

S. 702 -- Senator Malloy: A SENATE RESOLUTION TO CONGRATULATE PALMA BURGESS ANDREWS OF LEE COUNTY ON THE OCCASION OF HER NINETY-SIXTH BIRTHDAY AND TO WISH HER MUCH HAPPINESS AND A JOYOUS BIRTHDAY CELEBRATION.

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The Senate Resolution was adopted.

S. 703 -- Senators Setzler and Massey: A SENATE RESOLUTION TO CONGRATULATE DORIS WILSON ANTLEY OF BATESBURG-LEESVILLE ON THE OCCASION OF HER SEVENTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 704 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CLYDE MAYES OF GREENVILLE, A DOMINANT FORCE IN FURMAN UNIVERSITY BASKETBALL FROM 1971 TO 1975, ON HIS MANY ATHLETIC ACCOMPLISHMENTS, BOTH COLLEGE AND PROFESSIONAL, AND TO CONGRATULATE HIM ON HIS MOST RECENT ACCOLADE, INDUCTION INTO THE SOUTH CAROLINA ATHLETIC HALL OF FAME.

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The Senate Resolution was adopted.

S. 705 -- Senator Leatherman: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2013-2014 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

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

S. 706 -- Senator Malloy: A BILL TO AMEND SECTION 56-5-2930, THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS; TO AMEND SECTION 56-5-2933, RELATING TO A PERSON DRIVING A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION; TO AMEND SECTION 56-5-2950, RELATING TO IMPLIED CONSENT TO TESTING OF A PERSON DRIVING A MOTOR VEHICLE FOR ALCOHOL OR OTHER DRUGS; AND TO AMEND SECTION 56-5-2951, RELATING TO SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR REFUSING TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, SO AS TO CHANGE THE LEVELS OF UNLAWFUL ALCOHOL CONCENTRATION FROM EIGHT ONE-HUNDREDTHS OF ONE PERCENT OR MORE TO FIVE ONE-HUNDREDTHS OF ONE PERCENT OR MORE, TEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE TO SEVEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE, AND SIXTEEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE TO THIRTEEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE.

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Senator MALLOY spoke on the Bill.

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

S. 707 -- Senator Lourie: A BILL TO PROVIDE FOR THE AUTHORITY OF THE CITY OF COLUMBIA TO APPOINT AND COMMISSION FIREFIGHTERS TO SERVE AS CERTIFIED LAW ENFORCEMENT OFFICERS WHO HAVE THE FULL POWERS AS CERTIFIED LAW ENFORCEMENT OFFICERS AND TO REQUIRE FIREFIGHTERS TO MEET CERTAIN QUALIFICATIONS TO BE COMMISSIONED AS A CERTIFIED LAW ENFORCEMENT OFFICER.

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

H. 3098 -- Rep. Spires: A BILL TO AMEND SECTION 44-81-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHTS OF LONG-TERM CARE FACILITY RESIDENTS, SO AS TO REQUIRE A RESIDENT OR HIS REPRESENTATIVE TO PROVIDE THE ADMINISTRATOR OF THE FACILITY CERTAIN NOTICE OF THE INTENT OF THE RESIDENT TO VOLUNTARILY RELOCATE TO ANOTHER FACILITY, AND TO PROVIDE THE FACILITY MAY CHARGE THE RESIDENT THE EQUIVALENT OF THIRTY DAYS OCCUPANCY FOR FAILURE TO GIVE THIS NOTICE.

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

H. 3989 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, 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 Education.

H. 4129 -- Rep. Limehouse: A CONCURRENT RESOLUTION TO RECOGNIZE AND EXPRESS APPRECIATION TO THE SOUTH CAROLINA INSTITUTE OF ARCHAEOLOGY AND ANTHROPOLOGY FOR OUTSTANDING CONTRIBUTIONS TO THE PRESERVATION OF THE STATE’S HISTORIC AND PREHISTORIC PAST ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY.

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

**REPORT OF STANDING COMMITTEE**

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out S. 699 favorable:

S. 699 -- Senator Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46‑25‑815 SO AS TO IMPOSE AN INSPECTION FEE OF ONE DOLLAR A TON ON THE DISTRIBUTION OR SALE OF COMMERCIAL FERTILIZER IN THIS STATE, TO PROVIDE THAT THIS FEE MUST BE REPORTED, PAID, AND ENFORCED IN THE SAME MANNER THAT THE EXISTING FIFTY CENTS A TON INSPECTION TAX ON THE SALE OF COMMERCIAL FERTILIZER IS REPORTED, PAID, AND ENFORCED, TO PROVIDE THAT THE REVENUES OF THIS INSPECTION FEE MUST BE RETAINED AND EXPENDED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS OF CLEMSON UNIVERSITY (CLEMSON PSA) FOR THE SUPPORT OF THE DIVISION’S PROGRAMS, AND TO PROVIDE THAT UNEXPENDED FEE REVENUES AT THE END OF A FISCAL YEAR CARRY FORWARD TO THE SUCCEEDING FISCAL YEAR AND MUST BE USED FOR THE SAME PURPOSES.

**Poll of the Agriculture and Natural Resources Committee**

**Polled 17; Ayes 13; Nays 4; Not Voting 0**

**AYES**

Verdin Matthews McGill

Grooms Williams Campbell

Sheheen Gregory Massey

Coleman Hembree Johnson

McElveen

**Total--13**

**NAYS**

Bryant Corbin Shealy

Young

**Total--4**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 14, 2013

Mr. President and Senators:

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

S. 237 -- Senators Shealy, Setzler, Courson, Turner, Cromer, Massey, Young, Alexander and McElveen: A BILL TO AMEND SECTION 10‑1‑161 OF THE 1976 CODE, RELATING TO STATE CAPITOL BUILDING FLAGS FLOWN AT HALF‑STAFF, TO PROVIDE THAT FLAGS ATOP THE STATE CAPITOL BUILDING MUST BE LOWERED TO HALF‑STAFF FOR MEMBERS OF THE UNITED STATES MILITARY SERVICES, WHO WERE RESIDENTS OF THIS STATE AND WHO LOST THEIR LIVES IN THE LINE OF DUTY, ON THE DAY WHEN THEIR NAMES ARE RELEASED TO THE GENERAL PUBLIC, AND THE FLAGS SHALL REMAIN AT HALF‑STAFF UNTIL AT LEAST DAWN THE SECOND DAY AFTER FUNERAL SERVICES ARE CONDUCTED.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 14, 2013

Mr. President and Senators:

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

H. 3097 -- Rep. Bales: A BILL TO AMEND CHAPTER 56, TITLE 44 OF THE 1976 CODE, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO, AMONG OTHER THINGS, SPECIFY THE USE AND PURPOSE OF THE FUND, AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO EXPEND MONIES FROM THE FUND FOR ASSESSMENT OF POTENTIAL SITES PRIOR TO OBTAINING EVIDENCE OF CONTAMINATION AT THE SITE, AND CLARIFY WHAT FACILITIES ARE EXCLUDED FROM PARTICIPATING IN THE FUND AND THE EFFECT OF PARTICIPATING IN THE FUND IF A FACILITY IS SEEKING EXEMPTION FROM THE FUND; AND TO DELETE OBSOLETE PROVISIONS, REORGANIZE PROVISIONS, AND MAKE TECHNICAL CORRECTIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3087 -- Reps. Merrill and Daning: A BILL TO AMEND SECTION 59‑40‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS CHARTER SCHOOL REQUIREMENTS, POWERS, AND DUTIES, SO AS TO PROVIDE THAT A CHARTER SCHOOL LOCATED ON A FEDERAL MILITARY INSTALLATION OR BASE WHERE THE APPROPRIATE AUTHORITIES HAVE MADE BUILDINGS, FACILITIES, AND GROUNDS ON THE INSTALLATION OR BASE AVAILABLE FOR USE BY THE CHARTER SCHOOL, AS ITS PRINCIPAL LOCATION, ALSO MAY GIVE ENROLLMENT PRIORITY TO OTHERWISE ELIGIBLE STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL LIVING IN MILITARY HOUSING ON THE BASE OR INSTALLATION OR WHO ARE CURRENTLY STATIONED AT THE BASE OR INSTALLATION NOT TO EXCEED FIFTY PERCENT OF THE TOTAL ENROLLMENT OF THE CHARTER SCHOOL.

**READ THE SECOND TIME**

H. 3193 -- Reps. Rutherford and King: A BILL TO AMEND SECTION 24‑13‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPUTATION OF TIME SERVED BY A PRISONER, SO AS TO PROVIDE THAT ANY TIME SERVED UNDER HOUSE ARREST BY A PRISONER MUST BE USED IN COMPUTING TIME SERVED BY THE PRISONER.

