**Wednesday, June 1, 2011**

**(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:

The Psalmist declares:

“The Lord is my strength and my shield; my heart trusts in him, and I am helped.” (Psalm 28:7a)

Let us pray:

O God Above, for five months now the members of this Senate and their aides have indeed trusted in You. And we have all felt Your presence in this place, especially during those somewhat contentious and challenging periods that come to every legislative body now and then. We know that You have helped these leaders in immeasurable ways, and You have promised to continue doing so. So we praise You, O Lord, for Your love and Your care. May South Carolina be strengthened and blessed—thanks to the efforts of the dedicated leaders who serve in this Senate. In Your name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2010, and to expire February 13, 2015

At-Large:

Willie Edison Jeffries, 85 Nance Drive, Elloree, SC 29047 *VICE* Douglas Robertson

Referred to the Committee on Transportation.

**Local Appointment**

Initial Appointment, Aiken County Master-in-Equity, with the term to commence June 30, 2007, and to expire June 30, 2013

Maurice Anderson Griffith, Post Office Drawer 2009, Aiken, SC 29802 *VICE* Robert A. Smoak

**COMMUNICATION FROM THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE**

June 1, 2011

South Carolina Department of Health & Environmental Control

Attention: C. Earl Hunter, Commissioner

2600 Bull Street

Columbia, SC 29201

Dear Commissioner Hunter:

As you will recall, you were requested by the Senate Agriculture & Natural Resources Committee to provide an Assessment Report on the proposed DHEC regulation changes contained in Document 4139. The request came pursuant to the actions of committee members and in accordance with the Code of South Carolina Law, 1-23-115(A).

Upon review of your response, dated May 13, 2011, the committee has deemed it necessary to make a second request (see enclosed polling sheet). The document we received was substantially similar to the information included in the original submission of the proposed regulation changes document.

For your initial response, you cite the code section, 1-23-115, and state, “… items four through eight are to be completed by the Bureau of Research and Statistics, if it is determined by the promulgating agency that a substantial impact on the economy will result from implementation of this regulation.” A copy of 1-23-115 is enclosed for your review. Senate legal staff has reviewed this code section and finds that the determination of “substantial impact” does not rest with the agency. In fact, having been informed that these changes would create an estimated increase of $700,000 for all local water systems, a cost that will, ultimately, be borne by their customers, the committee felt that it was substantial.

Considering the economic materiality of the proposed changes to regulation, (4) should be addressed. The question has arisen that if the local systems were responsible for their own testing, would not a competitive market exist? Furthermore, the committee has learned that many systems find it necessary to order a second test, because the DHEC test results do not always arrive in a timely manner. The proposed changes do not address this issue, but the actual language in code 1-23-115 (C) (4) is “the effect of the ***regulation*** on competition;” therefore, the committee should be better informed of the current process.

Also, (8) refers to “…which persons will benefit directly and indirectly…” The committee has been advised there are labs outside South Carolina that have been awarded contracts to perform these tests on behalf of DHEC. Your comments on that would be most helpful, as well.

Thank you for your compliance with this request. Please contact our office if you have any questions.

Sincerely,

Danny Verdin, Chairman

SC Senate, District 9

Laurens and Greenville Counties

cc: All committee members

Clerk of the Senate

Legislative Council

Document No. 4139

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 48-2-10 et seq.

SUBJECT: Environmental Protection Fees (Re: Drinking Water Fees)

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

**RE: Regulation 4139 - Assessment Report (2nd Request)**

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

**AYES**

Verdin Grooms McGill

Hutto Elliott Knotts

Bryant Campsen Campbell

Sheheen Bright Davis

Gregory

**Total--13**

**NAYS**

**Total--0**

Received as information.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4181

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

SUBJECT: Certification of Need for Health Facilities and Services

Received by Lieutenant Governor June 1, 2011

Referred to Medical Affairs Committee

Legislative Review Expiration May 7, 2012

**Doctor of the Day**

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

**Leave of Absence**

At 11:40 P.M., Senator FAIR requested a leave of absence until 1:00 P.M.

**Leave of Absence**

At 7:00 P.M., Senator RYBERG requested a leave of absence until 2:30 A.M. in the morning.

**Leave of Absence**

At 7:00 P.M., Senator COURSON requested a leave of absence beginning at 8:30 P.M. and lasting until 10:00 A,M. in the morning.

**Leave of Absence**

At 7:00 P.M., Senator JACKSON requested a leave of absence from 7:30 - 10:00 P.M. this evening.

**Leave of Absence**

At 7:00 P.M., Senator SETZLER requested a leave of absence beginning at 12:00 A.M. midnight and lasting until 10:00 A.M. in the morning.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LEATHERMAN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**RECALLED**

H. 4005 -- Reps. Corbin, Hardwick, Stringer, Loftis, Ryan, Bannister, Agnew, Barfield, V.S. Moss, Thayer, Murphy, Hearn, Norman, Gambrell, Sottile, Limehouse, Chumley, Bikas, Crawford, Clemmons, Crosby, Daning, Delleney, Hamilton, Hayes, Hixon, Hodges, D.C. Moss, Nanney, Owens, Patrick, Pinson, Pitts, Pope, Simrill, G.R. Smith, J.R. Smith, Tallon, Taylor, White and Young: A BILL TO AMEND SECTION 39‑25‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING ADULTERATED OR MISBRANDED FOOD AND COSMETICS, SO AS TO PROVIDE A DEFINITION FOR THE TERM “HONEY” AND TO PROVIDE LABELING REQUIREMENTS FOR HONEY.

Senator VERDIN asked unanimous consent to make a motion to recall the Bill from the Committee on Agriculture and Natural Resources.

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

**RECALLED**

H. 3713 -- Reps. Merrill, J.R. Smith, Ryan, Hamilton, G.R. Smith, Bedingfield, Barfield, Sandifer, McCoy, Horne, Stavrinakis, Clemmons, Loftis, Lucas, Herbkersman, Patrick, Erickson, G.M. Smith, Hixon, Pinson, Viers and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑37‑3135 SO AS TO PROVIDE THAT WHEN A PARCEL OF REAL PROPERTY AND IMPROVEMENTS THEREON PREVIOUSLY SUBJECT TO PROPERTY TAX UNDERGOES AN ASSESSABLE TRANSFER OF INTEREST AND THE VALUE OF THE PARCEL AS DETERMINED AT THE TIME OF THE ASSESSABLE TRANSFER OF INTEREST IS GREATER THAN THE VALUE OF THE PARCEL USED IN THE PROPERTY TAX ASSESSMENT ON THE PARCEL FOR THE MOST RECENTLY COMPLETED PROPERTY TAX YEAR, THERE IS ALLOWED AN EXEMPTION OF AN AMOUNT OF THE FAIR MARKET VALUE OF THE PARCEL SUFFICIENT TO ELIMINATE ANY INCREASE IN THE VALUE OF THE PARCEL; TO AMEND SECTION 12‑37‑3140, AS AMENDED, RELATING TO DETERMINING FAIR MARKET VALUE, SO AS TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 12‑60‑30, AS AMENDED, RELATING TO DEFINITIONS IN THE REVENUE PROCEDURES ACT, SO AS TO CLARIFY THE DEFINITION OF PROPERTY TAX ASSESSMENT.

Senator LEATHERMAN asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

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

**RECALLED AND ADOPTED**

H. 4099 -- Reps. Harrell, R.L. Brown, Crosby, Gilliard, Horne, Mack, McCoy, Murphy, Ryan, Sottile, Stavrinakis, Whipper and Jefferson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 526 AND UNITED STATES HIGHWAY 17 NORTH IN CHARLESTON COUNTY “REPRESENTATIVE H. B. ‘CHIP’ LIMEHOUSE III INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “REPRESENTATIVE H. B. ‘CHIP’ LIMEHOUSE III INTERCHANGE”.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation.

Senator GROOMS asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 943 -- Senators Leventis and Land: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SUMTER HIGH SCHOOL BASEBALL TEAM FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR WINNING THE 2011 CLASS AAAA STATE CHAMPIONSHIP TITLE.

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

S. 944 -- Senators Peeler and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-5-267 SO AS TO REQUIRE AS PART OF THE FILING OF A PROPOSED NEW OR REVISED RATE SCHEDULE FOR WATER OR SEWER SERVICE PROVIDED BY A PRIVATELY OWNED PUBLIC UTILITY, THAT THE UTILITY SHALL MAKE CERTAIN INDEPENDENTLY PREPARED AND AUDITED FINANCIAL STATEMENTS REGARDING INDIVIDUAL AND SEPARABLE OPERATING ENTITIES OF THE UTILITY.

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

S. 945 -- Senator Cromer: A BILL TO AMEND SECTION 56-5-195, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUS SAFETY STANDARDS, SO AS TO PROVIDE THAT FORMER CHARTER BUSES ARE EXEMPT FROM THE REQUIRED STANDARDS WHEN OWNED AND OPERATED BY A SCHOOL DISTRICT.

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

S. 946 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, RELATING TO BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4163, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 947 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 49, SO AS TO CREATE THE LAKE PAUL A. WALLACE AUTHORITY.

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

S. 948 -- Senator Lourie: A SENATE RESOLUTION TO CONGRATULATE MICHAEL FIELDS OF FOREST ACRES, UPON BEING CHOSEN THE 2011 ASSOCIATION EXECUTIVE OF THE YEAR BY THE SOUTH CAROLINA SOCIETY OF ASSOCIATION EXECUTIVES.

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The Senate Resolution was adopted.

S. 949 -- Senator Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PROPOSED HIGHWAY IN HORRY COUNTY THAT WILL BEGIN AT HARRELSON BOULEVARD AND END AT FARROW PARKWAY “FRED NASH MEMORIAL BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “FRED NASH MEMORIAL BOULEVARD”.

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On motion of Senator CLEARY, with unanimous consent, the Concurrent Resolution was adopted and ordered sent to the House.

S. 950 -- Senator Cromer: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND BARBARA M. PALMER UPON THE OCCASION OF HER RETIREMENT FROM THE SALUDA COUNTY SCHOOL DISTRICT AFTER MANY YEARS OF DEDICATED AND EXEMPLARY SERVICE TO THE SOUTH CAROLINA PUBLIC SCHOOL SYSTEM, AND TO WISH HER THE BEST IN ALL HER FUTURE ENDEAVORS.

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

H. 4307 -- Reps. J. E. Smith, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR NADÈGE VAUTHIER-KELLER OF RICHLAND COUNTY, FRENCH TEACHER AT HEATHWOOD HALL EPISCOPAL SCHOOL, UPON BEING NAMED 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) UPPER SCHOOL TEACHER OF THE YEAR, AND TO EXTEND SINCERE APPRECIATION FOR HER MANY OUTSTANDING CONTRIBUTIONS TO EDUCATION IN SOUTH CAROLINA.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56‑5‑2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56‑5‑2930, 56‑5‑2935, OR 56‑5‑2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56‑5‑2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry polled out S. 532 favorable:

S. 532 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑35‑122 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, AND TO DEFINE A “DRUG TEST”.

**Poll of the Labor, Commerce and Industry Committee**

**Polled 13; Ayes 12; Nays 1; Not Voting 4**

**AYES**

Ryberg Setzler McConnell

O’Dell Reese Alexander

Leatherman Bryant Bright

Cleary Massey Nicholson

**Total--12**

**NAYS**

Ford

**Total--1**

**NOT VOTING**

Leventis Lourie Williams

Rose

**Total--4**

Ordered for consideration tomorrow.

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

S. 593 -- Senators Hayes, Campsen and Ford: A BILL TO AMEND SECTION 8-13-1300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE THE DEFINITIONS OF “COMMITTEE”, “NONCANDIDATE COMMITTEE”, AND “BALLOT MEASURE COMMITTEE”, AND TO ADD A DEFINITION OF “INDEPENDENT EXPENDITURE COMMITTEE”.

Ordered for consideration tomorrow.

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

H. 3667 -- Rep. Bannister: A BILL TO AMEND SECTION 16‑3‑655, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL SEXUAL CONDUCT WITH A MINOR OFFENSES, SO AS TO PROVIDE FOR CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE WHEN THE ACTOR IS OVER THE AGE OF FOURTEEN AND COMMITS CERTAIN ACTS WITH A CHILD UNDER THE AGE OF SIXTEEN, TO PROVIDE AN EXCEPTION FOR CERTAIN CONSENSUAL CONDUCT, AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 16‑15‑140 RELATING TO COMMITTING OR ATTEMPTING TO COMMIT A LEWD ACT UPON A CHILD UNDER THE AGE OF SIXTEEN.

Ordered for consideration tomorrow.

**Appointments Reported**

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

**Statewide Appointments**

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2005, and to expire May 19, 2012

3rd Congressional District:

Kristofer Clark, 2310 Earls Bridge Road, Easley, SC 29640 *VICE* G. Dial DuBose

Received as information.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2006, and to expire May 19, 2013

6th Congressional District:

John Calhoun Land IV, P.O. Box 138, Manning, SC 29102

Received as information.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2009, and to expire May 19, 2016

5th Congressional District:

James R. Sanders, Jr., 227 Hidden Acres Drive, Gaffney, SC 29341 *VICE* Rev. James Sanders (deceased)

Received as information.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2009, and to expire May 19, 2016

Horry County:

David F. Singleton, 3997 Larkhill Drive, Myrtle Beach, SC 29577 *VICE* Dr. John Molnar

Received as information.

**Message from the House**

Columbia, S.C., June 1, 2011

Mr. President and Senators:

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

**Local Appointment**

Initial Appointment, Aiken County Master-in-Equity, with the term to commence June 30, 2007, and to expire June 30, 2013

Maurice Anderson Griffith, Post Office Drawer 2009, Aiken, SC 29802 *VICE* Robert A. Smoak

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 1, 2011

Mr. President and Senators:

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

S. 36 -- Senators McConnell, McGill, Setzler and Ford: A BILL RELATING TO THE PAYMENT, COLLECTION, AND ADMINISTRATION OF THE SALES AND USE TAX, BY AMENDING ACT 99 OF 2007, RELATING TO THE SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES, BY AMENDING SECTION 1B, TO PHASE OUT THE SALES AND USE TAX IMPOSED ON DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; BY AMENDING ACT 99 OF 2007, RELATING TO THE SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES TO REPEAL SECTION 1C, RELATING TO FURTHER REDUCTIONS IN THE SALES AND USE TAX ON DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES BASED ON GENERAL FUND REVENUE GROWTH; TO AMEND SECTIONS 12‑36‑90(1)(C)(III), 12‑36‑90(2)(l), 12‑36‑910(B)(6), 12‑36‑910(B)(7), 12‑36‑1310(B)(6), AND 12‑36‑2120(69), ALL AS AMENDED, TO PROVIDE FURTHER FOR THOSE INSTANCES WHERE SALES AND USE TAX APPLIES IN CONNECTION WITH WARRANTIES AND SERVICE MAINTENANCE CONTRACTS SOLD IN CONNECTION WITH THE SALE OF TANGIBLE PERSONAL PROPERTY; BY AMENDING ARTICLE 25, CHAPTER 36, TITLE 12, RELATING TO GENERAL PROVISIONS CONCERNING THE PAYMENT, COLLECTION, AND ADMINISTRATION OF THE SALES AND USE TAX, TO PROVIDE THE APPLICABLE REQUIREMENTS AND DURATION FOR WHICH OWNING OR UTILIZING A DISTRIBUTION FACILITY WITHIN SOUTH CAROLINA IS NOT CONSIDERED IN DETERMINING WHETHER THE PERSON HAS A PHYSICAL PRESENCE IN SOUTH CAROLINA SUFFICIENT TO ESTABLISH A NEXUS WITH SOUTH CAROLINA FOR SALES AND USE TAX PURPOSES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Motion to Ratify Adopted**

At 11:14 A.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually agreeable time.

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

**Privilege of the Chamber**

On motion of Senator LOURIE, with unanimous consent, the Privilege of the Chamber to that area behind the rail was extended to Mrs. Vivian Byerly, one of the highly respected and dedicated nurses serving the members and staff of the House and Senate, on the occasion of her retirement from the Senate.

**MOTION ADOPTED**

On motion of Senator McCONNELL, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. tomorrow.

**HOUSE CONCURRENCES**

The following Resolutions were returned with concurrence and received as information.

S. 919 -- Senators Scott, Lourie, Courson and Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND SOUTH CAROLINA HIGHWAY 555 IN RICHLAND COUNTY “ADELL T. ADAMS INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “ADELL T. ADAMS INTERCHANGE”.

S. 930 -- Senator Scott: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF OCTOBER 2011, AS GANG AWARENESS MONTH IN SOUTH CAROLINA IN ORDER TO RAISE PUBLIC AWARENESS OF THE INCREASING PROBLEM OF CRIMINAL GANG ACTIVITY IN OUR STATE.

S. 931 -- Senator Scott: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF SEPTEMBER 2011, YOUTH AWARENESS MONTH IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO PROMOTE STRONG FAMILIES AND PARENTING, ALONG WITH YOUTH PROGRAMS AND JOBS.

S. 936 -- Senator L. Martin: A CONCURRENT RESOLUTION TO PROCLAIM OCTOBER 15, 2011, AS FEDERATION CENTER OF THE BLIND DAY IN SOUTH CAROLINA UPON ITS FIFTIETH ANNIVERSARY AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO JOIN IN SUPPORT AND CELEBRATION OF THIS MILESTONE EVENT WHICH HAS BETTERED THE QUALITY OF LIFE DURING THE PAST FIVE DECADES FOR BLIND SOUTH CAROLINIANS.

S. 939 -- Senator McConnell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR TERESA KLECKLEY ROGERS, UPON THE OCCASION OF HER RETIREMENT, FOR YEARS OF DEVOTED SERVICE TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN THE YEARS AHEAD.

S. 940 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR PASTOR BOBBY L. SMITH, SR., FOR TWENTY YEARS OF DEDICATED MINISTRY TO THE MEMBERS OF ZION CANAAN BAPTIST CHURCH AND TO HIS COMMUNITY.

S. 942 -- Senator Campbell: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF MR. JACK A. VILLEPONTEAUX, VICE PRESIDENT OF BERKELEY ELECTRIC COOPERATIVE, INC., AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

S. 943 -- Senators Leventis and Land: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SUMTER HIGH SCHOOL BASEBALL TEAM FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR WINNING THE 2011 CLASS AAAA STATE CHAMPIONSHIP TITLE.

**RECESS**

At 12:13 P.M., on motion of Senator McCONNELL, the Senate receded from business until 1:15 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:43 P.M. and was called to order by the PRESIDENT.

**OBJECTION**

H. 3066 -- Reps. G.R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G.M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D.C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2011” INCLUDING PROVISIONS TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1‑30‑125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1‑11‑20, AS AMENDED, 1‑11‑22, 1‑11‑55, 1‑11‑56, 1‑11‑58, 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, 1‑11‑110, 1‑11‑180, 1‑11‑220, 1‑11‑225, 1‑11‑250, 1‑11‑260, 1‑11‑270, 1‑11‑280, 1‑11‑290, 1‑11‑300, 1‑11‑310, AS AMENDED, 1‑11‑315, 1‑11‑320, 1‑11‑335, 1‑11‑340, 1‑11‑435, 2‑13‑240, CHAPTER 9, TITLE 3; 10‑1‑10, 10‑1‑30, AS AMENDED, 10‑1‑40, 10‑1‑130, 10‑1‑190, CHAPTER 9, TITLE 10, 10‑11‑50, AS AMENDED, 10‑11‑90, 10‑11‑110, 10‑11‑140, 10‑11‑330; 11‑9‑610, 11‑9‑620, 11‑9‑630, 11‑35‑3810, AS AMENDED, 11‑35‑3820, AS AMENDED, 11‑35‑3830, AS AMENDED, 11‑35‑3840, AS AMENDED, 13‑7‑30, AS AMENDED, 13‑7‑830, AS AMENDED, 44‑53‑530, AS AMENDED, AND 44‑96‑140; 48‑46‑30, 48‑46‑40, 48‑46‑50, 48‑46‑60, 48‑46‑90, 48‑52‑410, 48‑52‑440, AND 48‑52‑460; AND BY ADDING SECTION 1‑11‑185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Senator PEELER asked unanimous consent to take the Bill up for immediate consideration, give the Bill a second reading, carrying over all amendments to third reading.

Senator KNOTTS objected.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3772 -- Reps. Hardwick, Vick and Hixon: A BILL TO AMEND CHAPTER 26, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF AGRICULTURAL LIMING MATERIALS, SO AS TO PROVIDE FOR REGULATION OF LANDPLASTER, TO REVISE CERTAIN REPORTING REQUIREMENTS, AND TO REVISE THE PROVISIONS RELATING TO THE PAYMENT OF ASSESSMENTS LEVIED BY THE STATE CROP PEST COMMISSION.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3178 -- Reps. Pitts, Limehouse, Hixon and Long: A BILL TO AMEND SECTION 61‑4‑550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE, SO AS TO REMOVE SPECIFIC REFERENCES TO NONPROFIT ORGANIZATIONS.

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

There was no objection.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator THOMAS proposed the following amendment (JUD3178.003), which was adopted:

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

/ SECTION 1. Section 61‑4‑550 of the 1976 Code, as last amended by Act 259 of 2010, is further amended to read:

“Section 61-4-550. (A) The department may issue permits ~~to nonprofit organizations~~ running for a period not exceeding fifteen days for a fee of ten dollars per day. ~~For purposes of this section, a “nonprofit organization” is an entity which is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purposes, and which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State.~~ These special permits may be issued only for locations at fairs and special functions. If the fair or special function is scheduled to be held in a county or municipality that has not conducted a favorable referendum allowing the sale or consumption of alcoholic liquors by the drink on Sunday, pursuant to the provisions of Section 61‑6‑2010, then the department may not issue this special permit to allow the sale, possession, or consumption of beer or wine on Sunday at the fair or special function. However, if the fair or special function is scheduled to be held on or continue through Sunday at a location that has at least sixty thousand permanent seats and tickets are sold for admission to the fair or special function, then the department may issue a special permit allowing the sale, possession, or consumption of beer or wine at the fair or special function held on or continued through Sunday despite the fact that the county or municipality has not conducted a favorable referendum allowing the sale or consumption of alcoholic liquors by the drink on Sunday, pursuant to Section 61-6-2010. Additionally, the department, in its discretion, may refuse to issue this special permit if the fair or special function is being held at a location where the sale, possession, or consumption of beer or wine would be prohibited by local zoning laws.

(B) The department shall require the applicant to obtain a criminal records check conducted by the State Law Enforcement Division within ninety days prior to an ~~initial~~ application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. ~~For a subsequent application, the applicant is not required to obtain a new criminal records check unless:~~

~~(1) more than two years have elapsed since the most recent criminal records check was conducted; or~~

~~(2) the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.~~

(C) ~~The department shall require the applicant to notify in writing a minimum of fifteen days prior to the first day of a fair or special function the sheriff, or sheriff’s designee, of the county in which the fair or special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of the receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.~~ The department shall require the applicant to complete the law enforcement notification provision contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the special permit application and given an opportunity to object.

(D) ~~Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 1, Chapter 4, Title 61.~~ The department may issue up to twenty-five special permits to sell beer and wine on one application for special functions in a twelve-month period to the same applicant, if that applicant is also applying for up to twenty-five temporary licenses to sell alcoholic liquors by the drink, pursuant to Section 61-6-2000(D). This does not prohibit the applicant from applying for additional special permits within the same twelve-month period.

(E) If the special permit is requested for a fair or special function held or sponsored by an organization, a representative of the organization must be the applicant for the special permit.

(F) The following statement must be printed on each special permit that is issued pursuant to this section: ‘IF THE FAIR OR SPECIAL FUNCTION FOR WHICH THIS SPECIAL PERMIT HAS BEEN ISSUED IS BEING HELD IN A COUNTY OR MUNICIPALITY THAT HAS NOT CONDUCTED A FAVORABLE REFERENDUM ALLOWING THE SALE OR CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK ON SUNDAY, PURSUANT TO THE PROVISIONS OF SECTION 61-6-2010, THEN THIS SPECIAL PERMIT MAY NOT BE USED TO ALLOW THE SALE, POSSESSION, OR CONSUMPTION OF BEER OR WINE ON SUNDAY AT THE FAIR OR SPECIAL FUNCTION. HOWEVER, IF THE FAIR OR SPECIAL FUNCTION IS BEING HELD ON SUNDAY AT A LOCATION THAT HAS AT LEAST SIXTY THOUSAND PERMANENT SEATS AND TICKETS ARE SOLD FOR ADMISSION TO THE FAIR OR SPECIAL FUNCTION, THEN THIS SPECIAL PERMIT MAY BE USED TO ALLOW THE SALE, POSSESSION, OR CONSUMPTION OF BEER OR WINE ON SUNDAY AT THE FAIR OR SPECIAL FUNCTION.

