**Wednesday, May 22, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:00 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:

In the writings of Haggai we read:

“This is what the Lord Almighty says: ‘Give careful thought to Your ways’.” (Haggai 1:7)

Let us pray:

Holy God, we are so very grateful for the dedication and the commitment of these Senators who serve You here. We ask You to continue to bestow Your blessings upon each of these servants. Grant to them not only attitudes of caring and concern for the people they represent, but also fill each of these leaders and their dedicated staff members with wisdom, with a passion for doing what is right, with a determination to think through issues thoroughly, and with a desire always to do what is just. This, O Lord, we pray in Your wondrous and loving name.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointment**

Initial Appointment, Dorchester County Master-in-Equity, with the term to commence May 19, 2011, and to expire June 3, 2016

James E. Chellis, 106 Pine Grove Ave., Summerville, SC 29483 *VICE* The Honorable Maité Murphy

**Doctor of the Day**

Senator DAVIS introduced Dr. H. Tim Pearce of Beaufort, S.C., Doctor of the Day.

**Leave of Absence**

At 1:40 P.M., Senator FAIR requested a leave of absence beginning at 8:00 P.M. and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

At 2:24 P.M., Senator CROMER requested a leave of absence until 6:30 P.M.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRYANT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**Remarks by Senator CAMPSEN**

Thank you, Mr. PRESIDENT.

This doesn’t have to do with roads. It doesn’t have to do with the budget. Hopefully, it will provide some levity and help all of us to really understand how particularly during budget week, some of us feel like we’re spinning our wheels and not getting a lot done. We often, if we are all honest with ourselves, wonder if our service up here is really making a difference. I just want to share something with you and let you know that you are making a difference -- all of us.

Last week when I was driving home to Charleston, I got a call from Dwight Cauthen and, you know, Dwight thanked me profusely for introducing the equal access to interscholastic activities that unanimously passed into law. I want to tell you why he thanked me and is very appreciative of the entire General Assembly for passing it, and for the Governor for signing it.

A little over a week ago A.C. Flora High School won the 3AAA Golf Championship. They have won the 3AAA championship seven out of the past eight years, which is pretty amazing. But what really touched me and will touch all of you all is that Dwight’s son, Dwight, Jr. was in the starting lineup as a freshman. He finished as the fifth player in the state championship as a freshman in the 3AAA State Championship. He was Flora’s best player during the state championship series. Dwight would not be on the A.C. Flora golf team if it weren’t for what you all did and what the House did in passing the equal access to interscholastic activities act because Dwight is a home school student.

And I’ll say it publically because he said it publically -- he is home‑schooled because he has learning needs that can only be met in a home school environment. And it made a difference to me. Well, I think if you are a state champion, you’re always a state champion. I’m a state champion athletically. And it has meant and it will mean something to me that I was a state champion until the day I die. At what? I was the state champion and the state record holder in the pole vault, and being a champion will mean something to you for the rest of your life.

And Dwight communicated to me how much it means to young Dwight, and how the team members that go to A.C. Flora have embraced him -- how the cheerleaders left gifts on the door, and winning a state championship makes you a hero. All of that means so much to kids in high school. He’s had an opportunity to excel because of what we did -- because of the Bill that we passed. A.C. Flora has benefited by interfacing with a child that's home schooled -- that benefited their athletic team.

I will say it again, most everything I have learned about what it takes to be successful in life I have learned on the athletic field -- delayed gratification and tenacity are more important than talent any day. I will take someone who is tenacious and never gives up over the most gifted athlete any day, because they will ultimately prevail if you have some basic level of athletic ability, that is. Some of you don’t get any ideas because no matter how tenacious you are on the athletic field, you’re not going to quite make it. But if you have some basic ability, your tenacity, and persistence are what count in life. That’s what makes you successful in life.

I just wanted to share that with you because that’s something that’s meaningful. That one child’s experience -- this will be a life-changing experience, not just for him, but for the team that he played golf with. And this will be replicated literally thousands of times throughout this State because of that legislation and it’s making a difference in folks’ lives.

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

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 160 Sens. Nicholson, Lourie, Johnson

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 714 -- Senator Hutto: A BILL TO AMEND CHAPTER 15, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NONGAME AND ENDANGERED SPECIES CONSERVATION ACT, SO AS TO RENAME THIS CHAPTER “NONGAME AND ENDANGERED SPECIES”, TO DESIGNATE THE CHAPTER'S EXISTING SECTIONS AS “ARTICLE 1 NONGAME AND ENDANGERED WILDLIFE SPECIES”, TO DELETE THE SECTION THAT REGULATES ALLIGATOR HUNTING, CONTROL, AND MANAGEMENT, AND TO ADD ARTICLE 3 TO THIS CHAPTER WHICH IS ENTITLED THE “SOUTH CAROLINA CAPTIVE ALLIGATOR PROPAGATION ACT” WHICH ALLOWS THE DEPARTMENT OF NATURAL RESOURCES TO REGULATE THE BUSINESS OF PROPAGATING ALLIGATORS FOR COMMERCIAL PURPOSES AND THE HUNTING, CONTROL, AND MANAGEMENT OF ALLIGATORS.

