**Thursday, February 6, 2014**

**(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:

 King Solomon prayed to God, saying: “ ‘Give me wisdom and knowledge, that I may lead this people.’ ” (II Chronicles 1:10a)

 Bow in prayer with me:

 Gracious God, we give You our heartfelt thanks for these leaders, for this Senate. Bestow Your blessings upon each Senator and every staff member, Lord. May they use their gifts faithfully for the benefit of absolutely everyone here in South Carolina. Yes, in these days of limited financial resources and of seemingly unlimited needs and obstacles, the challenges can appear formidable, and indeed they really are. Yet these servants of our State are knowledgeable and wise, dear Lord; their talents are great. And we know that You will use this Senate to continue leading South Carolina forward. We pray this in Your loving name, dear Lord. Amen.

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

**Point of Quorum**

 At 11:07 A.M., Senator THURMOND made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Coleman Corbin

Cromer Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson O'Dell

Peeler Rankin Scott

Setzler Shealy Thurmond

Turner Williams Young

 A quorum being present, the Senate resumed.

**Recorded Presence**

 Senators SHEHEEN recorded his presence subsequent to the Call of the Senate.

**Privilege of the Chamber**

    On motion of Senator BRYANT, on behalf of Senators LARRY MARTIN and COLEMAN, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Charles Montgomery and Mr. John Grantland and their families.

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

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

2nd Congressional District:

 James H. Burns, 570 Eagles Rest Drive, Chapin, SC 29036 *VICE* Kay B. Brohl

Referred to the Committee on Judiciary.

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

5th Congressional District:

Twana N. Burris-Alcide, 591 Lakeside Drive, Rock Hill, SC 29730

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2010, and to expire June 30, 2015

At-Large:

 Thomas Miller Galardi, 140 Foxwood Dr., Aiken, SC 29803 *VICE* George Manley

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2012, and to expire June 30, 2017

7th Congressional District:

Julie S. Jeffords-Moose, 1630 Cherokee Road, Florence, SC 29501

Referred to the Committee on Judiciary.

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

 Regina H. Lewis, 306 Woodhaven Rd., Columbia, SC 29203 *VICE* Priscilla Tanner

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2011, and to expire June 30, 2016

At-Large:

 Sherri A. Lydon, 2530 Canterbury Rd., Columbia, SC 29204 *VICE* Philip Florence

Referred to the Committee on Judiciary.

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

3rd Congressional District:

 Clisby “Sandy” P. Templeton, 1337 Millrock Church Rd., Gray Court, SC 29645 *VICE* E. Kay B. Brohl

Referred to the Committee on Judiciary.

**Motion Adopted**

 On motion of Senator COURSON, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

**Expression of Personal Interest**

 Senator COURSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator MASSEY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator SCOTT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator MATTHEWS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator MASSEY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator MALLOY rose for an Expression of Personal Interest.

**Doctor of the Day**

 Senator CROMER introduced Dr. Thomas Gibbons of Irmo, S.C., President of Doctor’s Care, Doctor of the Day.

**Leave of Absence**

 On motion of Senator CAMPBELL, at 11:05 A.M., Senator VERDIN was granted a leave of absence until 12:30 P.M.

**Leave of Absence**

 On motion of Senator JOHNSON, at 12:50 P.M., Senator McELVEEN was granted a leave of absence for today.

**CO-SPONSORS ADDED**

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

S. 857 Sen. Lourie

S. 970 Sen. Lourie

S. 869 Sen. Shealy

S. 823 Sen. Hutto

S. 864 Sen. Hutto

**RECALLED AND COMMITTED**

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

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

 There was no objection and the Bill was recalled from the Committee on Judiciary.

 On motion of Senator LARRY MARTIN, with unanimous consent, the Bill was committed to the Committee on Corrections and Penology.