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

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

**Ayes 39; Nays 2**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Courson Cromer

Davis Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

Bryant Corbin

**Total--2**

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

**AMENDED, READ THE SECOND TIME**

H. 3751 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO CONFORM WITH FEDERAL MANDATES ENACTED BY THE UNITED STATES CONGRESS IN THE TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011; BY ADDING SECTION 41‑41‑45 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL IMPOSE A PENALTY ON FRAUDULENT OVERPAYMENTS OF UNEMPLOYMENT BENEFITS; BY ADDING SECTION 41‑33‑910 SO AS TO CREATE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE INTEGRITY FUND AND PROVIDE FOR ITS SOURCE AND USE; BY ADDING SECTION 41‑35‑135 SO AS TO PROVIDE THE DEPARTMENT SHALL CHARGE THE ACCOUNT OF AN EMPLOYER WHEN THE EMPLOYER FAILS TO RESPOND TIMELY OR ADEQUATELY TO A REQUEST BY THE DEPARTMENT FOR INFORMATION CONCERNING A CLAIM FOR UNEMPLOYMENT BENEFITS WHEN THE EMPLOYER HAS DEMONSTRATED A PATTERN OF FAILING TO TIMELY OR ADEQUATELY RESPOND TO THESE REQUESTS; AND TO AMEND SECTION 43‑5‑598, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE SOUTH CAROLINA EMPLOYABLES PROGRAM ACT, SO AS TO REVISE THE DEFINITION OF “NEW HIRE” TO APPLY WHERE THE SEPARATION OF AN EMPLOYEE FROM EMPLOYMENT IS FOR AT LEAST SIXTY CONSECUTIVE DAYS.

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

Senator ALEXANDER proposed the following amendment (3751R002.TCA), which was adopted:

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

/ SECTION 1. Chapter 41, Title 41 of the 1976 Code is amended by adding:

“Section 41‑41‑45. (A) Notwithstanding any other provision of law, if the department determines that an improper payment from its unemployment compensation fund or from any federal unemployment compensation fund was made to any individual due to a false statement or failure to disclose a material fact pursuant to Sections 41‑41‑10 and 41‑41‑20, the department will assess a monetary penalty of twenty‑five percent of the amount of the overpayment.

(B) The notice of the determination or decision informing the individual of the overpayment must include:

(1) the claimant’s appeal rights;

(2) the penalty amount;

(3) an explanation of the reason for the overpayment; and

(4) the reason the penalty has been applied.

(C) The recovered amounts shall be applied with priority to:

(1) the principal amount of the overpayment to the unemployment compensation fund;

(2) sixty percent of the monetary penalty to the unemployment compensation fund;

(3) the remaining forty percent of the monetary penalty to promote unemployment compensation integrity; and

(4) any remaining amounts to interest.

(D) Offset of future unemployment insurance benefits shall not be applied to the monetary penalty or interest associated with an overpayment.

(E) The monetary penalty will be assessed on any fraudulent overpayment determined by the department after October 21, 2013.”

SECTION 2. Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑135. (A) Notwithstanding any other provision of law, the department shall not relieve the charge benefits to an employer’s account when it determines that the overpayment has been made to a claimant and it determines that both of the following conditions apply:

(1) the overpayment occurred because the employer was at fault for failing to respond timely or adequately to a written request of the department for information relating to an unemployment compensation claim; and

(2) the employer exhibits a pattern of failure to timely or adequately respond to requests from the department for information relating to unemployment compensation claims on three or more occasions, or three percent of requests made, within a single calendar year, whichever is greater; provided:

(a) If an employer uses a third‑party agent to respond on its behalf to the department’s request for information relating to an unemployment compensation claim, the agent’s actions on behalf of the employer will be considered when determining a pattern of behavior.

(b) A response is considered untimely if it fails to meet the time as prescribed in the statute or in the regulations.

(c) A response is considered inadequate if it fails to provide sufficient facts to enable the department to make an accurate determination of benefits that do not result in an overpayment. However, a response may not be considered inadequate if the department fails to request the necessary information.

(B) In all cases where the department contacts, or attempts to contact, an employer via telephone concerning a claim for benefits, it must document the contact, or attempt to contact, the employer and provide the documentation to the employer upon request. The documentation must contain the name of the department’s staff contacting, or attempting to contact, the employer, the date, time, and whether the department’s staff spoke with the employer, and the name of the person with whom the department’s staff spoke, if anyone.

(C) A written request for information may be made by electronic mail provided, the employer has opted for notice by electronic mail pursuant to Section 41-35-615.

(D) The department shall charge an employer’s account that meets the conditions of subsection (A) for each week of unemployment compensation that is an overpayment until the department makes a determination that the individual is no longer eligible for unemployment compensation and stops making such payments.

(E) If the claim is a combined wage claim, the determination of not charging for the combined wage claim shall be made by the paying state. If the response from the employer does not meet the criteria established by the paying state for an adequate or timely response, the paying state must promptly notify the transferring state of its determination and the employer must be appropriately charged.

(F)(1) The department must waive the charging of benefits to an employer’s account when the department finds the employer failed to timely or adequately respond due to good cause.

(2) For the purposes of this section, ‘good cause’ may include, but is not limited to, an error made by the department that results in the employer’s error, or a natural disaster, emergency, or similar event, or an illness on the part of the employer, the employer’s agent of record, or the employer’s staff charged with responding to inquiries. The burden is on the employer to establish good cause.

(G) Determinations of the department prohibiting the relief of charges pursuant to this section shall be subject to appeal pursuant to procedures contained in Chapter 35, Title 41.

(H) The department shall charge benefits to an employer’s account pursuant to this section for any overpayment determined by the department after October 21, 2013.”

SECTION 3. Section 43‑5‑598(A)(6) of the 1976 Code is amended to read:

“**(6) ‘New hire’ includes an individual newly employed or an individual who has been rehired who was separated for at least sixty consecutive days or has returned to work after being laid off, furloughed, separated, granted leave without pay, or terminated from employment for at least sixty consecutive days.”**

SECTION 4. A. Title 41, Chapter 33 of the 1976 Code is amended by adding:

“Section 41‑33‑910. (A) There is created in the State Treasury a special fund to be known as the Department of Employment and Workforce integrity fund.

(B) The fund shall consist of monetary penalties collected pursuant to Section 41‑41‑45(C)(3) for the purpose of promoting unemployment compensation integrity. The Department of Employment and Workforce integrity fund shall be used for the purpose of preserving the integrity of the unemployment compensation fund. These efforts may include, but are not limited to, identifying overpayments, verifying eligibility, determining status, and updating technology and education tools to support integrity activities.

(C) All money collected in the integrity fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury, except that money in this fund must not be commingled with other state funds, but must be maintained in a separate account on the books of a depository bank. These funds must be secured by the bank by securities or surety bonds as required by law of depositories of state funds.

(D) All money that is deposited or paid into the fund is appropriated and made available to the department. All money in this fund must be expended solely for the purpose of promoting unemployment insurance integrity efforts by the department as provided in Section 41‑41‑45.

(E) All balances in this fund must not lapse at any time but must be continuously available to the department by expenditure consistent with Chapters 27 through 41 of the title. The department shall issue its requisition, which must be approved by the executive director or any designated officer, agent, or other individual for payment of the costs of interest to the Comptroller General who shall draw his warrant in the usual form provided by law on the State Treasurer, who shall pay it by check on the integrity fund.”

B. The provisions of this SECTION take effect October 1, 2013.

SECTION 5. The Department of Employment and Workforce must, as soon as practicable, fully implement an on-line, employer pre-filing program that allows employers to address potential claims for benefits by one of the employer’s former employees. The department must report progress on implementation upon request by the Chairman of the Senate Labor, Commerce and Industry Committee or the Chairman of the House Labor, Commerce and Industry Committee.

SECTION 6. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator BRYANT 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 Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Gregory Grooms Hayes

Hutto Jackson Johnson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 348 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑10‑35 SO AS TO PROVIDE FOR REQUIREMENTS FOR FIREPLACES IN LIEU OF REQUIREMENTS OF THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

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

Senator LARRY MARTIN explained the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 690 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF ARCHITECTURAL EXAMINERS, RELATING TO OFFICERS, MEETINGS, APPLICATIONS AND FEES, RENEWALS, AND CONTINUING EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4334, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator MASSEY explained the Joint Resolution.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Gregory Grooms

Hayes Hembree Hutto

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson Peeler

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 692 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE RESIDENTIAL BUILDERS COMMISSION, RELATING TO RESIDENTIAL SPECIALTY CONTRACTORS LICENSE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4252, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator MASSEY explained the Joint Resolution.