l:\council\bills\swb\5190cm13.docx

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 715 -- Senator Coleman: A BILL TO AMEND SECTION 7-7-170, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN CHESTER COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

l:\council\bills\ms\7202ahb13.docx

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

S. 716 -- Senator Alexander: A BILL TO AMEND SECTION 63-9-780, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF RECORDS, SO AS TO CLARIFY THAT THE RELEASE OF NONIDENTIFYING INFORMATION TO AN ADOPTEE, REGARDING THE HEALTH AND MEDICAL HISTORY OF AN ADOPTEE'S BIOLOGICAL PARENTS, IS ALWAYS IN THE BEST INTEREST OF THE PERSONS CONCERNED, AND TO REQUIRE AN AGENCY TO RELEASE THE NONIDENTIFYING INFORMATION TO THE ADOPTEE.

l:\council\bills\nl\13152dg13.docx

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

S. 717 -- Senators Matthews, Williams and Hembree: A JOINT RESOLUTION TO IMPOSE A MORATORIUM, IN EFFECT UNTIL DECEMBER 31, 2017, ON THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL ISSUING PERMITS TO CONSTRUCT CERTAIN NEW CLASS 3 LANDFILLS OR TO REPLACE OR EXPAND CERTAIN EXISTING CLASS 3 LANDFILLS AND ON THE DEPARTMENT ISSUING APPROVALS TO INCREASE THE ANNUAL DISPOSAL RATE AT CERTAIN CLASS 3 LANDFILLS; AND TO REQUIRE THE DEPARTMENT TO REPORT ON PERMIT APPLICATIONS AFFECTED BY THE MORATORIUM.

l:\council\bills\nbd\11235ac13.docx

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

S. 718 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-7-37 SO AS TO PROVIDE THAT A DRIVER OF A MOTOR VEHICLE MAY BE FOUND LIABLE OF A CIVIL PENALTY FOR VIOLATIONS REGARDING PASSING OR OVERTAKING A SCHOOL BUS IF THE VIOLATION IS CAPTURED ON A VIDEO RECORDING DEVICE MOUNTED ON THE SCHOOL BUS, TO PROVIDE PENALTIES, AND TO PROVIDE THE EVIDENTIARY PROCESS AND THE PROCESS BY WHICH A PERSON RECEIVES SERVICE OF PROCESS.

l:\council\bills\nl\13226dg13.docx

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

S. 719 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE A.C. FLORA HIGH SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE 2013 CLASS AAA STATE CHAMPIONSHIP TITLE.

l:\council\bills\rm\1297ac13.docx

The Senate Resolution was adopted.

S. 720 -- Senators Allen and Sheheen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JIL LITTLEJOHN OF GREENVILLE COUNTY ON HER HISTORIC ACHIEVEMENT OF BEING THE FIRST FEMALE AND FIRST AFRICAN-AMERICAN APPOINTED PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE URBAN LEAGUE OF THE UPSTATE, AND FOR HER SIGNIFICANT CONTRIBUTIONS TO THE GREENVILLE COMMUNITY.

l:\council\bills\gm\29785ab13.docx

The Senate Resolution was adopted.

S. 721 -- Senators Shealy, Setzler, Courson, Cromer and Massey: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LEXINGTON HIGH SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE 2013 CLASS AAAA STATE CHAMPIONSHIP TITLE.

l:\council\bills\rm\1299ab13.docx

The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator LARRY MARTIN from the Committee on Judiciary polled out S. 657 favorable:

S. 657 -- Senator L. Martin: A BILL TO AMEND SECTION 22‑2‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO MAGISTRATE JURY AREAS IN EACH COUNTY, SO AS TO REVISE AND UPDATE THE TERRITORIAL DESCRIPTIONS OF THE JURY AREAS AND PROVIDE REFERENCES TO PUBLIC MAPS SHOWING THE JURY AREAS.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 20; Nays 0; Not Voting 3**

**AYES**

*Martin, Larry* Rankin Hutto

Sheheen Campsen Massey

Coleman *Martin, Shane* Nicholson

Scott Gregory Allen

Bennett Corbin Hembree

Johnson McElveen Shealy

Thurmond Young

**Total--20**

**NAYS**

**Total--0**

**NOT VOTING**

Malloy Bright Turner

**Total--3**

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 22, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 143 -- Senators Malloy, Ford, Massey, S. Martin and Hayes: A BILL TO AMEND ARTICLES 1, 2, 3, AND 4 OF TITLE 62, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO, AMONG OTHER THINGS, DEFINE THE JURISDICTION OF THE PROBATE CODE, TO DETERMINE INTESTATE SUCCESSION, TO PROVIDE FOR THE PROCESS OF EXECUTING A WILL, TO PROVIDE FOR THE PROCESS TO PROBATE AND ADMINISTER A WILL, AND TO PROVIDE FOR LOCAL AND FOREIGN PERSONAL REPRESENTATIVES; AND TO AMEND ARTICLES 6 AND 7 OF TITLE 62, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO PROVIDE FOR THE GOVERNANCE OF NONPROBATE TRANSFERS, AND TO AMEND THE SOUTH CAROLINA TRUST CODE.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 21, 2013

Mr. President and Senators:

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

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.