**RECALLED**

 S. 807 -- Senators Setzler, Courson, Cromer, Massey and Shealy: A BILL TO AMEND SECTION 7‑7‑380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LEXINGTON COUNTY, SO AS TO ADD FOUR PRECINCTS AND DELETE ONE PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

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

**RECALLED**

 S. 987 -- Senators S. Martin, Bright and Reese: A BILL TO AMEND SECTION 7‑7‑490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN SPARTANBURG COUNTY, SO AS TO CHANGE THE NAMES OF THREE PRECINCTS AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

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

**RECALLED**

 S. 689 -- Senator Bryant: A BILL TO AMEND SECTION 7‑7‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ANDERSON COUNTY, SO AS TO ADD THE “NORTH POINTE” PRECINCT AND THE “GLENVIEW” PRECINCT, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

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

**RECALLED**

 H. 4475 -- Reps. J.R. Smith, Clyburn, Hixon and Taylor: A BILL TO AMEND SECTION 7‑7‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD THREE PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

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

**RECALLED**

 H. 4497 -- Reps. Erickson, Bowers, Herbkersman, Hodges, Newton and Patrick: A BILL TO AMEND SECTION 7‑7‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REDESIGNATE FIVE EXISTING PRECINCTS, ADD NINE PRECINCTS AND DELETE THREE PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

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

**RECALLED**

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

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 1005 -- Senators Courson, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF WILLIAM MCCAIN, JR. OF GILBERT AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

l:\council\bills\rm\1424ahb14.docx

 The Senate Resolution was adopted.

 S. 1006 -- Senator L. Martin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE SOUTH CAROLINA ASSOCIATION OF FAMILY AND CONSUMER SCIENCES ON THE OCCASION OF OPERATING IN THE STATE OF SOUTH CAROLINA FOR ONE HUNDRED YEARS AND TO COMMEND THEM FOR THEIR DEDICATED SERVICE TO THE CITIZENS OF THE STATE.

l:\s-res\lam\014fami.mrh.lam.docx

 The Senate Resolution was adopted.

 S. 1007 -- Senator Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-3-625 SO AS TO PROVIDE A PROCESS FOR EXPEDITING MORTGAGE FORECLOSURES AND TO DEFINE NECESSARY TERMINOLOGY.

l:\council\bills\agm\18114ab14.docx

 Read the first time and referred to the Committee on Banking and Insurance.

 S. 1008 -- Senators Setzler and Lourie: A BILL TO AMEND SECTION 9-8-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO INCLUDE ADMINISTRATIVE LAW JUDGES IN THE DEFINITION OF "JUDGE"; AND TO AMEND SECTION 9-8-40, AS AMENDED, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO ALLOW ADMINISTRATIVE LAW JUDGES SERVING ON JULY 1, 2014, TO ELECT TO BECOME A MEMBER.

l:\council\bills\bh\26076dg14.docx

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

 S. 1009 -- Senator Verdin: A BILL TO AMEND SECTION 50-11-710(A)(2), SECTION 50-11-710(B), AND SECTION 50-11-710(F)(1) OF THE 1976 CODE, ALL RELATING TO HUNTING FERAL HOGS AT NIGHT, TO REMOVE ALL RESTRICTIONS UPON HUNTING FERAL HOGS AT NIGHT AND TO REMOVE ALL PENALTIES FOR VIOLATING NIGHT HUNTING RESTRICTIONS ON FERAL HOGS.

l:\s-res\dbv\029fera.kmm.dbv.docx

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

 S. 1010 -- Senators McGill and Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 3, TITLE 50 SO AS TO CREATE THE TOM YAWKEY CENTER TRUST FUND.

l:\council\bills\swb\5054cm14.docx

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

 S. 1011 -- Senator Hembree: A BILL TO AMEND CHAPTER 37, TITLE 58 OF THE 1976 CODE, RELATING TO ENERGY SUPPLY AND EFFICIENCY, BY ADDING SECTION 58-37-60, TO PROVIDE THAT "OFFSHORE WIND RESEARCH AND DEVELOPMENT ACTIVITIES" MEANS INITIATIVES UNDERTAKEN BY AN ELECTRICAL UTILITY FOR THE LONG-TERM ADVANCEMENT OF THE ECONOMIC DEVELOPMENT AND CLEAN ENERGY BENEFITS RELATED TO OFFSHORE WIND, AND TO PROVIDE THAT THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION SHALL ADOPT REGULATIONS THAT ENCOURAGE ELECTRICAL UTILITIES SUBJECT TO THE JURISDICTION OF THE COMMISSION TO INVEST IN OFFSHORE WIND RESEARCH AND DEVELOPMENT ACTIVITIES THAT PROVIDE INCENTIVES AND COST RECOVERY FOR ENERGY SUPPLIERS AND DISTRIBUTORS WHO INVEST IN OFFSHORE WIND RESEARCH AND DEVELOPMENT ACTIVITIES THAT ARE INTENDED TO RESULT IN ECONOMIC DEVELOPMENT OPPORTUNITIES RELATED TO THE MANUFACTURING AND DEPLOYMENT OF OFFSHORE WIND, AND THAT THE COMMISSION SHALL ADOPT REGULATIONS ENCOURAGING INVESTMENT IN OFFSHORE WIND RESEARCH AND DEVELOPMENT ACTIVITIES NO LATER THAN JANUARY 1, 2015.