(G) For purposes of this section, the term ‘fairs’ means events held for the benefit and development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of the State, any county of the State, or any municipality or other community of the State.

(H) For purposes of this section, the term ‘special functions’ includes, but is not limited to, events held or sponsored by political parties and their affiliates that are certified by the Secretary of State, political subdivisions, private individuals, businesses, churches, or non-profit organizations held for social, benevolent, patriotic, recreational, or fraternal purposes.”

SECTION 2. Section 61-6-2000 of the 1976 Code, as last amended by Act 259 of 2010, is further amended to read:

“Section 61-6-2000. (A) ~~Notwithstanding another provision of this article, the department may issue to a nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function for a period not to exceed twenty‑four hours. A qualifying nonprofit organization may sell tickets at the door. The application for this temporary license must include a statement by the applicant as to the nature and date of the special function at which alcoholic liquor by the drink is to be sold, as well as other information required by the department. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The department may deny the application if the completed application and filing fee are not submitted at least fifteen days before the date of the special function, but upon request by the applicant, the department may waive this requirement.~~In addition to the licenses authorized pursuant to the provisions of subarticle 1 of this article, the department may also issue a temporary license to a nonprofit organization, as defined in Section 61-6-20, which authorizes that nonprofit organization to purchase and to sell alcoholic liquors by the drink for a period not to exceed twenty-four hours at a single special function. The nonprofit organization may sell tickets for the special function to non-members. Notwithstanding another provision of this article, the issuance of this license authorizes the nonprofit organization to purchase alcoholic liquors from licensed retail dealers in the same manner that a person with a biennial license issued pursuant to subarticle 1 of this article purchases its alcoholic liquors. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The temporary license application must include a statement by the applicant as to the nature and date of the special function at which the alcoholic liquors are to be sold. The department, in its discretion, may specify the terms and conditions of the license, pursuant to existing statutes and regulations governing these applications, and the department, in its discretion, may refuse to issue this temporary license if the special function is being held at a location where the sale, possession, or consumption of alcoholic liquors by the drink would be prohibited by local zoning laws. Additionally, if the special function is scheduled to be held in a county or municipality that has not conducted a favorable referendum allowing the sale or consumption of alcoholic liquors by the drink on Sunday, pursuant to the provisions of Section 61-6-2010, then the department may not issue this temporary license to allow the sale, possession, or consumption of alcoholic liquors by the drink on Sunday at the special function.

(B) The department shall require the applicant to obtain a criminal background check conducted by the State Law Enforcement Division within ninety days prior to an ~~initial~~ application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. ~~For a subsequent application, the applicant is not required to obtain a new criminal records check unless:~~

~~(1) more than two years have elapsed since the most recent criminal records check was conducted; or~~

~~(2) the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.~~

(C) ~~The department shall require the applicant to notify in writing within fifteen days the sheriff, or the sheriff’s designee, of the county in which the special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.~~ The department shall require the applicant to complete the law enforcement notification contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the temporary license application and given an opportunity to object.

(D) The department may issue up to twenty‑five temporary licenses on one application for special functions in a twelve‑month period to the same nonprofit organization. This does not prohibit the nonprofit organization from applying for additional temporary licenses within the same twelve‑month period.

~~(E) For purposes of this section, “nonprofit organization” is an entity that is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purpose, and is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes a political party or affiliate of a political party duly certified by the Secretary of State.~~

~~(F)~~ ~~Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 13, Chapter 6, Title 61.~~

(E) The following statement must be printed on each temporary license that is issued pursuant to this section: ‘IF THE SPECIAL FUNCTION FOR WHICH THIS TEMPORARY LICENSE HAS BEEN ISSUED IS BEING HELD IN A COUNTY OR MUNICIPALITY THAT HAS NOT CONDUCTED A FAVORABLE REFERENDUM ALLOWING THE SALE OR CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK ON SUNDAY, PURSUANT TO THE PROVISIONS OF SECTION 61-6-2010, THEN THIS TEMPORARY LICENSE MAY NOT BE USED TO ALLOW THE SALE, POSSESSION, OR CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK ON SUNDAY AT THE SPECIAL FUNCTION.’

(F) For purposes of this section, the term ‘special function’ includes, but is not limited to, an event held or sponsored by a non-profit organization held for social, benevolent, patriotic, recreational, or fraternal purposes.”

SECTION 3. This act takes effect on July 1, 2011. /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Fair Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Matthews McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright

**Total--1**

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3660 -- Reps. Ott, Bales, McLeod, Brantley, Battle, Whipper, G.A. Brown, Parker, Anderson, J.M. Neal, Hodges, Bowers, Hosey, Alexander, Branham, Funderburk, Harrison, King, Dillard, Butler Garrick and Jefferson: A BILL TO AMEND SECTION 16‑11‑523, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OBTAINING NONFERROUS METALS UNLAWFULLY, SO AS TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 16‑17‑680, AS AMENDED, RELATING TO THE PURCHASE OF NONFERROUS METALS, PROCEDURES AND REQUIREMENTS FOR PURCHASE OF NONFERROUS METALS, AND EXCEPTIONS, SO AS TO PROVIDE ADDITIONAL RESTRICTIONS RELATED TO THE SALE OF COPPER; TO AMEND SECTION 16‑17‑685, RELATING TO THE UNLAWFUL TRANSPORTATION OF NONFERROUS METALS, SO AS TO INCREASE THE PENALTIES FOR CERTAIN VIOLATIONS OF THIS PROVISION; AND BY ADDING CHAPTER 40 TO TITLE 40 SO AS TO REQUIRE SECONDARY METALS RECYCLERS TO REGISTER WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND TO PROVIDE REGISTRATION AND RENEWAL REQUIREMENTS.

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

There was no objection.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators PINCKNEY, SCOTT and REESE proposed the following amendment (JUD3660.003), which was adopted

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

/ SECTION 1. Section 16‑11‑523 of the 1976 Code is amended to read:

“Section 16-11-523. (A) For purposes of this section, “nonferrous metals” means metals not containing significant quantities of iron or steel, including copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, catalytic converters, and stainless steel beer kegs or containers.

(B) It is unlawful for a person to wilfully and maliciously cut, mutilate, deface, or otherwise injure any personal or real property, including any fixtures or improvements, for the purpose of obtaining nonferrous metals in any amount.

(C) A person who violates ~~the provisions~~ a provision of this section is guilty of a:

(1) misdemeanor, ~~under the jurisdiction of magistrates or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is two thousand dollars or less;~~

~~(2)~~ ~~felony~~ and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ~~five~~ three years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is ~~more~~ less than ~~two~~ five thousand dollars ~~but less than ten thousand dollars~~; or

~~(3)~~(2) felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is ~~ten~~ five thousand dollars or more.

(D)(1) A person who violates the provisions of this section and the violation results in great bodily injury to another person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years. For purposes of this subsection, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) A person who violates the provisions of this section and the violation results in the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(E) A person who violates the provisions of this section and the violation results in disruption of communication or electrical service to critical infrastructure or more than ten customers of the communication or electrical service is guilty of a misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

~~(E)(1)~~(F)(1) A public or private owner of personal or real property is not civilly liable to a person who is injured during the theft or attempted theft, by the person or a third party, of nonferrous metals in any amount.

(2) A public or private owner of personal or real property is not civilly liable for a person’s injuries caused by a dangerous condition created as a result of the theft or attempted theft of nonferrous metals in any amount, of the owner when the owner of personal or real property did not know and could not have reasonably known of the dangerous condition.

(3) This subsection does not create or impose a duty of care upon a owner of personal or real property that would not otherwise exist under common law.”

SECTION 2. Section 16‑17‑680 of the 1976 Code is amended to read:

“Section 16‑17‑680. (A) For purposes of this section:

(1) ‘Fixed site’ means any site occupied by a secondary metals recycler as the owner of the site or as a lessee of the site under a lease or other rental agreement providing for occupation of the site by a secondary metals recycler for a total duration of not less than three hundred and sixty‑four days.

(2) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, catalytic converters, and stainless steel beer kegs or containers.

(3) ‘Secondary metals recycler’ means any person who is engaged in the business of paying compensation for nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(4) ‘Vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals’ includes, but is not limited to, vehicles used by gas, electric, communications, water, plumbing, electrical, and climate conditioning service providers, and their employees, agents, and contractors, in the course of providing these services.

(B) A secondary metals recycler shall obtain a permit to purchase nonferrous metals from the sheriff of the county in which each of the secondary metals recycler’s fixed sites are located. The sheriff shall issue the permit to the secondary metals recycler if the secondary metals recycler:

(1) has a fixed site located in the sheriff’s county; and

(2) declares on a form provided by the sheriff that the secondary metals recycler is informed of and will comply with the provisions of this section.

The sheriff may charge and retain a two hundred dollar fee for the permit. The sheriff shall keep a record of all permits issued pursuant to this subsection containing, at a minimum, the date of issuance, and the name and address of the permit holder. The permit is valid for twenty-four months.

(C)(1) A person or entity other than a holder of a retail license, an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, of Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider, who wants to transport or sell nonferrous metals to a secondary metals recycler shall obtain a permit to transport and sell nonferrous metals from the sheriff of the county in which the person resides or the entity is located. If the person is not a resident of or the entity is not located in South Carolina, the person or entity shall obtain a permit to transport and sell nonferrous metals from the sheriff of the county in which the secondary metals recycler purchasing the nonferrous metals is located. The sheriff shall issue the permit to the person or entity if the:

(a) person resides or the entity is located in the sheriff’s county, or, if the person is not a resident of or the entity is not located in South Carolina, secondary metals recycler purchasing the nonferrous metals is located in the sheriff’s county; and

(b) person or entity declares on a form provided by the sheriff that the person or entity is informed of and will comply with the provisions of this section.

The sheriff may not charge a fee for the permit. The sheriff shall keep a record of all permits issued pursuant to this subsection containing, at a minimum, the date of issuance, the name and address of the permit holder, a photocopy of the permit holder’s identification, the license plate number of the permit holder’s motor vehicle, and the permit holder’s photograph. The permit is valid for twelve months. If a person or entity only wants to sell or transport nonferrous metals a maximum of two times in a twelve month period, the person or entity can obtain a forty-eight hour permit from the applicable sheriffs office pursuant to this subsection, except that the person only needs to call the sheriffs office, provide the required information, and obtain a permit number. A person or entity may only request such a permit two times in a twelve month period.

(2)(a) It is unlawful for a person to obtain a permit to transport and sell nonferrous metals for the purpose of transporting or selling stolen nonferrous metals.

(b) A person who violates a provision of this subitem is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

~~(A)(1)~~(D)(1) It is unlawful to purchase nonferrous metals in any amount for the purpose of recycling the nonferrous metals from a ~~person~~ seller who is not a holder of a retail license, ~~or~~ an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, of Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider, unless the purchaser is a secondary metals recycler who has a valid permit to purchase nonferrous metals issued pursuant to subsection (B) and ~~obtains and can verify the name and address of the seller~~ the seller has a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C). A secondary metals recycler shall maintain a record containing, at a minimum, the date of purchase, name and address of the seller, a photocopy of the seller’s identification, a photocopy of the seller’s permit to transport and sell nonferrous metals, if applicable, the license plate number of the seller’s motor vehicle, the seller’s photograph, weight or length, and size or other description of the nonferrous metals purchased, amount paid for it, and a signed statement from the seller stating that ~~he~~ the seller is the rightful owner or is entitled to sell the nonferrous metals being sold. All nonferrous metals that are purchased by and are in the possession of a secondary metals recycler and all records required to be kept by this section must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies during regular business hours. The records must be maintained for two years from the date of purchase.

~~(B)~~(2) A secondary metals recycler may purchase nonferrous metals only ~~for cash consideration from a fixed location~~ by check. The secondary metals recycler shall maintain a record of the checks together with the information required by subsection (D)(1).

(3) A secondary metals recycler shall prominently display a twenty-inch by thirty-inch sign in the secondary metals recycler’s fixed site that states: ‘NO NONFERROUS METALS, INCLUDING COPPER, MAY BE PURCHASED BY A SECONDARY METALS RECYCLER FROM A SELLER UNLESS THE SELLER IS A HOLDER OF A RETAIL LICENSE, AN AUTHORIZED WHOLESALER, A CONTRACTOR LICENSED PURSUANT TO ARTICLE 1, CHAPTER 11, TITLE 40 OF THE SOUTH CAROLINA CODE OF LAWS, A GAS, ELECTRIC, COMMUNICATIONS, WATER, PLUMBING, ELECTRICAL, OR CLIMATE CONDITIONING SERVICE PROVIDER, OR THE SELLER PRESENTS THE SELLER’S VALID PERMIT TO TRANSPORT AND SELL NONFERROUS METALS ISSUED PURSUANT TO SECTION 16‑17‑680 OF THE SOUTH CAROLINA CODE OF LAWS’.

(4) A purchaser who violates a provision of this subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than one year, or both; and

(c) for a third offense or subsequent offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

(E)(1)(a) It is unlawful to sell nonferrous metals in any amount to a secondary metals recycler unless the secondary metals recycler has a valid permit to purchase nonferrous metals issued pursuant to subsection (B) and the seller is a holder of a retail license, an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, of Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider, or the seller has a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C).

(b) A seller who violates a provision of this subitem:

(i) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both;

(ii) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five hundred dollars or imprisoned not more than three years, or both; and

(iii) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than five years, or both.

(2)(a) It is unlawful to purchase nonferrous metals in any amount from a seller who does not have a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C) with the intent to resell the nonferrous metals in any amount to a secondary metals recycler using the purchaser’s valid permit to transport and sell nonferrous metals issued pursuant to subsection (C).

(b) A purchaser who violates a provision of this subitem is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

~~(C)(1)~~(F)(1) ~~Whenever~~ When a law enforcement officer has reasonable cause to believe that any item of nonferrous metal in the possession of a secondary metals recycler has been stolen, the law enforcement officer may issue a hold notice to the secondary metals recycler. The hold notice must be in writing, be delivered to the secondary metals recycler, specifically identify those items of nonferrous metal that are believed to have been stolen and that are subject to the notice, and inform the secondary metals recycler of the information contained in this subsection. Upon receipt of the notice, the secondary metals recycler must not process or remove the items of nonferrous metal identified in the notice, or any portion thereof, from the secondary metal recycler’s ~~place of business~~ fixed site for fifteen calendar days after receipt of the notice unless released prior to the fifteen‑day period by the law enforcement officer.

(2) No later than the expiration of the fifteen‑day period, a law enforcement officer may issue a second hold notice to the secondary metals recycler, which shall be an extended hold notice. The extended hold notice must be in writing, be delivered to the secondary metals recycler, specifically identify those items of nonferrous metal that are believed to have been stolen and that are subject to the extended hold notice, and inform the secondary metals recycler of the information contained in this subsection. Upon receipt of the extended hold notice, the secondary metals recycler must not process or remove the items of nonferrous metal identified in the notice, or any portion thereof, from the secondary metals recycler’s ~~place of business~~ fixed site for thirty calendar days after receipt of the extended hold notice unless released prior to the thirty‑day period by the law enforcement officer.

(3) At the expiration of the hold period or, if extended, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the nonferrous metals unless other disposition has been ordered by a court of competent jurisdiction.

(4) A secondary metals recycler who violates a provision of this subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days; and

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than one year, or both.

(c) for a third offense or subsequent offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense shall constitute a prior offense within the meaning of this subsection.

~~(D)~~ ~~A person who violates the provisions of this section is guilty of a:~~

~~(1)~~ ~~misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days for a first offense. This offense is triable in magistrates court;~~

~~(2)~~ ~~misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both, for a second offense;~~

~~(3)~~ ~~misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both, for a third or subsequent offense. For an offense to be considered a third or subsequent offense, only those offenses which occurred within a period of ten years, including and immediately preceding the date of the last offense shall constitute a prior offense within the meaning of this section~~.

(G)(1) It is unlawful to transport in a vehicle or have in a person’s possession in a vehicle on the highways of this State nonferrous metals of an aggregate weight of more than ten pounds.

(2) Subitem (G)(1) does not apply if:

(a) the vehicle is a vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals;

(b) the person can present a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C);

(c) the person can present a valid bill of sale for the nonferrous metals.

(3) If a law enforcement officer determines that one or more of the exceptions listed in subitem (G)(2) applies, or the law enforcement officer determines that the nonferrous metals are not stolen goods and are in the rightful possession of the person, the law enforcement officer shall not issue a citation for a violation of this subsection.

(4) A person who violates a provision of subitem (G)(1):

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both;

(c) for a third or subsequent offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

(5) If a person transports nonferrous metals that the person knows are stolen in a vehicle or has in the person’s possession in a vehicle on the highways of this State nonferrous metals that the person knows are stolen, is operating a vehicle used in the ordinary course of business to transport nonferrous metals that the person knows are stolen, presents a valid or falsified permit to transport and sell nonferrous metals that the person knows are stolen, or presents a valid or falsified bill of sale for nonferrous metals that the person knows to be stolen, the person is guilty of a felony, and, upon conviction, must be must be fined in the discretion of the court or imprisoned not more than ten years, or both.

~~(E)~~(H) For purposes of this section, the only identification acceptable is a:

(1) valid South Carolina driver’s license issued by the Department of Motor Vehicles;

(2) valid South Carolina identification card issued by the Department of Motor Vehicles;

(3) valid driver’s license from another state that contains the licensee’s picture on the face of the license; or

(4) valid military identification card.

~~(F)~~ ~~For purposes of this section:~~

~~(1)~~ ~~‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, catalytic converters, and stainless steel beer kegs or containers.~~

~~(2)~~ ~~‘Secondary metals recycler’ means any person who is engaged in the business of paying compensation for nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.~~

~~(3)~~ ~~‘Fixed location’ means any site occupied by a secondary metals recycler as the owner of the site or as a lessee of the site under a lease or other rental agreement providing for occupation of the site by a secondary metals recycler for a total duration of not less than three hundred and sixty‑four days.~~

~~(G)~~(I) The provisions of this section do not apply to the purchase or sale of aluminum cans.

~~(H)~~(J) This section preempts local ordinances and regulations governing the purchase, ~~or~~ sale, or transportation of nonferrous metals in any amount, except to the extent that such ordinances pertain to zoning or business license fees. ~~This section shall not preempt the ability of a political subdivision of the State to enact ordinances or regulations pertaining to zoning or business license fees.~~ Political subdivisions of the State may not enact ordinances or regulations more restrictive than those contained in this section.”

SECTION 3. Section 16‑17‑685 of the 1976 Code is repealed.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect sixty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator PINCKNEY explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 38; Nays 2**

**AYES**

Alexander Bright Cleary

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

Bryant Campsen

**Total--2**

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

**READ THE SECOND TIME**

H. 3301 -- Reps. Clemmons, Bowers, Bales, Anderson, Pinson, R.L. Brown and Erickson: A BILL TO AMEND SECTION 23‑43‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STANDARDS FOR PLACEMENT OF MODULAR HOMES, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A MODULAR HOME USED AS A DISPLAY MODEL MAY BE PLACED FOR ITS FIRST RESIDENTIAL USE.

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 35; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

O'Dell Peeler Pinckney

Rose Ryberg Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 799 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO UNEMPLOYMENT INSURANCE REFORM (ARTICLE 2), DESIGNATED AS REGULATION DOCUMENT NUMBER 4170, 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.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Knotts Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3873 -- Rep. Vick: A BILL TO AMEND SECTION 50‑5‑1507, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ZONES, SEASONS, TIMES, CATCH AND SIZE LIMITS, METHODS, AND EQUIPMENT FOR TAKING HERRING, SO AS TO REVISE THE SEASONS, TIMES, AND SIZE AND TAKE LIMITS FOR HERRING, AND THE METHODS AND EQUIPMENT WHICH APPLY AND TO PROVIDE FOR THE AREAS IN WHICH CERTAIN OF THESE PROVISIONS APPLY.

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

Senator CROMER explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 1**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Hayes

Hutto Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

H. 3744 -- Reps. Erickson and Sandifer: A BILL TO AMEND SECTION 40‑65‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROVISIONS CONCERNING SOIL CLASSIFIERS, SO AS TO REVISE THE EXEMPTIONS.

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

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

**Ayes 38; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 510 -- Senator Sheheen: A BILL TO AMEND SECTION 40‑47‑760 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE ACUPUNCTURE ACT OF SOUTH CAROLINA, TO ADD PHYSICIANS TRAINED TO PERFORM ACUPUNCTURE TO THE LIST OF EXEMPTIONS.

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

Senator HAYES explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Fair Ford Grooms

Hayes Hutto Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3378 -- Reps. Crawford and McLeod: A BILL TO AMEND ARTICLE 3, CHAPTER 31, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF TUBERCULOSIS PATIENTS, SO AS TO PROVIDE FOR AN EMERGENCY ORDER ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR AN ORDER ISSUED BY THE PROBATE COURT FOR THE DETENTION, EXAMINATION, ISOLATION, AND TREATMENT OF A PERSON WITH TUBERCULOSIS WHO POSES A RISK TO THE PUBLIC; TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH AN EMERGENCY ORDER MAY BE ISSUED AND THE SCOPE OF AN EMERGENCY ORDER; TO PROVIDE REVIEW AND APPEAL PROCEDURES FOR AN EMERGENCY ORDER; TO AUTHORIZE THE COURT TO WAIVE NOTICE REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES; TO PROHIBIT STAYING A COMMITMENT ORDER PENDING APPEAL; TO PROVIDE THAT INVOLUNTARY EXAMINATION OF A PERSON WITH SUSPECTED TUBERCULOSIS IS NOT COMPULSORY TREATMENT; AND TO DELETE PROVISIONS PERTAINING TO THE ESTABLISHMENT OF TUBERCULOSIS FACILITIES AT THE STATE PARK HEALTH CENTER AND THAT THE ENFORCEMENT OF THIS ARTICLE IS CONTINGENT UPON THE AVAILABILITY OF FACILITIES FOR HOSPITALIZATION.

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

Senator HAYES explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3122 -- Rep. J.M. Neal: A BILL TO AMEND SECTION 56‑3‑180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF SPECIAL PERMITS TO MOVE VEHICLES DURING AN EMERGENCY, SO AS TO DELETE THE TERM “MOVE” AND REPLACE IT WITH THE TERM “OPERATE”, TO DELETE THE PROVISION THAT RESTRICTS THE ISSUANCE OF THE PERMITS TO EMERGENCY SITUATIONS, TO REMOVE THE RESTRICTION PLACED ON THE NUMBER OF PERMITS THAT MAY BE ISSUED FOR A VEHICLE, AND TO REVISE THE INFORMATION THAT MUST BE SPECIFIED ON THE PERMIT.

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

Senator CAMPBELL explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Knotts Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3731 -- Reps. Owens, Brantley, Daning, Brannon, Atwater, Patrick, Erickson, Bowen, R.L. Brown, Crosby, Long, Taylor and Willis: A BILL TO AMEND SECTION 56‑27‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERM AND COST OF A PROFESSIONAL HOUSEMOVING LICENSE, SO AS TO REVISE THE ANNUAL RENEWAL FEE; AND TO AMEND SECTION 57‑3‑130, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION’S SPECIAL PERMITS THAT AUTHORIZE A PERSON TO OPERATE OR MOVE A VEHICLE THAT EXCEEDS A CERTAIN SIZE, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DETERMINE THE MAXIMUM SPEEDS AT WHICH PERMITTED LOADS MAY OPERATE, TO PROVIDE THAT FOR A LOAD TRAVELING UNDER POLICE ESCORT, THE ESCORT OFFICER MAY EXERCISE DISCRETION WHEN TEMPORARILY MOVING OUT OF THE TRAVELED WAY, AND TO PROVIDE AN ADDITIONAL IMPACT FEE FOR LOADS THAT EXCEED FIVE HUNDRED THOUSAND POUNDS.

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

Senator CAMPBELL explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 33; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Knotts

Leatherman Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Nicholson O'Dell

Peeler Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--33**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**READ THE SECOND TIME**

H. 3470 -- Reps. Pitts, Knight, Loftis and Toole: A BILL TO AMEND SECTION 44‑53‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST USING, SELLING, OR MANUFACTURING CLEANING AGENTS CONTAINING PHOSPHATES, SO AS TO INCLUDE HOUSEHOLD DISHWASHING DETERGENTS IN THIS PROHIBITION; TO FURTHER SPECIFY CRITERIA FOR AND TYPES OF CLEANING AGENTS EXEMPT FROM THIS PROHIBITION; TO PROVIDE A CRIMINAL OFFENSE FOR SECOND AND SUBSEQUENT VIOLATIONS; TO AUTHORIZE THE SALE OF PROHIBITED CLEANING AGENTS THAT ARE IN A RETAILER’S INVENTORY ON JULY 1, 2011; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO REPORT ON THE AVAILABILITY, EFFECTIVENESS, AND COST OF NONPHOSPHATE COMMERCIAL DISHWASHING DETERGENT.