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

**Ayes 38; Nays 3**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

Peeler Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

Bright Bryant Corbin

**Total--3**

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

**AMENDMENT PROPOSED**

**POINT OF ORDER**

H. 3762 -- Reps. Ott, Skelton, Hardwick, Hodges, Knight, Bales, Jefferson, Parks, Sellers, Finlay, Funderburk, Gagnon, Gambrell, George, Hayes, Hiott, Hixon, Horne, Lowe, D.C. Moss, Norman, Pitts, Putnam, Riley, White, Williams and Vick: A BILL TO AMEND SECTIONS 50‑11‑740, AS AMENDED, AND 50‑11‑745, RELATING TO THE CONFISCATION, FORFEITURE, SALE, AND RELEASE OF PROPERTY USED FOR THE UNLAWFUL HUNTING OF WILDLIFE, SO AS TO PROVIDE ADDITIONAL TYPES OF PROPERTY THAT ARE COVERED BY BOTH PROVISIONS, AND TO REVISE THE PENALTIES THAT MAY BE IMPOSED FOR THE UNLAWFUL HUNTING OF WILDLIFE.

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

Senator CAMPSEN proposed the following amendment (3762R002.GEC):

Amend the bill, as and if amended, page 1, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 50‑11‑740 of the 1976 Code, as last amended by Act 228 of 2012, is further amended to read:

“Section 50‑11‑740. (A) Every vehicle, boat, trailer, other means of conveyance, animal, ~~and~~ firearm, or device used in the hunting of deer or bear at night~~, or used in connection with a violation of Section 50‑11‑710,~~ is forfeited to the State and must be ~~confiscated~~ seized by any peace officer who shall forthwith deliver it to the department.

(B) ‘Hunting’ as used in this section in reference to a vehicle, boat, or other means of conveyance includes the transportation of a hunter to or from the place of hunting or the transportation of the carcass, or any part of the carcass, of a deer~~,~~ or bear~~, coyote, armadillo, or feral hog~~ which has been unlawfully killed at night.

(C)(1) For purposes of this section, a conviction for unlawfully hunting deer~~,~~ or bear~~, coyote, armadillo, or feral hog~~ at night is conclusive as against any ~~convicted~~ owner of the above mentioned property.

(2) In all other instances, forfeiture must be accomplished by the initiation by the State of an action in the circuit court in the county in which the property was seized giving notice to owners of record and lienholders of record or other persons having claimed an interest in the property subject to forfeiture and an opportunity to appear and show, if they can, why the property should not be forfeited and disposed of as provided for by this section. Failure of any person claiming an interest in the property to appear at the above proceeding after having been given notice of the proceeding constitutes a waiver of his claim and the property must be immediately forfeited to the State.

(3) Notice of the above proceedings must be accomplished by:

(a) personal service of the owner of record or lienholder of record by certified copy of the petition or notice of hearing; or

(b) in the case of property for which there is no owner or lienholder of record, publication of notice in a newspaper of local circulation in the county where the property was seized for at least two successive weeks before the hearing.

(D) The department shall sell any confiscated device at public auction for cash to the highest bidder in front of the county courthouse in the county where it is confiscated, after having given ten days’ public notice of the sale by posting advertisement thereof on the door or bulletin board of the county courthouse or by publishing the advertisement at least once in a newspaper of general circulation in the county. ~~Upon sale, the department shall pay over the net proceeds, after payment of the proper costs and expenses, if any, of the seizure, advertisement, and sale, including any proper expense incurred for the storage of the confiscated device, to the State Treasurer for deposit in the Fish and Wildlife Protection Fund. When~~

(E)(1) If an individual is apprehended for a first offense and the device is of greater value than ~~one~~ two thousand five hundred dollars, the owner may at any time before sale redeem it by paying to the department the sum of ~~one~~ two thousand five hundred dollars. When the device is of lesser value than ~~one~~ two thousand five hundred dollars, the owner may at any time before sale redeem it by paying to the department the retail market value. ~~The sums received by the department must be deposited in the game protection fund pursuant to the provisions of this section.~~

(2) If an individual is apprehended for a second offense and the device is of greater value than five thousand dollars, the owner may, at any time before sale, redeem it by paying to the department the sum of five thousand dollars. When the device is of lesser value than five thousand dollars, the owner may, at any time before sale, redeem it by paying to the department the retail market value.

(3) If an individual is apprehended for a third or subsequent offense, the device must be forfeited to the State.

(F) Upon sale or redemption of a confiscated device, the department shall pay over the net proceeds, after payment of any proper costs and expenses of the seizure, advertisement, and sale, including any proper expense incurred for the storage of the confiscated device, to the State Treasurer for deposit in the County Game and Fish Fund.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

**H. 3762--Point of Order**

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**CARRIED OVER**

H. 3540 -- Reps. Harrell, J.E. Smith, Bales, Hosey, Cobb‑Hunter, Bannister, J.R. Smith, Patrick, Brannon, Erickson, Taylor, Huggins, Kennedy, Ballentine, Bernstein, Sellers, Williams, Jefferson, M.S. McLeod, Atwater, Bowers, R.L. Brown, Cole, Douglas, George, Hixon, Long, McCoy, Mitchell, Pitts, Pope, G.R. Smith, Tallon, Wood, Weeks, Knight and Hart: A BILL TO AMEND SECTION 1‑3‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE ADJUTANT GENERAL TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 25‑1‑320, RELATING TO THE STATE ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE 2014 GENERAL ELECTION, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR‑YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY THAT FOLLOWS THE GENERAL ELECTION THAT MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS ACT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO ESTABLISH CERTAIN QUALIFICATIONS FOR THE OFFICE OF ADJUTANT GENERAL; TO AMEND SECTION 25‑1‑340, AS AMENDED, RELATING TO VACANCIES IN THE OFFICE OF ADJUTANT GENERAL, SO AS TO DELETE A REFERENCE TO THE ELIGIBILITY REQUIREMENTS OF CONSTITUTIONAL OFFICERS; AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE EFFECTIVE UPON THE RATIFICATION OF AMENDMENTS TO SECTION 7, ARTICLE VI, AND SECTION 4, ARTICLE XIII OF THE CONSTITUTION OF THIS STATE DELETING THE REQUIREMENT THAT THE STATE ADJUTANT GENERAL BE ELECTED BY THE QUALIFIED ELECTORS OF THIS STATE.

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

H. 3360 -- Reps. Owens, Daning, Hiott, Skelton, Simrill, Anthony, Bedingfield, Clemmons, Delleney, Hardwick, Henderson, Hixon, Limehouse, Nanney, Ott, Pope, G.R. Smith, J.E. Smith, Sottile, Stringer, Tallon, Taylor and Bales: A BILL TO AMEND SECTIONS 57‑5‑10, 57‑5‑70, AND 57-5-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE STATE HIGHWAY SYSTEM, ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, AND THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS WITHIN THE STATE HIGHWAY SYSTEM SHALL BE CONSTRUCTED TO THE DEPARTMENT OF TRANSPORTATION STANDARDS, TO PROVIDE THE FUNDING SOURCES THAT THE DEPARTMENT USES TO CONSTRUCT AND MAINTAIN THESE HIGHWAYS, TO REVISE THE PROCEDURE AND WHEREBY ENTITIES TO WHICH THE DEPARTMENT MAY TRANSFER ROADS WITHIN THE STATE HIGHWAY SECONDARY SYSTEM; AND TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT MAY ADD A ROAD FROM THE COUNTY OR MUNICIPAL ROAD TO THE STATE HIGHWAY SYSTEM; AND TO REPEAL SECTION 57‑5‑90 RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF BELT LINES AND SPURS.

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

S. 509 -- Senators Thurmond, Hembree and Rankin: A BILL TO AMEND CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO OFFENSES IN CONNECTION WITH ELECTRONIC MONITORING DEVICES, BY ADDING SECTION 24‑13‑425 TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY AND WITHOUT AUTHORITY TO REMOVE, DESTROY, OR CIRCUMVENT THE OPERATION OF AN ELECTRONIC MONITORING DEVICE WHICH IS BEING USED FOR THE PURPOSE OF MONITORING A PERSON, OR TO SOLICIT ANOTHER PERSON TO DO SO, AND TO PROVIDE FOR PENALTIES.