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 22, 2013

Mr. President and Senators:

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

**Local Appointment**

Initial Appointment, Dorchester County Master-in-Equity, with the term to commence May 19, 2011, and to expire June 3, 2016

James E. Chellis, 106 Pine Grove Ave., Summerville, SC 29483 *VICE* The Hon. Maité Murphy

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator ALEXANDER, with unanimous consent, Senators HUTTO, ALEXANDER and RANKIN were granted leave to attend a meeting and were granted leave to vote from the balcony.

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

**HOUSE BILL RETURNED**

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

H. 3554 -- Reps. Cole, Forrester, G.M. Smith, Stavrinakis, Herbkersman and Merrill: A BILL TO AMEND SECTION 61‑4‑1515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SAMPLES AND SALES OF BEER AT BREWERIES, SO AS TO SPECIFY THAT FOURTEEN PERCENT ALCOHOL BY WEIGHT IS THE MAXIMUM THAT MAY BE OFFERED FOR ON‑PREMISES CONSUMPTION, TO ALLOW FOR THE SALE OF SIXTY‑FOUR OUNCES OF BEER TO A CONSUMER EVERY TWENTY‑FOUR HOURS, TO PROVIDE THE BEER MUST BE SOLD AT THE APPROXIMATE RETAIL PRICE, TO PROVIDE THAT APPROPRIATE TAXES MUST BE REMITTED, AND TO CLARIFY THAT A CERTAIN PROVISION APPLIES TO OFF‑PREMISES CONSUMPTION.

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

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.

**READ THE SECOND TIME**

S. 495 -- Senators Lourie and Rankin: A BILL TO AMEND SECTION 23‑3‑115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, COUNTY, OR THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM.

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 32; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Grooms Hayes Johnson

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson O'Dell

Peeler Reese Setzler

Shealy Thurmond Turner

Williams Young

**Total--32**

**NAYS**

**Total--0**

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

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**AMENDED, READ THE SECOND TIME**

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 adoption of the previously proposed amendment as follows.

Senator CAMPSEN proposed the following amendment (3762R002.GEC), which was withdrawn:

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 asked unanimous consent to withdraw his previously proposed amendment.

The amendment was withdrawn.

Senator CAMPSEN proposed the following amendment (3762R003.GEC), which was adopted:

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.” /

Amend the bill further, as and if amended, page 3, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Section 50‑11‑745(A) of the 1976 Code is amended to read:

“(A) Notwithstanding another provision of law, the Department of Natural Resources may administratively release any vehicle, boat, trailer, other means of conveyance, animal, firearm, or ~~hunting~~ device confiscated from a person charged with ~~a violation of this chapter~~ hunting of deer or bear at night to an innocent owner or lienholder of the property.”/

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 29; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Corbin Courson Davis

Fair Grooms Hayes

Johnson Lourie Malloy

*Martin, Larry Martin, Shane* McElveen

McGill Nicholson O'Dell

Peeler Reese Setzler

Shealy Thurmond Turner

Williams Young

**Total--29**

**NAYS**

Bright Bryant

**Total--2**

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

**READ THE SECOND TIME**

H. 4038 -- Reps. Sandifer and Harrell: A BILL TO AMEND SECTION 40‑22‑280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE APPLICATION OF THE CHAPTER CONCERNING ENGINEERS AND SURVEYORS, SO AS TO ADD AN EXEMPTION FOR CERTAIN ENGINEERS.

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 31; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Corbin Courson

Davis Fair Grooms

Hayes Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson Peeler

Reese Setzler Shealy

Thurmond Turner Williams

Young

**Total--31**

**NAYS**

**Total--0**

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

**OBJECTION**

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.

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

Senator BRIGHT objected.

**OBJECTION**

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.

Senator SHANE MARTIN objected to the Bill.

**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 GROOMS, 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 BRIGHT, the Joint Resolution 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.

H. 3409 -- Reps. Sandifer and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑59‑25 SO AS TO PROHIBIT CERTAIN ACTS BY RESIDENTIAL BUILDERS OR CONTRACTORS RELATING TO ROOFING SYSTEMS; AND TO AMEND SECTION 40‑59‑110, RELATING TO REVOCATION, SUSPENSION, OR RESTRICTION OF THE LICENSE BY THE RESIDENTIAL HOME BUILDERS COMMISSION, SO AS TO PROVIDE A CONFORMING CHANGE.

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

**MINORITY REPORT REMOVED, CARRIED OVER**

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

Senator MALLOY asked unanimous consent to remove his name from the minority report on the Bill.

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

Senator LARRY MARTIN moved to carry over the Bill.

The Bill was carried over.

**Recorded Vote**

Senators GROOMS, BRIGHT and BRYANT desired to be recorded as voting against carrying over the Bill.

**ADOPTED**

S. 710 -- Senators Scott, Campsen, Grooms, Hayes, Reese, Courson, Nicholson and Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF MOTOR VEHICLES BESTOW SPECIAL RECOGNITION UPON CONGRESSIONAL MEDAL OF HONOR RECIPIENTS COLONEL CHARLES MURRAY, JR., CORPORAL FREDDIE STOWERS, MAJOR GENERAL JAMES E. LIVINGSTON, SERGEANT FIRST CLASS WEBSTER ANDERSON, MASTER SERGEANT JOHN BAKER, JR., AND SEAMAN ROBERT BLAKE, AND THE WIVES OF COLONEL CHARLES MURRAY, JR., MAJOR GENERAL JAMES E. LIVINGSTON AND MASTER SERGEANT JOHN BAKER, JR., BY NAMING DEPARTMENT OF MOTOR VEHICLES’ BUILDINGS IN THEIR HONOR.