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

Senator FAIR explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 34; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--34**

**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. 3582 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 17‑22‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR A TRAFFIC EDUCATION PROGRAM, SO AS TO PROVIDE THAT A PERSON MAY BE CONSIDERED FOR THE PROGRAM IF HE HAS NO SIGNIFICANT HISTORY OF TRAFFIC VIOLATIONS.

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

Senator HUTTO explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Rose Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3895 -- Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V.S. Moss, Pinson, Rutherford, Sabb, G.R. Smith, Thayer, Tribble, Willis and King: A BILL TO AMEND SECTION 17‑15‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.

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 37; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant

**Total--2**

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

**READ THE SECOND TIME**

**CARRYING OVER ALL AMENDMENTS TO THIRD READING**

H. 3241 -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59‑40‑175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59‑40‑20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59‑40‑40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59‑40‑190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59‑40‑230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59‑40‑130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

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

There was no objection.

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

Senator HAYES asked unanimous consent that all amendments be carried over to third reading.

There was no objection.

The question then was second reading of the Bill.

The Bill was read the second time and ordered placed on the Third Reading Calendar carrying over all amendments to third reading.

**READ THE SECOND TIME**

H. 3431 -- Rep. G.M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “JOHN’S LAW” BY ADDING SECTION 57‑1‑80 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PUBLISH ITS LIST OF RAILROAD CROSSINGS AT WHICH IT PLANS TO INSTALL CROSSING ARMS, PLACE TRAFFIC STOP SIGNS AT DANGEROUS CROSSING LOCATIONS UNTIL CROSSING ARMS ARE INSTALLED, AND INCREASE THE NUMBER OF INSTALLATIONS OF CROSSING ARMS AT DANGEROUS RAILROAD CROSSINGS THROUGHOUT THE STATE.

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

There was no objection.

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

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

**Ayes 36; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Knotts Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 929 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑18‑170 TO ENACT “BENJI’S LAW” SO AS TO SPECIFY PERMIT REQUIREMENTS FOR MINIATURE TRAINS OPERATED FOR THE USE OF THE PUBLIC AS AN AMUSEMENT DEVICE IN AN AMUSEMENT PARK.

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

Senator PEELER explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3914 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS AND SCENIC BYWAYS; AND TO REPEAL ACT 714 OF 1978 WHICH DESIGNATED CERTAIN PORTIONS OF HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS.

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

Senator DAVIS explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Knotts Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

**Total--36**

**NAYS**

**Total--0**

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

**Statement by Senators WILLIAMS and ANDERSON**

Having been out of the Chamber at the time the vote was taken, we would have voted in favor of the second reading of H. 3914.

**Motion Adopted**

On motion of Senator GROOMS, with unanimous consent, Senators FORD, LEATHERMAN, DAVIS, SHOOPMAN and GROOMS were granted leave to attend a meeting and were granted leave to vote from the balcony.

**READ THE SECOND TIME**

H. 4258 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ELECTRONIC EQUIPMENT COLLECTION AND RECOVERY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4179, 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 CAMPBELL explained the Joint Resolution.

The question then was second reading of the Resolution.

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

**Ayes 24; Nays 14**

**AYES**

Alexander Anderson Campbell

Campsen Coleman Cromer

Fair Hayes Hutto

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

McGill Nicholson O'Dell

Pinckney Scott Setzler

Sheheen Verdin Williams

**Total--24**

**NAYS**

Bright Bryant Courson

Davis Gregory Grooms

*Martin, Shane* Massey McConnell

Peeler Rose Ryberg

Shoopman Thomas

**Total--14**

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

**Statement by Senators McCONNELL and ROSE**

We were forced to vote against H. 4258 because it would allow DHEC by regulation to levy fines on businesses of the State and also charge fees not approved by the legislature. If businesses are to be charged fees or be fined for their conduct, it should be done by elected officials with an opportunity to be heard. It should not be done by unelected bureaucrats. Because these regulations give to bureaucrats powers that should be reserved to those who are elected and who are accountable, we voted “no.”

**AMENDED, READ THE SECOND TIME**

S. 79 -- Senators Hayes, Rose, McConnell and Campsen: A BILL TO AMEND SECTION 8-13-1320 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRIBUTIONS WITHIN A SPECIFIED PERIOD AFTER PRIMARY, SPECIAL, OR GENERAL ELECTION ATTRIBUTED TO THE PRIMARY OR ELECTION, SO AS TO PROVIDE SPECIFIC PROVISIONS FOR CONTRIBUTIONS MADE IN A PRIMARY RUNOFF.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment as printed below.

Senators KNOTTS and SHEHEEN proposed the following amendment (JUD0079.001), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2, line 32 on page 1, and inserting:

/ SECTION 2. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1339. A political action committee organized by or on behalf of the Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, or a director or deputy director of a state department appointed by the Governor is prohibited. Any political action committee prohibited by this section in existence on the effective date of this act must distribute all unexpended contributions in the manner provided for in Section 8‑13‑1370(C). A political action committee does not include a candidate committee.”

SECTION 3. Section 8‑13‑1340 of the 1976 Code is amended to read:

“Section 8‑13‑1340. (A) Except as provided in ~~subsections~~ subsection (B) ~~and (E)~~, a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees~~, directly or indirectly established, financed, maintained, or controlled by the candidate or public official~~.

(B) This section does not prohibit a candidate from:

(1) making a contribution from the candidate’s own personal funds on behalf of the candidate’s candidacy or to another candidate for a different office; or

(2) providing the candidate’s surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate under Section 8‑13‑1370 of this article.

(C) Assets or funds which are the proceeds of a campaign contribution and which are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).

~~(D)~~ ~~A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:~~

~~(1)~~ ~~the candidate or public official, or an agent of either, has signature authority on the committee’s checks;~~

~~(2)~~ ~~funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;~~

~~(3)~~ ~~the candidate or public official is clearly identified on either the stationery or letterhead of the committee;~~

~~(4)~~ ~~the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;~~

~~(5)~~ ~~the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee’s solicitations, contributions, donations, disbursements, or contracts to make disbursements; or~~

~~(6)~~ ~~the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.~~

~~(E)~~ ~~The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.~~

~~(F)~~ ~~No committee operating under the provisions of Section 8‑13‑1340(E) may:~~

~~(1)~~ ~~solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or~~

~~(2)~~ ~~transfer anything of value to any other committee except as a contribution under the limitations of Section 8‑13‑1314(A) or the dissolution provisions of Section 8‑13‑1370.~~”

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

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 2**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Hayes Hutto

Jackson Knotts Land

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Fair

**Total--2**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3617 -- Reps. Pitts, R.L. Brown, Allen, Bales, Brady, Knight, Ballentine, McLeod, Willis, Toole, Sellers and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1‑95 SO AS TO PROVIDE THAT A SEWAGE SYSTEM, OR ITS TREATMENT WORKS, THAT HAS HAD THREE OR MORE SEWAGE SPILLS IN A TWELVE‑MONTH PERIOD MUST COMPLETE A COMPREHENSIVE REVIEW OF THEIR OPERATIONS; TO PROVIDE FOR THE COMPREHENSIVE REVIEW; TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ACTION PLAN TO ADDRESS ISSUES RAISED IN THE COMPREHENSIVE REVIEW; TO PROVIDE SPENDING PRIORITIES FOR WASTEWATER UTILITIES THAT LACK FUNDS FOR IMPLEMENTING AN ACTION PLAN; TO PROVIDE THAT WASTEWATER UTILITIES THAT DEVELOP AN ACTION PLAN HAVE PRIORITY FOR STATE FUNDS OR STATE‑DIRECTED FEDERAL FUNDS; AND TO PROVIDE THAT REPETITIVE SPILLS MUST BE FORWARDED TO AND RECORDED BY THE SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD.

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

The Committee on Medical Affairs proposed the following amendment (NBD\11670AC11), which was adopted:

Amend the bill, as and if amended, Section 48-1-95(D)(1) page 3, line 2 by deleting /department approved/.

Amend the bill further, Section 48-1-95(D)(2) page 3, lines 9-10 by deleting /or update to an approved CMOM/.

Renumber sections to conform.

Amend title to conform.

Senator HAYES 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 37; Nays 2**

**AYES**

Alexander Campbell Campsen

Cleary Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant

**Total--2**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3792 -- Rep. Rutherford: A BILL TO AMEND SECTION 50‑21‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONDITIONS UPON WHICH A PERSON MAY OPERATE A VESSEL DISPLAYING, REFLECTING, OR FLASHING A BLUE LIGHT, SO AS TO REVISE THE CIRCUMSTANCES IN WHICH A PERSON MAY OPERATE A VESSEL WHILE DISPLAYING A BLUE LIGHT, AND TO REVISE THE PENALTY PROVISION.

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

There was no objection.

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

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\6206CM11), which was adopted:

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

/SECTION 1. Section 50‑21‑85 of the 1976 Code is amended to read:

“Section 50‑21‑85. ~~No~~ A person shall not operate ~~any~~ a vessel displaying~~,~~ ~~reflecting~~ or using a rotating, strobing, flashing ~~a~~ , or intermittently reflecting blue light unless a duly commissioned law enforcement officer is on board.

The operator of ~~any~~ a vessel being approached by a vessel flashing a blue light shall stop or maneuver in ~~such~~ a way as to permit boarding, so far as possible without endangering his ~~own~~ vessel, and not begin normal movement again until directed by the law enforcement officer or until the vessel flashing a blue light has cleared the immediate area.

The operator of ~~any~~ a vessel approaching ~~any~~ an area where a vessel flashing a blue light is located or patrolling shall slow his vessel to a no wake speed and shall maintain ~~such~~ the speed until clear of the area.

~~Any~~ A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, ~~shall be punished as provided in Section 50‑21‑150~~ must be fined not less than twenty‑five dollars nor more than five hundred dollars, or imprisoned not more than thirty days for each violation.”

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

Renumber sections to conform.

Amend title to conform.

Senator McGILL 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 38; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3864 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G.M. Smith, Pinson, Ballentine, D.C. Moss, Mitchell, J.H. Neal, R.L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J.E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Huggins, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES, BY ADDING SECTION 50‑13‑1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50‑13‑610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50‑13‑620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50‑13‑680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50‑13‑690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50‑13‑730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50‑13‑2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.

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

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\6207CM11), which was adopted:

Amend the bill, as and if amended, Section 50‑13‑230(E) and (F), as contained in SECTION 2, page 17, by deleting Section 50‑13‑230(E) and (F) and inserting:

/ (E) On Lake Murray and the middle reach of the Saluda River it is unlawful to possess more than five striped bass a day. From ~~July~~ June first through September thirtieth, it is unlawful to take, attempt to take, or possess more than five striped bass a day. (F) On Lake Murray and the middle reach of the Saluda River from October first through ~~June thirtieth~~ May thirty‑first, it is unlawful to possess a striped bass less than twenty‑one inches in total length. From ~~July~~ June first to September thirtieth there is no minimum length. /

Renumber sections to conform.

Amend title to conform.

Senator McGILL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3865 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Ballentine, D.C. Moss, Mitchell, J.H. Neal, Hodges, G.M. Smith, Pinson, Herbkersman, Hiott, R.L. Brown, Whipper, Forrester, Toole, Hayes, Butler Garrick, Chumley, J.E. Smith, Atwater, Huggins, Clemmons, Pitts, Edge, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Crosby, Hixon, Murphy, Stringer, Owens, Bikas, Viers, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL FISH AND GAME PROVISIONS, BY ADDING SECTION 50‑1‑160 SO AS TO PERMIT THE DEPARTMENT TO RELEASE A SEIZED VEHICLE, BOAT, MOTOR, OR FISHING DEVICE UNDER CERTAIN CONDITIONS; TO AMEND ARTICLE 3, CHAPTER 13, TITLE 50, RELATING TO USE OF SEINES, TRAPS, AND LIKE DEVICES, SO AS TO REVISE AND FURTHER PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEVICES MAY BE USED AND TO PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING ARTICLE 5 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN UNLAWFUL FRESHWATER ACTIONS AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 6, CHAPTER 13, TITLE 50, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO FURTHER PROVIDE FOR THE USE OF NONGAME FISHING DEVICES AND THE TAKING OF NONGAME FISH IN THE FRESHWATERS OF THIS STATE, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS AND FOR SPECIFIED EXCEPTIONS TO THESE PROVISIONS; TO AMEND ARTICLE 11, CHAPTER 13, TITLE 50, RELATING TO THE SALE AND TRAFFIC IN FISH, SO AS TO REVISE CERTAIN PROVISIONS IN THE ARTICLE PERTAINING TO PROHIBITED PRACTICES IN REGARD TO THE SALE OR TRAFFICKING IN FISH AND ADD OTHER PROVISIONS WITH PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES AND PROPAGATION, SO AS TO REVISE AND FURTHER PROVIDE FOR ACTIONS THE DEPARTMENT MAY TAKE IN REGARD TO FISH HATCHERIES, SANCTUARIES, AND THE PROPAGATION OF FISH AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 50, RELATING TO THE HORRY COUNTY FISH AND GAME COMMISSION, SO AS TO DELETE THE PROVISIONS OF THE ARTICLE AND INSTEAD PROVIDE FOR THE PERMITTED USE OF NONGAME DEVICES ON THE LITTLE PEE DEE RIVER FOR A PERIOD OF THREE YEARS; AND TO REPEAL SECTIONS 50‑13‑1450 RELATING TO PRIMA FACIE EVIDENCE OF USING EXPLOSIVES TO TAKE FISH; 50‑13‑385 RELATING TO MINIMUM SIZE FOR LARGE MOUTH BASS IN LAKE WYLIE; 50‑13‑390 RELATING TO DAILY LIMIT ON ARKANSAS BLUE CATFISH; AND 50‑13‑400 RELATING TO LAKE MURRAY CRAPPIE CREEL AND SIZE LIMITS.

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

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\6208CM11), which was adopted:

Amend the bill, as and if amended, Section 50-13-675, as contained in SECTION 4, pages 28 through 41, by deleting Section 50-13-675, and inserting:

/ Section 50‑13‑675. Archery equipment, cast nets, crayfish traps, gigs, hand grabbing, minnow seines, minnow traps, and spears, may be used in freshwaters, except in lakes owned or managed by the department, to take nongame fish. Where permitted, a recreational fisherman may fish one gill net not more than one hundred yards in length or not more than three gill nets, none of which exceeds thirty yards in length; a commercial fisherman may fish four or more gill nets. Notwithstanding other provisions of this chapter, it is unlawful to use or possess any nongame fishing device or gear or the number not authorized by this section on the particular body of water. Nongame fishing devices, except as provided in this section, must not be used in freshwater including tributaries of rivers or creeks unless listed and regulated in this section:

(1) Ashepoo River:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(2) Ashley River:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(3) Black Creek; (Darlington, Florence, and Chesterfield Counties) including Lakes Robinson and Prestwood:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(4) Black River:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps ‑ only from Pea House landing downstream:

(i) recreational license ‑ two;

(ii) commercial license ‑ ten;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license‑ five lines with two hundred fifty hooks maximum;

(5) Broad River:

(a) seines upstream from S.C. State Highway 34 Bridge to the North Carolina/South Carolina State line only:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(6) Bush River, Laurens County:

(a) seines:

(i) recreational license only ‑ one;

(7) Catawba River from the Lake Wylie Dam to the Cedar Creek Dam including the in‑stream reservoirs:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(8) Combahee River:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license‑ seventy five;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(9) Congaree River:

(a) hoop nets:

(i) commercial license‑ ten;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license‑ ten;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(10) Cooper River (Berkley and Charleston Counties):

(a) eel pots: not allowed upstream from Wadboo Creek;

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) elver fyke nets: allowed on all tributaries and on the main branch from the saltwater/freshwater dividing line upstream to the CSX railroad trestle on the Tail Race Canal:

(i) commercial license only ‑ ten nets;

(c) pump nets:

(i) recreational license only ‑ one;

(d) set hooks: not allowed upstream from Wadboo Creek:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(e) skimbow nets:

(i) recreational license only ‑ one;

(f) traps: not allowed upstream from Wadboo Creek:

(i) recreational license ‑ two;

(ii) commercial license ‑ twenty five;

(g) trotlines: not allowed upstream from Wadboo Creek:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(11) Coosawhatchie River:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(12) Durbin Creek: (Greenville and Laurens Counties):

(a) seines:

(i) recreational license only ‑ one;

(13) Edisto River, including the North and South Forks:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(14) Enoree River:

(a) seines: from the Norfolk‑Southern Railroad in Greenville County downstream to the confluence with the Broad River:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(15) Four Holes Lakes system in Dorchester County which includes Bridge Lake, John’s Hole Lake, Little Pond Lake, Mallard’s Lake, Mims Lake, Mouth of Four Holes Lake, Rock’s Lake, Shuler Lake, Steed’s Lake and Woods Lake:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(16) Great Pee Dee River: the waters from U.S. Interstate Highway 95 to the saltwater/freshwater dividing line including the navigable oxbows and sloughs and Bull Creek:

(a) eel pots: downstream from U.S. Highway 701 to the saltwater/freshwater dividing line;

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) gill nets: nongame nets in season;

(c) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(d) skimbow nets:

(i) recreational license ‑ one;

(e) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ fifty;

(f) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(17) Great Pee Dee River, the waters from U.S. Interstate Highway 95 to the North Carolina/South Carolina State Line including the navigable oxbows and sloughs:

(a) gill nets: nongame nets allowed in season;

(b) hoop nets: upstream from S.C. State Highway 34 to the North Carolina/ South Carolina state line:

(i) commercial license only‑ fifty;

(c) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(d) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ fifty;

(e) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(18) Jefferies Creek (Florence County):

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(19) Lake Greenwood:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(20) Lake Hartwell:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(21) Lake J. Strom Thurmond and Stevens Creek Reservoir:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(22) Lake Keowee:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(23) Lakes Marion and Moultrie, and the upper reach of the Santee River:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ twenty five;

(b) trotlines: Hooks must have a gap or clearance between point and shank no greater than seven sixteenths inch:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with not more than four hundred hooks on each line;

(24) Lake Murray:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(25) Lake Richard B. Russell:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(26) Lake Secession:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(27) Lake Wateree:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(28) Lake Wylie:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(29) Little Pee Dee River including Russ’s Creek and other navigable oxbows and sloughs:

(a) gill nets: nongame nets allowed in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(30) Little River: from Mars Bridge in McCormick County up to the confluence of Barkers Creek (Long Branch) and Corner Creek in Anderson County:

(a) seines:

(i) recreational license only ‑ one;

(31) Log Creek (Edgefield County):

(a) seines:

(i) recreational license only ‑ one;

(32) Long Cane Creek, (McCormick County) from above Patterson Bridge on S.C. State Highway S‑33‑117 upstream to SC State Highway S‑1‑75 in Abbeville County:

(a) seines:

(i) recreational license only ‑ one;

(33) Louther’s Lake (Darlington County):

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(34) Lumber River:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(35) Lynches River (includes Clarks Creek, Mill Creek and Muddy Creek):

(a) gill nets: nongame nets allowed in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(36) Mulberry Creek (Greenwood County):

(a) seines:

(i) recreational license only ‑ one;

(37) New River:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(38) Pacolet River:

(a) seines:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(39) Rabon Creek (Laurens County):

(a) seines:

(i) recreational license only ‑ one;

(40) Reedy River:

(a) seines: from the Norfolk‑Southern Railroad in Greenville County downstream to the backwaters of Lake Greenwood:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(41) Rocky River (Anderson County):

(a) seines:

(i) recreational license only ‑ one;

(42) Salkehatchie River:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(43) Saluda River‑ from S.C. State Highway 183 in Greenville County to the backwaters of Lake Greenwood and on the Middle Reach of the Saluda River:

(a) seines:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(44) Saluda River ‑ Lower reach:

(a) traps:

(i) recreational license only ‑ two;

(b) trotlines:

(i) recreational license only ‑ one line with fifty hooks maximum;

(45) Sampit River:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) skimbow nets:

(i) recreational license only ‑ one;

(d) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ twenty five;

(46) Santee River, from USGS gauging station 1715 about 2.4 miles below Santee Dam downstream to the saltwater/freshwater dividing line including the North and South Santee Rivers:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) skimbow nets:

(i) recreational license only ‑ one;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ fifty;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(47) Savannah River ‑ Lower Reach to the saltwater/freshwater dividing line:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) gill nets: nongame nets in season;

(c) hoop nets:

(i) commercial license only ‑ ten;

(d) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(e) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ forty;

(f) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(48) Stevens Creek from SC State Highway S‑19‑53 upstream to the confluence of Hard Labor and Cuffytown Creeks:

(a) seines:

(i) recreational license only ‑ one;

(49) Thicketty Creek, (Cherokee County):

(a) seines:

(i) recreational license only ‑ one;

(50) Tulifinny River:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(51) Turkey Creek (Edgefield and Greenwood Counties):

(a) seines:

(i) recreational license only ‑ one;

(52) Tyger River:

(a) seines:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(53) Waccamaw River:

(a) eel pots: downstream of the junction of Bull Creek to the saltwater/freshwater dividing line:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) gill nets: nongame nets in season;

(c) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(d) skimbow nets:

(i) recreational license only ‑ one;

(e) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(54) Warrior Creek, Laurens County:

(a) seines:

(i) recreational license only ‑ one;

(55) Wateree River:

(a) hoop nets:

(i) commercial license only ‑ ten;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ forty;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(56) Wilson Creek, Greenwood County: from the confluence of Wilson Creek and Ninety ‑ Six Creek upstream to U.S. Highway 25/U.S. Highway 178 in Greenwood County:

(a) seines:

(i) recreational license only ‑ one. /

Amend the bill further SECTION 9, as contained on page 52, by deleting SECTION 9, and inserting:

/SECTION 9. Upon approval by the Governor, this act takes effect July 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator McGILL 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 34; Nays 2**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Davis Grooms

Hayes Hutto Knotts

Land Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant

**Total--2**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3584 -- Reps. Sandifer and Gambrell: A BILL TO AMEND SECTION 58‑37‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FINANCING AGREEMENTS FOR THE INSTALLATION OF CERTAIN ENERGY‑EFFICIENCY AND CONSERVATION IMPROVEMENTS, SO AS TO CORRECT AN ERRONEOUS CROSS‑REFERENCE, AND TO PROVIDE WHERE AN ELECTRICITY OR NATURAL GAS PROVIDER CONTRACTS WITH A THIRD PARTY TO PERFORM CERTAIN FUNCTIONS, THE LIABILITY OF THE THIRD PARTY IS LIMITED IN A SPECIFIC MANNER.

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

The Committee on Judiciary proposed the following amendment (JUD3584.001), which was adopted:

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

/ SECTION 1. Section 58‑37‑50(H) through (K) of the 1976 Code, as added by Act 141 of 2010, is amended to read:

“(H) An electricity provider or natural gas provider may enter into agreements for the installation of energy efficiency and conservation measures and the recovery of the costs, including financing costs, of the measures with respect to rental properties by filing a notice of meter conservation charge as provided in subsection (G) and by complying with the provisions of this subsection:

(1) The energy audit required by subsection (F) ~~above~~ must be conducted and the results provided to both the landlord and the tenant living in the rental property at the time the agreement is entered.

(2) If both the landlord and tenant agree, the electricity provider or natural gas provider may recover the costs of the energy efficiency and conservation measures, including financing costs, through a meter conservation charge on the account associated with the rental property occupied by the tenant. The agreement must provide notice to the landlord of the provisions contained in subsection (H)(3).

(3) With respect to a subsequent tenant occupying a rental unit benefiting from the installation of energy efficiency and conservation measures, the electricity provider or natural gas provider may continue to recover the costs, including financing costs, of the measures through a meter conservation charge on the account associated with the rental property occupied by the tenant. With respect to a subsequent tenant, the landlord must give a written notice of meter conservation charge in the same manner as required by Section ~~27‑40‑420~~ 27‑40‑240. If the landlord fails to give the subsequent tenant the required notice of meter conservation charge, the tenant may deduct from his rent, for no more than one‑half of the term of the rental agreement, the amount of the meter conservation charge paid to the electricity provider or natural gas provider.

(I) Agreements entered pursuant to the provisions of this section are exempt from the provisions of the South Carolina Consumer Protection Code, ~~Chapter 2,~~ Title 37 of the South Carolina Code of Laws.

(J) An electricity provider or natural gas provider may contract with third parties to perform functions permitted under this section, including the financing of the costs of energy efficiency and conservation measures. A third party must comply with all applicable provisions of this section. When an electricity or natural gas provider contracts with a third party to perform administrative or financing function under this subsection, the liability of the third party is limited in the same manner as an electricity provider or natural gas provider is under subsection (E).