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

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

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

H. 3061 -- Reps. McCoy, M.S. McLeod, Stavrinakis and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑95 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION TO DEVELOP AND DISTRIBUTE MODEL POLICIES CONCERNING THE NATURE AND RISK OF CONCUSSIONS SUSTAINED BY STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP ITS OWN POLICY, TO REQUIRE THE REVIEW OF THE POLICY BY STUDENT ATHLETES AND THEIR PARENTS OR GUARDIANS, TO REQUIRE THE REMOVAL FROM PLAY AND MEDICAL EVALUATION OF A STUDENT ATHLETE BELIEVED TO HAVE SUSTAINED A CONCUSSION DURING PLAY, TO ALLOW FOR THE EVALUATION TO BE UNDERTAKEN BY A VOLUNTEER HEALTH CARE PROVIDER, AND TO PROVIDE THAT LOCAL SCHOOL DISTRICTS ARE NOT REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

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

S. 691 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL RESIDENTIAL CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4321, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator SHANE MARTIN, the Joint Resolution was carried over.

**Motion to Ratify Adopted**

At 11:05 A.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually agreeable time.

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

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 15, 2013, at 11:45 A.M. and the following Acts and Joint Resolution were ratified:

(R37, S. 237) -- Senators Shealy, Setzler, Courson, Turner, Cromer, Massey, Young, Alexander and McElveen: AN ACT TO AMEND SECTION 10‑1‑161, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FLYING OF FLAGS ATOP THE STATE CAPITOL BUILDING AT HALF‑STAFF, SO AS TO PROVIDE THE LENGTH OF TIME THAT THESE FLAGS MAY BE FLOWN AT HALF‑STAFF FOR MEMBERS OF THE UNITED STATES MILITARY SERVICES WHO WERE RESIDENTS OF SOUTH CAROLINA AND WHO LOST THEIR LIVES IN THE LINE OF DUTY WHILE IN COMBAT, TO PROVIDE THE PROCEDURE FOR HOISTING AND LOWERING THE FLAGS ATOP THE STATE CAPITOL BUILDING WHEN MORE THAN ONE INDIVIDUAL IS HONORED, AND TO PROVIDE THAT ON A DAY WHERE THE FLAGS ATOP THE STATE CAPITOL BUILDING ARE FLOWN AT HALF‑STAFF, THE GOVERNOR SHALL IDENTIFY THE PERSON OR PERSONS WHO ARE HONORED ON THE GOVERNOR’S WEBSITE.

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(R38, S. 448) -- Senators Alexander, Peeler, Cleary and S. Martin: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑47‑938 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PHYSICIAN MAY ENTER A SUPERVISORY RELATIONSHIP WITH A PHYSICIAN ASSISTANT; TO AMEND SECTION 40‑47‑910, RELATING TO DEFINITIONS IN THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO ADD AND REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40‑47‑940, RELATING TO APPLICATION FOR LICENSURE, SO AS TO PROVIDE AN APPLICATION MUST BE COMPLETE BEFORE A LICENSE MAY BE GRANTED; TO AMEND SECTION 40‑47‑945, RELATING TO CONDITIONS FOR GRANTING PERMANENT LICENSURE, SO AS TO DELETE REQUIREMENTS THAT A SUPERVISING PHYSICIAN MUST ACCOMPANY AN APPLICANT APPEARING BEFORE THE BOARD WITH HIS SCOPE OF PRACTICE GUIDELINES, AND TO DELETE THE PROHIBITION AGAINST APPROVAL BY A SUPERVISING PHYSICIAN OF ON‑THE‑JOB TRAINING OR TASKS NOT LISTED ON THE APPLICATION FOR LIMITED LICENSURE AS A PHYSICIAN ASSISTANT; TO AMEND SECTION 40‑47‑950, RELATING TO REQUIREMENTS FOR LIMITED LICENSURE AS A PHYSICIAN ASSISTANT, SO AS TO DELETE REFERENCES TO SUPERVISING PHYSICIANS; TO AMEND SECTION 40‑47‑955, RELATING TO PHYSICAL PRESENCE REQUIREMENTS OF THE SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, SO AS TO DELETE EXISTING REQUIREMENTS CONCERNING ON‑SITE SETTINGS AND TO PROVIDE WHERE AND HOW A PHYSICIAN ASSISTANT MAY PRACTICE, TO REVISE PROVISIONS CONCERNING OFF‑SITE SETTINGS, AND TO REVISE CERTAIN REQUIREMENTS OF A SUPERVISING PHYSICIAN; TO AMEND SECTION 40‑47‑960, RELATING TO SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, SO AS TO INCLUDE AUTHORIZATION TO PRESCRIBE SCHEDULE II CONTROLLED SUBSTANCES AMONG SITUATIONS REQUIRING DIRECT EVALUATION OR IMMEDIATE REFERRAL BY THE SUPERVISING PHYSICIAN; TO AMEND SECTION 40‑47‑965, RELATING TO SCHEDULE II CONTROLLED SUBSTANCES AND SCOPE OF PRACTICE GUIDELINES OF A PHYSICIAN ASSISTANT, SO AS TO PROVIDE A PHYSICIAN ASSISTANT MAY RECEIVE AND DISTRIBUTE PROFESSIONAL SAMPLES OF THESE SUBSTANCES AND MAY PRESCRIBE THESE SUBSTANCES IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40‑47‑970, RELATING TO THE PRESCRIBING OF DRUGS BY A PHYSICIAN ASSISTANT, SO AS TO AS TO DELETE A PROHIBITION AGAINST PRESCRIBING SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40‑47‑995, RELATING TO THE TERMINATION OF A SUPERVISORY RELATIONSHIP BETWEEN A PHYSICIAN AND PHYSICIAN ASSISTANT, SO AS TO PROVIDE THAT UPON THIS TERMINATION THE PRACTICE OF THE PHYSICIAN ASSISTANT MUST CEASE UNTIL NEW SCOPE OF PRACTICE GUIDELINES, RATHER THAN A NEW APPLICATION, ARE SUBMITTED BY A NEW SUPERVISING PHYSICIAN TO THE BOARD; AND TO REPEAL SECTION 40‑47‑975 RELATING TO ON‑THE‑JOB TRAINING AND SECTION 40‑47‑980 RELATING TO THE TREATMENT OF PATIENTS IN CHRONIC CARE AND LONG‑TERM CARE FACILITIES.

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(R39, S. 621) -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R40, H. 3087) -- Reps. Merrill and Daning: AN ACT TO AMEND SECTION 59‑40‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS REQUIREMENTS, POWERS, AND DUTIES OF CHARTER SCHOOLS, SO AS TO PROVIDE A PUBLIC CHARTER SCHOOL SHALL ALLOW ENROLLMENT PREFERENCE TO RETURNING STUDENTS AND THAT THESE RETURNING STUDENTS MAY NOT ENTER A LOTTERY FOR CHARTER SCHOOL ENROLLMENT, AND TO PROVIDE THAT A CHARTER SCHOOL LOCATED ON A FEDERAL MILITARY INSTALLATION OR BASE WHERE THE APPROPRIATE AUTHORITIES HAVE MADE BUILDINGS, FACILITIES, AND GROUNDS ON THE INSTALLATION OR BASE AVAILABLE FOR USE BY THE CHARTER SCHOOL AS ITS PRINCIPAL LOCATION ALSO MAY GIVE ENROLLMENT PRIORITY TO OTHERWISE ELIGIBLE STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL LIVING IN MILITARY HOUSING ON THE BASE OR INSTALLATION OR WHO ARE CURRENTLY STATIONED AT THE BASE OR INSTALLATION NOT TO EXCEED FIFTY PERCENT OF THE TOTAL ENROLLMENT OF THE CHARTER SCHOOL.

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(R41, H. 3097) -- Rep. Bales: AN ACT TO AMEND ARTICLE 4, CHAPTER 56, TITLE 44, CODE OF LAWS, 1976, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO SPECIFY THE USE AND PURPOSE OF THE FUND, AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO EXPEND MONIES FROM THE FUND FOR ASSESSMENT OF POTENTIAL SITES PRIOR TO OBTAINING EVIDENCE OF CONTAMINATION AT THE SITE, AND CLARIFY WHAT FACILITIES ARE EXCLUDED FROM PARTICIPATING IN THE FUND AND THE EFFECT OF PARTICIPATING IN THE FUND IF A FACILITY IS SEEKING EXEMPTION FROM THE FUND; AND TO DELETE OBSOLETE PROVISIONS, REORGANIZE PROVISIONS, AND MAKE TECHNICAL CORRECTIONS.

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(R42, H. 3223) -- Rep. White: AN ACT TO AMEND SECTIONS 1‑11‑55, AS AMENDED, 1‑11‑425, 1‑23‑120, AS AMENDED, 2‑1‑230, 2‑3‑75, 2‑13‑60, 2‑13‑180, 2‑13‑190, AS AMENDED, 2‑13‑200, 2‑13‑210, 11‑35‑310, 11‑53‑20, AND 29‑6‑250, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING, IN WHOLE OR IN PART, TO THE OFFICE OF LEGISLATIVE PRINTING, INFORMATION AND TECHNOLOGY SYSTEMS (LPITS), SO AS TO CHANGE THE NAME OF THIS OFFICE TO THE LEGISLATIVE SERVICES AGENCY (LSA).