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

H. 4051 -- Rep. Hosey: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF EAST FLAT STREET IN THE TOWN OF ALLENDALE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 TO ITS INTERSECTION WITH THE CAMPUS PERIMETER OF ALLENDALE ELEMENTARY SCHOOL “FRANK D. SOLOMON MEMORIAL WAY”, AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “FRANK D. SOLOMON MEMORIAL WAY”.

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

**AMENDED, ADOPTED**

S. 711 -- Senators L. Martin and Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION RENAME THE L.E.C. ROAD OF S-39-90 THAT BEGINS ON SOUTH CAROLINA HIGHWAY 8 AND ENDS ON MCDANIEL AVENUE IN PICKENS, SOUTH CAROLINA, AS THE “C. DAVID STONE ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS ROAD THAT CONTAIN THE WORDS “C. DAVID STONE ROAD”.

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

Senator LARRY MARTIN proposed the following amendment (711R001.LAM), which was adopted:

Amend the concurrent resolution, as and if amended, by striking all after the title and inserting:

/ Whereas, C. David Stone served as Sheriff of Pickens County for eleven terms, from 1969 until 2012. He served as sheriff longer than any active sheriff in South Carolina and when his tenure ended in December 2012, he was the second longest sitting sheriff in the United States; and

Whereas, Sheriff Stone has an outstanding record of service to the community, as well as to the law enforcement profession. He was Sheriff of the Year in 1975 and 1981, President of the South Carolina Sheriffs’ Association, Secretary/Treasurer of the Board of the Sheriffs’ Association where he served for over twenty-five years, and President of the South Carolina Law Enforcement Officers’ Association from 1991‑1992. Sheriff Stone is a graduate of the FBI National Academy and a recipient of the Strom Thurmond Award for Excellence in Law Enforcement and the Order of the Palmetto; and

Whereas, Sheriff Stone contributes considerable time to community endeavors and volunteer projects such as the Cannon Hospital fitness trail, the local Heart Fund, veterans’ Honor Flights, the and other worthy causes, and he is a Shriner; and

Whereas, Sheriff Stone has been a leader in exemplifying the highest degree of excellence in law enforcement. His office received the Southern Bell Award for Excellence in Law Enforcement, and the award recognized Sheriff Stone for his outstanding cooperation with and assistance to other law enforcement agencies; and

Whereas, Sheriff Stone provided the necessary resources and support to establish a law enforcement Explorer Post to allow local youth the opportunity to “explore” the law enforcement profession in hopes of attracting futurre officers to the profession. To further demonstrate his commitment to education and excellence in the law enforcement profession, he also established a scholarship foundation for sheriff’s office personnel and their children to promote the image, skills, and benefits of law enforcement. To date, the scholarship foundation has awarded over $248,000 in scholarships; and

Whereas, it would be fitting and proper for the members of the General Assembly to forever recognize the many contributions that Sheriff Stone has made to his community by renaming L.E.C. Road in his honor. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the members of the South Carolina General Assembly, by this resolution, request that the Department of Transportation rename L.E.C. Road (S‑39‑90) from South Carolina Highway 8 to McDaniel Avenue in Pickens, South Carolina, as “C. David Stone Road” and erect appropriate markers or signs along this road that contain the words “C. David Stone Road”.

Be it further resolved that a copy of this resolution be forwarded to the Department of Transportation and Mr. C. David Stone. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

There being no further amendments, the Concurrent Resolution was adopted, as amended, and ordered sent to the House.

**OBJECTION**

S. 22 -- Senators Sheheen, Massey, L. Martin, Hayes, Campsen, Nicholson, Young and Alexander: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2013” BY ESTABLISHING THE DEPARTMENT OF ADMINISTRATION; TO PROVIDE FOR ITS COMPOSITION, POWERS, AND DUTIES; AND TO MAKE CONFORMING AMENDMENTS.

(Abbreviated title)

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

Senator LOURIE objected.

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

**AMENDMENT PROPOSED, 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.

**Amendment No. 130**

Senators SHANE MARTIN and MALLOY proposed the following amendment (3710R065.SRM.DOCX), which was carried over:

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 4, line 24, by:

COLUMN 7 COLUMN 8

/ STRIKING: 15,506 15,506

and

INSERTING: 30,238,207 30,238,207 /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator SCOTT spoke on the amendment.

Senator MALLOY 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 15; Nays 23**

**AYES**

Alexander Bennett Campbell

Campsen Cleary Cromer

Fair Gregory Hayes

Leatherman *Martin, Larry* Massey

O'Dell Peeler Scott

**Total--15**

**NAYS**

Allen Bright Bryant

Coleman Corbin Davis

Grooms Jackson Johnson

Lourie Malloy *Martin, Shane*

McElveen McGill Nicholson

Reese Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--23**

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

Senator MALLOY spoke on the amendment.

Senator HAYES spoke on the amendment.