(K) The provisions of this section apply only to energy efficiency and conservation measures for a residence already occupied at the time the measures are taken. The procedures allowed by this section may not be used with respect to a new residence or a residence under construction. The provisions of this section may not be used to implement energy efficiency or conservation measures that result in the replacement of natural gas appliances or equipment with electric appliances or equipment, or that result in the replacement of electric appliances or equipment with natural gas appliances or equipment, unless (1) the customer who seeks to install the energy efficiency or conservation measure is being provided electric and natural gas service by the same provider, or (2) an electric appliance used for home heating is being replaced by an appliance that operates primarily on electricity but which has the capability of also operating on a secondary fuel source.”

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

Bright

**Total--1**

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

**AMENDED, READ THE SECOND TIME**

H. 3266 -- Reps. Owens, Hiott, Whipper and R.L. Brown: A BILL TO AMEND SECTION 57‑5‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL COMPOSITION OF THE STATE HIGHWAY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS IN THE STATE HIGHWAY SYSTEM MUST BE BUILT ACCORDING TO STATE STANDARDS AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY USE CERTAIN FUNDS TO MAINTAIN THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57‑5‑70, RELATING TO ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ADD COUNTY AND MUNICIPAL ROADS TO THE STATE HIGHWAY SYSTEM WHEN NECESSARY FOR THE INTERCONNECTIVITY OF THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57‑5‑80, RELATING TO THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO REVISE THE PROCEDURE FOR THE REMOVAL OF ROADS FROM THE STATE HIGHWAY SYSTEM WHEN A GOVERNMENTAL AGENCY AGREES TO ACCEPT THE ROAD INTO ITS OWN HIGHWAY SYSTEM; AND TO REPEAL SECTION 57‑5‑90 RELATING TO BELT LINES AND SPURS.

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

There was no objection.

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

Senators CAMPBELL, KNOTTS and SHANE MARTIN proposed the following amendment (3266R001.PGC), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 6 and inserting:

/ it.

Roads transferred from the county or municipal road system to the state highway system may not be converted to toll roads. /

Amend the bill further, as and if amended, page 3, by inserting on line 43:

/ Roads transferred from the state highway secondary system pursuant to this section may not be converted to a toll road. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

Senator CAMPBELL proposed the following amendment (3266R002.PGC), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4 in its entirety.

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

Sheheen

**Total--1**

There being no further amendments, the Bill was read the second time and ordered placed on the Third Reading Calendar.

**AMENDED, READ THE SECOND TIME**

H. 3630 -- Reps. Bedingfield, Loftis, Hardwick and McLeod: A BILL TO AMEND SECTION 61‑4‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE; AND TO AMEND SECTION 61‑4‑730, RELATING TO THE SALE OF WINE BY PERMITTED WINERIES, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE.

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

There was no objection.

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

Senator VERDIN proposed the following amendment (SWB\6258CM11), which was adopted:

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

/ SECTION 2. Section 61‑4‑730 of the 1976 Code is amended to read:

Section 61‑4‑730. (A) Permitted wineries which produce and sell wine produced on its premises ~~with a majority~~ at least sixty percent of the juice from fruit and berries which are grown in this State may sell the wine at retail, wholesale, or both, and deliver or ship the wine to the purchaser or consumer homes in and outside the State. Wine must be delivered between 7:00 a.m. and 7:00 p.m.

(B) Permitted wineries which produce and sell wine produced on its premises with less than sixty percent of the juice from fruit and berries which are grown in this State must use a licensed South Carolina wholesaler to deliver or ship the wine to the purchaser or consumer homes in this State and other states.” /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The question then was adoption of the amendment.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

The amendment was adopted.

There being no further amendments, the Bill was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

H. 3124 -- Reps. Pitts and G.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, AND 124 TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BIG RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES AND “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLATES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

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

The Committee on Transportation proposed the following amendment (3124R001.LKG), which was adopted:

Amend the bill, as and if amended, page 9, by striking SECTION 9 in its entirety and inserting:

/ SECTION 9. Article 65, Chapter 3 of Title 56 is amended to read:

“ARTICLE 65

BOY SCOUTS OF AMERICA AND EAGLE SCOUT SPECIAL LICENSE PLATES

Section 56‑3‑7330. (A) The Department of Motor Vehicles may issue “Boy Scouts of America” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names. The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. Any portion of the additional thirty‑dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

(B)(1) The Department of Motor Vehicles may issue “Eagle Scouts of America” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names who have been awarded the Eagle Scout Award from the Boy Scouts of America. The motor vehicle owner must present the department with official documentation that states that he was awarded the Eagle Scout Award, along with his application for this special license plate. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The special license plate must be imprinted with an emblem, seal, symbol, or design agreed to by all of the Boy Scout councils serving counties in South Carolina.

(2) The fees collected pursuant to this section above the cost of production must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

(3) Section 56-3-8100 requirements met for the production, collection, and distribution of fees for the “Boy Scouts of America” special plate are deemed to have been met for the ‘Eagle Scouts of America’ special license plate.” /

Amend the bill further, as and if amended, page 22, after line 35, by adding appropriately numbered new SECTIONS to read:

/ SECTION \_\_\_. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 124

DR. MARY MCLEOD BETHUNE SPECIAL LICENSE PLATES

Section 56-3-12410. (A) The Department of Motor Vehicles may issue Dr. Mary McLeod Bethune special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles, as defined in Section 56-3-630, registered in their names which shall have imprinted on burgundy and gold license plates ‘Dr. Mary McLeod Bethune’and her image, her year of birth, and her year of death. Twin City Outreach Mission shall submit to the department for its approval a design it desires to be used for this special license plate. Twin City Outreach Mission may request a change in the design not more than once every five years. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56‑3‑8100. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed in the following manner:

(1) seventy-five percent to Twin City Outreach Mission to:

(a) fund the construction and operation of the Dr. Mary McLeod Bethune Museum and Restaurant;

(b) fund the construction of the Dr. Mary McLeod Bethune Nature Trail;

(c) promote tourism in the Town of Mayesville, Sumter County, South Carolina; and

(d) promote other projects related to Dr. Mary McLeod Bethune, tourism that will impact economic development and job creation for the citizens of Mayesville, Sumter County, and South Carolina; and

(2) twenty-five percent to the Town of Mayesville to be used for operational and program opportunity matching funds.”

SECTION \_\_\_. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 125

GADSDEN FLAG LICENSE PLATES

Section 56‑3‑12510. (A) The Department of Motor Vehicles may issue special state flag motor vehicle license plates to owners of private passenger carrying motor vehicles as defined in Section 56‑3‑630 and motorcycles as defined in 56-3-20 registered in their names. The fee for this special license plate is twenty dollars every two years in addition to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and shape of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The design of the license plate must replicate the color, layout, and design of the Gadsden flag and contain the words ‘Don’t Tread on Me’ below a coiled rattlesnake.

(C) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the State Museum. The State Museum must use the fees only to help fund programs and exhibits dedicated to the Revolutionary War and our State’s role in the Revolutionary War.

(D) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive a deposit of six thousand eight hundred dollars from an individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization’s license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department shall retain the deposit.

(E) If the department receives fewer than three hundred biennial applications and renewals for this special license plate, it may not produce additional special license plates in this series. The department shall continue to issue special license plates of this series until the existing inventory is exhausted.”

SECTION \_\_\_. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 126

‘ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES’ SPECIAL LICENSE PLATES

Section 56‑3‑12610. The Department of Motor Vehicles may issue special license plates for use on private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, owned by any active member of the United States Armed Forces who is a resident of this State. The motor vehicle owner must present the department with official documentation that states that he is serving on active duty along with his application for this special license plate. The guidelines for the production and distribution of this special license plate must meet the requirements contained in Section 56‑3‑8100.”

SECTION \_\_\_. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 127

‘2010 BASEBALL NATIONAL CHAMPIONS’ SPECIAL LICENSE PLATES

Section 12710. (A) The Department of Motor Vehicles may issue “2010 Baseball National Champions” special license plates to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names.

(B) The University of South Carolina may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate, provided that the phrase ‘2010 National Baseball Champions’ must be utilized on the plate.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy‑dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the fund established for the University of South Carolina pursuant to Section 56‑3‑3710(B) used for the purposes provided in that section.

(D) License number ‘1’ for the ‘2010 Baseball National Champions’ license plate is reserved for the University of South Carolina head baseball coach.”

SECTION \_\_\_. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 128

COMBAT‑RELATED DISABLED VETERAN SPECIAL LICENSE PLATES

Section 56‑3‑10810. (A) The department may issue ‘Combat Related Disabled Veteran’ special motor vehicle license plates for use on private passenger motor vehicles or motorcycles registered in a person’s name in this State who is a veteran classified as at least fifty percent disabled due to a combat‑related injury as determined from medical records on file with the United States Department of Veterans Affairs. An application for these special motor vehicle license plates must include official military documentation showing the applicant has at least a fifty percent combat‑related disability and who was honorably discharged from service. Only two plates may be issued to a person.

(B) The provision in Section 56‑3‑8100 that requires the department to receive a deposit for a special license plate before it may be produced does not apply for the production of this special license plate. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title. The Department of Motor Vehicles shall imprint the special license plates with the words ‘Combat‑Related Disabled Veteran’, with numbers the department may determine.

(C) A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for a person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to those other provisions. A person violating the provisions of this article or a person who (1) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (2) conceals a material fact, or (3) otherwise commits fraud in the application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

SECTION \_\_\_. Section 56‑3‑8000 of the 1976 Code is amended by adding an appropriately numbered new subsection at the end to read:

/ “( ) The deposit required in subsection (B)(1) must be reviewed by the General Assembly during the 2013 legislative session, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a separate bill separate and apart from any other matter.” /

SECTION \_\_\_. Section 56-3-8100 of the 1976 Code is amended by adding an appropriately numbered new subsection at the end to read:

/ “( ) The deposit required in subsection (A)(1) must be reviewed by the General Assembly during the 2013 legislative session, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a separate bill separate and apart from any other matter.” /

Amend the bill further, as and if amended, page 19, by striking lines 30-43, and on page 20, by striking lines 1 - 4, and inserting:

/ (E) Before the department produces and distributes a plate pursuant to this section, it must receive:

(1) ~~four hundred or more prepaid applications for the special license plate or four thousand~~ six thousand eight hundred dollars from the individual or organization seeking issuance of the license plate; and

(2) a plan to market the sale of the special license plate which must be approved by the department. If the individual or organization seeking issuance of the plate submits ~~four~~ six thousand eight hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate. /

Amend the bill further, as and if amended, page 21, by striking lines 5 - 28 and inserting:

/ “Section 56‑3‑8100. (A) Before the Department of Motor Vehicles produces and distributes a special license plate created by the General Assembly after January 1, 2006, it must receive:

(1) ~~four hundred prepaid applications for the special license plate or four thousand~~ six thousand eight hundred dollars from the individual or organization seeking issuance of the license plate;

(2) a plan to market the sale of the special license plate which must be approved by the department; and

(3) the emblem, a seal, or other symbol to be used for the plate and, if necessary, written authorization for the department to use a logo, trademark, or design that is copyrighted or registered. If the individual or organization seeking issuance of the plate submits ~~four~~ six thousand eight hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate.”

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

Senators O’DELL and ALEXANDER proposed the following amendment (DKA\3684ZW11), which was adopted:

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

/ SECTION \_\_. (1) Section 56‑1‑140 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

“Section 56‑1‑140. (A) Upon ~~the~~ payment of a fee of twelve dollars and fifty cents for a license that is valid for five years, or twenty‑five dollars for a license that is valid for ten years, the Department of Motor Vehicles shall issue to every qualified applicant a driver’s license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, ~~and~~ residence address, ~~and~~ a brief description and laminated colored photograph of the licensee, and a facsimile of the signature of the licensee, or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.

(B) An applicant for a new, renewed, or replacement South Carolina driver’s license may apply to the Department of Motor Vehicles to obtain a veteran designation on his driver’s license by providing:

(1) a United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service in the United States Armed Forces; and

(2) payment of the appropriate fee.

The Department of Motor Vehicles may determine the appropriate form and placement of the veteran designation on the driver’s license authorized pursuant to this section.

(C) The fees collected pursuant to this section must be credited to the Department of Transportation State Non~~‑~~Federal Aid Highway Fund as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:

Fees and Penalties General Fund Department of

Collected After of the State Transportation

State Non~~‑~~Federal Aid

Highway Fund

June 30, 2005 60 percent 40 percent

June 30, 2006 20 percent 80 percent

June 30, 2007 0 percent 100 percent.”

(2) Section 56‑1‑3350 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

( ) An applicant for a new, renewed, or replacement South Carolina special identification card may apply to the department to obtain a veteran designation on his identification card by providing:

(1) a United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service in the United States Armed Forces; and

(2) payment of the appropriate fee, if any.

The department may determine the appropriate form and placement of the veteran designation on the identification card authorized pursuant to this subsection. /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**H. 3124--Objection To Allowing Amendments On Third Reading**

Senator KNOTTS asked unanimous consent to be allowed to place amendments on third reading, whereby Rule 26B would be waived.

Senator McCONNELL objected.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3249 -- Reps. G.M. Smith, Taylor and G.R. Smith: A BILL TO AMEND SECTION 61‑6‑4020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE, SO AS TO CLARIFY THAT THE LUGGAGE COMPARTMENT OR CARGO AREA IN WHICH ONE MAY LAWFULLY TRANSPORT A CONTAINER OF ALCOHOLIC LIQUOR WITH A BROKEN OR OPENED SEAL OR CAP IS NOT LIMITED TO A CLOSED TRUNK THAT IS ACCESSIBLE ONLY FROM THE EXTERIOR OF THE VEHICLE SO LONG AS THE LUGGAGE COMPARTMENT OR CARGO AREA IS SEPARATE AND DISTINCT FROM THE DRIVER’S AND PASSENGERS’ COMPARTMENTS; AND TO PROVIDE THAT A PERSON’S DRIVER’S LICENSE MAY NOT BE SUSPENDED FOR A VIOLATION OF THIS SECTION.

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

The Committee on Judiciary proposed the following amendment (s‑jud\amend\jud3249.001.docx), which was adopted:

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

/ SECTION 1. Section 61‑6‑4020 of the 1976 Code is amended to read:

“Section 61‑6‑4020. (A) A person who is twenty‑one years of age or older may transport lawfully acquired alcoholic liquors to and from a place where alcoholic liquors may be lawfully possessed or consumed~~; but if~~. If the cap or seal on the container has been opened or broken, it is unlawful to transport the liquors in a motor vehicle, except in ~~the~~ a trunk, luggage compartment, or cargo area that is separate and distinct from the driver’s and passengers’ compartments. For purposes of this exception, the luggage compartment or cargo area is not required to be a closed trunk that is accessible only from the exterior of the motor vehicle. A person who violates this section is guilty of a misdemeanor, and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days. For purposes of this section, alcoholic liquors means all distilled spirits regardless of the percentage of alcohol by volume that they contain.

(B) Sections 61-6-4290 and 61-6-4300 do not apply to violations of this section, including violations prior to the effective date of this section.”

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

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

Thomas

**Total--1**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 3259 -- Reps. Herbkersman and Forrester: A BILL TO AMEND SECTION 56‑3‑115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS ALONG THE STATE’S HIGHWAYS, SO AS TO PROVIDE THAT WHEN A GOLF CART OWNER’S RESIDENCE IS LOCATED WITHIN A GATED COMMUNITY THE TWO‑MILE LIMIT WITHIN WHICH A GOLF CART OWNER MAY OPERATE HIS GOLF CART MUST BE MEASURED FROM THE COMMUNITY’S PRIMARY ENTRANCE AND NOT FROM THE OWNER’S RESIDENCE, TO PROVIDE FOR THE OPERATION OF A GOLF CART ALONG A SECONDARY HIGHWAY OR STREET ON CERTAIN SEA ISLANDS, TO PROVIDE A DEFINITION FOR THE TERM “GATED COMMUNITY”, AND TO PROVIDE THAT A GOLF CART MAY CROSS CERTAIN SECONDARY HIGHWAYS.

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

Senator CLEARY proposed the following amendment (NBD\11774DG11), which was adopted:

Amend the committee amendment, as and if amended, SECTION 1, Section 56‑2‑105, page [3259‑2], after line 33, by adding an appropriately numbered subsection:

/ ( ) The provisions of this section that restrict the use of a golf cart to certain streets, certain hours, and certain distances shall not apply to a golf cart used a public safety agency in connection with the performance of its duties. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

The Committee on Transportation proposed the following amendment (3259R001.LKG), which was adopted:

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

/ SECTION 1. Chapter 2, Title 56 of the 1976 Code is amended by adding:

“Section 56‑2‑105. (A) For the purposes of this section, ‘gated community’ means any homeowners’ community with at least one controlled access ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance.

(B) An individual or business owner of a vehicle commonly known as a golf cart may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and financial responsibility for the golf cart and upon payment of a five dollar fee.

(1) During daylight hours only, a permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

(2) During daylight hours only, a permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

(3) During daylight hours only, within four miles of the registration holder’s address, and while traveling along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less, a permitted golf cart may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty‑five miles an hour.

(4) During daylight hours only, a permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

(D) A person operating a permitted golf cart must be at least sixteen years of age and hold a valid driver’s license. The operator of a permitted golf cart being operated on a highway or street must have in his possession:

(1) the registration certificate issued by the department;

(2) proof of financial responsibility for the golf cart; and

(3) his driver’s license.

(E)(1) A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.

(2) Golf cart owners holding golf cart permits on or before October 1, 2011 will have until September 30, 2015, to obtain a replacement permit.

(F) A political subdivision may, on designated streets on roads within the political subdivision’s jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles. However, a political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section.”

SECTION 2. Section 56‑3‑115 of the 1976 Code is repealed.

SECTION 3. This act takes effect October 1, 2011.

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 31; Nays 6**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Malloy *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

Peeler Ryberg Scott

Setzler Shoopman Thomas

Williams

**Total--31**

**NAYS**

Bright Massey McConnell

Rose Sheheen Verdin

**Total--6**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 3095 -- Reps. Clemmons, Erickson, Stavrinakis, McCoy, Bowen, Sandifer, Whitmire, Hixon, J.R. Smith, Allison, Long, Toole, Weeks, Atwater, Hardwick, Agnew, Govan and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑1‑70 SO AS TO PROVIDE CERTAIN DEFINITIONS RELATED TO TRANSFER FEE COVENANTS, TO STATE CERTAIN FINDINGS RELATED TO TRANSFER FEE COVENANTS, TO PROVIDE A TRANSFER FEE COVENANT RECORDED AFTER THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN TO THE EXTENT THAT IT PURPORTS TO SECURE THE PAYMENT OF A TRANSFER FEE, IS NOT BINDING ON OR ENFORCEABLE AGAINST THE AFFECTED REAL PROPERTY OR ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE OF ANY INTEREST IN THE PROPERTY, AND TO PROVIDE THE SECTION DOES NOT IMPLY THAT A TRANSFER FEE COVENANT RECORDED BEFORE THE EFFECTIVE DATE OF THIS SECTION IS VALID OR ENFORCEABLE.

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

Senators DAVIS, MALLOY and CAMPSEN proposed the following amendment (JUD3095.005), which was adopted:

Amend the committee report, as and if amended, page [3095-1], by striking line 25 and inserting therein the following:

/ Section 27-1-70(A)(4), as contained in SECTION 1, and inserting /

Amend the committee report further, as and if amended, page [3095‑2], by striking lines 18 through 25, in Section 27‑1‑70(A)(4), as contained in SECTION 1, and inserting therein the following:

/ (c) a provision of a document requiring payment of a fee or charge to an association to be used exclusively for purposes authorized in the document if no portion of the fee is required to be passed through to a third party designated or identifiable by description in the document or another document referenced in it;

(d) a provision of a document requiring payment of a fee or charge to an organization described in Section 501(c)(3), 501(c)(4), or 501(c)(7) of the Internal Revenue Code, to be used exclusively to support cultural, educational, charitable, recreational, environmental, conservation, social, or other similar activities benefiting the real property affected by the provision or the community of which the property is a part; or

(e) any fee, charge, assessment, or other amount payable /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD3095.004), which was adopted:

Amend the bill, as and if amended, by striking in their entirety lines 8 through 43 on page 2 and lines 1 through 17 on page 3, in Section 27‑1-70(4), as contained in SECTION 1, and inserting therein the following:

/ (4) ‘Transfer fee covenant’ means a provision in a document, whether recorded or not and however denominated, which purports to run with the land or bind current owners or successors in title to specified real property located in this State, and which obligates a transferee or transferor of all or part of the property to pay a fee or charge to a third person upon transfer of an interest in all or part of the property, or in consideration for permitting this transfer. A ‘transfer fee covenant’ does not include:

(a) a provision of a purchase contract, option, mortgage, security agreement, real property listing agreement, or other agreement which obligates one party to the agreement to pay the other, as full or partial consideration for the agreement or for a waiver of rights under the agreement, an amount determined by the agreement, if that amount:

(i) is payable on a one‑time basis only upon the next transfer of an interest in the specified real property and, once paid, does not bind successors in title to the property;

(ii) constitutes a loan assumption or similar fee charged by a lender holding a lien on the property;

(iii) constitutes a fee or commission paid to a licensed real estate broker for brokerage services rendered in connection with the transfer of the property for which the fee or commission is paid; or

(iv) is the actual cost to copy governing documents of a community association and is charged by the association to a transferee or transferor for governing documents delivered to a real estate closing, provided cost is not passed through to a third party other than the agent of the association;

(b) any provision in a deed, memorandum, or other document recorded for the purpose of providing record notice of an agreement described in subsection (A)(4)(a);

(c) a provision of a document requiring payment of a fee or charge to an organization described in Section 501(c)(3), 501(c)(4), or 501(c)(7) of the Internal Revenue Code, to be used exclusively to support cultural, educational, charitable, recreational, environmental, conservation, social, or other similar activities benefiting the real property affected by the provision or the community of which the property is a part; or

(d) any fee, charge, assessment, or other amount payable in connection with a ‘conservation easement’ as defined in Section 27‑8‑80 in the Conservation Easement Act, or a preservation easement as described in Sections 170 (h)(4)(B) and (C) of the Internal Revenue Code of 1986, as amended, whether the conservation easement or preservation easement is donated or purchased, or part donated and part purchased; whether paid contemporaneously with the recording of the conservation easement or the preservation easement or at some future date during its term and existence; and whether paid by the original grantor or any successor or assign in the legal chain of title to the real property subject to the conservation easement or preservation easement./

Amend the bill, as and if amended, by striking in their entirety lines 33 through 35 on page 3, in Section 27-1-70(D), as contained in SECTION 1, and inserting therein the following:

/ (D) In order for a transfer fee covenant recorded before the effective date of this section to be valid and enforceable, a separate document that compiles with the following requirements of this subsection must be filed in each county in which the real property subject to the transfer fee covenant is located within one hundred eighty days of the effective date of this section.

(1) The title of the document must be ‘Notice of Transfer Fee Covenant’ in at least fourteen-point boldface type.

(2) The document must list the amount or basis by which the transfer fee covenant is calculated.

(3) The actual dollar-cost examples for a home priced at two hundred fifty thousand dollars, five hundred thousand dollars, and seven hundred fifty thousand dollars must be included in the document.

(4) The document must contain the date or circumstances under which the transfer fee covenant expires, if any.

(5) The document must contain instructions and contact information concerning the payment of the fee required by the transfer fee covenant.” /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3947 -- Reps. Rutherford and Bales: A BILL TO AMEND SECTION 55‑11‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE RICHLAND‑LEXINGTON AIRPORT COMMISSION, SO AS TO REVISE THE PROCEDURE TO APPOINT THE MEMBERS SELECTED BY THE RICHLAND COUNTY LEGISLATIVE DELEGATION.