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(R43, H. 3829) -- Reps. Bedingfield, Stringer, Allison, Bannister, Chumley, Dillard, Hamilton, Henderson, Loftis, Nanney, Putnam, Robinson‑Simpson, G.R. Smith and Willis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 53, TITLE 59 SO AS TO BE CAPTIONED THE “GREENVILLE TECHNICAL COLLEGE AREA COMMISSION”; TO DESIGNATE SECTIONS 1A, 4, AND 5 OF ACT 743 OF 1962 AS SECTIONS 59‑53‑1500, 59‑53‑1510, AND 59‑53‑1520, RESPECTIVELY, OF ARTICLE 18, CHAPTER 53, TITLE 59; AND TO AMEND ARTICLE 18, CHAPTER 53, TITLE 59, RELATING TO THE MEMBERSHIP, POWERS, AND DUTIES OF THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION AND THE TERMS AND APPOINTING PROCEDURES FOR MEMBERS.

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**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3710, THE GENERAL APPROPRIATIONS BILL.**

**DEBATE INTERRUPTED**

**H. 3710--GENERAL APPROPRIATIONS BILL**

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

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 1A.61 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 1A.61 was ruled out of order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 11.15 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 11.15 was ruled out of order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on May 14, 2013, that Proviso 117.114 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 36.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator SHANE MARTIN on May 14, 2013, that Proviso 78.4 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 78.4 was ruled out of order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 1.79 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Point of Order Withdrawn**

Senator BRYANT raised a Point of Order on May 14, 2013, that Proviso 118.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

On motion of Senator BRYANT, the Point of Order was withdrawn.

**Point of Order**

Senator BRIGHT raised a Point of Order under Rule 24A that Proviso 118.5 of Part 1B was out of order inasmuch as it was not germane to the Bill.

**118.5.** (SR: Criminal Justice Academy Funding) (A) In addition to all other assessments and surcharges, during the current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates’ or municipal court for misdemeanor traffic offenses or for non-traffic violations. No portion of the surcharge may be waived, reduced, or suspended. The additional surcharge imposed by this section does not apply to parking citations.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy.

(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.

The PRESIDENT took the Point of Order under advisement.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on May 15, 2013, that Proviso 118.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 118.5 was ruled out of order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 45.6 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 45.6 was ruled out of order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator SHANE MARTIN on May 14, 2013, that Proviso 1.75 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 1.83 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 1A.51 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 1A.51 was ruled out of order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator SHANE MARTIN on May 14, 2013, that Proviso 38.22 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 1A.57 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 11.18 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRYANT on May 14, 2013, that Proviso 34.46 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Proviso 34.46 was ruled out of order.

**Amendment No. 34**

Senator MALLOY proposed the following amendment (DAD 3.5 SCHOOL BUSES):

Amend the bill, as and if amended, Part IA, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 15, line 3, opposite LOTTERY EXPENDITURES by:

COLUMN 7 COLUMN 8

/ STRIKING: 268,240,000

and

INSERTING: 279,500,000 /

Amend the bill further, as and if amended, Part IA, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 15, line 4, opposite UNCLAIMED PRIZES by:

COLUMN 7 COLUMN 8

/ STRIKING: 12,400,000

and

INSERTING: 8,000,000 /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 381, paragraph 3.5, line 34, item (14), at the end by striking /*and*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 381, line 35, item (15), after “*$3,000,000*” by inserting /*and*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 381, paragraph 3.5, after line 35, by adding an appropriately numbered new item to read:

/ *( ) Department of Education--*

*New School Buses $11,260,000.* /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 382, paragraph 3.5, lines 32-36 and page 383, lines 1-2, by striking the lines in their entirety and inserting: /*For Fiscal Year 2013-14, of the funds certified from unclaimed prizes, $8,000,000 shall be appropriated to the Department of Education for the purchase of new school buses.* /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 383, paragraph 3.5, lines 3-11, by striking the lines in their entirety and inserting: /*Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate shall be directed to the Department of Education for new school buses.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

**Motion Adopted**

On motion of Senator COURSON, with unanimous consent, the Senate agreed that, at the conclusion of the Joint Assembly, the Senate would stand in recess until 2:00 P.M.

On motion of Senator COURSON, with unanimous consent, the Senate receded for the Joint Assembly, with Senator MALLOY retaining the floor.

With Senator MALLOY retaining the floor, on motion of Senator COURSON, with unanimous consent, debate was interrupted.

**Joint Assembly**

**Elections**

The PRESIDENT announced that elections were in order to elect a successor to the position of Judge, Circuit Court, Sixth Judicial Circuit, Seat #1.

**Election to the Position of Judge, Circuit Court,**

**6th Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, Sixth Judicial Circuit, Seat #1.

Senator LARRY MARTIN, Chairman of the Judicial Merit Selection Commission, indicated that Brian M. Gibbons had been screened and found qualified to serve.

Senator LARRY MARTIN placed the name of Brian M. Gibbons in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Brian M. Gibbons was elected to the position of Judge, Circuit Court, 6th Judicial Circuit, Seat #1 for the term prescribed by law.

Immediately following the judicial elections, the Senate proceeded to the election of a medical member to the Board of Trustees of the Medical University of South Carolina, 5th Congressional District.

**Medical University of South Carolina**

**5th Congressional District, medical position**

The PRESIDENT announced that nominations were in order to elect a successor to the medical position on the Board of Trustees for the Medical University of South Carolina, 5th Congressional District.

Senator PEELER, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Coty P. Fishburne and Mr. G. Murrell Smith, Sr. had been screened and found qualified to serve.

On motion of Senator PEELER, the name of Mr. Coty P. Fishburne was withdrawn from consideration.

Senator PEELER placed the name of Mr. G. Murrell Smith, Sr. in nomination.

Senator HUTTO spoke on the nomination.

Senator HUTTO moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable G. Murrell Smith, Sr. was elected to the medical position on the Board of Trustees for Medical University of South Carolina, 5th Congressional District for the term prescribed by law.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

**RECESS**

At 12:26 P.M., with Senator MALLOY retaining the floor, on motion of Senator COURSON, with unanimous consent, the Senate receded from business until 2:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:03 P.M. and was called to order by the PRESIDENT.

**AMENDED, AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

**H. 3710--GENERAL APPROPRIATIONS BILL**

The Senate resumed consideration of the Bill, the question being the adoption of Amendment No. 34 (DAD 3.5 SCHOOL BUSES) proposed by Senator MALLOY.

Senator MALLOY resumed speaking on Amendment No. 34.

With Senator MALLOY retaining the floor, Senator MALLOY asked unanimous consent to make a motion to take up Amendment No. 74 for immediate consideration.

There was no objection.

**Amendment No. 74**

Senator MALLOY proposed the following amendment (DAD 3.5 LOTTERY GM SCHOOL BUSES), which was not adopted:

Amend the bill, as and if amended, Part IA, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 15, line 3, opposite LOTTERY EXPENDITURES by:

COLUMN 7 COLUMN 8

/ STRIKING: 268,240,000

and

INSERTING: 279,500,000 /

Amend the bill further, as and if amended, Part IA, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 15, line 4, opposite UNCLAIMED PRIZES by:

COLUMN 7 COLUMN 8

/ STRIKING: 12,400,000

and

INSERTING: 8,000,000 /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 381, paragraph 3.5, line 16, item (1), by striking /*$43,000,000;*/ and inserting /*$47,400,000;*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 381, paragraph 3.5, line 34, item (14), at the end by striking /*and*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 381, line 35, item (15), after “*$3,000,000*” by inserting /*and*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 381, paragraph 3.5, after line 35, by adding an appropriately numbered new item to read

/ *( ) Department of Education--*

*New School Buses .$6,860,000.* /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 382, paragraph 3.5, lines 32-36 and page 383, lines 1-2, by striking the lines in their entirety and inserting: /*For Fiscal Year 2013-14, of the funds certified from unclaimed prizes, $1,700,000 shall be appropriated to the Commission on Higher Education and State Board for Technical and Comprehensive Education for Tuition Assistance Two Year Institutions and $6,300,000 shall be appropriated to the Department of Education for the purchase of new school buses.* /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 383, paragraph 3.5, lines 3-11, by striking the lines in their entirety and inserting: /*Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate shall be directed to the Department of Education for new school buses.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY 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 18; Nays 25**

**AYES**

Alexander Campbell Corbin

Cromer Hayes Jackson

Leatherman Lourie *Martin, Larry*

Matthews McGill Nicholson

Peeler Rankin Scott

Setzler Verdin Williams

**Total--18**

**NAYS**

Allen Bennett Bright

Bryant Campsen Cleary

Coleman Courson Davis

Ford Gregory Grooms

Hembree Hutto Johnson

Malloy *Martin, Shane* Massey

McElveen Reese Shealy

Sheheen Thurmond Turner

Young

**Total--25**

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

Senator JACKSON spoke on the amendment.