l:\s-res\gh\013offs.hm.gh.docx

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

 S. 1012 -- Senators Alexander, Cromer, Hayes, O'Dell, Davis, Malloy, McGill, Lourie, Campbell, Setzler, Rankin, Hembree and Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-80 SO AS TO PROVIDE THAT A PERSON WHO ILLEGALLY AND KNOWINGLY POSSESSES OR POSSESSES WITH THE INTENT TO DISTRIBUTE A DRUG AVAILABLE ONLY BY PRESCRIPTION IS GUILTY OF TRAFFICKING IN PRESCRIPTION DRUGS AND TO PROVIDE PENALTIES; TO PROVIDE THAT A VIOLATION UNDER THIS SECTION THAT CONSTITUTES A VIOLATION OF THE CONTROLLED SUBSTANCES LAWS IS SUBJECT TO THE PROVISIONS OF THE CONTROLLED SUBSTANCES LAWS; AND TO PROVIDE THAT IF A PERSON HAS MULTIPLE PRESCRIPTIONS FOR THE SAME PRESCRIPTION DRUG, THIS IS PRIMA FACIE EVIDENCE OF THE PERSON'S INTENT TO ENGAGE IN TRAFFICKING IN PRESCRIPTION DRUGS.

l:\council\bills\nbd\11303ac14.docx

 Senator ALEXANDER spoke on the Bill.

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

 S. 1013 -- Senator Malloy: A BILL TO PROVIDE THAT IF, AFTER CLOSING THE BOOKS, THE DARLINGTON COUNTY SCHOOL DISTRICT HAS IN ITS UNASSIGNED FUND BALANCE MORE THAN FIFTEEN MILLION DOLLARS, THEN THE COUNTY AUDITOR MUST GRANT A SCHOOL DEBT PROPERTY TAX CREDIT, AND IF ANY EXCESS REMAINS, A SCHOOL PROPERTY TAX CREDIT, AND TO PROVIDE THE MANNER IN WHICH THE CREDIT IS CALCULATED.

l:\council\bills\bh\26077dg14.docx

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

 S. 1014 -- Senators Lourie, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF FOREST DRIVE IN RICHLAND COUNTY FROM ITS INTERSECTION WITH WILLINGHAM DRIVE TO ITS INTERSECTION WITH TRENHOLM ROAD "OFFICER RICHEY O'BRIAN FINCH MEMORIAL WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "OFFICER RICHEY O'BRIAN FINCH MEMORIAL WAY".

l:\council\bills\swb\5088cm14.docx

 The Senate Resolution was adopted.

 S. 1015 -- Senators Corbin and Bright: A SENATE RESOLUTION TO SUPPORT THE RECOMMENDATIONS OF THE NATIONAL IMMIGRATION GROUP NUMBERS USA AND ENCOURAGE SOLUTIONS TO IMMIGRATION POLICY.

l:\s-res\tdc\003immi.mrh.tdc.docx

 Senator CORBIN spoke on the Resolution.

 The Senate Resolution was introduced and referred to the Committee on Judiciary.

 S. 1016 -- Senators Pinckney and Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 IN JASPER COUNTY FROM ITS INTERSECTION WITH CROWFIELD ROAD TO ITS INTERSECTION WITH HIGHWAY S-27-29 "THOMAS E. MILLER BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "THOMAS E. MILLER BOULEVARD".

l:\council\bills\swb\5047cm14.docx

 Senator PINCKNEY spoke on the Resolution.