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

The Committee on Transportation proposed the following amendment (3497R001.LKG), which was adopted:

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

/ SECTION 1. Section 55‑11‑320 of the 1976 Code, as last amended by Act 326 of 2002, is further amended to read:

“Section 55‑11‑320. The corporate powers and duties of the Richland‑Lexington Airport District must be exercised and performed by a commission to be known as Richland‑Lexington Airport Commission. The commission must be composed of twelve members. ~~to be appointed by the Governor as follows: five~~ Five members must be appointed ~~upon the recommendation of a majority of~~ by the Lexington County Legislative Delegation, five members must be appointed ~~upon the recommendation of a majority of~~ by the Richland County Legislative Delegation, and two members must be appointed ~~upon the recommendation of~~ by the City Council of the City of Columbia. The members of the commission shall serve for terms of four years and until their successors are appointed ~~and qualify~~. Members may not serve more than two consecutive terms.  ~~A member serving on July 1, 1994, may serve until the expiration of the term for which he was elected and may serve two additional terms.~~ In the event of a vacancy for any reason, other than the expiration of a term, a successor must be appointed in the same manner of the original appointment for the balance of the unexpired term. Any member may be removed by the appointing authority for neglect of duty, misconduct, or malfeasance in office after being given a written statement of reasons and an opportunity to be heard. Notwithstanding the expiration of the term of office of any member, he shall continue to serve until his successor shall have been ~~recommended,~~ appointed, ~~and qualified~~, but any delay in appointing a successor shall not extend the term of ~~such~~ the successor. The members of the commission shall serve without compensation, except for their actual and necessary expenses while in performance of duties prescribed under this article.” SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator JACKSON 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 26; Nays 0; Present 9**

**AYES**

Anderson Campbell Campsen

Coleman Courson Cromer

Ford Gregory Grooms

Hutto Jackson Knotts

Land Leatherman Malloy

*Martin, Larry* McConnell McGill

Nicholson Peeler Rose

Scott Setzler Sheheen

Verdin Williams

**Total--26**

**NAYS**

**Total--0**

**PRESENT**

Alexander Bright Bryant

Davis Hayes *Martin, Shane*

Massey Matthews Shoopman

**Total--9**

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

**AMENDMENT TABLED**

**OBJECTION TO FURTHER CONSIDERATION**

S. 457 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑116‑45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59‑116‑10, 59‑116‑20, AND 59‑116‑30, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS “CAMPUS” AND “CAMPUS POLICE OFFICER”, AND TO DEFINE THE TERM “CAMPUS SECURITY OFFICER”, TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER’S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59‑116‑50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM “PUBLIC SAFETY DIRECTOR” AND REPLACE IT WITH THE TERM “CHIEF LAW ENFORCEMENT EXECUTIVE”, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59‑116‑60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM “CAMPUS POLICE DEPARTMENTS” FOR THE TERM “SAFETY AND SECURITY DEPARTMENTS”; TO AMEND SECTION 59‑116‑80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM “CAMPUS SECURITY DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”, TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59‑116‑100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59‑116‑120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59‑116‑70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

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

There was no objection.

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

Senator SHANE MARTIN proposed the following amendment (457R001.ASM), which was tabled:

Amend the bill, as and if amended, page 6, after line 25, by adding appropriately numbered SECTIONS to read:

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

“Section 59‑1‑345. (A) This section shall apply to all educational institutions, whether public or private, governed by a board of trustees that have established a safety and security department, except public and private colleges and universities.

(B) The chief, director, or senior supervisory officer of the department shall be employed by the institution’s board of trustees. Any reason for disciplinary or adverse action taken against the chief, director, or senior supervisory officer of a campus security department must be examined or reviewed by the majority of the board of trustees and officially approved by the majority of the board before action may be taken. All subordinate officers in the department will be under the authority of the chief, director, or senior supervisory officer of the department.

(C)(1) For purposes of this subsection, ‘interferes with’ means to hinder, intimidate, or attempt to stop an officer from carrying out his official law enforcement duties.

(2) It is unlawful for non‑law enforcement personnel to interfere with a campus police officer carrying out his official duties. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one thousand dollars, or both fined and imprisoned at the direction of the court.”

SECTION \_\_\_. Chapter 116, Title 59 of the 1976 Code is amended by adding:

“Section 59‑116‑125. (A) This section shall apply to public and private colleges and universities governed by a board of trustees that have established a safety and security department.

(B) The chief, director, or senior supervisory officer of the department shall be employed by the institution’s board of trustees. Any reason for disciplinary or adverse action taken against the chief, director, or senior supervisory officer of a campus security department must be examined or reviewed by the majority of the board of trustees and officially approved by the majority of the board before action may be taken. All subordinate officers in the department will be under the authority of the chief, director, or senior supervisory officer of the department.

(C)(1) For purposes of this subsection, ‘interferes with’ means to hinder, intimidate, or attempt to stop an officer from carrying out his official law enforcement duties.

(2) It is unlawful for non‑law enforcement personnel to interfere with a campus police officer carrying out his official duties. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one thousand dollars, or both fined and imprisoned at the direction of the court.” /

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the amendment.

The question then was adoption of the amendment.

Senator FAIR moved to lay the amendment on the table.

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

**Ayes 34; Nays 4**

**AYES**

Alexander Bright Campbell

Campsen Coleman Courson

Cromer Davis Fair

Gregory Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Matthews McConnell

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--34**

**NAYS**

Bryant Cleary *Martin, Shane*

Massey

**Total--4**

The amendment was laid on the table.

Senator SHANE MARTIN objected to further consideration of the Bill.

**AMENDED**

**OBJECTION TO FURTHER CONSIDERATION**

S. 225 -- Senators Knotts, Ford and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT ONE POINT MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF USING A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION WHILE OPERATING A MOTOR VEHICLE.

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

Senator GROOMS proposed the following amendment (225R002.LKG), which failed to be adopted:

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

/ SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) For purposes of this section, ‘drive carelessly’ means operating a vehicle without care and caution and without full regard for the safety of persons or property.

(B) It is unlawful for a motor vehicle driver, while driving on a road, street, or highway of the State to drive carelessly as a result of reading, writing, personal grooming, interacting with passengers, pets or unsecured cargo, using a computer, using a wireless device or telephone to send text based communications, or engaging in any other activity which causes the driver to be distracted.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands‑free wireless electronic communication device or a voice‑activated feature or function of the device;

(3) activating or deactivating a wireless electronic communication device or an internal feature or function of the device;

(4) reading, selecting, or entering a telephone number or contact in a wireless electronic communication device for the purpose of making or receiving a telephone call;

(5) summoning medical or other emergency assistance;

(6) transmitting or receiving data as part of a digital dispatch system;

(7) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person’s official duties; or

(8) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

(D)(1) A person who violates this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined twenty dollars and pay a twenty‑five dollar Trauma Care Fund surcharge. The twenty dollar fine is subject to all applicable court costs, assessments, and surcharges, except as provided in item (2);

(b) for a second offense within five years of a prior offense, must be fined twenty‑five dollars, pay a twenty‑five dollar Trauma Care Fund surcharge, and have two points assessed against the person’s motor vehicle operating record, no part of which may be waived, reduced, or suspended. The twenty‑five dollar fine is subject to all applicable court costs, assessments, and surcharges; and

(c) for a third offense or subsequent offense within five years of a prior offense, must be fined seventy‑five dollars, pay a twenty‑five dollar Trauma Care Fund surcharge, and have four points assessed against the person’s motor vehicle operating record, no part of which may be waived, reduced, or suspended. The seventy‑five dollar fine is subject to all applicable court costs, assessments, and surcharges.

(2)(a) For a first offense, instead of the penalty provided in subsection (D)(1)(a), the person may successfully complete a driver’s education program within sixty days of the person’s conviction date, which specifically contains, in whole or in part, education regarding distracted or inattentive driving.

(b) The person shall select a program approved by the Department of Public Safety’s Office of Highway Safety. The Office of Highway Safety may approve more than one program, and such programs may be conducted by classroom, computer, or Internet. The Office of Highway Safety shall post information regarding the approved programs on its website.

(c) The person shall indicate to the judge at the time of conviction that the person intends to successfully complete a program instead of the penalty. The judge shall instruct the person as to how the person is to comply with the requirements of this item. Notwithstanding Section 56-7-30, the court shall retain the records and audit copy of the traffic ticket for the violation until the judge has made a determination as to whether the person has successfully completed the program.

(d) The person shall return to the court within sixty days of the conviction date. At that time, the person shall present an original certificate from the program indicating that the person has successfully completed the program. Also, the person shall sign an affidavit provided by the court swearing or affirming that the person has successfully completed the program.

(e) If the judge determines that the person has successfully completed the program, the judge shall waive the fine, the Trauma Care Fund surcharge, and all applicable court costs, assessments, and surcharges, except ten dollars that shall be used exclusively by the court to offset the costs associated with administering the person’s compliance with this item. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section without any points assessed against the person’s motor vehicle operating record. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record without any points assessed.

(f) If the judge determines that the person has failed to successfully complete the program, the judge shall impose the fine, the Trauma Care Fund surcharge, and all other applicable court costs, assessments, and surcharges. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record.

(g) A person is not permitted to complete a program instead of the penalty if the person has been convicted of a prior violation of this section. Only those violations that occurred within a period of five years, including and immediately preceding the date of the last violation, constitute prior violations within the meaning of this subsection.

(3) If the person does not subsequently violate this section within one year from the date of conviction, the Department of Motor Vehicles shall remove the points assessed against the person’s motor vehicle operating record. However, the Department of Motor Vehicles shall not remove an indication of the violation of this section from the person’s motor vehicle operating record. For purposes of this section, if the Department of Motor Vehicles has not received a ticket or some other notice from a court one year from the date of conviction indicating that the person has subsequently violated this section, the Department of Motor Vehicles shall remove the points assessed.

(4) The Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund. The Trauma Care Fund surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The Trauma Care Fund surcharge is not subject to the provisions of Section 44‑61‑520(G).

(5) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

(E) A law enforcement officer must not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer’s clear and unobstructed view of the person;

(2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section;

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine; or

(5) issue a citation to a person for a violation of this section when the stop is made in conjunction with a driver’s license check, safety check, or registration check conducted at a checkpoint established to stop all drivers on a certain road for a period of time, except when the person is cited for violating another motor vehicle law.

(F) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person was using a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State at the time of the incident, the penalty is a fine, surcharge, and points assessment pursuant to subsection (D). If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person was using a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State, no penalty shall be assessed. A person found to be in violation of this section may bring an appeal to the court of common pleas, pursuant to Section 18‑3‑10 or Section 14‑25‑95.

(G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.

(H) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the federal Motor Carrier Safety Regulations.

(I) A violation of this section is negligence per se.”

SECTION 2. Section 56‑1‑720 of the 1976 Code is amended to read:

“Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

(1) No more than 10 m.p.h. above the

posted limits…… 2

(2) More than 10 m.p.h. but less than 25

m.p.h. above the posted limits 4

(3) 25 m.p.h. or above the posted limits 6

Disobedience of any official traffic control

device……………….. 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or giving improper

signal for stopping, turning, or suddenly

decreased speed 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing…. 2

Distracted driving

second offense…. 2

Distracted driving

third or subsequent offense………………………………….. 4.”

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The question then was adoption of the amendment.

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

**Ayes 7; Nays 31**

**AYES**

Bryant Campsen Fair

Grooms *Martin, Larry Martin, Shane*

Verdin

**Total--7**

**NAYS**

Alexander Bright Campbell

Cleary Coleman Courson

Cromer Davis Ford

Gregory Hayes Hutto

Knotts Land Leatherman

Lourie Malloy Massey

McConnell McGill O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--31**

The adoption of the amendment failed.

Senators MALLOY and JACKSON proposed the following amendment (JUD0225.004), which was adopted:

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

/ SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) For purposes of this section:

(1) ‘Hand-held wireless electronic communication device’ means an electronic device, including, but not limited to, a mobile telephone, a personal digital assistant, a text messaging device, or a computer, that allows a person to wirelessly communicate with another person while holding the device in either hand.

(2) ‘Hands‑free wireless electronic communication device’ means an electronic device, including, but not limited to, a mobile telephone, a personal digital assistant, a text messaging device, or a computer, that allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

(B) It is unlawful for a person to use a hand-held wireless electronic communication device while operating a motor vehicle on the public streets and highways of this State.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands‑free wireless electronic communication device;

(3) activating or deactivating a hand-held or hands-free wireless electronic communication device or an internal feature or function of the device;

(4) summoning medical or other emergency assistance;

(5) transmitting or receiving data as part of a digital dispatch system;

(7) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person’s official duties; or

(8) using a global positioning system device or an internal global positioning system feature or function of a hand-held or hands-free wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

(D)(1) A person who violates this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined twenty dollars and pay a twenty‑five dollar Trauma Care Fund surcharge. The twenty dollar fine is subject to all applicable court costs, assessments, and surcharges, except as provided in item (2);

(b) for a second offense within five years of a prior offense, must be fined twenty‑five dollars, pay a twenty‑five dollar Trauma Care Fund surcharge, and have two points assessed against the person’s motor vehicle operating record, no part of which may be waived, reduced, or suspended. The twenty‑five dollar fine is subject to all applicable court costs, assessments, and surcharges; and

(c) for a third offense or subsequent offense within five years of a prior offense, must be fined seventy‑five dollars, pay a twenty‑five dollar Trauma Care Fund surcharge, and have four points assessed against the person’s motor vehicle operating record, no part of which may be waived, reduced, or suspended. The seventy‑five dollar fine is subject to all applicable court costs, assessments, and surcharges.

(2)(a) For a first offense, instead of the penalty provided in subsection (D)(1)(a), the person may successfully complete a driver’s education program within sixty days of the person’s conviction date, which specifically contains, in whole or in part, education regarding distracted or inattentive driving.

(b) The person shall select a program approved by the Department of Public Safety’s Office of Highway Safety. The Office of Highway Safety may approve more than one program, and such programs may be conducted by classroom, computer, or Internet. The Office of Highway Safety shall post information regarding the approved programs on its website.

(c) The person shall indicate to the judge at the time of conviction that the person intends to successfully complete a program instead of the penalty. The judge shall instruct the person as to how the person is to comply with the requirements of this item. Notwithstanding Section 56-7-30, the court shall retain the records and audit copy of the traffic ticket for the violation until the judge has made a determination as to whether the person has successfully completed the program.

(d) The person shall return to the court within sixty days of the conviction date. At that time, the person shall present an original certificate from the program indicating that the person has successfully completed the program. Also, the person shall sign an affidavit provided by the court swearing or affirming that the person has successfully completed the program.

(e) If the judge determines that the person has successfully completed the program, the judge shall waive the fine, the Trauma Care Fund surcharge, and all applicable court costs, assessments, and surcharges, except ten dollars that shall be used exclusively by the court to offset the costs associated with administering the person’s compliance with this item. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section without any points assessed against the person’s motor vehicle operating record. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record without any points assessed.

(f) If the judge determines that the person has failed to successfully complete the program, the judge shall impose the fine, the Trauma Care Fund surcharge, and all other applicable court costs, assessments, and surcharges. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record.

(g) A person is not permitted to complete a program instead of the penalty if the person has been convicted of a prior violation of this section. Only those violations that occurred within a period of five years, including and immediately preceding the date of the last violation, constitute prior violations within the meaning of this subsection.

(3) If the person does not subsequently violate this section within one year from the date of conviction, the Department of Motor Vehicles shall remove the points assessed against the person’s motor vehicle operating record. However, the Department of Motor Vehicles shall not remove an indication of the violation of this section from the person’s motor vehicle operating record. For purposes of this section, if the Department of Motor Vehicles has not received a ticket or some other notice from a court one year from the date of conviction indicating that the person has subsequently violated this section, the Department of Motor Vehicles shall remove the points assessed.

(4) The Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund. The Trauma Care Fund surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The Trauma Care Fund surcharge is not subject to the provisions of Section 44‑61‑520(G).

(5) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

(E) A law enforcement officer must not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a hand-held wireless electronic communication device while operating a motor vehicle on the public streets and highways of this State;

(2) seize or require the forfeiture of a hand-held or hands-free wireless electronic communication device because of a violation of this section;

(3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section;

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine; or

(5) issue a citation to a person for a violation of this section when the stop is made in conjunction with a driver’s license check, safety check, or registration check conducted at a checkpoint established to stop all drivers on a certain road for a period of time, except when the person is cited for violating another motor vehicle law.

(F) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person was using a hand-held wireless electronic communication device while operating a motor vehicle on the public streets and highways of this State at the time of the incident, the penalty is a fine, surcharge, and points assessment pursuant to subsection (D). If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person was using a hand-held wireless electronic communication device while operating a motor vehicle on the public streets and highways of this State, no penalty shall be assessed. A person found to be in violation of this section may bring an appeal to the court of common pleas, pursuant to Section 18‑3‑10 or Section 14‑25‑95.

(G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using hand-held and hands-free wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.

(H) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the federal Motor Carrier Safety Regulations.

(I) A violation of this section is negligence per se.”

SECTION 2. Section 56‑1‑720 of the 1976 Code is amended to read:

“Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

(1) No more than 10 m.p.h. above the

posted limits…… 2

(2) More than 10 m.p.h. but less than 25

m.p.h. above the posted limits 4

(3) 25 m.p.h. or above the posted limits 6

Disobedience of any official traffic control

device……………….. 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or giving improper

signal for stopping, turning, or suddenly

decreased speed 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing…. 2

Using a hand-held wireless electronic communication

device while operating a motor vehicle, second offense 2

Using a hand-held wireless electronic communication

device while operating a motor vehicle, third or

subsequent offense 4.”

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

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator ROSE desired to be recorded as voting against the adoption of the amendment.

The question then was second reading of the Bill.

Senator LEATHERMAN objected to further consideration of the Bill.

**OBJECTION**

H. 4192 -- Reps. Pitts and Harrison: A BILL TO AMEND SECTION 1‑30‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN AGENCIES, BOARDS, AND COMMISSIONS THAT WERE TRANSFERRED TO, INCORPORATED IN, AND ADMINISTERED AS PART OF THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO DELETE THE LAW ENFORCEMENT TRAINING COUNCIL.

Senator KNOTTS objected to the Bill.

**ADOPTED**

S. 734 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE “EUNICE HOLMAN DOE HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “EUNICE HOLMAN DOE HIGHWAY”.

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

H. 3978 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG VALLEY FORGE ROAD IN HORRY COUNTY LOCATED BETWEEN ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 410 AND LOUISVILLE ROAD “ELISHA TYLER MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “ELISHA TYLER MEMORIAL BRIDGE”.

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

H. 4111 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PROPOSED AYNOR OVERPASS THAT WILL CROSS UNITED STATES HIGHWAY 501 IN THE TOWN OF AYNOR THE “JULIUS H. ‘DUKE’ GOODSON OVERPASS” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS OVERPASS THAT CONTAIN THE WORDS “JULIUS H. ‘DUKE’ GOODSON OVERPASS”.

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

H. 4123 -- Rep. White: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2011 AS “MENTAL HEALTH MONTH” IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

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

H. 4190 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS ALONG SOUTH CAROLINA HIGHWAY 46 AT ITS INTERSECTIONS WITH THE TOWN LIMITS OF THE TOWN OF BLUFFTON THAT CONTAIN THE WORDS “BLUFFTON HIGH SCHOOL ‑ HOME OF THE BOBCATS STATE CHAMPIONS 2005, 2006 BOYS CROSS COUNTRY, 2007 GIRLS VOLLEYBALL, 2009 GIRLS GOLF”.

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

H. 4206 -- Reps. Ryan, Brantley, Hardwick, Hearn, Barfield, Anderson, McCoy, Patrick, Gilliard, Erickson, Hodges, Stavrinakis, Viers, R.L. Brown, Clemmons, Edge, Herbkersman, Limehouse, Sottile and Whipper: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY S. 632, THE “FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT” WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, AND TO REQUEST THE UNITED STATES DEPARTMENT OF COMMERCE TO SET AS A PRIORITY FUNDING FOR FISHERIES DATA NEEDS AND FISHERY STOCK ASSESSMENTS.

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

H. 4225 -- Reps. Ballentine, Cobb‑Hunter, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO SUPPORT ALL EFFORTS OF THE STEWARDS OF DECEASED AMERICAN INDIANS TO RETURN THE REMAINS OF THESE INDIVIDUALS TO THEIR DESCENDANTS AS QUICKLY AS POSSIBLE.

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

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

**MOTION ADOPTED**

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

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

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P.O. Box 11369

Columbia, SC 29211

May 24, 2011

The Honorable Ken Ard

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my signature S.232, R-47, a Bill that reinstates Certificate of Need (CON) requirements under the authority of the South Carolina Department of Health and Environmental Control (SCDHEC) to certain facilities focused on the treatment of narcotics addiction.

**I am vetoing this Bill because I believe the Certificate of Need program creates unnecessary regulation for the healthcare market.** The CON process allows government to ration care, stifle competition in the medical field, and pick which facilities and practices are allowed to succeed.

While I understand that this Bill is designed in-part to control the growth of treatment facilities that distribute controlled substances, these facilities are already highly regulated and do not need additional licensure.

For the reasons stated above, I am vetoing S.232, R-47.

Sincerely,

Nikki R. Haley

**VETO SUSTAINED AND RECONSIDERED**

(R47, S232) -- Senators Cleary and Ford: AN ACT TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

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

Senator CLEARY moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 22; Nays 15**

**AYES**

Alexander Anderson Cleary

Elliott Fair Gregory

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry* Massey McGill

O'Dell Pinckney Scott

Setzler Sheheen Verdin

Williams

**Total--22**

**NAYS**

Bright Bryant Campbell

Campsen Courson Cromer

Davis Grooms *Martin, Shane*

McConnell Peeler Rose

Ryberg Shoopman Thomas

**Total--15**

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**Vote Whereby Veto Was Sustained Reconsidered**

(R47, S232) -- Senators Cleary and Ford: AN ACT TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

Having voted on the prevailing side, Senator CAMPBELL moved to reconsider the vote whereby the veto was sustained.

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

**Ayes 24; Nays 13**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Fair

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Malloy *Martin, Larry*

Massey Matthews McGill

Nicholson Scott Setzler

Sheheen Verdin Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Davis Gregory Grooms

*Martin, Shane* McConnell Peeler

Rose Ryberg Shoopman

Thomas

**Total--13**

The motion to reconsider the vote whereby the veto was sustained was adopted and the veto was ordered returned to the Calendar.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker of the House of Representatives appeared in the Senate Chamber at 4:15 P.M. and the following Acts and Joint Resolutions were ratified:

(R56, S. 36) -- Senators McConnell, McGill, Setzler and Ford: AN ACT TO ENACT PROVISIONS OF LAW PERTAINING TO THE PAYMENT, COLLECTION, AND ADMINISTRATION OF THE SALES AND USE TAX, BY AMENDING ACT 99 OF 2007, RELATING TO THE SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES, TO PHASE OUT THE SALES AND USE TAX IMPOSED ON DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES, AND TO DELETE PROVISIONS RELATING TO FURTHER REDUCTIONS IN THE SALES AND USE TAX ON DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES BASED ON GENERAL FUND REVENUE GROWTH; TO AMEND SECTIONS 12‑36‑90, 12‑36‑910, 12‑36‑1310, AND 12‑36‑2120, ALL AS AMENDED, RELATING TO SALES AND USE TAXES, TO FURTHER PROVIDE FOR THOSE INSTANCES WHERE SALES AND USE TAX APPLIES IN CONNECTION WITH WARRANTIES AND SERVICE MAINTENANCE CONTRACTS SOLD IN CONNECTION WITH THE SALE OF TANGIBLE PERSONAL PROPERTY; AND BY AMENDING ARTICLE 25, CHAPTER 36, TITLE 12, RELATING TO GENERAL PROVISIONS CONCERNING THE PAYMENT, COLLECTION, AND ADMINISTRATION OF THE SALES AND USE TAX BY ADDING SECTIONS 12‑36‑2691 AND 12‑36‑2692 TO PROVIDE THE APPLICABLE REQUIREMENTS AND DURATION FOR WHICH OWNING OR UTILIZING A DISTRIBUTION FACILITY WITHIN SOUTH CAROLINA IS NOT CONSIDERED IN DETERMINING WHETHER THE PERSON HAS A PHYSICAL PRESENCE IN SOUTH CAROLINA SUFFICIENT TO ESTABLISH A NEXUS WITH SOUTH CAROLINA FOR SALES AND USE TAX PURPOSES, AND TO PROVIDE NOTIFICATION AND PAYMENT PROCEDURES AND REQUIREMENTS IN REGARD TO USE TAXES DUE THE STATE OF SOUTH CAROLINA.

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(R57, S. 211) -- Senators Matthews, Land, Leatherman, Leventis, Hutto, Williams, Ford and McGill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE “I‑95 CORRIDOR AUTHORITY ACT” AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

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(R58, S. 404) -- Senators Campsen, McConnell, Land, Peeler, Alexander, Bryant, Campbell, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Grooms, Hayes, Hutto, Jackson, Knotts, Leventis, Matthews, L. Martin, Massey, McGill, O’Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Thomas, Verdin, Williams, Lourie, Scott, Leatherman, Shoopman, Malloy, Bright and S. Martin: AN ACT TO ENACT THE “SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT”; TO AMEND SECTION 7‑15‑400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE‑IN ABSENTEE BALLOTS, SO AS TO LIMIT APPLICABILITY OF THE SECTION TO A QUALIFIED CITIZEN OF SOUTH CAROLINA WHO IS ELIGIBLE TO VOTE UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE‑IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO AMEND SECTION 7‑15‑405, RELATING TO ELIGIBLITY TO VOTE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO PROVIDE A BALLOT MAY BE SENT INSTEAD OF MAILED; BY ADDING SECTION 7‑15‑406 SO AS TO REQUIRE AN ABSENTEE BALLOT SENT PURSUANT TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT MUST BE MAILED TO THE ELECTOR AT LEAST FORTY‑FIVE DAYS PRIOR TO AN ELECTION; TO AMEND SECTION 7‑15‑460, AS AMENDED, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; TO AMEND SECTION 7‑15‑220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO CORRECT ARCHANE LANGUAGE AND PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT; TO AMEND SECTION 7‑15‑320, AS AMENDED, REALTING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO FURTHER SPECIFY PERSONS WHO MAY VOTE BY ABSENTEE BALLOT WHETHER OR NOT THEY ARE ABSENT FROM THEIR COUNTY OF RESIDENCE ON ELECTION DAYS; AND TO AMEND SECTION 7‑15‑380, AS AMENDED, RELATING TO THE OATH OF AN ABSENTEE BALLOT APPLICANT, SO AS TO CLARIFY EXISTING LANGUAGE.