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

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

**Ayes 17; Nays 21**

**AYES**

Alexander Bennett Campbell

Campsen Cleary Cromer

Fair Gregory Hayes

Hembree Leatherman *Martin, Larry*

Massey O'Dell Peeler

Scott Turner

**Total--17**

**NAYS**

Allen Bright Bryant

Coleman Corbin Davis

Grooms Jackson Johnson

Lourie Malloy *Martin, Shane*

McElveen McGill Nicholson

Reese Setzler Shealy

Thurmond Williams Young

**Total--21**

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

Senator LARRY MARTIN spoke on the amendment.

On motion of Senator PEELER, debate was interrupted by recess.

**RECESS**

At 12:06 P.M., on motion of Senator PEELER, the Senate receded from business until 1:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:30 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. 130.

Senator GROOMS moved to carry over the amendment.

Senator MALLOY moved to table the motion to carry over.

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

**Ayes 12; Nays 26**

**AYES**

Ford Jackson Johnson

Malloy McElveen McGill

Nicholson Reese Scott

Setzler Sheheen Williams

**Total--12**

**NAYS**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Grooms Hayes

Hembree Leatherman *Martin, Larry*

*Martin, Shane* Massey O'Dell

Peeler Shealy Thurmond

Turner Young

**Total--26**

The Senate refused to table the motion to carry over. The question then was the motion to carry over the amendment.

The amendment was carried over.

**Amendment No. 129**

Senator SHANE MARTIN proposed the following amendment (3710R073.SRM.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 11, line 5, by striking opposite:

COLUMN 7 COLUMN 8

Student Health Fitness/ 20,297,502 20,297,502/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 11, line 8, by striking opposite:

COLUMN 7 COLUMN 8

Guidance/Career Specialists/ 21,362,113 21,362,113/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 11, line 11, by striking opposite:

COLUMN 7 COLUMN 8

CDDEP - SCDE/ 18,536,574 18,536,574/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 11, line 3, by:

COLUMN 7 COLUMN 8

/ STRIKING: 1,335,811,295 1,335,811,295

and

INSERTING: 1,396,007,484 1,396,007,484/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator HAYES spoke on the amendment.

Senator SCOTT spoke on the amendment.

Senator SCOTT moved to lay the amendment on the table.

The amendment was laid on the table.

**Recorded Vote**

Senator SHANE MARTIN desired to be recorded as voting against the motion to table the amendment.

**Motion Adopted**

On motion of Senator REESE, with unanimous consent, Senators SCOTT, CORBIN, JOHNSON, TURNER, BENNETT, BRIGHT and REESE were granted leave to attend a meeting and were granted leave to vote from the balcony.

**Amendment No. P1-123**

Senators LOURIE, SETZLER, JACKSON, FORD, SCOTT, WILLIAMS and NICHOLSON proposed the following amendment (DG NGSREFUND), which was ruled out of order:

Amend Amendment No. 123, bearing document number N:\S‑FINANCE\AMEND\DAD DOT ROAD FUNDS.DOCX, by striking the amendment in its entirety and inserting:

/ Amend the bill, as and if amended, Part IA, Section 110, AID TO SUBDIVISIONS - STATE TREASURER, page 323, by inserting after line 28:

COLUMN 7 COLUMN 8

/Income Tax Rebate Fund 50,000,000 50,000,000/

Amend the bill further, as and if amended, Part IB, Section 110, STATE TREASURER - AID TO SUBDIVISIONS, page 495, after line 32, by adding an appropriately numbered new proviso to read:

/ *110.\_\_\_. (AS-TREAS: Tax Relief)* *(A) There is created a separate and distinct fund in the State Treasury known as the Income Tax Rebate Fund. The fund is comprised of monies directed to the fund by this act. The fund must be used to provide an income tax rebate to all South Carolina income taxpayers. The rebate shall be the amount produced when multiplying a fraction in which the number of taxpayers on the return is the numerator and the denominator is the number of total taxpayers in the most completed tax year, multiplied by the balance in the Income Tax Rebate Fund.*

*(B) The rebate must be made to each South Carolina income taxpayer as soon as practicable after the taxpayer files a South Carolina income tax return for the 2013 tax year, and no later than June 30, 2014, and may be combined with any rebate due to the taxpayer. An income taxpayer who files an income tax form or requests an extension after the filing deadline is not eligible for the rebate provided by this provision.* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 539, paragraph 118.17, line 35, opposite item *(1) Part IA - General Fund*, by striking /*$34,625,547*/ and inserting /*$43,225,547*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, paragraph 118.17, line 29, item (48)(f) opposite Bridge Replacement and Rehabilitation, by striking: /*$10,000,000;*/ and inserting: /*$1,400,000.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

Senator LOURIE spoke on the amendment.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order under Rule 24A that the perfecting amendment was out of order inasmuch as it was not germane to Amendment No. 123.

Senator SHANE MARTIN spoke on the Point of Order.

Senator LOURIE spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. P1-123 was ruled out of order.