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

 S. 1017 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA'S FFA MEMBERS (FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA) AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 15-22, 2014.

l:\s-res\dbv\031ffa .mrh.dbv.docx

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

 S. 1018 -- Senators Hutto, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 26 IN ORANGEBURG COUNTY BETWEEN EXIT 145 AND 154 "KAREN J. WILLIAMS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "KAREN J. WILLIAMS MEMORIAL HIGHWAY, FIRST FEMALE JUDGE AND CHIEF JUDGE OF THE UNITED STATES 4TH CIRCUIT COURT OF APPEALS".

l:\council\bills\nbd\11308ac14.docx

 Senator HUTTO spoke on the Resolution.

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

**Remarks by Senator HUTTO**

 Members of the Senate, I want to thank all of you for the sympathy you expressed during the passing of Judge Karen Williams, which occurred late last year.

 As you all know, she was the daughter-in-law of former Senator MARSHALL B. WILLIAMS. When former United States Senator STROM THURMOND, father of current South Carolina Senator PAUL THURMOND, began looking to appoint the first woman judge to the 4th Circuit Court of Appeals, he determined that Karen Williams, my law partner at that time, was the most qualified candidate. He recognized her academic ability and recommended her to then President George H. W. Bush. President Bush nominated her to be the first woman to serve on the Federal Appeals Court in Richmond, Virginia. Not only was she the first woman to serve on the 4th Circuit Court of Appeals, she went on to become the first woman to serve as Chief Judge of that court.

 Unfortunately, while in her early 60’s, she contracted the debilitating disease of Alzheimer’s. Judge Williams decided to take the honorable path of stepping down from the bench even though she had a lifelong appointment. As we all know, she was a true legal pioneer, and she served this State and Country so well for many years.

 This resolution, that Senator MATTHEWS and I are introducing today, will name a segment of the U.S. Interstate 26 near Orangeburg as a memorial highway in her memory.

 I want you to know that the Williams family appreciates all of your thoughts and prayers. Charles is actually doing very well now. Their sons and daughters are doing well also and are adjusting to life without mom being around. It has been tough, but they know that you all have been keeping them in your prayers. I request that this go to the Transportation Committee for review.

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

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

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

 H. 4626 -- Reps. Henderson, Bannister, Bedingfield, Burns, Chumley, Dillard, Hamilton, Loftis, Nanney, Putnam, Robinson-Simpson, G. R. Smith and Stringer: A CONCURRENT RESOLUTION TO COMMEND GREENVILLE WATER FOR ITS CONTINUAL STRIVING FOR EXCELLENCE IN PROVIDING QUALITY DRINKING WATER AND A SUSTAINABLE FUTURE FOR RESIDENCES AND BUSINESSES IN UPSTATE SOUTH CAROLINA AND TO CONGRATULATE THE COMPANY ON RECEIVING THE PARTNERSHIP FOR SAFE WATER PHASE IV PRESIDENT'S AWARD.

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

**REPORTS OF STANDING COMMITTEES**

**Appointment Reported**

 Senator FAIR from the Committee on Corrections and Penology submitted a favorable report on:

Initial Appointment, Director of Department of Corrections, with term coterminous with Governor

Bryan P. Stirling, 2127 Kiawah Ave., Columbia, SC 29205

 Received as information.

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

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

 Ordered for consideration tomorrow.

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

 S. 913 -- Senator Campsen: A BILL TO AMEND CHAPTER 9, TITLE 50 OF THE 1976 CODE, RELATING TO HUNTING AND FISHING LICENSES, BY ADDING SECTION 50‑9‑675 TO PROVIDE FOR A PERMIT TO ENGAGE IN FALCONRY IN THIS STATE, THE FEE FOR THE PERMIT, AND THAT A PERSON HOLDING A VALID FEDERAL FALCONRY PERMIT ON JANUARY 1, 2014, MAY ENGAGE IN FALCONRY WITHOUT A SOUTH CAROLINA FALCONER’S PERMIT UNTIL THE FEDERAL PERMIT EXPIRES; AND TO AMEND CHAPTER 11, TITLE 50, RELATING TO PROTECTION OF GAME, BY ADDING SECTION 50‑11‑50 TO PROVIDE FOR THE REGULATION OF FALCONRY AND TO PROVIDE A PENALTY FOR VIOLATIONS.

 Ordered for consideration tomorrow.