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(R59, S. 420) -- Senators McConnell, Peeler, Campbell, Rose and Ford: AN ACT TO AMEND SECTION 1‑23‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY REVIEW OF REGULATIONS, INCLUDING, AMONG OTHER THINGS, GROUNDS FOR EXEMPTION FROM REVIEW, SO AS TO PROVIDE THAT A REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW BECAUSE IT WAS PROMULGATED TO COMPLY WITH FEDERAL LAW HAS THE SAME LEGAL STATUS AS THE FEDERAL LAW, SUCH THAT IF THE FEDERAL LAW IS VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT THE STATE REGULATION IS SIMILARLY VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT.

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(R60, S. 445) -- Senators Hutto, Fair, Jackson and Ford: AN ACT TO AMEND SECTION 44‑29‑135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS HELD BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO CLARIFY THAT THE DEPARTMENT SHALL RELEASE CERTAIN INFORMATION ON A MINOR IF A REPORT OF CHILD ABUSE OR NEGLECT IS REQUIRED BY LAW AND TO PROVIDE THAT IN NOTIFYING A SCHOOL DISTRICT OF A CHILD IN THE DISTRICT WHO HAS AIDS OR IS INFECTED BY HIV, THE DEPARTMENT ONLY SHALL REPORT THIS INFORMATION ON STUDENTS IN GRADES KINDERGARTEN THROUGH FIFTH GRADE AND TO REQUIRE THIS INFORMATION BE PURGED FROM THE STUDENT’S PERMANENT RECORD BEFORE THE STUDENT ENTERS SIXTH GRADE; AND BY ADDING SECTION 59‑10‑220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

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(R61, S. 494) -- Senators Cleary, Bryant, Cromer and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑15‑265 SO AS TO AUTHORIZE AN INTERN OR RESIDENT IN AN ORAL SURGERY TRAINING PROGRAM TO TREAT CONDITIONS REQUIRED BY THE TRAINING PROGRAM UNDER THE SUPERVISION OF A LICENSED PHYSICIAN OR DENTIST AND TO PROVIDE THAT A PHARMACIST MAY FILL A PRESCRIPTION ISSUED BY AN INTERN OR RESIDENT DURING THE COURSE OF THE TRAINING PROGRAM.

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(R62, S. 568) -- Senators L. Martin and Ford: AN ACT TO AMEND SECTION 16‑3‑740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV), SO AS TO FURTHER CLARIFY OFFENDERS WHO MUST BE TESTED AND THE TIME FRAME THAT TESTING MUST BE CONDUCTED AND PROVIDE FOR FOLLOW‑UP TESTING FOR HIV WHEN MEDICALLY APPROPRIATE.

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(R63, S. 592) -- Senators Hayes, Leventis, Cromer, Rose, Scott, Knotts, Alexander and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25‑1‑10, RELATING TO THE STATE MILITARY CODE’S DEFINITIONS, SO AS TO DEFINE THE TERM “ORGANIZED MILITIA”; TO AMEND SECTION 25‑1‑40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25‑1‑60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25‑1‑70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL’S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25‑1‑120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25‑1‑340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25‑1‑635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25‑1‑830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25‑1‑1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25‑1‑2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM “STATE JUDGE ADVOCATE” MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25‑1‑2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25‑1‑2550, RELATING TO GENERAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2560, RELATING TO SPECIAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2570, RELATING TO SUMMARY COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE’S APPOINTMENT AUTHORITY; TO AMEND SECTION 25‑1‑2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT‑MARTIAL PROCEEDINGS; TO AMEND SECTION 25‑1‑2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25‑1‑3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25‑1‑3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25‑1‑3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

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(R64, S. 687) -- Senators Scott, Knotts and Ford: AN ACT TO AMEND SECTION 43‑7‑460, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECOVERY OF FUNDS FROM ESTATES OF PERSONS WHO RECEIVED MEDICAID, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND SECTION 44‑7‑130, AS AMENDED, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO SUBSTITUTE, IN RELEVANT DEFINITIONS, “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND SECTION 44‑7‑260, AS AMENDED, RELATING TO HEALTH FACILITY LICENSURE REQUIREMENTS, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “MENTALLY RETARDED”; TO AMEND SECTION 44‑7‑315, AS AMENDED, RELATING TO DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL REGARDING HEALTH CARE FACILITIES, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND SECTION 44‑7‑320, AS AMENDED, RELATING TO THE DENIAL, REVOCATION, OR SUSPENSION OF A HEALTH FACILITY LICENSE, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44‑23‑10, AS AMENDED, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM “MENTAL RETARDATION” TO “INTELLECTUAL DISABILITY” AND THE TERM “MENTALLY RETARDED” TO “PERSON WITH INTELLECTUAL DISABILITY”; TO PROVIDE THAT THE TERMS “INTELLECTUAL DISABILITY” AND “PERSON WITH INTELLECTUAL DISABILITY” HAVE REPLACED, AND HAVE THE SAME MEANINGS AS, THE FORMER TERMS “MENTAL RETARDATION” AND “MENTALLY RETARDED”; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM “INTELLECTUAL DISABILITY” FOR “MENTAL RETARDATION” AND THE TERM “PERSON WITH INTELLECTUAL DISABILITY” FOR “MENTALLY RETARDED” IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

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(R65, S. 693) -- Senators Bryant and Bright: AN ACT TO AMEND SECTION 23‑9‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ORDER AND APPEALS FROM THE STATE FIRE MARSHAL, SO AS TO INCREASE THE AMOUNT OF TIME THAT AN OCCUPANT OR OWNER MAY APPEAL THE DECISION OF A DEPUTY OR RESIDENT FIRE MARSHAL FROM TWENTY‑FOUR HOURS TO THIRTY DAYS, AND TO PROVIDE THAT THE STATE FIRE MARSHAL’S DECISION MUST BE FILED WITHIN TEN DAYS OF RECEIVING THE NOTICE OF APPEAL; TO PROVIDE THAT THE APPEAL PERIOD SHALL NOT BE ALLOWED IF THE BUILDING OR ANY OTHER STRUCTURE IS DEEMED TO BE AN IMMINENT DANGER, AND TO INCREASE THE AMOUNT OF TIME A PERSON MAY APPEAL AN ORDER OF THE STATE FIRE MARSHAL TO AN ADMINISTRATIVE LAW JUDGE FROM FIVE TO THIRTY DAYS.

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(R66, S. 705) -- Senators Rankin, Campbell, Rose, Verdin, Hutto, Ford and Grooms: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 36 TO TITLE 58 SO AS ENACT THE “UNDERGROUND FACILITY DAMAGE PREVENTION ACT”, TO PROVIDE DEFINTIONS, TO PROVIDE LIMITS ON COSTS RELATED TO THIS CHAPTER, TO REQUIRE THE CREATION OF A NOTIFICATION CENTER ASSOCIATION PROVIDING FOR RECEIVING NOTICE OF EXCAVATION OR DEMOLITION IN A DEFINED AREA, TO CREATE AND SPECIFY THE MEMBERSHIP OF A BOARD TO GOVERN THE NOTIFICATION CENTER, TO PROVIDE MISCELLANEOUS REQUIREMENTS AND DUTIES RELATED TO THE NOTIFICATION CENTER, TO REQUIRE CERTAIN NOTICE RELATED TO EXCAVATIONS, DEMOLITIONS, AND DAMAGE RESULTING DURING AN EXCAVATION OR DEMOLITION, TO PROVIDE EXCEPTIONS TO THE NOTICE REQUIREMENTS AND OTHER PROVISIONS OF THIS CHAPTER, AND TO PROVIDE PENALTIES FOR A VIOLATION OF THIS CHAPTER; AND TO REPEAL SECTIONS 58‑35‑10, 58‑35‑20, 58‑35‑30, 58‑35‑40, 58‑35‑50, 58‑35‑60, 58‑35‑70, 58‑35‑80, 58‑35‑90, 58‑35‑100, 58‑35‑110, AND 58‑35‑120 ALL RELATING TO THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT.

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(R67, S. 766) -- Senators McConnell, Leatherman, Alexander, Anderson, Scott, Coleman, O’Dell, Verdin, L. Martin, Ford, Massey, Knotts, Grooms, Nicholson, Shoopman, Elliott and Setzler: AN ACT TO AMEND SECTION 33‑49‑460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISTRIBUTION OF EXCESS REVENUE TO SOUTH CAROLINA’S ELECTRIC COOPERATIVES’ MEMBERS, SO AS TO ALLOW SOUTH CAROLINA ELECTRIC COOPERATIVES TO ADVOCATE ENERGY EFFICIENCY AND RENEWABLE ENERGY INITIATIVES IN THIS STATE AND TO PROVIDE CLARITY TO PATRONAGE CAPITAL PROCEDURES; TO AMEND SECTION 27‑18‑20, RELATING TO DEFINITIONS OF TERMS USED IN THE UNIFORM UNCLAIMED PROPERTY ACT, SO AS TO DELETE ELECTRIC COOPERATIVE PATRONAGE ALLOCATIONS FROM THE UNIFORM UNCLAIMED PROPERTY ACT; TO AMEND SECTION 33‑46‑460, RELATING TO THE DISTRIBUTION OF EXCESS REVENUE BY TELEPHONE COOPERATIVES AND WHAT CONSTITUTES EXCESS REVENUE, SO AS TO PROVIDE PROCEDURES FOR THE ALLOCATION OF PATRONAGE CAPITAL AND POLICIES AND PROCEDURES REGARDING ABANDONED PATRONAGE CAPITAL; AND TO AMEND SECTION 27‑18‑30, RELATING TO PROPERTY THAT IS PRESUMED ABANDONED PURSUANT TO THE UNIFORM UNCLAIMED PROPERTY ACT, SO AS TO DELETE ELECTRIC COOPERATIVE PATRONAGE CAPITAL FROM THE PURVIEW OF THE STATUTE.

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(R68, S. 793) -- Senators Alexander and Bryant: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2011‑2012 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.

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(R69, S. 823) -- Senators Knotts, Ford, Williams, Setzler, Campbell, O’Dell, Bryant, Rankin, Cleary, McConnell, McGill, Land, Campsen and Cromer: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑681 SO AS TO DESIGNATE COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE.

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(R70, S. 831) -- Senators Massey and Ryberg: AN ACT TO AMEND SECTION 22‑2‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAGISTRATES’ JURY AREAS, SO AS TO PROVIDE FOR REVISED JURY AREAS AND THE LOCATION OF THE MAGISTRATES’ OFFICES; AND TO REPEAL ACT 79 OF 1977 AND ACT 758 OF 1988 RELATING TO MAGISTRATES IN AIKEN COUNTY.

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(R71, S. 854) -- Senator Malloy: AN ACT TO AMEND SECTION 16‑3‑600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULT AND BATTERY OFFENSES, SO AS TO SUBSTITUTE THE TERM “A PERSON” FOR THE TERM “AN ADULT”.

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(R72, S. 877) -- Senator Pinckney: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 OF HAMPTON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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(R73, S. 890) -- Senators L. Martin and Alexander: AN ACT TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE PICKENS COUNTY SCHOOL BOARD OF TRUSTEES, TO PROVIDE THAT THE ELECTORS RESIDING IN THE DELLWOOD SUBDIVISION OF ANDERSON COUNTY SHALL BE ELIGIBLE TO VOTE IN THE ELECTION OF, AND HOLD OFFICE FOR, THE MEMBER OF THE BOARD OF TRUSTEES IN THE CLOSEST CONTIGUOUS SCHOOL DISTRICT IN PICKENS COUNTY.

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(R74, H. 3183) -- Reps. Young, Daning, Harrison, Simrill, G.R. Smith, Stringer, Hamilton, Hixon, Long, D.C. Moss and Weeks: AN ACT TO AMEND SECTION 2‑17‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2‑17‑25, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS’ PRINCIPALS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST’S PRINCIPAL MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2‑17‑50, RELATING TO THE AUTHORITY OF THE STATE ETHICS COMMISSION TO ENFORCE FILING REQUIREMENTS AND ASSESS PENALTIES FOR FAILURE TO FILE, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 8‑13‑100, RELATING TO THE DEFINITION OF “FAMILY MEMBER” FOR THE PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991, SO AS TO INCLUDE BROTHERS‑IN‑LAW AND SISTERS‑IN‑LAW; TO AMEND SECTION 8‑13‑700, RELATING TO USE OF ONE’S OFFICIAL POSITION FOR OFFICIAL GAIN, SO AS TO REPLACE CERTAIN REFERENCES TO “IMMEDIATE FAMILY” WITH THE BROADER TERM “FAMILY MEMBER”; AND TO AMEND SECTION 8‑13‑1510, AS AMENDED, RELATING TO PENALTIES FOR EITHER LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST, SECOND, AND THIRD OFFENSES MAY BE TRIED IN MAGISTRATES COURT.

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(R75, H. 3587) -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons, Barfield, Hayes and Loftis: AN ACT TO AMEND SECTION 48‑39‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF COASTAL TIDELANDS AND WETLANDS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DEFINE “MAINTENANCE DREDGING”; TO AMEND SECTION 48‑39‑130, RELATING TO PERMITS REQUIRED TO UTILIZE CRITICAL AREAS AND EXEMPTIONS FROM SUCH PERMITS, SO AS TO EXEMPT DREDGING BY MUNICIPALITIES AND COUNTIES IN CERTAIN EXISTING RECREATIONAL USE CANALS AND ESSENTIAL ACCESS CANALS CONVEYED TO THE STATE OR DEDICATED TO THE PUBLIC SINCE 1965 IF THE DREDGING IS AUTHORIZED BY A PERMIT FROM THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT DEPARTMENT ADMINISTERED CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED; TO AMEND SECTION 48‑39‑150, RELATING TO THE PROCEDURES AND REQUIREMENTS FOR THE APPROVAL OR DENIAL OF CRITICAL AREA USE PERMITS, INCLUDING THE TIME WITHIN WHICH WORK MUST BE COMPLETED UNDER SUCH PERMITS, SO AS TO PROVIDE THAT WORK AUTHORIZED UNDER A MAINTENANCE DREDGING PERMIT MUST BE COMPLETED IN TEN YEARS, RATHER THAN FIVE YEARS; TO REQUIRE THE DEPARTMENT TO PROMULGATE REGULATIONS FOR MAINTENANCE DREDGING; AND TO PROVIDE THAT THE PROVISION AUTHORIZING DREDGING PURSUANT TO THIS ACT IS REPEALED JULY 1, 2026.

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(R76, H. 3663) -- Reps. Cooper, Harrell, Ott, Bingham, Allison, Owens, Anthony, Bales and McLeod: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2011 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2011 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE‑FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE‑YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; AND TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT.

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(R77, H. 3957) -- Reps. Harrison, Bales, McLeod and Funderburk: AN ACT TO DESIGNATE SECTION 3 OF ACT 292 OF 1985, AS AMENDED, RELATING TO THE RICHLAND‑LEXINGTON COUNTY AIRPORT COMMISSION’S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN‑TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN‑TRADE ZONES AS SECTION 55‑11‑430 OF THE 1976 CODE; AND TO AMEND SECTION 55‑11‑430, RELATING TO THE RICHLAND‑LEXINGTON COUNTY AIRPORT COMMISSION’S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN‑TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN‑TRADE ZONES, SO AS TO EXPAND THE AREA WITHIN THE STATE IN WHICH THE COMMISSION MAY ESTABLISH FOREIGN‑TRADE ZONES.

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(R78, H. 4097) -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R79, H. 4149) -- Reps. Hodges and R.L. Brown: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**OBJECTION**

H. 3066 -- Reps. G.R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G.M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D.C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2011” INCLUDING PROVISIONS TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1‑30‑125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1‑11‑20, AS AMENDED, 1‑11‑22, 1‑11‑55, 1‑11‑56, 1‑11‑58, 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, 1‑11‑110, 1‑11‑180, 1‑11‑220, 1‑11‑225, 1‑11‑250, 1‑11‑260, 1‑11‑270, 1‑11‑280, 1‑11‑290, 1‑11‑300, 1‑11‑310, AS AMENDED, 1‑11‑315, 1‑11‑320, 1‑11‑335, 1‑11‑340, 1‑11‑435, 2‑13‑240, CHAPTER 9, TITLE 3; 10‑1‑10, 10‑1‑30, AS AMENDED, 10‑1‑40, 10‑1‑130, 10‑1‑190, CHAPTER 9, TITLE 10, 10‑11‑50, AS AMENDED, 10‑11‑90, 10‑11‑110, 10‑11‑140, 10‑11‑330; 11‑9‑610, 11‑9‑620, 11‑9‑630, 11‑35‑3810, AS AMENDED, 11‑35‑3820, AS AMENDED, 11‑35‑3830, AS AMENDED, 11‑35‑3840, AS AMENDED, 13‑7‑30, AS AMENDED, 13‑7‑830, AS AMENDED, 44‑53‑530, AS AMENDED, AND 44‑96‑140; 48‑46‑30, 48‑46‑40, 48‑46‑50, 48‑46‑60, 48‑46‑90, 48‑52‑410, 48‑52‑440, AND 48‑52‑460; AND BY ADDING SECTION 1‑11‑185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Senator SHANE MARTIN asked unanimous consent to take the Bill up for immediate consideration, give the Bill a second reading, carrying over all amendments to third reading.

Senator KNOTTS objected.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O’Dell, S. Martin, Ford and McGill: A BILL TO AMEND ARTICLE 2, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59‑101‑670 TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE; AND TO AMEND ARTICLE 15, CHAPTER 1, TITLE 1, RELATING TO REPORTING OF EXPENDITURES OF STATE APPROPRIATED FUNDS BY STATE AGENCIES, PERSONAL DATA AND THE LIKE, BY ADDING SECTION 1‑1‑1040 TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY’S, DEPARTMENT’S, OR INSTITUTION’S MONTHLY STATE PROCUREMENT CARD STATEMENTS OR MONTHLY REPORTS CONTAINING ALL OR SUBSTANTIALLY ALL THE SAME INFORMATION CONTAINED IN THE MONTHLY STATE PROCUREMENT CARD STATEMENTS.

The House returned the Bill with amendments.

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

There was no objection.

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

Senators COURSON and LEATHERMAN proposed the following amendment (NBD\11775DG11), which was adopted:

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

/Part I

Citation

SECTION 1. This act is known and may be cited as the “South Carolina Higher Education Efficiency and Administrative Policies Act of 2011”.

Part II

Transaction Register

SECTION 2. A. Article 2, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑670. (A) Each public institution of higher learning shall maintain a transaction register that includes a complete record of all funds expended, from whatever source for whatever purpose. The register must be prominently posted on the institution’s Internet website and made available for public viewing and downloading.

(1)(a) The register must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee;

(iii) the identification number of the transaction; and

(iv) a description of the expenditure, including the source of funds, a category title, and an object title for the expenditure.

(b) The register must include all reimbursements for expenses, but must not include an entry for salary, wages, or other compensation paid to individual employees.

(c) The register must not include a social security number.

(d) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

(e) At the option of the public institution, the register may exclude any information that can be used to identify an individual employee or student.

(f) This section does not require the posting of any information that is not required to be disclosed under Chapter 4, Title 30.

(2) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the Internet website for at least three years.

(B) Each public institution of higher learning shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual institution, that posts on its Internet website the institution’s monthly state procurement card statements or monthly reports containing all or substantially all of the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the institution can be found. The information posted may not contain the state procurement card number.

(C) Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.

(D) In the event any public institution of higher learning has a question or issue relating to technical aspects of complying with the requirements of this section or the disclosure of public information under this section, it shall consult with the Comptroller General’s Office, which may provide guidance to the public institution.”

B. Article 15, Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Section 1‑1‑1040. All agencies, departments, and institutions of state government shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts on its Internet website that agency’s, department’s, or institution’s monthly state procurement card statements or monthly reports containing all or substantially all the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency, department, or institution can be found. The information posted may not contain the state procurement card number. Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.”

C. This SECTION takes effect upon approval by the Governor, and public institutions of higher learning to which this SECTION applies shall have one year from the effective date of this act to comply with its requirements.

Part III

Human Resources

SECTION 3. The Budget and Control Board’s State Office of Human Resources shall participate with five representatives selected by the respective presidents of the public institutions of higher learning and technical colleges to represent all of the public institutions of higher learning and technical colleges to study, develop, and recommend a separate, comprehensive human resources system for the public institutions of higher learning and technical colleges. The recommendation shall include, but not be limited to, prescription of a methodology to establish a uniform compensation and classification plan among the public institutions of higher learning and technical colleges. The recommendations must provide for necessary accountability to the Budget and Control Board, including a process for reporting human resources data. The recommendation must be submitted to the State Budget and Control Board for its review no later than July 1, 2012, and shall not be implemented until approved by the Budget and Control Board pursuant to Section 8‑11‑230.

Part IV

Facilities and Capital Expenditure Revisions

SECTION 4. Section 2‑47‑50 of the 1976 Code is amended to read:

“Section 2‑47‑50. The board shall establish formally each permanent improvement project before actions of any sort which implement the project in any way may be undertaken and no expenditure of any funds for any services or for any other project purpose contracted for, delivered, or otherwise provided prior to the date of the formal action of the board to establish the project shall be approved. State agencies and institutions may advertise and interview for project architectural and engineering services for a pending project so long as the architectural and engineering contract is not awarded until after a state project number is assigned. After the committee has reviewed the form to be used to request the establishment of permanent improvement projects and has reviewed the time schedule for considering such requests as proposed by the board, requests to establish permanent improvement projects shall be made in such form and at such times as the board may require.

Any proposal to finance all or any part of any project using any funds not previously authorized specifically for the project by the General Assembly or using any funds not previously approved for the project by the board and reviewed by the committee shall be referred to the committee for review prior to approval by the board.

Any proposed revision of the scope or of the budget of an established permanent improvement project deemed by the board to be substantial shall be referred to the committee for its review prior to any final action by the board. In making their determinations regarding changes in project scope, the board and the committee shall utilize the permanent improvement project proposal and justification statements, together with any supporting documentation, considered at the time the project was authorized or established originally. Any proposal to increase the budget of a previously approved project using any funds not previously approved for the project by the board and reviewed by the committee shall in all cases be deemed to be a substantial revision of a project budget which shall be referred to the committee for review. The committee shall be advised promptly of all actions taken by the board which approve revisions in the scope of or the budget of any previously established permanent improvement project not deemed substantial by the board. However, with regard to any four‑year public institution of higher learning, graduate level public institution of higher learning, or two‑year branch campus of a graduate level public institution of higher learning in this State, a previously approved permanent improvement project, whose total costs increase not more than ten percent of the most recently approved total costs, not to exceed two million dollars in the aggregate for all the revisions made pursuant to this section, is not required to have that proposal reviewed by the committee, except that the proposal is subject to staff level review of the committee and the Budget and Control Board, Capital Budget Office. With regard to technical colleges, the State Board for Technical and Comprehensive Education shall approve a previously approved permanent improvement project, whose total costs increase not more than ten percent of the most recently approved total costs, not to exceed two million dollars in the aggregate for all the revisions made pursuant to this section, and the proposal is not required to be reviewed by the committee, except that the proposal is subject to staff level review of the committee and the Budget and Control Board, Capital Budget Office.

For purposes of this chapter, with regard to all institutions of higher learning, permanent improvement project is defined as:

(1) acquisition of land, regardless of cost, with staff level review of the committee and the Budget and Control Board, Capital Budget Office, up to two hundred fifty thousand dollars;

(2) acquisition, as opposed to the construction, of buildings or other structures, regardless of cost, with staff level review of the committee and the Budget and Control Board, Capital Budget Office, up to two hundred fifty thousand dollars;

(3) ~~construction of additional facilities and~~ work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is ~~five hundred thousand~~ one million dollars or more;

(4) architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are not to be included;

(5) capital lease purchase of a facility acquisition or construction in which the total cost is one million dollars or more; ~~and~~

(6) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract shall be included as a part of a project in which the total cost is one million dollars or more; and

(7) new construction of a facility that exceeds a total cost of five hundred thousand dollars.

Any permanent improvement project that meets the above definition must become a project, regardless of the source of funds. However, an institution of higher learning that has been authorized or appropriated capital improvement bond funds, capital reserve fund or state appropriated funds, or state infrastructure bond funds by the General Assembly for capital improvements shall process a permanent improvement project, regardless of the amount.