Senator MATTHEWS spoke on the amendment.

Senator MALLOY spoke on the amendment.

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

**Ayes 16; Nays 27**

**AYES**

Bennett Bright Bryant

Campsen Cleary Davis

Grooms Hembree Hutto

Malloy *Martin, Shane* Massey

Shealy Thurmond Turner

Young

**Total--16**

**NAYS**

Alexander Allen Campbell

Coleman Corbin Courson

Cromer Ford Gregory

Hayes Jackson Johnson

Leatherman Lourie *Martin, Larry*

Matthews McElveen McGill

Nicholson Peeler Rankin

Reese Scott Setzler

Sheheen Verdin Williams

**Total--27**

The amendment was not adopted.

On motion of Senator MALLOY, Amendment No. 34 was carried over.

**Amendment No. 57**

Senator SHANE MARTIN proposed the following amendment (DG SMLOCGOV), which was carried over:

Amend the bill, as and if amended, Part IA, Section 110, AID TO SUBDIVISIONS - STATE TREASURER, page 323, line 3, by:

COLUMN 7 COLUMN 8

/ STRIKING: 182,619,411 182,619,411

and

INSERTING: 253,600,787 253,600,787/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator LEATHERMAN moved to carry over the amendment.

Senator SHANE MARTIN moved to table the motion to carry over.

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

**Ayes 8; Nays 34**

**AYES**

Bright Bryant Corbin

Davis Grooms Malloy

*Martin, Shane* Shealy

**Total--8**

**NAYS**

Alexander Allen Bennett

Campbell Campsen Cleary

Courson Cromer Ford

Gregory Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson Peeler

Rankin Reese Scott

Setzler Sheheen Thurmond

Turner Verdin Williams

Young

**Total--34**

The Senate refused to table the motion to carry over the amendment.

The question then was the motion to carry over.

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

**Ayes 34; Nays 8**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Courson Cromer Ford

Gregory Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson Peeler

Rankin Reese Scott

Setzler Sheheen Thurmond

Turner Verdin Williams

Young

**Total--34**

**NAYS**

Bright Bryant Corbin

Davis Grooms Malloy

*Martin, Shane* Shealy

**Total--8**

Amendment No. 57 was carried over.

**Amendment No. 54**

Senator GROOMS proposed the following amendment (3710R012.LKG.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 333, after line 5, by adding an appropriately numbered new proviso to read:

/ *1.\_\_\_. (SDE: Educational Credit) (A)(1) As used in subsection (A):*

*(a) ‘Independent school’ means a school, other than a public school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met and that does not discriminate based on the grounds of race, color, or national origin. For purposes of this definition, ‘independent school’ does not include a home school as defined in item (b).*

*(b) ‘Home school’ means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59‑65‑40, 59‑65‑45, or 59‑65‑47.*

*(c) ‘Parent’ means the natural or adoptive parent or legal guardian of a child.*

*(d) ‘Qualifying student’ means a student who is a South Carolina resident and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the current school year.*

*(e) ‘Resident public school district’ means the public school district in which a student resides.*

*(f) ‘Tuition’ means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school and school‑related transportation.*

*(2)(a) For the 2013‑2014 school year, a parent or legal guardian who teaches one or more qualifying students at home as authorized pursuant to Section 59‑65‑40, 59‑65‑45, or 59‑65‑47 may take a deduction against their State of South Carolina taxable income of up to two thousand dollars per home school student for instruction‑related expenditures. This deduction is limited to a total of two thousand dollars per child regardless of the number of taxpayers incurring home school instruction‑related expenses on behalf of that child. The deduction allowed by this subsection is fully deductible on a 2013 state income tax return provided the qualifying student completes the school term for the 2013‑2014 school year.*

*(b) For the 2013‑2014 school year, a parent or legal guardian is entitled to a deduction against their State of South Carolina taxable income of up to four thousand dollars paid to an independent school within this State for tuition on behalf of their child or ward to attend the independent school for the school year. The child or ward must be a qualifying student as this term is defined in subsection (A)(1)(d). This deduction is limited to a total of four thousand dollars per child regardless of the number of taxpayers making tuition payments on behalf of that child. The deduction allowed by this subsection is fully deductible on a 2013 state income tax return provided the qualifying student completes the school term for the 2013‑2014 school year.*

*(c) For the 2013‑2014 school year, a parent or legal guardian is entitled to a deduction against their State of South Carolina taxable income of up to one thousand dollars paid on behalf of their child or ward to attend a school in a school district which is not the school district of residence of the child or ward. This deduction is limited to a total of one thousand dollars per child regardless of the number of taxpayers making payments to another school district on behalf of that child. The deduction allowed by this subsection is fully deductible on a 2013 state income tax return provided the qualifying student completes the school term for the 2013‑2014 school year.*

*(B)(1) As used in subsection (B):*

*(a) ‘Eligible school’ means an independent school including those religious in nature, other than a public or home school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met, that:*

*(i) offers a general education to primary or secondary school students;*

*(ii) does not discriminate on the basis of race, color, or national origin;*

*(iii) is located in this State;*

*(iv) has an educational curriculum that includes courses set forth in the state’s diploma requirements and where the students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to determine student progress;*

*(v) has school facilities that are subject to applicable federal, state, and local laws; and*

*(vi) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools or the South Carolina Independent Schools Association.*

*(b) ‘Nonprofit scholarship funding organization’ means a charitable organization that:*

*(i) is exempt from federal tax under Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the Code;*

*(ii) allocates, after its first year of operation, at least ninety‑five percent of its annual contributions and revenue received during a particular year to provide grants for tuition, transportation, or textbook expenses (collectively hereinafter referred to as tuition) or any combination thereof to children enrolled in an eligible school meeting the criteria of this section, and incurs administrative expenses annually, after its first year of operation, of not more than five percent of its annual contributions and revenue for a particular year;*

*(iii) allocates all of its funds used for grants on an annual basis to children who are ‘exceptional needs’ students as defined herein, or who are eligible for the federal free or reduced lunch program, or whose families meet the qualifications for federal Medicaid benefits;*

*(iv) does not provide grants solely for the benefit of one school, and if the Department of Revenue determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;*

*(v) does not have as a member of its governing board any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member; and*

*(vi) does not have as a member of its governing board any person who has been convicted of a felony, or who has declared bankruptcy within the last seven years.*

*(c) ‘Person’ means an individual, partnership, corporation, or other similar entity.*

*(d) ‘Transportation’ means transportation to and from school only.*

*(2) A person is entitled to a tax credit for the amount of money the person contributes to a nonprofit scholarship funding organization up to the limits of subsection (B) if:*

*(a) the contribution is used to provide grants for tuition, transportation, or textbook expenses or any combination thereof to children enrolled in eligible schools who qualify for these grants under the provisions of subsection (B); and*

*(b) the person does not designate a specific child or school as the beneficiary of the contribution.*

*(3)(a) Grants may be awarded by the nonprofit scholarship funding organization in an amount not exceeding five thousand dollars or the total cost of tuition, whichever is less, for children who are eligible for the federal free or reduced school lunch program or whose families meet the requirements for federal Medicaid benefits to attend an independent school.*

*(b) In addition to the provisions of item (a), grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total cost of tuition, whichever is less, for students with ‘exceptional needs’ to attend an independent school. An ‘exceptional needs’ child is defined as a child who has significant cognitive, mental, physical, or emotional disabilities and whose parents or legal guardian believe that the services provided by the school district of legal residence do not sufficiently meet the needs of their child.*

*(4)(a) The tax credits authorized by subsection (B) may not exceed cumulatively a total of fifteen million dollars for contributions made on behalf of students who are eligible for the federal free or reduced lunch program and whose families meet the qualifications for federal Medicaid benefits, and the tax credits authorized by subsection (B) may not exceed cumulatively a total of ten million dollars for contributions made on behalf of ‘exceptional needs’ students. If the Department of Revenue determines that the total of such credits claimed by all taxpayers for one or both categories exceed these amounts, it shall allow credits only up to those amounts on a first come, first serve basis.*