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

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

S. 1002 -- Senator Coleman: A BILL TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE BOUNDARIES OF THE SEVEN SINGLE‑MEMBER DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF FAIRFIELD COUNTY ARE ELECTED.

 By prior motion of Senator COLEMAN.

**CARRIED OVER**

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

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

H. 3853 -- Reps. Owens, Patrick, Bedingfield, Loftis, Taylor, Allison, Anthony, Brannon, Southard, Bowen, Whitmire, Limehouse, Cole, Erickson, Forrester, Harrell, Herbkersman, Hixon, Lucas, D.C. Moss, Norman, Pitts, Pope, Putnam, Simrill, G.R. Smith, Sottile, Stringer, Wells and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑111 SO AS TO AUTHORIZE AN ALTERNATIVE EDUCATION CAMPUS (AEC) TO BE ESTABLISHED BY A CHARTER SCHOOL SPONSOR WHICH SHALL CONSTITUTE A CHARTER SCHOOL SERVING A SPECIFIC STUDENT POPULATION, AND TO PROVIDE THE CRITERIA FOR A CHARTER SCHOOL TO BE DESIGNATED AS AN AEC; TO AMEND SECTION 59‑40‑55, RELATING TO A CHARTER SCHOOL SPONSOR’S POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES INCLUDING THE ADOPTION OF NATIONAL INDUSTRY STANDARDS FOR THE SCHOOL, AND THE CLOSURE OF LOW PERFORMING SCHOOLS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO CHARTER SCHOOL APPLICATIONS AND THE FORMATION OF CHARTER SCHOOLS, SO AS TO PROVIDE THAT THE CHARTER SCHOOL APPLICATION MUST BE BASED ON AN APPLICATION TEMPLATE WITH COMPLIANCE GUIDELINES DEVELOPED BY THE DEPARTMENT OF EDUCATION, AND TO FURTHER PROVIDE FOR THE CONTENTS OF THE APPLICATION AND FOR LETTERS OF INTENT TO BE SUBMITTED BY AN APPLICANT AND A CHARTER COMMITTEE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE AND ITS DUTY TO REVIEW CHARTER SCHOOL APPLICATIONS, SO AS TO DELETE THE COMMITTEE, TO REVISE THE PROCEDURES REQUIRED OF A CHARTER SCHOOL APPLICANT IN REGARD TO A CHARTER SCHOOL APPLICATION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL PROVIDE GUIDANCE ON COMPLIANCE TO BOTH SPONSORS AND APPLICANTS, AND TO FURTHER PROVIDE FOR THE STANDARDS FOR A SCHOOL BOARD OF TRUSTEES OR AREA COMMISSION TO FOLLOW WHEN CONSIDERING THE DENIAL OF AN APPLICATION; TO AMEND SECTION 59‑40‑90, AS AMENDED, RELATING TO APPEAL OF FINAL DECISIONS OF A SCHOOL DISTRICT TO THE ADMINISTRATION LAW COURT, SO AS TO ALSO INCLUDE FINAL DECISIONS OF A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING SPONSOR; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER SCHOOL SPONSOR AND THE RENEWAL OR TERMINATION OF A CHARTER BY THE SPONSOR, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN A CHARTER SCHOOL SHALL AUTOMATICALLY AND PERMANENTLY CLOSE, TO REVISE THE CRITERIA TO CONSIDER WHEN REVOKING OR NOT RENEWING A CHARTER, TO PROVIDE FOR WHEN A SPONSOR SUMMARILY MAY REVOKE A CHARTER, AND TO PROVIDE FOR THE MANNER IN WHICH STAYS OF THE REVOCATION OR NONRENEWAL OF THE CHARTER TAKE EFFECT OR MAY BE GRANTED; TO AMEND SECTION 59‑40‑115, AS AMENDED, RELATING TO THE TERMINATION OF A CHARTER SCHOOL’S CONTRACT WITH A SPONSOR, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE; AND TO AMEND SECTION 59‑40‑180, AS AMENDED, RELATING TO REGULATIONS AND GUIDELINES PERTAINING TO CHARTER SCHOOLS, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE.