For purposes of establishing permanent improvement projects, Clemson University Public Service Activities (Clemson‑PSA) and South Carolina State University Public Service Activities (SC State‑PSA) are subject to the provisions of this chapter.”

SECTION 5. Section 1‑11‑65 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) With approval of the Budget and Control Board, any four‑year public institution of higher learning, graduate level public institution of higher learning, two‑year branch campus of a graduate level public institution of higher learning in this State, and any technical college, upon initial approval by the State Board for Technical and Comprehensive Education, may enter into one or more ground lease agreements with a private entity whereby the private entity will provide all services necessary for the creation and operation of on‑campus infrastructure including, but not limited to, financing which is subject to review and approval of the State Treasurer, designing, constructing, managing, operating, maintaining, and related services. Upon expiration of the ground lease agreement term, the private entity shall surrender to the institution such premises with the existing buildings, other structures, and improvements constructed and located thereon and therein, in the same condition as when the construction of the buildings, other structures, and improvements were completed, only natural and normal wear and tear excepted. The Budget and Control Board shall approve all ground lease agreement terms and conditions including the consideration involved. The full faith and credit of the State toward the lease obligations must not be pledged, and any statement to the contrary is deemed null and void as a matter of public policy. The private entity may be a nonprofit organization. Budget and Control Board approval required is instead of or a substitute for any other approval required by any other provision of law or regulation in connection with the undertaking of the private entity and the subject institution; however, the private entity and the subject institution shall adhere to fire, life, and safety codes as required by the Office of State Engineer. This section and the approval required by this section does not exempt any transaction or entity from complying with Chapter 35, Title 11.”

Part V

Procurement Code Revisions

SECTION 6. Section 11‑35‑1210 of the 1976 Code, as last amended by Act 376 of 2006, is further amended by adding an appropriately numbered subsection at the end to read:

“( ) Subject to subsection (1), the State Board for Technical and Comprehensive Education, in coordination with the appropriate Chief Procurement Officer, may approve a cumulative total of up to fifty thousand dollars in additional procurement authority for technical colleges, provided that the designated board office makes no material audit findings concerning procurement. As provided by regulation, any authority granted pursuant to this paragraph is effective when certified in writing by the designated board office.”

SECTION 7. Section 11‑35‑1550 of the 1976 Code, as last amended by Act 376 of 2006, is further amended to read:

“Section 11‑35‑1550. (1) Authority. The following small purchase procedures may be utilized only in conducting procurements for governmental bodies that are up to fifty thousand dollars in actual or potential value. A governmental body may conduct its own procurement up to fifty thousand dollars in actual or potential value, and a governmental body that has received procurement certification pursuant to Section 11‑35‑1210 to handle the type and estimated value of the procurement may conduct the procurement under its own authority in accordance with this code. Procurement requirements must not be artificially divided by governmental bodies so as to constitute a small purchase pursuant to this section.

(2) Competition and Price Reasonableness.

(a) Purchases not in excess of two thousand five hundred dollars. Except as provided in subitem (d) below, small purchases not exceeding two thousand five hundred dollars may be accomplished without securing competitive quotations if the prices are considered reasonable. The purchasing office must annotate the purchase requisition: ‘Price is fair and reasonable’ and sign. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchase ‘not in excess of’ may more than offset potential savings in detecting instances of overpricing. Action to verify the reasonableness of the price need be taken only when the procurement officer of the governmental body suspects that the price may not be reasonable, comparison to previous price paid, or personal knowledge of the item involved.

(b) Purchases over two thousand five hundred dollars to ten thousand dollars. Except as provided in subitem (d) below, solicitation of written quotes from a minimum of three qualified sources of supply must be made and documentation of the quotes attached to the purchase requisition for a small purchase over two thousand five hundred dollars but not in excess of ten thousand dollars. The award must be made to the lowest responsive and responsible sources.

(c) Purchases over ten thousand dollars up to fifty thousand dollars. Written solicitation of written quotes, bids, or proposals must be made for a small purchase over ten thousand dollars but not in excess of fifty thousand dollars. The procurement must be advertised at least once in the South Carolina Business Opportunities publication or through a means of central electronic advertising as approved by the designated board office. A copy of the written solicitation and written quotes must be attached to the purchase requisition. The award must be made to the lowest responsive and responsible source or, when a request for proposal process is used, the highest ranking offeror.

(d) For public institutions of higher learning, small purchase amounts to which the provisions of subitem (a) above shall apply are those purchases not exceeding ten thousand dollars, and for these purchases subitem (b) above shall not apply. In addition, purchasing cards of the institution for these purchases also may be used by officials or employees of the institution as the governing board thereof approves.

(3) All competitive procurements above ten thousand dollars must be advertised at least once in the South Carolina Business Opportunities publication or through a means of central electronic advertising as approved by the designated board office. Governmental bodies may charge vendors the cost incurred for copying and mailing bid or proposal documents requested in response to a procurement.

(4) The Division of Aeronautics of the Department of Commerce may act as its own purchasing agency for all procurements of maintenance services for aircraft and these procurements may be conducted pursuant to Section 11‑35‑1550(2)(b).

(5) For a technical college authorized by the State Board for Technical and Comprehensive Education, small purchase amounts to which the provisions of subitem (2)(a) apply are those purchases up to an amount not to exceed ten thousand dollars. If authority is approved, a technical college may use purchasing cards for these purchases up to the amount approved by the State Board for Technical and Comprehensive Education.”

SECTION 8. Section 11‑35‑3310 of the 1976 Code, as last amended by Act 174 of 2008, is further amended to read:

“Section 11‑35‑3310. (1) General Applicability. Indefinite delivery contracts may be awarded on an as‑needed basis for construction services pursuant to the procedures in Section 11‑35‑3015(2)(b) and for architectural‑engineering and land surveying services pursuant to Section 11‑35‑3220.

(a) Construction Services. When construction services contracts are awarded, each contract ~~shall~~ must be limited to a total expenditure of seven hundred fifty thousand dollars for a two‑year period with individual project expenditures not to exceed one hundred fifty thousand dollars; however, for public institutions of higher learning, and for technical college service contracts authorized by the State Board for Technical and Comprehensive Education, these limits shall be one million dollars for total expenditures and two hundred fifty thousand dollars for individual expenditures within the time periods specified.

(b) Architectural‑Engineering and Land Surveying Services. When architectural‑engineering and land surveying services contracts are awarded, each contract ~~shall~~ must be limited to a total expenditure of three hundred thousand dollars for a two‑year period with individual project expenditures not to exceed one hundred thousand dollars; however, for public institutions of higher learning, and for technical college service contracts authorized by the State Board for Technical and Comprehensive Education, these limits shall be five hundred thousand dollars for total expenditures and two hundred thousand dollars for individual expenditures within the time periods specified.

(2) Small Indefinite Delivery Contracts. Small indefinite delivery contracts for architectural‑engineering and land surveying services may be procured as provided in Section 11‑35‑3230. A contract established under this section ~~shall~~ must be subject to Section 11‑35‑3230, and any regulations promulgated ~~thereunder~~ except that for public institutions of higher learning, and for technical college delivery contracts authorized by the State Board for Technical and Comprehensive Education, the individual and total contract limits shall be fifty thousand and one hundred fifty thousand dollars, respectively.”

SECTION 9. Section 11‑35‑4810 of the 1976 Code is amended to read:

“Section 11‑35‑4810. Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multi‑party contracts between public procurement units and open‑ended state public procurement unit contracts which shall be made available to local public procurement units, except as provided in Section 11‑35‑4820 or except as may otherwise be limited by the board through regulations.

However, thirty days’ notice of a proposed multi‑state solicitation shall be provided through central advertising and such contracts may be only awarded to manufacturers who will be distributing the products to South Carolina governmental bodies through South Carolina vendors; provided, however, that the provisions of this paragraph do not apply to a four‑year public institution of higher learning, a graduate level public institution of higher learning, and a two‑year branch campuse of a graduate level public institution of higher learning in this State, if the institution demonstrates a cost savings to the Office of State Procurement in regard to the multistate solicitation and procurement.”

Part VI

Miscellaneous Provisions

SECTION 10. Section 1‑7‑170 of the 1976 Code, as added by Act 353 of 2008, is amended to read:

“Section 1‑7‑170. (A) A department or agency of state government may not engage on a fee basis an attorney at law except upon the written approval of the Attorney General and upon a fee as must be approved by him. This section does not apply to the employment of attorneys in special cases in inferior courts when the fee to be paid does not exceed two hundred fifty dollars or exceptions approved by the State Budget and Control Board. This section does not apply to an attorney hired by the General Assembly or the judicial department.

(B) Notwithstanding the provisions of subsection (A), when a four‑year public institution of higher learning, a graduate level public institution of higher learning, a two‑year branch campus of a graduate level public institution of higher learning in this State, or technical college, decides to employ outside counsel on a particular matter, except in matters involving public financing or related financing issues, for a series of similar matters, or on a retainer basis shall submit the names of three qualified law firms consisting of a single practitioner or a group of practitioners from which the Attorney General shall approve one or more which the institution is then authorized to employ or retain. Subject to approval by the Attorney General, the institution may pay legal fees to that firm at its usual and customary rates for engaging in that type of work. Attorneys employed in matters involving public financing or related financing issues must be assigned and approved by the Budget and Control Board according to policies and procedures adopted by the board.”

SECTION 11. Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑55. State appropriated funds shall not be used to provide out‑of‑state subsidies to students attending state‑supported institutions of higher learning.”

SECTION 12. Section 59‑101‑620 of the 1976 Code is amended to read:

“Section 59‑101‑620. (A) A public institution of higher learning may offer educational fee waivers to no more than ~~four~~ eight percent of the undergraduate student body. Any fee waivers above four percent must be used for in‑state students. For the purposes of fee waivers, an in‑state student shall be defined by Section 59‑112‑20(A).

(B) State‑supported institutions of higher learning to which this subsection applies annually shall report to the Commission on Higher Education the amount of such waivers provided during that fiscal year and such other information as the commission may require in regard to these waivers.”

SECTION 13. Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59‑112‑115. Whenever the governing board of an institution of higher learning adopts a change to the tuition or fees imposed on students, the change may be implemented only after a public vote with the number of trustees or commissioners voting for and against the change being counted. A majority vote shall be required to implement any change to the tuition or fees.”

SECTION 14. Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑162. For purposes of Section 8‑11‑160 and the other provisions related to the authority of the Agency Head Salary Commission, Technical College Presidents are covered by the authority of the commission.”

SECTION 15. Section 1‑11‑55(2) of the 1976 Code is amended to read:

“(2) The Budget and Control Board is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this section. However, a technical college, with the approval by the State Board for Technical and Comprehensive Education, and a public institution of higher learning, may enter into any lease agreement or renew any lease agreement up to one hundred thousand dollars annually for each property or facility.”

SECTION 16. Article 2, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59‑53‑168. (A) The State Board for Technical and Comprehensive Education (state board) is granted the authority to employ and administer certain administrative efficiency provisions provided in Sections 11‑35‑1210, 11‑35‑1550(2), 11‑35‑3310, 11‑35‑4810, 1‑7‑170, 59‑101‑620, and 1‑11‑55(2) of the 1976 Code. The state board shall establish a tiered system for categorizing technical colleges with respect to their financial strength and ability to manage day‑to‑day operations. Technical colleges, by way of application from their area commissions, may request the state board apply these administrative efficiency provisions to their respective institutions. The state board shall review the technical college’s request and determine the proper category for the technical college.

(B) The state board shall establish an advisory board to provide oversight and review of the provisions of this chapter. The state board shall submit an annual report on oversight to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee by November fifteenth of each year and shall submit a report every two years to include how changes have benefitted the agency to the Governor and the Chairmen of the House Ways and Means Committee, the Senate Finance Committee, the House Education and Public Works Committee, and the Senate Education Committee.”

SECTION 17. Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59‑112‑140. The area commission for the Florence‑Darlington Technical College may waive the requirements of this chapter for student participants in the Caterpillar Dealer Academy operated by Florence‑Darlington Technical College.”

SECTION 18. Section 2‑77‑20(C) of the 1976 Code is amended to read:

“(C) An institution seeking to qualify as an eligible institution must submit an annual application to the commission. The commission must certify the eligibility of institutions seeking contracts pursuant to this section. ~~Of the~~ The funds appropriated for this program~~, one‑half~~ must be allocated equally among the eligible institutions. ~~The remainder of the appropriated funds shall be awarded to eligible institutions based upon merit, through criteria developed by the Commission on Higher Education.~~”

SECTION 19. Section 59‑142‑40 of the 1976 Code is amended to read:

“~~The provisions of this chapter apply to eligible students beginning in the 1996‑97 academic year.~~ Funds must be allocated in a given year to institutions using a methodology that considers state resident Pell Grant recipients so that each public institution shall receive an amount sufficient to provide a similar level of support per state resident Pell recipient when compared to tuition and required fees. However, no institution shall receive a smaller proportion of funding than would be provided under the student enrollment methodology used in years prior to fiscal year 2008‑09 ~~based on the percentage of the state full‑time enrollment enrolled at the institutions in the preceding year~~. Funds must be awarded to eligible students according to the financial need of the student.”

Part VII

Severability and Time Effective

SECTION 20. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 21. Unless otherwise provided, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator COURSON explained the House amendments.

The question then was the adoption of the amendment.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7‑13‑40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES’ QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7‑13‑190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7‑13‑350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

The House returned the Bill with amendments.

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

There was no objection.

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

Senators MALLOY and SCOTT proposed the following amendment (AGM\19164BH11), which was adopted:

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

/ SECTION \_\_\_.A. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Notwithstanding the provision of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at an early voting center in the county in which he resides.

(D) Each county board of registration and elections must establish at least one early voting center and may establish up to three early voting centers. The county board of registration and elections will determine the location of the early voting center or centers. Each early voting center must be supervised by election commission employees.

(E) The early voting period begins eleven days before an election and ends three days prior to the election.

(F) The county board of registration and elections must determine the hours of operation and location for an early voting center. However, the early voting center must be open for two Saturdays within the early voting period for statewide primaries and general elections.

(G) In addition to the early voting centers established pursuant to Section 7‑13‑25, a county board of registration and elections may authorize up to two additional early voting centers if the county board of registration and elections finds there is a need for additional early voting centers after holding a public hearing on the matter. The county board of registration and elections will determine the location of the early voting center or centers.

(H) A sign must be posted prominently in an early voting center and must have printed on it, ‘VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSON MUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS’.”

B. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 253 of 2006, is further amended to read:

“(C) The executive director shall:

(1) maintain a complete master file of all qualified electors by county and by precincts;

(2) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

(3) enter names on the master file as they are reported by the county registration boards;

(4) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(5) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

(6) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(7) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

(8) obtain information from any other source which may assist him in carrying out the purposes of this section;

(9) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(10) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(11) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993; ~~and~~

(12) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the United States Code, Title 42, Section 1973ff, et seq; and

(13) enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.”

C. Section 7‑15‑320 of the 1976 Code is amended by adding an appropriately numbered subsection at the beginning to read:

“ ( ) Any qualified elector may vote during the early voting period pursuant to Section 7‑13‑25. /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Bryant Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright

**Total--1**

The amendment was adopted.

Senator CAMPSEN proposed the following amendment (JUD0391.003), which was adopted:

Amend the bill, as and if amended, on page 3, beginning at line 34, by striking SECTION 5 in its entirety.

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

There being no further amendments, the Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**AMENDMENT PROPOSED**

**CARRIED OVER, AS AMENDED**

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23‑1‑250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16‑9‑480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

The House returned the Bill with amendments.

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

Senators HUTTO, CROMER and KNOTTS proposed the following amendment (MS\7502AHB11), which was adopted:

Amend the bill, as and if amended, Section 23-6-60, as contained in SECTION 11, page 18, after line 30, by adding an appropriately lettered subsection to read:

/ ( ) The department shall develop an illegal immigration enforcement training program which it shall offer to all local law enforcement agencies to assist any local law enforcement agency wishing to utilize the training program in the proper implementation, management, and enforcement of applicable immigration laws.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Courson Cromer Davis

Fair Ford Gregory

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The amendment was adopted.

Senator HUTTO proposed the following amendment (20R015.CBH):

Amend Amendment No. 2B, bearing document file path L:\S‑JUD\AMEND\JUD0020.017.DOCX, as and if amended, beginning on page 2, by striking Section 8-14-20(B) and inserting:

/ “(B) A public employer may not enter into a services contract with a contractor for the physical performance of services within this State unless the contractor agrees:

(1) to register and participate in the federal work authorization program to verify the employment authorization of all new employees and require agreement from its subcontractors, and through the subcontractors, the sub‑subcontractors, to register and participate in the federal verification of the employment authorization of all new employees; or

(2) to employ only workers who possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN spoke on the amendment.

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

**Recorded Vote**

Senators SHANE MARTIN, DAVIS, BRIGHT, BRYANT, VERDIN, SHOOPMAN and GROOMS desired to be recorded as voting against the motion to carry over the Bill.

**Statement by Senator McCONNELL**

I was out of the Chamber when the voice vote to carry over the illegal immigration Bill was taken. I would have voted against it because I think it is a mistake to carry it over. We need to act on this, but the pressure seems to be to go to another bill or to oppose it. We run the risk of not getting it done before adjournment and it is too important to run that risk.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 594 -- Senators Grooms and Verdin: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO DRIVING IN A TEMPORARY WORKZONE, TO EXPAND THE SIZE OF TEMPORARY WORKZONES.

The House returned the Bill with amendments.

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

Senator McCONNELL explained the House amendments.

Senator GROOMS proposed the following amendment (594R003.LKG), which was adopted:

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

/ SECTION 1. Section 56‑5‑1536(A) of the 1976 Code is amended to read:

“Section 56‑5‑1536. (A) A temporary work zone area is an area on or adjacent to a roadway identified by orange work zone signs or equipment with flashing lights, and the presence of workers on the scene.”

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

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

There being no further amendments, the Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22‑5‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES’ POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

The House returned the Bill with amendments.

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

Senator HUTTO proposed the following amendment (JUD0030.004), which was adopted:

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

/ SECTION 1. Section 22‑5‑110 of the 1976 Code is amended to read:

“Section 22‑5‑110. (A) Magistrates shall:

(1) cause to be arrested all persons found within their counties charged with any offense and persons who after committing any offense within the county ~~escape~~ flee out of ~~it,~~ the county;

(2) examine into treasons, felonies, grand larcenies, high crimes, and misdemeanors~~,~~;

(3) commit or bind over for trial those who appear to be guilty of crimes or offenses not within their jurisdiction~~,~~; and

(4) punish those guilty of such offenses within their jurisdiction.

~~(B)~~ ~~Notwithstanding another provision of law, a person charged with any misdemeanor offense requiring a warrant signed by nonlaw enforcement personnel to ensure the arrest of a person must be given a courtesy summons.~~

(B)(1) No arrest warrant shall be issued by a magistrate unless sought by:

(a) a law enforcement officer acting in the officer’s official capacity;

(b) a business seeking an arrest warrant for an offense against the business;

(c) a person seeking an arrest warrant for a fraudulent check, if the fraudulent check or a legal copy of the fraudulent check is presented to the magistrate at the time the warrant is sought; or

(d) a person seeking an arrest warrant for offenses involving criminal domestic violence, harassment, assault and battery in the second degree, or assault and battery in the third degree.

(2) If an arrest warrant is sought by a person other than a person listed in subitem (B)(1), the court must issue a courtesy summons. If, after being served the summons, a defendant named in the summons fails to appear before the court pursuant to the summons, the court may issue an arrest warrant for the underlying offense based upon the original sworn statement of the person who sought the summons, provided the sworn statement establishes probable cause that the underlying offense was committed.”

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

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

The amendment was adopted.

Senators MASSEY and HUTTO proposed the following amendment (JUD0030.006), which was adopted:

Amend the bill, as and if amended, page 2, after line 43, by adding the following appropriately numbered SECTIONS to read:

/ SECTION \_\_\_. The first sentence of Section 22-1-10(A) of the 1976 Code is amended to read:

“Section 22-1-10(A). The Governor, by and with the advice and consent of the Senate, may appoint magistrates in each county of the State for a term of four years and until their successors are appointed and qualified, or their positions are terminated as provided in subsection (B), Section 22-1-30, or Section 22-2-40.”

SECTION \_\_\_. Section 22‑1‑30 of the 1976 Code is amended to read:

“Section 22-1-30. (A) A magistrate may be suspended or removed by order of the Supreme Court pursuant to its rules for incapacity, misconduct, or neglect of duty. A magistrate’s failure to retire in accordance with Section 22‑1‑25 or a magistrate’s failure to comply with the training and examination requirements of Section 22‑1‑10(C) may subject the magistrate to suspension or removal by order of the Supreme Court.

(B) If a senatorial delegation recommends that the Governor not reappoint a magistrate upon completion of his term of office, the Governor may send a message to the Senate that the magistrate is not reappointed. Upon receipt of the message, the Senate must ratify the message not to reappoint by the confirmation process. If the ratification takes place, the magistrate’s service is terminated at the end of his term and the magistrate does not continue to serve until a successor is appointed. Notice of the ratification must be sent to the Supreme Court.”

SECTION \_\_\_. Section 22-2-40(C) of the 1976 Code is amended to read:

“(C) Notwithstanding the provisions of subsection (A), Section 22‑1‑10(A), or Section 22‑8‑40(C) and (D), the number, location, and full‑time or part‑time status of magistrates in the county may be increased or decreased from the required and permissive provisions in Section 22‑8‑40(C) and (D) as provided in Section 22-1-30(B), or by filing with court administration a written agreement between the members of the Senate delegation for the county and the county governing body; however, a magistrate’s compensation must not be decreased during his term in office.” /

Renumber sections to conform.

Amend title to conform.

The question then was the adoption of the amendment.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

The amendment was adopted.

There being no further amendments, the Bill was ordered returned to the House of Representatives with amendments.

**CONCURRENCE**

S. 241 -- Senators Rose and Leventis: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA DYSLEXIA TASK FORCE, TO PROVIDE FOR THE COMPOSITION OF THE TASK FORCE, AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

The House returned the Resolution with amendments.

Senator ROSE asked unanimous consent to take the Resolution up for immediate consideration.

There was no objection.

Senator ROSE explained the House amendments.

The question then was concurrence with the House amendments.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE**

S. 694 -- Senator Bryant: A BILL TO AMEND SECTION 41‑15‑520 OF THE 1976 CODE, RELATING TO REMEDIES FOR EMPLOYEES CHARGING DISCRIMINATION, TO PROVIDE FOR REFERRAL TO THE UNITED STATES DEPARTMENT OF LABOR ALLEGATIONS MADE BY A PRIVATE SECTOR EMPLOYEE OF A VIOLATION OF SECTION 41‑15‑510 AND TO PROVIDE FOR CIVIL REMEDIES.

The House returned the Bill with amendments.

Senator BRYANT explained the amendments.

The question then was concurrence with the House amendments.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

**Total--39**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**NONCONCURRENCE**

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61‑6‑1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNERS ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

The House returned the Bill with amendments.

Senator THOMAS explained the amendments.

The question then was concurrence with the House amendments.

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

**Ayes 40; Nays 2**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

Bright *Martin, Shane*

**Total--2**

On motion of Senator THOMAS, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**OBJECTION**

H. 3066 -- Reps. G.R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G.M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D.C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2011” INCLUDING PROVISIONS TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1‑30‑125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1‑11‑20, AS AMENDED, 1‑11‑22, 1‑11‑55, 1‑11‑56, 1‑11‑58, 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, 1‑11‑110, 1‑11‑180, 1‑11‑220, 1‑11‑225, 1‑11‑250, 1‑11‑260, 1‑11‑270, 1‑11‑280, 1‑11‑290, 1‑11‑300, 1‑11‑310, AS AMENDED, 1‑11‑315, 1‑11‑320, 1‑11‑335, 1‑11‑340, 1‑11‑435, 2‑13‑240, CHAPTER 9, TITLE 3; 10‑1‑10, 10‑1‑30, AS AMENDED, 10‑1‑40, 10‑1‑130, 10‑1‑190, CHAPTER 9, TITLE 10, 10‑11‑50, AS AMENDED, 10‑11‑90, 10‑11‑110, 10‑11‑140, 10‑11‑330; 11‑9‑610, 11‑9‑620, 11‑9‑630, 11‑35‑3810, AS AMENDED, 11‑35‑3820, AS AMENDED, 11‑35‑3830, AS AMENDED, 11‑35‑3840, AS AMENDED, 13‑7‑30, AS AMENDED, 13‑7‑830, AS AMENDED, 44‑53‑530, AS AMENDED, AND 44‑96‑140; 48‑46‑30, 48‑46‑40, 48‑46‑50, 48‑46‑60, 48‑46‑90, 48‑52‑410, 48‑52‑440, AND 48‑52‑460; AND BY ADDING SECTION 1‑11‑185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Senator COURSON asked unanimous consent to take the Bill up for immediate consideration, give the Bill a second reading, carrying over all amendments to third reading.