*(b) Filers making contributions to a nonprofit scholarship funding organization designating a portion or all of their contributions for grants for exceptional needs children shall state with their contribution the amount to be used for this purpose. These amounts so stated must be used for purposes of computing the maximum tax credit amounts under item (a) authorized for contributions on behalf of exceptional needs students. If no such designation for exceptional needs children is made, the contribution shall come within the maximum tax credit limitation for contributions pertaining to students who are eligible for the federal free or reduced lunch program and whose families meet the qualifications for federal Medicaid benefits provided in item (a).*

*(c) If a husband and wife file separate returns, they each may only claim one‑half of the tax credit that would have been allowed for a joint return for the year.*

*(d) The person shall apply for a credit under subsection (B) on or with the tax return for the period for which the credit is claimed.*

*(e) The Department of Revenue shall prescribe the form and manner of proof required to obtain the credit authorized by subsection (B). Also, the department shall develop a method of informing taxpayers if either of the credit limits set forth in item (a) are met at any time during the 2013 tax year.*

*(f) A person may claim a credit under subsection (B) for a contribution during a particular period only against the tax owed for the corresponding period.*

*(g) Any unused tax credit, including the portion of a contribution which is reduced pro rata under item (a) of this subsection, may be carried forward for a period not exceeding five consecutive years. However, the tax credit is not refundable.*

*(5) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the deduction or credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.*

*(6) Except as otherwise provided by subsection (B), neither the Department of Education, the Department of Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to subsection (B).*

*(7)(a) The Education Oversight Committee, as established in Chapter 6, Title 59, is responsible for determining if an eligible school meets the criteria established by subsection (B)(1)(a), and shall publish an approved list of such schools meeting this criteria as provided in item (b) below. For this purpose, it also shall promulgate regulations further enumerating the specifics of this criteria. In performing this function, the Education Oversight Committee shall establish an advisory committee made up of not more than nine members including parents, and representatives of independent schools and independent school associations. The advisory committee shall provide recommendations to the Education Oversight Committee on the content of these regulations and any other matters requested by the Education Oversight Committee.*

*(b)(i) By the first day of August for the current fiscal year, the Education Oversight Committee, on its website available to the general public, shall provide a list with addresses and telephone numbers of nonprofit scholarship funding organizations in good standing which provide grants under subsection (B), and a list of approved independent schools which accept grants for eligible students under subsection (B) and which in its determination are in compliance with the requirements of subsection (B)(1)(a).*

*(ii) Student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested and administered by an eligible school receiving or entitled to receive scholarship grants under subsection (B) must be transmitted to the Education Oversight Committee which in turn shall publish this information on its website with the most recent scores by category included.*

*(c) Any independent school not determined to be an eligible school under the provisions of subsection (B) may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court’s rules of procedure.*

*(d) The Education Oversight Committee, after consultation with its nine‑member advisory committee, may exempt an independent school having students with exceptional needs who receive scholarship grants pursuant to subsection (B) from the curriculum requirements of subsection (B)(1)(iv).*

*(8)(a) Every nonprofit scholarship funding organization providing grants under subsection (B), shall cause an outside auditing firm to conduct a comprehensive financial audit of its operations in conformity with generally accepted accounting principles and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review.*

*(b) Every independent school accepting grants for eligible students under subsection (B) shall cause to be conducted a compliance audit by an outside entity or auditing firm examining its compliance with the provisions of subsection (B), and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review*. /

Renumber sections to conform.

Amend sections, totals and 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.

Senator CAMPSEN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

On motion of Senator GROOMS, the amendment was carried over.

**Amendment No. 68A**

Senator FAIR proposed the following amendment (3710R042.MLF.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 355, after line 34, by adding an appropriately numbered new proviso to read:

*/ 1.\_\_\_ (SDE: Tuition Tax Credits for Exceptional Needs Children) (A) For the purposes of this proviso:*

*(1) “Independent school” means a school, other than a public school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met and that does not discriminate based on the grounds of race, color, or national origin. For purposes of this definition, “independent school” does not include a home school as defined in item (3).*

*(2) “Exceptional needs” means a child who has significant cognitive, mental, physical, or emotional disabilities.*

*(3) “Home school” means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59‑65‑40, 59‑65‑45, or 59‑65‑47.*

*(4) “Parent” means the natural or adoptive parent or legal guardian of a child.*

*(5) “Qualifying student” means a student who is a South Carolina resident and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the current school year.*

*(6) “Resident public school district” means the public school district in which a student resides.*

*(7) “Tuition” means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school and school‑related transportation.*

*(B) For the 2013‑2014 school year, a parent or legal guardian who teaches one or more qualifying students with exceptional needs at home as authorized pursuant to Section 59‑65‑40, 59‑65‑45, or 59‑65‑47 because the parent or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child may take a deduction against their State of South Carolina taxable income of up to two thousand dollars per exceptional needs home schooled student for instruction‑related expenditures. This deduction is limited to a total of two thousand dollars per child regardless of the number of taxpayers incurring home school instruction‑related expenses on behalf of that child. The deduction allowed by this subsection is fully deductible on a 2013 state income tax return provided the qualifying student completes the school term for the 2013‑2014 school year.*

*(C) For the 2013‑2014 school year, a parent or legal guardian is entitled to a deduction against their State of South Carolina taxable income of up to four thousand dollars paid to an independent school within this State for tuition on behalf of their child or ward to attend an independent school. The child or ward must be a qualifying student with special needs whose parents or legal guardian believe that the services provided by the school district of legal residence do not sufficiently meet the child’s needs. This deduction is limited to a total of four thousand dollars per child regardless of the number of taxpayers making tuition payments on behalf of that child. The deduction allowed by this subsection is fully deductible on a 2013 state income tax return provided the qualifying student completes the school term for the 2013‑2014 school year.* */*

Renumber sections to conform.

Amend sections, totals and 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 took the Point of Order under advisement.

The amendment was carried over.

**Amendment No. 83**

Senators GREGORY and SETZLER proposed the following amendment (DG GGCHEREPORT), which was adopted:

Amend the bill, as and if amended, Part IB, Section 11, COMMISSION ON HIGHER EDUCATION, page 390, after line 28, by adding an appropriately numbered new proviso to read:

/ *11.\_\_\_. (CHE: Inventory of State‑Mandated Reporting Requirements) To help reduce the cost of higher education and institutions’ compliance burdens by eliminating conflicting, redundant, or other excessive reporting requirements, the Commission on Higher Education is directed to work with the state’s colleges and universities to prepare a report inventorying all state mandated reporting requirements, including those of the Commission on Higher Education, imposed on South Carolina’s institutions of higher education. This report shall be provided to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by December 1, 2013.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GREGORY explained the amendment.

The amendment was adopted.

**Amendment No. 55**

Senator MASSEY proposed the following amendment (3710R029.ASM.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 23, MEDICAL UNIVERSITY OF SOUTH CAROLINA, page 392, paragraph 23.3 by striking lines 6-7.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 61**

Senators ALEXANDER, SHEHEEN, SETZLER and LARRY MARTIN proposed the following amendment (DAD 33.34F), which was adopted:

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, page 404, paragraph 33.34, lines 30-31, by striking /*Each recipient shall receive a minimum increase of $100 per month.*/ and inserting / *The facility rate shall increase a minimum of $100 per month per eligible beneficiary.* /

Amend the bill further, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, page 404, paragraph 33.34, line 31, by inserting at the end:

/ *and nothing contained herein may conflict with or limit existing regulations* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

**Amendment No. 62**

Senators ALEXANDER and LARRY MARTIN proposed the following amendment (DG TCASOIL), which was adopted:

Amend the bill, as and if amended, Part IB, Section 34, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 413, after line 12, by adding an appropriately numbered new proviso to read:

/ *34.\_\_\_. (DHEC: Onsite Wastewater Disposal system) In the current fiscal year, an individual who has completed a minimum of six weeks training in a combination of classroom and field experience, as determined by the department, in soil morphology, soil classification, soil texture, and determining seasonal high water table, may submit an application for a non-engineered onsite wastewater disposal system pursuant to R-61-55 and 61-56.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

**Amendment No. 59**

Senator HUTTO proposed the following amendment (DG CBH38.20), which was tabled:

Amend the bill, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 422, by deleting paragraph 38.20 in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS spoke on the amendment.

Senator GROOMS asked unanimous consent to take up for immediate consideration Amendment No. 59-1.

There was no objection.

**Amendment No. 59-1**

Senator GROOMS proposed the following amendment (3710R050.LKG.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 422, paragraph 38.20, by striking lines 21-22 and inserting:

/ Continuation of Teen Pregnancy Prevention, ~~the department must award two~~ contracts *must be awarded* to separate private, non‑profit 501(c)(3) entities to provide *Abstinence Until Marriage* teen pregnancy prevention programs and services within the State. /

Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

Senator HUTTO spoke on Amendment No. 59.