**Amendment No. P2-123**

Senator JACKSON proposed the following amendment (DG DJIDFUND), which was ruled out of order:

Amend Amendment No. 123, bearing document number N:\S‑FINANCE\AMEND\DAD DOT ROAD FUNDS.DOCX, by striking the amendment in its entirety and inserting:

Amend the bill, as and if amended, Part IA, Section 97, STATE TREASURER’S OFFICE, page 286, by inserting after line 23:

COLUMN 7 COLUMN 8

/Special Item:

Department of Revenue

Identity Theft

Reimbursement Fund 50,000,000 50,000,000/

Amend the bill further, as and if amended, Part IB, Section 97, OFFICE OF STATE TREASURER, page 477, after line 16, by adding an appropriately numbered new proviso to read:

/ *97.\_\_\_. (TREAS: Identity Theft Reimbursement Fund) (A)* *There is established in the State Treasury the Department of Revenue Identity Theft Reimbursement Fund which must be maintained separately from the general fund of the State and all other funds. The proceeds of the fund must be utilized to reimburse eligible expenses incurred by an eligible person. The obligation to reimburse claims pursuant to this section does not arise until monies are credited to the fund, and only to the extent that monies are credited to the fund. Any monies remaining in the fund at the end of the fiscal year shall lapse to the general fund.*

*(B)(1) A person seeking reimbursement from the fund must file with the Treasurer a claim on a form prescribed by him and verified by the claimant. The Treasurer shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. If a claim is allowed, the Treasurer shall reimburse the eligible person in an amount equal to his eligible expenses subject to availability of monies in the fund. The decision by the Treasurer regarding a claim is a final agency decision that may be appealed to the Administrative Law Court pursuant to the Administrative Procedures Act naming the Treasurer as the defendant. The action must be brought within ninety days after the Treasurer’s decision or within one hundred eighty days after the filing of the claim if he has failed to act on it.*

*(2) If an eligible person incurs an eligible expense and is credited by a financial institution for that expense as an unauthorized transaction, then:*

*(a) the eligible person may not seek reimbursement from the fund for the credited amount; and*

*(b) the financial institution may seek reimbursement from the fund for the amount that the financial institution credited to the eligible person for such unauthorized transaction.*

*(C) The State Treasurer shall set forth policies and make the necessary determinations to implement the provisions of this section, including the disbursal of proceeds of the fund.*

*(D) For the purposes of this provision:*

*(1) ‘Eligible person’ shall mean a person whose personally identifiable information was obtained by a third party from a compromised computer system maintained by a state agency, board, committee, or commission.*

*(2) ‘Eligible expenses’ shall mean financial losses incurred by an eligible person directly related to the misappropriation of the eligible person’s personally identifiable information that was obtained by a third party from a compromised computer system maintained by a state agency, board, committee, or commission. Expenses for services provided by private entities to assist eligible persons with financial losses are not eligible expenses to the extent such services are offered through the State or a state‑supported program free of charge.*

*(3) ‘Financial losses’ shall mean actual losses, including, but not limited to, lost wages, costs incurred by an eligible person related to correcting his credit history or credit rating, or costs or judgments related to any criminal, civil, or administrative proceeding brought against the eligible person resulting from the misappropriation of the victim’s personally identifiable information not recovered from any other source. Costs associated with the purchase of identity theft protection and identity theft resolution services are not financial losses.*

*(4) ‘Identity theft protection’ means identity fraud and protection products and services that attempt to proactively detect, notify, or prevent unauthorized access or misuse of a person’s identifying information or financial information to fraudulently obtain resources, credit, government documents or benefits, phone or other utility services, bank or savings accounts, loans, or other benefits in the person’s name.*

*(5) ‘Identity theft resolution services’ means products and services that attempt to mitigate the effects of identity fraud after personally identifiable information has been fraudulently obtained by a third party, including, but not limited to, identity theft insurance and other identity theft resolution services that are designed to resolve actual and potential identity theft and related matters.*

*(6) ‘Person’ shall mean an individual, corporation, firm, association, joint venture, partnership, limited liability corporation, or any other business entity.*

*(7) ‘Personally identifiable information’ means information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual, including, but not limited to, social security numbers, debit card numbers, and credit card numbers.* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 539, paragraph 118.17, line 35, opposite item *(1) Part IA - General Fund*, by striking /*$34,625,547*/ and inserting /*$43,225,547*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 544, paragraph 118.17, line 29, item (48)(f) opposite Bridge Replacement and Rehabilitation, by striking: /*$10,000,000;*/ and inserting: /*$1,400,000.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order under Rule 24A that the perfecting amendment was out of order inasmuch as it was not germane to Amendment No. 123.

The PRESIDENT sustained the Point of Order.

Amendment No. P2-123 was ruled out of order.

Senator LEATHERMAN moved to carry over Amendment No. 123.

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

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

**Ayes 5; Nays 35**

**AYES**

Bright Bryant Corbin

Grooms *Martin, Shane*

**Total--5**

**NAYS**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Fair

Ford Gregory Hayes

Hembree Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry* Massey McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--35**

The Senate refused to table the motion to carry over. The question then was the motion to carry over Amendment No. 123.

Amendment No. 123 was carried over.

