**Tuesday, January 10, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, 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 declared:

“Come, let us bow down in worship, let us kneel before the Lord our Maker; for he is our God and we are the people of his pasture, the flock under his care.” (Psalm 95:6-7)

Join me, please, as we bow in prayer:

Gracious God, indeed we in this Chamber acknowledge our indebtedness to You for all that is good in life. We are truly grateful that You as our Creator continue to reveal Your care and concern for all of us. Especially now and throughout this new legislative year, dear Lord, be with each of these Senators, their staff members, and all of our other State officials as they together demonstrate heartfelt and wise care and concern for the citizens of South Carolina. As these leaders work for the well-being of each woman, man, and child, may they also honor You through all they say and do. In Your loving 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 appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointment**

Reappointment, Chester County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Dianne Hitt Moore, 2740 Dawson Drive, Chester, SC 29706

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committees for consideration:

Document No. 4186

Agency: Department of Labor, Licensing and Regulation - Soil Classifiers Advisory Council

Chapter: 108

Statutory Authority: 1976 Code Section 40-65-60

Subject: Soil Classifiers

Received by Lieutenant Governor January 10, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 9, 2012

Document No. 4187

Agency: Department of Labor, Licensing and Regulation - Office of Occupational Safety and Health

Chapter: 71

Statutory Authority: 1976 Code Sections 41-3-40 and 41-15-210

Subject: Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)

Received by Lieutenant Governor January 10, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 9, 2012

Document No. 4188

Agency: Workers’ Compensation Commission

Chapter: 67

Statutory Authority: 1976 Code Section 42-15-90

Subject: Maximum Allowable Payments to Medical Practitioners

Received by Lieutenant Governor January 10, 2012

Referred Judiciary Committee

Legislative Review Expiration May 9, 2012

Document No. 4189

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Section 58-3-140

Subject: Financing Applications

Received by Lieutenant Governor January 10, 2012

Referred to Judiciary Committee

Legislative Review Expiration May 9, 2012

Document No. 4191

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

Subject: Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas

Received by Lieutenant Governor January 10, 2012

Referred to Fish, Game and Forestry Committee

Legislative Review Expiration May 9, 2012

Document No. 4198

Agency: Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-110, 59-29-10 et seq., 59-29-200, 59-33-30, 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq.

Subject: Accreditation Criteria

Received by Lieutenant Governor January 10, 2012

Referred to Education Committee

Legislative Review Expiration May 9, 2012

Document No. 4199

Agency: Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-43-10 et seq.

Subject: Adult Education Program

Received by Lieutenant Governor January 10, 2012

Referred to Education Committee

Legislative Review Expiration May 9, 2012

Document No. 4200

Agency: Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-65, 59-18-300, 59-18-310(B), and 59-18-320(C)

Subject: End-of-Course Tests

Received by Lieutenant Governor January 10, 2012

Referred to Education Committee

Legislative Review Expiration May 9, 2012

Document No. 4201

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-29-170

Subject: Gifted and Talented

Received by Lieutenant Governor January 10, 2012

Referred to Education Committee

Legislative Review Expiration May 9, 2012

Document No. 4205

Agency: Department of Consumer Affairs

Chapter: 28

Statutory Authority: 1976 Code Sections 44-79-10 et seq., particularly Section 44-79-90

Subject: Physical Fitness Services Center - Certificates of Authority

Received by Lieutenant Governor January 10, 2012

Referred to Medical Affairs Committee

Legislative Review Expiration May 9, 2012

Document No. 4206

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-25-110, 59-26-10 et seq., and 20 U.S.C. 6301 et seq.

Subject: Credential Classification

Received by Lieutenant Governor January 10, 2012

Referred to Education Committee

Legislative Review Expiration May 9, 2012

Document No. 4207

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-25-110, 59-26-10 et seq., and 20 U.S.C. 6301 et seq.

Subject: Requirements for Additional Areas of Certification

Received by Lieutenant Governor January 10, 2012

Referred to Education Committee

Legislative Review Expiration May 9, 2012

Document No. 4208

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-65, and 59-59-10 et seq.

Subject: At-Risk Students

Received by Lieutenant Governor January 10, 2012

Referred to Education Committee

Legislative Review Expiration May 9, 2012

Document No. 4216

Agency: Board of Accountancy

Chapter: 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

SUBJECT: Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards

Received by Lieutenant Governor January 10, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 9, 2012

Document No. 4217

Agency: Athletic Commission

Chapter: 20

Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

SUBJECT: Mixed Martial Arts

Received by Lieutenant Governor January 10, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 9, 2012

Document No. 4218

Agency: Board of Cosmetology

Chapter: 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

SUBJECT: Board of Cosmetology

Received by Lieutenant Governor January 10, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 9, 2012

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4168

Agency: South Carolina Perpetual Care Cemetery Board

Chapter: 21

Statutory Authority: 1976 Code Sections 40-8-10 et seq.