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

 S. 268 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 19‑5‑520 SO AS TO PROVIDE A PROCEDURE FOR THE CERTIFICATION OF DOMESTIC AND FOREIGN RECORDS OF REGULARLY CONDUCTED ACTIVITY, OR BUSINESS RECORDS, IN ACCORDANCE WITH FEDERAL RULE 902(11) AND (12).

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

S. 275 -- Senators L. Martin and Hembree: A BILL TO AMEND SECTION 23‑1‑210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY TRANSFER OR ASSIGNMENT OF A MUNICIPAL OR COUNTY LAW ENFORCEMENT OFFICER TO A MULTIJURISDICTIONAL TASK FORCE, SO AS TO MAKE A TECHNICAL CHANGE, DELETE THE PROVISION THAT REQUIRES A COUNTY OR MUNICIPALITY THAT SENDS AN OFFICER TO ANOTHER COUNTY OR MUNICIPALITY TO BE REIMBURSED FOR SERVICES BY THE COUNTY OR MUNICIPALITY TO WHICH THE OFFICER IS TRANSFERRED OR ASSIGNED, AND TO PROVIDE THAT THE GOVERNING BODIES OF THE POLITICAL SUBDIVISIONS AFFECTED BY THIS PROVISION MUST BE NOTIFIED BY THEIR LAW ENFORCEMENT DIVISIONS OF ANY MULTIJURISDICTIONAL TASK FORCE AGREEMENT EXECUTION AND TERMINATION.

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

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

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

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

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

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

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

 S. 828 -- Senators Fair and Turner: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑41‑75 SO AS TO EXEMPT CERTAIN BOND REIMBURSEMENT REQUIREMENTS IF A CONVENTION AND TRADE SHOW CENTER IS SOLD AND IS TO BE REPLACED WITH A NEW CONVENTION AND TRADE SHOW CENTER, AND TO SET FORTH EXEMPTION REQUIREMENTS; AND TO AMEND SECTION 11‑41‑70, AS AMENDED, RELATING TO REQUIREMENTS FOR ECONOMIC DEVELOPMENT BONDS, SO AS TO MAKE A CONFORMING CHANGE.

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

 S. 953 -- Senators Leatherman, Setzler and O’Dell: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2013 AND TO PROVIDE THAT ANY INTERNAL REVENUE CODE SECTIONS ADOPTED BY THE STATE THAT EXPIRED ON DECEMBER 31, 2013, THAT ARE EXTENDED BY CONGRESSIONAL ENACTMENT IN 2014 ARE ALSO EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

 Senator O’DELL explained the Bill.

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

**READ THE SECOND TIME**

 S. 1001 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, RELATING TO LAW ENFORCEMENT OFFICER AND E-911 OFFICER TRAINING AND CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4347, 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 HEMBREE explained the Joint Resolution.

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

**Ayes 43; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

Bright

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

 S. 293 -- Senator Cleary: A BILL TO AMEND SECTION 4‑23‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEVY AND COLLECTION OF TAXES IN THE MURRELL’S INLET‑GARDEN CITY FIRE DISTRICT, SO AS TO AUTHORIZE THE LEVY AND COLLECTION OF AN ADDITIONAL TEN MILLS.

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

 The Committee on Finance proposed the following amendment (BH\293C001.BH.DG14), which was adopted:

 Amend the bill, as and if amended, by striking SECTION 1 and inserting:

 / SECTION 1. Section 4‑23‑40 of the 1976 Code, as last amended by Act 598 of 1992, is further amended to read:

 “Section 4‑23‑40. The auditors and treasurers of Georgetown and Horry Counties are directed to levy and collect a tax of not more than ~~ten~~ fourteen mills, to be determined by the Board of Fire Control, upon all taxable property of the district for the purpose of defraying its operational and maintenance costs. All monies collected from this levy must be credited to the fire district.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator CLEARY explained the committee amendment.

 The committee amendment was adopted.

 The question then was second reading of the Bill.