**Amendment No. 132**

Senator DAVIS proposed the following amendment (3710R062.TD.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 84, DEPARTMENT OF TRANSPORTATION, page 260, by inserting after line 12:

COLUMN 7 COLUMN 8

/IX. Existing Bridge & Road

Maintenance & Repair 0 63,000,000/

Amend the bill further, as and if amended, Part IB, Section 84, DEPARTMENT OF TRANSPORTATION, page 464, after line 19, by adding an appropriately numbered new proviso to read:

/ *84.\_\_\_ (DOT: Bridge & Road Maintenance & Repair) In order to fund the appropriation to the department in Part IA, Section 84, IX, for existing bridge and road maintenance and repair, all other general fund appropriations in this act, excluding the appropriation identified in this provision and excluding appropriations for constitutional officer’s salaries, judge’s salaries, the Capital Reserve fund, and debt service, are reduced by the percent necessary to compensate for the appropriation.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

**Motion Adopted**

On motion of Senator HEMBREE, with unanimous consent, Senators GREGORY, ALLEN, BENNETT, JOHNSON and TURNER were granted leave to attend a meeting and were granted leave to vote from the balcony.

Senator SHEHEEN explained the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

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

**Ayes 24; Nays 16**

**AYES**

Alexander Allen Campbell

Cleary Coleman Courson

Fair Ford Hayes

Jackson Johnson Leatherman

Lourie *Martin, Larry* McElveen

McGill Nicholson O'Dell

Rankin Reese Scott

Setzler Sheheen Williams

**Total--24**

**NAYS**

Bennett Bright Bryant

Campsen Corbin Davis

Gregory Grooms Malloy

*Martin, Shane* Massey Peeler

Shealy Thurmond Turner

Young

**Total--16**

The amendment was laid on the table.

**Amendment No. 80**

Senators SHEHEEN and BRYANT proposed the following amendment (DG IDFUND), which was adopted:

Amend the bill, as and if amended, Part IA, Section 97, STATE TREASURER’S OFFICE, page 286, by inserting after line 23:

COLUMN 7 COLUMN 8

/Special Item:

Department of Revenue

Identity Theft

Reimbursement Fund 200,000 200,000/

Amend the bill further, as and if amended, Part IB, Section 97, OFFICE OF STATE TREASURER, page 477, after line 16, by adding an appropriately numbered new proviso to read:

/ *97.\_\_\_. (TREAS: Identity Theft Reimbursement Fund) (A) There is established in the State Treasury the Department of Revenue Identity Theft Reimbursement Fund which must be maintained separately from the general fund of the State and all other funds. The proceeds of the fund must be utilized to reimburse eligible expenses incurred by an eligible person. The obligation to reimburse claims pursuant to this section does not arise until monies are credited to the fund, and only to the extent that monies are credited to the fund. Any monies remaining in the fund at the end of the fiscal year shall lapse to the general fund.*

*(B) A person seeking reimbursement from the fund must file with the Treasurer a claim on a form prescribed by him and verified by the claimant. The Treasurer shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. If a claim is allowed, the Treasurer shall reimburse the eligible person in an amount equal to his eligible expenses subject to availability of monies in the fund. The decision by the Treasurer regarding a claim is a final agency decision that may be appealed to the Administrative Law Court pursuant to the Administrative Procedures Act naming the Treasurer as the defendant. The action must be brought within ninety days after the Treasurer’s decision or within one hundred eighty days after the filing of the claim if he has failed to act on it.*

*(C) The State Treasurer shall set forth policies and make the necessary determinations to implement the provisions of this section, including the disbursal of proceeds of the fund.*

*(D) For the purposes of this provision:*

*(1) ‘Eligible person’ shall mean a person whose personally identifiable information was obtained by a third party from a compromised computer system maintained by a state agency, board, committee, or commission.*

*(2) ‘Eligible expenses’ shall mean financial losses incurred by an eligible person directly related to the misappropriation of the eligible person’s personally identifiable information that was obtained by a third party from a compromised computer system maintained by a state agency, board, committee, or commission. Expenses for services provided by private entities to assist eligible persons with financial losses are not eligible expenses to the extent such services are offered through the State or a state‑supported program free of charge.*

*(3) ‘Financial losses’ shall mean actual losses, including, but not limited to, lost wages, costs incurred by an eligible person related to correcting his credit history or credit rating, or costs or judgments related to any criminal, civil, or administrative proceeding brought against the eligible person resulting from the misappropriation of the victim’s personally identifiable information not recovered from any other source. Costs associated with the purchase of identity theft protection and identity theft resolution services are not financial losses.*

*(4) ‘Identity theft protection’ means identity fraud and protection products and services that attempt to proactively detect, notify, or prevent unauthorized access or misuse of a person’s identifying information or financial information to fraudulently obtain resources, credit, government documents or benefits, phone or other utility services, bank or savings accounts, loans, or other benefits in the person’s name.*

*(5) ‘Identity theft resolution services’ means products and services that attempt to mitigate the effects of identity fraud after personally identifiable information has been fraudulently obtained by a third party, including, but not limited to, identity theft insurance and other identity theft resolution services that are designed to resolve actual and potential identity theft and related matters.*

*(6) ‘Person’ shall mean an individual, corporation, firm, association, joint venture, partnership, limited liability corporation, or any other business entity.*

*(7) ‘Personally identifiable information’ means information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual, including, but not limited to, social security numbers, debit card numbers, and credit card numbers.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**Amendment No. 57**

Senator SHANE MARTIN proposed the following amendment (DG SMLOCGOV, which was tabled:

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 LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 32; Nays 7**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Fair

Ford Gregory Hayes

Hembree Jackson Johnson

Leatherman *Martin, Larry* Massey

McElveen McGill Nicholson

O'Dell Peeler Rankin

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--32**

**NAYS**

Bright Bryant Corbin

Grooms Malloy *Martin, Shane*

Reese

**Total--7**

The amendment was laid on the table.