Subject: Perpetual Care Cemetery Board

Received by Lieutenant Governor February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

Withdrawn and Resubmitted January 10, 2012

**Doctor of the Day**

Senator HUTTO introduced Dr. Gary Delaney, of Orangeburg, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator PEELER, at 12:05 P.M., Senator SHOOPMAN was granted a leave of absence for today.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 13 Sen. Shoopman

S. 149 Sen. Bryant

S. 274 Sen. Elliott

S. 372 Sen. Shoopman

S. 531 Sen. Verdin

S. 638 Sen. Ryberg

S. 742 Sen. Verdin

S. 935 Sen. Cromer

S. 999 Sen. Verdin

S. 1001 Sen. Campsen

S. 1003 Sen. Knotts

S. 1009 Sens. Massey, Williams

S. 1015 Sens. Courson, Knotts, Lourie

S. 1019 Sen. Alexander

S. 1021 Sen. Williams

S. 1022 Sen. Larry Martin

S. 1026 Sen. Elliott

S. 1031 Sens. Elliott, Setzler

S. 1033 Sen. Elliott

S. 1035 Sens. Lary Martin, Verdin

S. 1036 Sen. Elliott

S. 1038 Sens. Massey, Elliott, Courson

S. 1043 Sen. Elliott

S. 1047 Sen. Elliott

S. 1048 Sen. Elliott

S. 1049 Sens. Verdin, Elliott

S. 1050 Sen. Elliott

S. 1051 Sen. Elliott

S. 1058 Sen. Campsen

S. 1059 Sen. Elliott

S. 1061 Sen. Peeler

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that the list of prefiled Bills, a copy of which has been placed on each member’s desk, be entered in the Journal *en banc* as having been read and referred, as noted, unless any member shall make a motion to refer a Bill to a different committee.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 999 -- Senators Peeler and Verdin: A BILL TO AMEND SECTION 44-7-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SHORT TITLE OF ARTICLE 3, CHAPTER 7, TITLE 44 PERTAINING TO CERTIFICATES OF NEED, SECTION 44-7-120, RELATING TO THE PURPOSE OF THIS ARTICLE, SECTION 44-7-130, AS AMENDED, RELATING TO DEFINITIONS IN THIS ARTICLE, SECTION 44-7-140, RELATING TO DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ADMINISTER THE CERTIFICATE OF NEED PROGRAM AND HEALTH FACILITY LICENSURE, SECTION 44-7-150, AS AMENDED, RELATING TO CERTAIN OTHER DUTIES OF THE DEPARTMENT, AND SECTION 44-7-170, AS AMENDED, RELATING TO THE APPLICABILITY OF THE ARTICLE TO CERTAIN FACILITIES, ALL SO AS TO DELETE PROVISIONS RELATING TO THE CERTIFICATE OF NEED PROGRAM, THEREBY ABOLISHING THE PROGRAM; AND TO REPEAL SECTIONS 44-7-160, 44-7-180, 44-7-190, 44-7-200, 44-7-210, 44-7-220, 44-7-230, AND 44-7-240 ALL RELATING TO THE CERTIFICATE OF NEED PROGRAM AND RELATED POWERS AND PROCEDURES OF THE DEPARTMENT.

l:\council\bills\agm\19334ab12.docx

Prefiled and referred to the Committee on Medical Affairs.

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

S. 1000 -- Senator Peeler: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 92 ALONG INTERSTATE HIGHWAY 85 IN CHEROKEE COUNTY “LANCE CORPORAL CHRISTOPHER S. FOWLKES INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “LANCE CORPORAL CHRISTOPHER S. FOWLKES INTERCHANGE”.

l:\council\bills\nbd\11956cm12.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1001 -- Senators L. Martin and Campsen: A BILL TO AMEND CHAPTER 17, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL DISTRICTS, TO PROVIDE FOR THE EQUAL ACCESS TO INTERSCHOLASTIC ACTIVITIES FOR MILITARY CHILDREN ACT, BY ADDING SECTION 59-17-160, TO PROVIDE THAT A CHILD OF A MEMBER OF THE ARMED FORCES ATTENDING SCHOOL IN A SCHOOL DISTRICT WHO LIVES WITH A RESIDENT OF THE DISTRICT OTHER THAN THE CHILD'S PARENT IS ENTITLED TO PARTICIPATE IN ALL INTERSCHOLASTIC ACTIVITIES OFFERED BY THE CHILD'S SCHOOL.

l:\s-res\lam\002mili.mrh.lam.docx

Prefiled and referred to the Committee on Education.