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

**Ayes 20; Nays 3; Present 18**

**AYES**

Alexander Allen Campbell

Cleary Coleman Hayes

Hutto Leatherman Lourie

Malloy Matthews McGill

Nicholson O'Dell Pinckney

Rankin Reese Setzler

Sheheen Williams

**Total--20**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

**PRESENT**

Bennett Campsen Corbin

Courson Cromer Davis

Fair Grooms Johnson

Kimpson *Martin, Larry* McElveen

Peeler Shealy Thurmond

Turner Verdin Young

**Total--18**

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

**COMMITTEE AMENDMENT ADOPTED**

 **AMENDED, AMENDMENT PROPOSED**

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

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

 The Committee on Finance proposed the following amendment (BH\940C003.BH.DG14), which was adopted:

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

 / SECTION 1. Section 4‑10‑470 of the 1976 Code, as added by Act 316 of 2008, is amended to read:

 “Section 4‑10‑470. (A) The Education Capital Improvements Sales and Use Tax authorized by this article may only be imposed in counties which have collected at least seven million dollars in state accommodations taxes as imposed pursuant to Section 12‑36‑920(A) in the most recent fiscal year for which full collection figures are available. Once a county meets this threshold it thereafter remains eligible to impose this tax.

 (B)(1) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in counties which do not meet the collection requirements of subsection (A) so long as, at any time, no portion of the county area is subject to more than three percent total sales tax.

 (2) Notwithstanding any other provision of law, if, within a county there is imposed the Education Capital Improvements Sales and Use Tax pursuant to this subsection, then no other sales tax may be imposed if the subsequent imposition causes the total sales tax to exceed three percent in any portion of the county area. This limitation applies so long as this subsection is utilized to impose the Education Capital Improvements Sales and Use tax.

 (3) For purposes of this subsection, a sales tax is a tax levied pursuant to this chapter, pursuant to Chapter 37, Title 4, or pursuant to any local law enacted by the General Assembly.”

 SECTION 2. Section 4‑10‑460 of the 1976 Code, as added by Act 316 of 2008, is amended to read:

 “Section 4‑10‑460. The tax authorized in this article may be renewed and imposed within a county in the same manner as proceedings for the initial imposition of the tax. A referendum on the question of reimposition of a tax must not be held ~~more~~ earlier than within the calendar year which is two years before the ~~date upon~~ calendar year in which the tax then in effect is scheduled to terminate, but any reimposition is effective immediately upon the termination of the tax previously imposed.”

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

 Renumber sections to conform.

 Amend title to conform.

 Senator YOUNG explained the committee amendment.

 The committee amendment was adopted.

 Senator SETZLER proposed the following amendment (BH\940C004.BH.DG14), which was adopted:

 Amend the bill, as and if amended, after Section 4-10-470(B)(2), by adding an item to read:

 / (3) Notwithstanding any other provision of law, if the tax imposed pursuant to this subsection and another sales tax are approved at the same referendum, and the approval of both subjects any portion of the county area to more than three percent total sales tax, then only the tax whose approving resolution was adopted first may be imposed, and the other tax is deemed to not have been approved. /

 Renumber sections to conform.

 Amend title to conform.

 Senator SETZLER explained the amendment.

 The amendment was adopted.

 Senator BRYANT proposed the following amendment (BH\940C005.BH.DG14):

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

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

 “Section 59‑19‑360. Notwithstanding any other provision of law, if the board of trustees orders a referendum to issue bonds in excess of the debt limitation pursuant to Article X, Section 15 of the Constitution of this State, then the referendum must be held at the time of the general election. The referendum, including the notice thereof, must be conducted in the manner prescribed by Article 1, Chapter 71, Title 59.”/

 Renumber sections to conform.

 Amend title to conform.

 Senator BRYANT explained the amendment.

**Point of Order**

 Senator MALLOY 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.