**Objection**

Senator SETZLER asked unanimous consent to take Amendment No. 118 up for immediate consideration.

Senator SHANE MARTIN objected.

**Amendment No. 54**

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

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.

Senator GROOMS explained the amendment.

Senator CROMER spoke on the amendment.

Senator FORD spoke on the amendment.

Senator BRYANT spoke on the amendment.

Senator LOURIE spoke on the amendment.

Senator SHANE MARTIN spoke on the amendment.

**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.

Senator SHANE MARTIN spoke on the amendment.

Senator LOURIE spoke on the amendment.

Senator LOURIE moved to lay the amendment on the table.

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

**Ayes 23; Nays 18**

**AYES**

Alexander Allen Campbell

Coleman Courson Cromer

Hayes Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry* McElveen McGill

Nicholson O'Dell Rankin

Reese Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bennett Bright Bryant

Campsen Cleary Corbin

Davis Fair Gregory

Grooms Hembree *Martin, Shane*

Massey Peeler Shealy

Thurmond Turner Young

**Total--18**

The amendment was laid on the table.

**Statement by Senator CAMPBELL**

Senator CAMPBELL voted against the School Choice Amendment (Amendment No. 54) in the Budget because it is in a Senate Proviso meaning it is only good for one year and no family or school district can properly plan based on a one year commitment with no guarantee for future funding. A Senate Proviso does not mean it would even be adopted by the House, the Budget Conference Committee, or in the final Budget. In addition, there is a Senate Study Committee working on details to have School Choice looking at all potential issues including potential tax credits, impact on the General Fund, scholarships and the impact on K-12 education in South Carolina. I supports School Choice when it is enacted through the legislative process and all options are considered and all information and interactions are known and it is done in a permanent fashion, not for one year. Can you imagine pulling a child out of a school, putting them in a new school and environment for one year, and having to go back to the old school after only one year?

**Amendment No. 98**

Senator DAVIS proposed the following amendment (3710R055.TD.DOCX):

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 359, paragraph 1A.12, by adding an unnumbered paragraph after line 20 to read:

*/ In addition to the reimbursement provided in this provision, any teacher receiving the maximum reimbursement allowed by the district, that expends more than the maximum reimbursement on teacher supplies and materials in this fiscal year, may claim a refundable income tax credit on the teacher’s 2013 tax return, provided that the return or any amended return claiming the credit is filed prior to the end of the fiscal year. The credit is equal to the difference between five hundred dollars and the maximum reimbursement allowed by the teacher’s district, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures eligible for a credit are made after December 31st, the teacher may include the expenditures on his initial return or may file an amended 2013 return claiming the credit, so long as the return or amended return is filed in the fiscal year.*

*Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the reimbursement allowed by this provision, may claim a refundable income tax credit on the teacher’s 2013 tax return, provided that the return or any amended return claiming the credit is filed prior to the end of the fiscal year. The credit is equal to five hundred dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures eligible for a credit are made after December 31st, the teacher may include the expenditures on his initial return or may file an amended 2013 return claiming the credit, so long as the return or amended return is filed in the fiscal year.*

*The Department of Revenue may require whatever proof it deems necessary to implement the provisions of this provision.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

**Point of Order**

Senator COLEMAN 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 DAVIS spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator SCOTT moved to lay the amendment on the table.

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

**Ayes 19; Nays 22**

**AYES**

Allen Coleman Courson

Hayes Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry* McElveen McGill

Nicholson Rankin Reese

Scott Setzler Sheheen

Williams

**Total--19**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Cromer

Davis Fair Gregory

Grooms Hembree *Martin, Shane*

Massey O'Dell Peeler

Shealy Thurmond Turner

Young

**Total--22**

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

**Objection**

Senator PEELER asked unanimous consent to make a motion that the Senate stand in recess.

Senator JACKSON objected.

**RECESS**

At 7:01 P.M., on motion of Senator COURSON, the PRESIDENT *Pro Tempore*, the Senate receded from business subject to the call of the PRESIDENT.

At 8:25 P.M., the Senate resumed.

Senator SCOTT spoke on the amendment.

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

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Dorchester County Master-in-Equity, with the term to commence May 19, 2011, and to expire June 3, 2016

James E. Chellis, 106 Pine Grove Ave., Summerville, SC 29483 *VICE* The Hon. Maité Murphy

**MOTION ADOPTED**

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Julie Bailey of Newberry, S.C. Mrs. Bailey was co-owner of Bailey’s Automotive Service and Bailey’s Hooker Service. She was the recipient numerous times of the Ambassador of the Year for the Chamber of Commerce. She was a loving mother, devoted mother and doting grandmother.

and

**MOTION ADOPTED**

On motion of Senator SHEALY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Eddie M. Williams of Columbia, S.C. Mr. Williams retired as president of Cashion Electrician, Inc. and served on the first Governor’s Carolighting Committee. He was a loving husband to Rosa of 66 years, a devoted father, and doting grandfather.

**ADJOURNMENT**

At 8:25 P.M., on motion of Senator SCOTT, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*