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

S. 1002 -- Senator L. Martin: A BILL TO AMEND SECTION 31-6-40 OF THE 1976 CODE, RELATING TO TAX INCREMENT FINANCING FOR REDEVELOPMENT PROJECTS, BY STRIKING LANGUAGE THAT SURPLUS FUNDS MUST BE SENT TO THE TAXING DISTRICT AND THAT MUNICIPALITIES MAY PLEDGE OBLIGATION FUNDS TO ANY REDEVELOPMENT PROJECT; TO ADD SECTION 31-6-45 TO DEFINE THE REQUIREMENTS OF A REDEVELOPMENT PROJECT; AND TO AMEND SECTION 31-6-50 TO LIMIT THE USE OF FUNDS TO PROJECTS SPECIFIED BY THE AUTHORIZING REDEVELOPMENT PLAN, AND TO REQUIRE THAT SURPLUS FUNDS MAY BE USED TO PAY DOWN OUTSTANDING DEBT OBLIGATIONS OR OTHERWISE MUST BE RETURNED TO THE TAXING DISTRICT.

l:\s-res\lam\001tifs.rem.lam.docx

Prefiled and referred to the Committee on Finance.

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

S. 1003 -- Senators Malloy, Sheheen and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 85 TO TITLE 15, SO AS TO ENACT THE “SOUTH CAROLINA FALSE CLAIMS ACT” PROVIDING FOR DEFINITIONS OF CERTAIN TERMS, LIABILITY FOR FALSE OR FRAUDULENT CLAIMS UNDER CERTAIN CIRCUMSTANCES, PROCEDURES FOR CIVIL ACTIONS FOR FALSE CLAIMS, THE PROCEDURE AND CONTENTS OF CIVIL INVESTIGATIVE DEMANDS, AND CREATING THE STATE FALSE CLAIMS ACT INVESTIGATION AND PROSECUTION FUND.

l:\s-jud\bills\malloy\jud0005.js.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1004 -- Senator Cromer: A BILL TO AMEND SECTION 16-17-445 OF THE 1976 CODE, RELATING TO THE REGULATION OF UNSOLICITED CONSUMER TELEPHONE CALLS, TO PROVIDE THAT TELEPHONE SOLICITORS MUST INCLUDE ACCURATE IDENTIFYING INFORMATION ON CALLER IDENTIFICATION DISPLAYS.

l:\s-res\rwc\002anti.kmm.rwc.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1005 -- Senator Cromer: A BILL TO AMEND SECTION 44-53-190 OF THE 1976 CODE, RELATING TO SCHEDULE I CONTROLLED SUBSTANCES, TO ADD SYNTHETIC CATHINONES, COMMONLY REFERRED TO AS “BATH SALTS” TO THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES.

l:\s-res\rwc\001bath.kmm.rwc.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1006 -- Senator Bright: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BY ADDING SECTION 57-3-740 TO PROVIDE THAT THE DEPARTMENT SHALL BE LIABLE AND REIMBURSE ANY PERSON FOR DAMAGE OR INJURIES SUSTAINED AS A RESULT OF IMPROPER ROAD CONDITIONS, DESIGN, OR MAINTENANCE.

l:\s-res\lb\002dotc.rem.lb.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1007 -- Senator Rose: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BY ADDING SECTION 57-3-755 TO PROVIDE THAT THE DEPARTMENT MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE.

l:\s-res\mtr\001dotf.rem.mtr.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1008 -- Senator Bright: A BILL TO AMEND ARTICLE 2, CHAPTER 25, TITLE 17 OF THE 1976 CODE, RELATING TO CRIMINAL PROCEDURES CONVICTIONS AND SENTENCING, BY ADDING SECTION 17-25-147 TO REQUIRE THAT A PERSON CONVICTED OF A FELONY WHO HAS TWO OR MORE PRIOR FELONY CONVICTIONS MUST SERVE AN ADDITIONAL SENTENCE OF TEN YEARS BUT NOT MORE THAN THIRTY YEARS IN PRISON.

l:\s-res\lb\001thre.rem.lb.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1009 -- Senators Sheheen, Coleman, McGill, Gregory, Verdin, Malloy, Massey and Williams: A BILL TO AMEND ARTICLE 5, CHAPTER 5, TITLE 57, RELATING TO THE CONSTRUCTION OF THE STATE HIGHWAY SYSTEM, BY ADDING SECTION 57-5-880 TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MUST BEAR THE COSTS OF RELOCATING PUBLICLY OWNED WATER AND SEWER SYSTEMS THAT MUST BE MOVED TO ACCOMMODATE ROAD PROJECTS UNDERTAKEN BY THE DEPARTMENT OF TRANSPORTATION, AND TO DEFINE NECESSARY TERMS.