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

**MOTION ADOPTED**

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

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

 **CARRIED OVER**

 H. 3847 -- Reps. Hiott and Hardwick: A BILL TO AMEND SECTION 48‑60‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR TERMS USED IN THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT OF 2010, SO AS TO ADD, AMONG OTHER DEFINITIONS, TERMS RELATED TO COMPUTER MONITORS; TO AMEND SECTION 48‑60‑30, RELATING TO REQUIREMENTS OF CERTAIN MANUFACTURERS TO PROVIDE LABELS ON DEVICES INDICATING THE BRAND, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; TO AMEND SECTION 48‑60‑50, RELATING TO THE REQUIREMENT FOR TELEVISION MANUFACTURERS TO PROVIDE A RECOVERY PROGRAM FOR RECYCLING TELEVISIONS, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; BY ADDING SECTION 48‑60‑55 SO AS TO PROVIDE FOR THE CREATION AND OPERATION OF STATEWIDE CONSUMER ELECTRONIC DEVICE STEWARDSHIP PROGRAMS AND THE DEVELOPMENT AND IMPLEMENTATION OF RELATED RECOVERY PLANS, INCLUDING REQUIREMENTS FOR APPROVAL OF PLANS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO ESTABLISH OTHER RESPONSIBILITIES AND AUTHORITY OF THE DEPARTMENT AND REQUIREMENTS OF REGULATED MANUFACTURERS; TO AMEND SECTION 48‑60‑60, RELATING TO PROTECTION FROM LIABILITY FOR CERTAIN DAMAGES, SO AS TO APPLY TO COMPUTER MONITOR MANUFACTURERS; TO AMEND SECTION 48‑60‑70, RELATING TO RETAILER SALE REQUIREMENTS, SO AS TO PROHIBIT RETAILERS FROM SELLING DEVICES MADE BY MANUFACTURERS WHO DO NOT COMPLY WITH THE REQUIREMENTS OF SECTION 48‑60‑55; TO AMEND SECTION 48‑60‑90, RELATING TO DISCARDING OR PLACING COVERED DEVICES IN A WASTE STREAM, TO PROHIBIT COMPONENTS OF COVERED DEVICES; TO AMEND SECTION 48‑60‑100, RELATING TO RECOVERY PROCESS FEES, SO AS TO LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO CHARGE CERTAIN FEES; TO AMEND SECTION 48‑60‑140, RELATING TO REQUIREMENTS THAT RECOVERY PROCESSES COMPLY WITH STATE AND FEDERAL LAW, SO AS TO REQUIRE RECYCLING OR REUSE FACILITIES TO MAINTAIN CERTIFICATION, TO IDENTIFY APPROVED CERTIFICATION PROGRAMS, AND TO REQUIRE MANUFACTURERS AND GOVERNMENTS ONLY TO USE FACILITIES THAT HAVE APPROPRIATE CERTIFICATION; TO AMEND SECTION 48‑60‑150, RELATING TO THE DEPARTMENT’S PROMULGATION OF REGULATIONS, SO AS TO ELIMINATE THE RIGHT TO CHARGE CERTAIN FEES TO MANUFACTURERS; BY ADDING SECTION 48‑60‑160 SO AS TO PROVIDE FOR CERTAIN FEES AND PENALTIES; BY ADDING SECTION 48‑60‑170 SO AS TO SET FORTH THE PURPOSES OF THE CHAPTER AND CERTAIN LIMITATIONS ON LIABILITY; TO PROVIDE EXPIRATION DATES FOR REGULATIONS PROMULGATED PURSUANT TO THIS CHAPTER, AND TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTION 48-60-50 JUNE 30, 2014, AND CERTAIN OTHER PROVISIONS JUNE 30, 2020.

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

 Senator CAMPBELL explained the Bill.

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

**Expression of Personal Interest**

 Senator CLEARY rose for an Expression of Personal Interest.

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

**DEBATE INTERRUPTED**

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

 The Senate resumed consideration of the Bill, the question being the adoption of the previously proposed amendment, Amendment No. 1, which was printed in the Journal of Wednesday, January 22, 2014.

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

**EXECUTIVE SESSION**

 On motion of Senator COURSON, the seal of secrecy was removed and the Senate resumed in open session.

 At 1:40 P.M., the Senate resumed consideration of H. 3945.

 Debate was interrupted by adjournment.

**MOTION ADOPTED**

 On motion of Senators MATTHEWS and HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Brandon Robinson of Orangeburg, S.C. Brandon was an incredible young man who lived life to the fullest. He was a football player for South Carolina State University where he did well academically and athletically. Brandon enjoyed fishing and spending time with his family. He was a wonderful and loving son who will be dearly missed.

and

**MOTION ADOPTED**

 On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend Johnny Carson of Saluda, S.C. Rev. Carson was a member of Bethlehem Baptist Church and pastor of Mt. Enon Baptist Church. He retired from Savannah River Plant and served in many civic organizations and church affiliations. Rev. Carson was a loving husband, devoted father and doting grandfather and great grandfather.

**ADJOURNMENT**

 At 1:40 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

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

\* \* \*