Senator KNOTTS objected.

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

**READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

H. 3375 -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G.R. Smith, Bedingfield, Toole, Sottile, V.S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D.C. Moss, Murphy, Norman, Patrick, Simrill, G.M. Smith, J.R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J.M. Neal, Vick, G.A. Brown, Branham, Anthony, Bowers, Sellers, Quinn, Hearn, Edge, Anderson, Erickson, Knight, Chumley, Butler Garrick and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011” BY AMENDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTIONS 1‑7‑750 AND 1-7-760 SO AS TO ENACT THE “PRIVATE ATTORNEY RETENTION SUNSHINE ACT” TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES, AND TO PROVIDE FOR THE SUSPENSION OF THE LIMITATIONS UNDER CERTAIN EXCEPTIONAL CIRCUMSTANCES; TO AMEND SECTION 15‑3‑670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS BUT MAY BE ADMISSIBLE AS EVIDENCE; TO AMEND SECTION 18‑9‑130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; AND TO AMEND SECTION 56‑5‑6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO DELETE THE PROVISION THAT PROVIDED THAT A VIOLATION FOR FAILURE TO WEAR A SEATBELT IS NOT NEGLIGENCE PER SE OR COMPARATIVE NEGLIGENCE AND IS NOT ADMISSIBLE IN A CIVIL ACTION.

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

Senator HUTTO spoke on the Bill.

The Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**THE SENATE PROCEEDED TO THE ADJOURNED DEBATE.**

**AMENDED, THIRD READING FAILED**

**VOTE WHEREBY THIRD READING FAILED RECONSIDERED**

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

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

**Amendment No. 2A**

Senators MASSEY, SHEHEEN and ROSE proposed the following amendment (3701R004.ASM), which was tabled:

Amend resolution, as and if amended, SECTION 1, by deleting items (4), (7), and (19).

Amend the bill further, as and if amended, SECTION 1, by adding an appropriately numbered new item to read:

/ ( )Department of Education for the

purchase of new school buses $ 10,300,000/

Renumber sections and adjust totals to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 25; Nays 15**

**AYES**

Alexander Campbell Cleary

Courson Cromer Elliott

Fair Grooms Hayes

Jackson Knotts Land

Leatherman *Martin, Larry* Matthews

McGill Nicholson O'Dell

Peeler Reese Scott

Setzler Thomas Verdin

Williams

**Total--25**

**NAYS**

Bright Bryant Davis

Ford Gregory Hutto

Lourie Malloy *Martin, Shane*

Massey McConnell Rose

Ryberg Sheheen Shoopman

**Total--15**

The amendment was laid on the table.

**Amendment No. 4**

Senator SHEHEEN proposed the following amendment (3701R006.VAS), which was adopted, reconsidered and subsequently tabled:

Amend bill, as and if amended, SECTION 1, by deleting item (7).

Amend the bill further, as and if amended, SECTION 1, by adding an appropriately numbered new item to read:

/ ( ) Department of Education for

the purchase of new school buses $ 3,800,000 /

Renumber sections and adjust totals to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 18; Nays 21**

**AYES**

Alexander Campbell Cleary

Courson Cromer Fair

Grooms Hayes Leatherman

*Martin, Larry* McGill Nicholson

O'Dell Peeler Setzler

Thomas Verdin Williams

**Total--18**

**NAYS**

Bright Bryant Campsen

Coleman Davis Elliott

Ford Gregory Hutto

Knotts Lourie Malloy

*Martin, Shane* Massey McConnell

Reese Rose Ryberg

Scott Sheheen Shoopman

**Total--21**

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

The amendment was adopted.

**Amendment No. 6**

Senator LEATHERMAN proposed the following amendment (3701R008.HKL), which was adopted:

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

/ SECTION 2. The Budget and Control Board is directed not to implement and complete the SCEIS Budget Module until funds are appropriated for that specific purpose. /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

**Amendment No. 7**

Senator BRIGHT proposed the following amendment (3701R009.LB), which was tabled:

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

/ SECTION 1. (A) In accordance with the provisions of Article III, Section 36(B)(2) and (3), Constitution of South Carolina, 1895, and Section 11‑11‑320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2010‑2011, $110,883,455 to the State Treasurer to be placed in a separate and distinct fund known as the 2011 Manufacturers County Property Tax Relief Fund. The State Treasurer shall provide each county treasurer with a disbursement from the fund in an amount equal to the amount of the county portion of property tax on manufacturer’s property projected to be collected in the county for property tax year 2011. This disbursement must be used by each county treasurer to offset the county portion of the property tax on manufacturer’s property for property tax year 2011. Each property tax bill issued to a person owing property tax on manufacturer’s property must indicate that the property tax owed for the county portion is zero and must also indicate the amount offset by this section.

(B) Any amount remaining in the fund established by subsection (A) after providing the disbursement required by that subsection must be transferred to the School for the Deaf and Blind to replace necessary specialized instructional equipment. /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

With Senator BRIGHT retaining the floor, having voted on the prevailing side, Senator KNOTTS asked unanimous consent to make a motion to reconsider the vote whereby Amendment 4 was adopted.

Senators SHEHEEN and PEELER objected.

Senator BRIGHT moved that Amendment No. 7 be adopted.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 36; Nays 2**

**AYES**

Alexander Campbell Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Reese Rose

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--36**

**NAYS**

Bright Bryant

**Total--2**

Amendment No. 7 was laid on the table.

**Adoption of Amendment No. 4 Reconsidered and Tabled**

Having voted on the prevailing side, Senator KNOTTS moved to reconsider the vote whereby Amendment No. 4 was adopted.

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

**Ayes 21; Nays 17**

**AYES**

Alexander Campbell Campsen

Courson Cromer Elliott

Fair Gregory Hayes

Knotts Land Leatherman

*Martin, Larry* Matthews McGill

Nicholson O'Dell Reese

Scott Setzler Williams

**Total--21**

**NAYS**

Bright Bryant Davis

Ford Grooms Hutto

Jackson Lourie Malloy

*Martin, Shane* Massey McConnell

Peeler Rose Sheheen

Shoopman Verdin

**Total--17**

The motion to reconsider was adopted.

The question then was the adoption of Amendment No. 4.

Senator MASSEY spoke on the amendment.

Senator SHEHEEN spoke on the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 19; Nays 19**

**AYES**

Alexander Campbell Courson

Cromer Elliott Fair

Gregory Hayes Jackson

Land Leatherman *Martin, Larry*

Matthews McGill Nicholson

O'Dell Reese Setzler

Williams

**Total--19**

**NAYS**

Bright Bryant Campsen

Coleman Davis Ford

Grooms Hutto Knotts

Lourie Malloy *Martin, Shane*

Massey Peeler Rose

Scott Sheheen Shoopman

Verdin

**Total--19**

The President voted “aye.”

Amendment No. 4 was laid on the table.

**Amendment No. 8**

Senator BRIGHT proposed the following amendment (3701R010.LB), which was tabled:

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

/ SECTION 1. In accordance with the provisions of Article III, Section 36(B)(2) and (3), Constitution of South Carolina, 1895, and Section 11‑11‑320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2010‑2011 the following amounts:

(1) P32‑Department of Commerce

Deal Closing Fund $ 1

(2) H59‑State Board for Technical

and Comprehensive Education

CATT Program $ 1

(3) J02‑Department of Health

and Human Services

Medicaid Technology

Federal Mandates $ 1

(4) P28‑Department of Parks,

Recreation and Tourism

Destination Specific $ 1

(5) J12‑Department of Mental Health

Bryan Psychiatric

Roof Replacement $ 1

(6) P12‑Forestry Commission

Forestry Equipment Replacement $ 1

(7) E28‑Election Commission

2012 Statewide Primary Election $ 1

(8) H73‑Vocational Rehabilitation

Durable Medical Equipment $ 1

(9) B04‑Judicial Department

Statewide Implementation of

Electronic Filing $ 1

(10) H75‑School for the Deaf and the Blind

Vocational Education Center

Renovation $ 1

(11) H71‑Wil Lou Gray Opportunity School

Bus Replacement and Computer

Replacement $ 1

(12) E23‑Commission on Indigent Defense

Technology for Docket Management,

Electronic Filing and

Case Management $ 1

(13) D17‑Governor’s Office of Executive

Policy and Programs

Veterans’ Cemetery $ 1

(14) H63‑Department of Education

Governor’s School for the Arts

and the Humanities

Desktop Computer Replacement $ 1

(15) H63‑Department of Education

Governor’s School for the Arts

And the Humanities

Replacement of Classroom

Equipment and Furnishings $ 1

(16) A17‑Legislative Printing and

Information Technology Systems

Information Technology $ 1

(17) H75‑School for the Deaf and the Blind

Technology Infrastructure $ 1

(18) U30‑Division of Aeronautics

Aeronautics Parts and Fuel $ 1

(19) P28‑Department of Parks, Recreation

and Tourism

Regional Tourism Promotion $ 1

(20) J12‑Department of Mental Health

Campbell Veterans Nursing Home

Deferred Maintenance $ 1

(21) J12‑Department of Mental Health

Stone Veterans Nursing Home

Deferred Maintenance $ 1

(22) D10‑State Law Enforcement Division

Law Enforcement Equipment $ 1

(23) K05‑Department of Public Safety

Law Enforcement Equipment $ 1

(24) E20‑Office of Attorney General

Information Technology $ 1

(25) H59‑State Board for Technical and

Comprehensive Education

Training Equipment‑Trident

Technical College $ 1

(26) N08‑Department of Probation,

Parole and Pardon Services

Agent Equipment $ 1

(27) P24‑Department of Natural Resources

Law Enforcement Equipment $ 1

(28) R44‑Department of Revenue

Increased Enforcement $ 1

(29) P32‑Department of Commerce

Economic Development

Organizations $ 1

(30) H59‑State Board for Technical and

Comprehensive Education

Deferred Maintenance $ 1

(31) H75‑School for the Deaf and the Blind

Deferred Maintenance $ 1

(32) H09‑The Citadel

Deferred Maintenance $ 1

(33) H12‑Clemson University

Deferred Maintenance $ 1

(34) H15‑University of Charleston

Deferred Maintenance $ 1

(35) H17‑Coastal Carolina University

Deferred Maintenance $ 1

(36) H18‑Francis Marion University

Deferred Maintenance $ 1

(37) H21‑Lander University

Deferred Maintenance $ 1

(38) H24‑South Carolina State University

Deferred Maintenance $ 1

(39) H27‑University of South Carolina

Columbia Campus

Deferred Maintenance $ 1

(40) H29‑University of South Carolina

Aiken Campus

Deferred Maintenance $ 1

(41) H34‑University of South Carolina

Upstate Campus

Deferred Maintenance $ 1

(42) H36‑University of South Carolina

Beaufort Campus

Deferred Maintenance $ 1

(43) H37‑University of South Carolina

Lancaster Campus

Deferred Maintenance $ 1

(44) H38‑University of South Carolina

Salkehatchie Campus

Deferred Maintenance $ 1

(45) H39‑University of South Carolina

Sumter Campus

Deferred Maintenance $ 1

(46) H40‑University of South Carolina

Union Campus

Deferred Maintenance $ 1

(47) H47‑Winthrop University

Deferred Maintenance $ 1

(48) H51‑Medical University of South Carolina

Deferred Maintenance $ 1

(49) Department of Education

School bus Purchase $ 1

Total $49

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 37; Nays 2**

**AYES**

Alexander Campbell Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant

**Total--2**

The amendment was laid on the table.

The question then was the third reading of H. 3701.

**Parliamentary Inquiry**

Senator LEATHERMAN made a Parliamentary Inquiry as to whether or not two-thirds or three-fifths of those present and voting would be required to give the Bill a third reading.

The PRESIDENT stated that Article III, Section 36 of the South Carolina Constitution required two-thirds of those present and voting but not less than three-fifths of the membership in order to give the Bill a third reading.

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

**Ayes 27; Nays 13**

**AYES**

Alexander Campbell Coleman

Courson Cromer Elliott

Fair Ford Gregory

Hayes Jackson Knotts

Land Leatherman Lourie

*Martin, Larry Martin, Shane* Matthews

McGill Nicholson O'Dell

Peeler Reese Scott

Setzler Sheheen Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Davis Grooms Hutto

Malloy Massey McConnell

Rose Shoopman Thomas

Verdin

**Total--13**

Having failed to receive the necessary vote, third reading of H. 3701 failed.

**Statement by Senator RYBERG**

I was absent on leave from the Chamber at the time of the vote on third reading of H. 3701. I would have voted “no.”

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest.

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

**SENATE RESOLUTION ADOPTED**

S. 630 -- Senators Knotts, Massey, Peeler, Reese, Davis, Hutto, Fair, Hayes, Sheheen, Leventis, Malloy, Rose, McConnell, L. Martin, Rankin, Scott, Setzler, Coleman, Ford, Campbell, Land, Courson, McGill, Jackson, Williams, Matthews, Lourie, O’Dell, Cleary, Nicholson, Alexander, Anderson, Leatherman, Pinckney, Thomas, Campsen, Shoopman and Elliott: A SENATE RESOLUTION TO AMEND THE RULES OF THE SENATE BY ADDING RULE 54, THE “PROHIBITION ON NONCANDIDATE COMMITTEES”, SO AS TO PROHIBIT A MEMBER OF THE SENATE FROM, DIRECTLY OR INDIRECTLY, ESTABLISHING, FINANCING, MAINTAINING, OR CONTROLLING A NONCANDIDATE COMMITTEE.

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

Senator KNOTTS spoke on the Resolution.

With Senator KNOTTS retaining the floor on S. 630, and having voted on the prevailing side, Senator HUTTO asked unanimous consent to make a motion to reconsider the vote whereby H. 3701 failed to receive third reading.

There was no objection.

The question then was the motion to reconsider the vote whereby H. 3701 failed to receive third reading.

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

**Ayes 30; Nays 9**

**AYES**

Alexander Campbell Coleman

Courson Cromer Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Matthews McGill

Nicholson O'Dell Peeler

Reese Scott Setzler

Sheheen Verdin Williams

**Total--30**

**NAYS**

Bright Bryant Campsen

Davis Massey McConnell

Rose Shoopman Thomas

**Total--9**

The motion to reconsider the vote whereby H. 3701 failed to receive third reading was adopted and the Joint Resolution was returned to the calendar.

**Parliamentary Inquiry**

Senator SETZLER made a Parliamentary Inquiry as to whether the unanimous consent was a request to reconsider the vote whereby H. 3701 failed to receive third reading, and if adopted, to then proceed to a vote on third reading.

The PRESIDENT stated that the unanimous consent request was to reconsider the vote whereby H. 3701 failed to receive third reading, afterwhich the Senate would resume consideration of S. 630.

Senator KNOTTS resumed speaking on S. 630.

**ACTING PRESIDENT PRESIDES**

At 8:19 P.M., Senator LARRY MARTIN assumed the Chair.

Senator KNOTTS spoke on the Resolution.

**Amendment No. 4**

Senators SHANE MARTIN and KNOTTS proposed the following amendment (630R006.SRM), which was withdrawn:

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

/ Be it resolved by the Senate:

That the Rules of the Senate are amended by adding:

“Rule 54

Prohibition on Noncandidate Committees

Notwithstanding Section 8‑13‑1340, a member of the Senate or a candidate shall not, directly or indirectly, establish, finance, maintain, or control a noncandidate committee as defined in Section 8‑13‑1300. A noncandidate committee does not include a candidate committee or a legislative caucus committee.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

On motion of Senator SHANE MARTIN, Amendment No. 4 was withdrawn.

**Amendment No. 1**

Senator BRIGHT proposed the following amendment (630R002.LB), which was not adopted:

Amend the joint resolution, as and if amended, page 1, by striking lines 41 - 42, and on page 2, by striking lines 1 - 3 and inserting:

/ Notwithstanding Section 8‑13‑1340, a member of the Senate shall not, directly or indirectly, establish, finance, maintain, or control a noncandidate committee as defined in Section 8‑13‑1300. A noncandidate committee does not include a candidate committee or a legislative caucus committee.

A member of the Senate shall not receive contributions from a noncandidate committee as defined in Section 8-13-1300 established, financed, maintained, or controlled by a member of the General Assembly.” /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator BRIGHT moved that the amendment be adopted.

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

**Ayes 10; Nays 31**

**AYES**

Bright Campsen Davis

Jackson *Martin, Shane* McConnell

Rose Shoopman Thomas

Verdin

**Total--10**

**NAYS**

Alexander Bryant Campbell

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McGill Nicholson

O'Dell Peeler Reese

Scott Setzler Sheheen

Williams

**Total--31**

Adoption of Amendment No. 1 failed.

**PRESIDENT PRESIDES**

At 8:40 P.M., the PRESIDENT assumed the Chair.

The question then was the adoption of the Resolution.

Senator BRYANT spoke on the Resolution.

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

**Ayes 31; Nays 9**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Davis

Elliott Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Matthews

McConnell McGill Nicholson

O'Dell Peeler Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--31**

**NAYS**

Bright Bryant Cromer

Fair Ford Grooms

*Martin, Shane* Massey Verdin

**Total--9**

Having received the necessary vote, the Senate Resolution was adopted.

**READ THE SECOND TIME**

H. 3713 -- Reps. Merrill, J.R. Smith, Ryan, Hamilton, G.R. Smith, Bedingfield, Barfield, Sandifer, McCoy, Horne, Stavrinakis, Clemmons, Loftis, Lucas, Herbkersman, Patrick, Erickson, G.M. Smith, Hixon, Pinson, Viers and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑37‑3135 SO AS TO PROVIDE THAT WHEN A PARCEL OF REAL PROPERTY AND IMPROVEMENTS THEREON PREVIOUSLY SUBJECT TO PROPERTY TAX UNDERGOES AN ASSESSABLE TRANSFER OF INTEREST AND THE VALUE OF THE PARCEL AS DETERMINED AT THE TIME OF THE ASSESSABLE TRANSFER OF INTEREST IS GREATER THAN THE VALUE OF THE PARCEL USED IN THE PROPERTY TAX ASSESSMENT ON THE PARCEL FOR THE MOST RECENTLY COMPLETED PROPERTY TAX YEAR, THERE IS ALLOWED AN EXEMPTION OF AN AMOUNT OF THE FAIR MARKET VALUE OF THE PARCEL SUFFICIENT TO ELIMINATE ANY INCREASE IN THE VALUE OF THE PARCEL; TO AMEND SECTION 12‑37‑3140, AS AMENDED, RELATING TO DETERMINING FAIR MARKET VALUE, SO AS TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 12‑60‑30, AS AMENDED, RELATING TO DEFINITIONS IN THE REVENUE PROCEDURES ACT, SO AS TO CLARIFY THE DEFINITION OF PROPERTY TAX ASSESSMENT.

Senator LEATHERMAN moved that the Bill be taken up for immediate consideration, be given a second reading, carrying over all amendments to third reading.

The Bill was read the second time, passed and ordered to a third reading, carrying over all amendments to third reading.

**READ THE SECOND TIME**

H. 3066 -- Reps. G.R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G.M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D.C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2011” INCLUDING PROVISIONS TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1‑30‑125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1‑11‑20, AS AMENDED, 1‑11‑22, 1‑11‑55, 1‑11‑56, 1‑11‑58, 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, 1‑11‑110, 1‑11‑180, 1‑11‑220, 1‑11‑225, 1‑11‑250, 1‑11‑260, 1‑11‑270, 1‑11‑280, 1‑11‑290, 1‑11‑300, 1‑11‑310, AS AMENDED, 1‑11‑315, 1‑11‑320, 1‑11‑335, 1‑11‑340, 1‑11‑435, 2‑13‑240, CHAPTER 9, TITLE 3; 10‑1‑10, 10‑1‑30, AS AMENDED, 10‑1‑40, 10‑1‑130, 10‑1‑190, CHAPTER 9, TITLE 10, 10‑11‑50, AS AMENDED, 10‑11‑90, 10‑11‑110, 10‑11‑140, 10‑11‑330; 11‑9‑610, 11‑9‑620, 11‑9‑630, 11‑35‑3810, AS AMENDED, 11‑35‑3820, AS AMENDED, 11‑35‑3830, AS AMENDED, 11‑35‑3840, AS AMENDED, 13‑7‑30, AS AMENDED, 13‑7‑830, AS AMENDED, 44‑53‑530, AS AMENDED, AND 44‑96‑140; 48‑46‑30, 48‑46‑40, 48‑46‑50, 48‑46‑60, 48‑46‑90, 48‑52‑410, 48‑52‑440, AND 48‑52‑460; AND BY ADDING SECTION 1‑11‑185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

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

Senator HUTTO asked unanimous consent to give the Bill a second reading, carrying over all amendments to third reading.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**Statement by Senator RYBERG**

I was absent on leave from the Chamber during second reading of H. 3066. I would have voted “yes.”

**Objection**

Senator LEATHERMAN asked unanimous consent to take up H. 3701 for immediate consideration.

Senator BRIGHT objected.

Senator LEATHERMAN moved under Rule 32 that the Senate revert to the Adjourned Debate.

**Parliamentary Inquiry**

Senator MALLOY made a Parliamentary Inquiry as to whether or not a two-thirds vote would be required to revert to an order of business previously completed.

The PRESIDENT stated that a two-thirds vote would be required.

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

**Ayes 35; Nays 4**

**AYES**

Alexander Campbell Cleary

Coleman Cromer Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright Bryant Campsen

Davis

**Total--4**

The Senate reverted to the Adjourned Debate.

**READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

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

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

**Ayes 31; Nays 8**

**AYES**

Alexander Campbell Cleary

Coleman Cromer Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McGill Nicholson O'Dell

Peeler Reese Scott

Setzler Sheheen Verdin

Williams

**Total--31**

**NAYS**

Bright Bryant Campsen

Davis Massey McConnell

Rose Shoopman

**Total--8**

Having received the necessary vote, the Resolution was read the third time, passed and ordered returned to the House of Representatives with amendments.

**Statement by Senator RYBERG**

I was absent on leave from the Chamber at the time of the second vote on third reading of H. 3701. I would have voted “no."

**AMENDED, READ THE SECOND TIME**

H. 4005 -- Reps. Corbin, Hardwick, Stringer, Loftis, Ryan, Bannister, Agnew, Barfield, V.S. Moss, Thayer, Murphy, Hearn, Norman, Gambrell, Sottile, Limehouse, Chumley, Bikas, Crawford, Clemmons, Crosby, Daning, Delleney, Hamilton, Hayes, Hixon, Hodges, D.C. Moss, Nanney, Owens, Patrick, Pinson, Pitts, Pope, Simrill, G.R. Smith, J.R. Smith, Tallon, Taylor, White and Young: A BILL TO AMEND SECTION 39‑25‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING ADULTERATED OR MISBRANDED FOOD AND COSMETICS, SO AS TO PROVIDE A DEFINITION FOR THE TERM “HONEY” AND TO PROVIDE LABELING REQUIREMENTS FOR HONEY.

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

There was no objection.

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

**Amendment No. 1**

Senator VERDIN proposed the following amendment (AGM\19175CM11), which was adopted:

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

/ SECTION 1. Section 39‑25‑20 of the 1976 Code is amended by adding at the end:

“( ) The term ‘honey’ means the raw food product produced by honeybees for human consumption. Honey and honey products are subject to all labeling requirements of this chapter. Honey sold wholesale to other retail outlets for resale must be processed and packaged in an inspected and registered food processing facility in accordance with the act regardless of the amount of overall honey produced by the beekeeper.

Beekeepers producing no more than four hundred gallons (4,800 pounds) of honey annually and who only sell directly to the end consumer are exempt from inspections and regulations requiring honey to be processed, extracted and packaged in an inspected food processing establishment, or from being required to obtain a registration verification certificate (RVC) from the Department of Agriculture. However, labels are required on all container of honey that are sold in South Carolina. Beekeepers must file for the exemption on forms to be provided by the Department of Agriculture.”

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

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 34; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Cromer Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

Peeler Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**LOCAL APPOINTMENT**

**Confirmation**

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

Initial Appointment, Aiken County Master-in-Equity, with the term to commence June 30, 2007, and to expire June 30, 2013

Maurice Anderson Griffith, Post Office Drawer 2009, Aiken, SC 29802 *VICE* Robert A. Smoak

**MOTION ADOPTED**

On motion of Senators McCONNELL and ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Claude Redman Vaughn of Columbia, S.C., beloved father of Nancy Coombs, former staff attorney with the Senate Judiciary Committee.

and

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Linda Klapman Vallejo of West Columbia, S.C., beloved daughter of Arlene and the late Jarvis Klapman, former member of the House of Representatives from Lexington County.

**ADJOURNMENT**

At 9:47 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 10:00 A.M.

**Recorded Vote**

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

\* \* \*