**Objection**

Senator MALLOY asked unanimous consent to make a motion to amend the amendment.

Senator GROOMS objected.

Senator GROOMS moved to lay the amendment on the table.

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

**Ayes 29; Nays 13**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree *Martin, Larry*

*Martin, Shane* McElveen McGill

Peeler Rankin Shealy

Thurmond Turner Verdin

Williams Young

**Total--29**

**NAYS**

Coleman Ford Hutto

Jackson Johnson Leatherman

Lourie Malloy Matthews

Nicholson Reese Scott

Setzler

**Total--13**

The amendment was laid on the table.

**Amendment No. 56**

Senators CAMPBELL, VERDIN and LARRY MARTIN proposed the following amendment (DAD CLEM PSA ADMIN FEE), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 45, CLEMSON UNIVERSITY - PSA, page 427, after line 27, by adding an appropriately numbered new proviso to read:

/ *(CU-PSA: Administrative Fee) For the current fiscal year Clemson Public Service Activities is authorized to charge an administrative fee of $1 per ton of commercial fertilizer sold or distributed in this state to offset administrative operating costs. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPBELL explained the amendment.

**Point of Order Withdrawn**

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

Senator VERDIN spoke on the Point of Order.

On motion of Senator SHANE MARTIN, the Point of Order was withdrawn.

**Point of Order**

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

Senator BRYANT spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 70**

Senator SCOTT proposed the following amendment (DG JSDRAINAGE), which was adopted:

Amend the bill, as and if amended, Part IB, Section 84, DEPARTMENT OF TRANSPORTATION, page 464, after line 18, by adding an appropriately numbered new proviso to read:

/ *84.\_\_\_. (DOT: Drainage Studies) Of the funds appropriated and authorized to the Department of Transportation, the department may conduct drainage studies as the department deems beneficial.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**Amendment No. 44**

Senators SETZLER and McGILL proposed the following amendment (DG NGSDEWREPORT), which was adopted:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 526, proviso 117.103, by striking the proviso in its entirety and inserting:

/ 117.103. (GP: WIA Training Marketability Evaluation) (A) For Fiscal Year ~~2012‑13~~ *2013‑14*, ~~local workforce investment boards~~ *the Department of Employment and Workforce* shall ~~prepare an~~ *submit* ~~annual~~ a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion of training, have become employed in the field in which they were trained. The report shall be ~~annually~~ submitted to the Chairman of the Senate Finance Committee*, Chairman of the Senate Labor, Commerce and Industry Committee,* ~~and~~ the Chairman of the House Ways and Means Committee*, and the Chairman of the House Labor, Commerce and Industry Committee* on or before November 16th.

*(B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated for positions for which the department hired new employees.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**Amendment No. 27A**

Senator BRIGHT proposed the following amendment (3710R043.LB.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

*/ 117.\_\_\_ (GP: Family Planning Funds) (A) Notwithstanding any other law, federal family planning funds and state family planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the following order of descending priority:*

*(1)* *public entities that provide family planning services, including state, county, and local community health clinics and federally qualified health centers;*

*(2)* *nonpublic entities that provide comprehensive primary and preventive health services, as described in 42 U.S.C. 254b(b)(1)(A), in addition to family planning services; and*

*(3)* *nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive health services.*

*(B)* *Family planning funds must be distributed in compliance with federal law to ensure distribution in a manner that does not severely limit or eliminate access to family planning services in any region of the State.*

*(C)* *Any department, agency, board, commission, office, or other instrumentality of the State that distributes family planning funds shall submit an annual report to the General Assembly listing any family planning contractors that fall under item (A)(3), and the amount of federal or state family planning funds they received. The report shall provide a detailed explanation of how it was determined that there were an insufficient number of eligible individuals, organizations, or entities in items (A)(1) and (A)(2) to prevent a significant reduction in family planning services in each region of the State where (A)(3) contractors are located.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

The amendment was adopted.

**Amendment No. 58**

Senator CORBIN proposed the following amendment (3710R034.TDC.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by inserting a new proviso to read:

/ *117.\_\_\_ (GP: Across-the-Board Cut) All general fund appropriations contained in this act are reduced by five percent. The revenue resulting from the across-the-board cut is credited to the Department of Transportation and to County Transportation Committees as provided in this proviso. One-third of the revenue shall be apportioned among the counties and distributed pursuant to the C-Fund formula contained in Section 12-28-2740. County Transportation Committee funds must be expended in the manner provided in Section 12-28-2740 on existing roads and bridges. The remaining two-thirds of the revenue shall be distributed to the Department of Transportation. Department of Transportation funds must be expended for bridge replacement, rehabilitation, and maintenance projects currently programmed in the Statewide Transportation Improvement Program (STIP) and Act 114 prioritized road rehabilitation projects on existing roads approved by the commission for future inclusion in the STIP as of May 1, 2013. Unexpended funds appropriated pursuant to this proviso may be carried forward to succeeding fiscal years and expended for the same purpose.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CORBIN explained the amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the amendment was out of order inasmuch as it was violative of provisions of the South Carolina Constitution that prohibit the reduction of the salaries of Constitutional Officers during their terms.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

Senator SETZLER spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

At 6:40 P.M., Senator BRIGHT moved that the Senate stand adjourned.

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

**Ayes 18; Nays 25**

**AYES**

Allen Bright Bryant

Coleman Corbin Ford

Hutto Jackson Johnson

Malloy *Martin, Shane* Matthews

Nicholson Reese Scott

Shealy Sheheen Williams

**Total--18**

**NAYS**

Alexander Bennett Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Leatherman *Martin, Larry*

Massey McElveen McGill

Peeler Rankin Setzler

Thurmond Turner Verdin

Young

**Total--25**

The Senate refused to adjourn.

**Amendment No. 78**

Senators CAMPSEN and LOURIE proposed the following amendment (DAD 117 CHARTERING SVCS ANALYSIS):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 530, after line 18, by adding an appropriately numbered new proviso to read:

/ *(GP: Aircraft Chartering Services Analysis) The Budget and Control Board is directed to conduct an analysis to determine the costs and benefits of selling the following state-owned aircraft operated by the Division of Aeronautics: Hawker Beechcraft King Air 350 and Hawker Beechcraft King Air C90; and authorizing private chartering services for use by state officials and state agencies to conduct the state’s official business. This analysis must be presented to the Governor and General Assembly no later than January 1, 2014. The Governor shall have the authority to sell the state-owned aircraft if the cost-benefit analysis justifies the sale.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSEN explained the amendment.

Senator BRIGHT spoke on the amendment.

**Point of Order**

Senator LOURIE 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 took the Point of Order under advisement.

**Objection**

Senator CAMPSEN asked unanimous consent to make a motion to amend the amendment.

Senator MALLOY objected.

**Objection**

At 7:01 P.M., with Senator CAMPSEN retaining the floor, Senator COURSON asked unanimous consent to make a motion that the Senate stand adjourned.

Senator BRIGHT objected.

**Motion Adopted**

Senator COURSON moved that when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. tomorrow.

The motion was adopted.

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

**MOTION ADOPTED**

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Robert “Bob” A. Carswell of Camden, S.C. Mr. Carswell was a retired CPA and a senior partner of Carswell, Cantey and Associates. He was a beloved stepfather and a doting grandfather and great‑grandfather.

and

**MOTION ADOPTED**

On motion of Senators SETZLER, CROMER, COURSON, PEELER, ALEXANDER, ALLEN, BENNETT, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, CORBIN, DAVIS, FAIR, FORD, GREGORY, GROOMS, HAYES, HEMBREE, HUTTO, JACKSON, JOHNSON, LEATHERMAN, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McELVEEN, McGILL, NICHOLSON, O’DELL, PINCKNEY, RANKIN, REESE, SCOTT, SHEALY, SHEHEEN, THURMOND, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of our former colleague and friend, the Honorable ROBERT C. “BOB” LAKE, JR. of Whitmire, S.C. He served in the U. S. Army during WWII and served in the Senate from 1969-1984. Senator LAKE authored the Bill which created a second state medical school in Columbia, S.C. He was instrumental in the passage of the Education Finance Act of 1984 as well as Bills which affected teacher improvement and restructuring the Commission on Higher Education. Senator LAKE is survived by his loving wife, Mary Anne DuBose Douglas Lake. He was a devoted father and step‑father and a doting grandfather of five and step-grandfather of three.

**ADJOURNMENT**

At 7:02 P.M., on motion of Senator CAMPSEN, the Senate adjourned to meet tomorrow at 10:00 A.M.

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