l:\s-res\vas\001util.kmm.vas.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1010 -- Senators Verdin, Cromer, McConnell, L. Martin, S. Martin, Knotts, Ryberg, Campbell, Grooms, Bryant, Davis, Shoopman, Campsen, Peeler, Bright, Fair, Rose, Thomas, Cleary, Gregory, O'Dell, Alexander, Massey and Hayes: A BILL TO AMEND CHAPTER 71, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL BONDS, BY ADDING SECTION 59-71-35 TO PROHIBIT SCHOOL DISTRICTS FROM ISSUING GENERAL OBLIGATION BONDS FOR GENERAL OPERATING EXPENSES.

l:\s-res\dbv\002gobo.kmm.dbv.docx

Prefiled and referred to the Committee on Education.

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

S. 1011 -- Senator Verdin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO SEARCHES AND SEIZURES AND INVASIONS OF PRIVACY, TO GUARANTEE THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONAL HEALTH INFORMATION FROM INVASIONS OF PRIVACY BY HEALTH CARE PROVIDERS, MEDICAL INSURERS, AND GOVERNMENTAL ENTITIES.

l:\s-res\dbv\001heal.kmm.dbv.docx

Prefiled and referred to the Committee on Judiciary.

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

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

l:\council\bills\ggs\22215zw12.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1013 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13-1-55 SO AS TO PROVIDE THAT STATE FUNDS APPROPRIATED TO THE DEPARTMENT OF COMMERCE OR ANY OF ITS DIVISIONS TO PROVIDE INCENTIVES FOR NEW BUSINESS ENTERPRISES TO LOCATE IN SOUTH CAROLINA WHICH ARE ENGAGED IN SPECIFIC COMMERCIAL ENDEAVORS WHICH THE DEPARTMENT BELIEVES WOULD BE BENEFICIAL TO THIS STATE IF PERFORMED IN SOUTH CAROLINA ALSO MUST BE MADE AVAILABLE UNDER THE SAME TERMS AND CONDITIONS AND ON THE SAME PRIORITY BASIS TO EXISTING BUSINESS ENTERPRISES NOW IN THIS STATE WHICH ARE ENGAGED IN SIMILAR COMMERCIAL ENDEAVORS OR WHICH SUPPLY COMPONENT PARTS OR SERVICES TO BUSINESSES ENGAGED IN THOSE COMMERCIAL ENDEAVORS IN ORDER TO PROVIDE INCENTIVES TO THESE IN-STATE BUSINESSES TO EXPAND OR IMPROVE THEIR OPERATIONS IN SOUTH CAROLINA.

l:\council\bills\bbm\10431sd12.docx

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 1014 -- Senator Knotts: A BILL TO AMEND SECTION 17-5-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS REQUIRED FOR CANDIDATES FOR CORONER, SO AS TO REQUIRE THAT PERSONS WHO QUALIFY FOR THE BALLOT BY MEANS OF EXPERIENCE QUALIFICATIONS TO HAVE ATTAINED THAT EXPERIENCE IN THE TEN YEARS BEFORE FILING AN AFFIDAVIT OF CANDIDACY, TO ELIMINATE TWO YEARS EXPERIENCE AS A LICENSED PRIVATE DETECTIVE AS A QUALIFICATION FOR THE BALLOT, AND TO PROVIDE THAT THE CORONERS TRAINING ADVISORY COMMITTEE SHALL DETERMINE THOSE FORENSIC SCIENCE DEGREE AND CERTIFICATION PROGRAMS THAT QUALIFY AS “RECOGNIZED” FOR PURPOSES OF THE TRAINING REQUIREMENTS REQUIRED FOR CANDIDATES FOR CORONER.

l:\council\bills\bbm\10428htc12.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1015 -- Senators Hayes, Courson, Knotts and Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-66-75 SO AS TO REQUIRE A HEALTH CARE PROVIDER TO GIVE A PATIENT AN OPPORTUNITY TO AUTHORIZE DISCLOSURE OF CERTAIN INFORMATION TO DESIGNATED FAMILY MEMBERS OR OTHER PEOPLE AND TO AUTHORIZE THE INVOLVEMENT OF DESIGNATED FAMILY MEMBERS OR OTHER PEOPLE IN THE TREATMENT OF THE PATIENT, AND TO SPECIFY INFORMATION THAT MUST BE INCLUDED IN THE AUTHORIZATION, AMONG OTHER THINGS; AND TO AMEND SECTION 44-66-20, AS AMENDED, RELATING TO DEFINITIONS IN THE ADULT CARE CONSENT ACT, SO AS TO ADD DEFINITIONS.

l:\council\bills\agm\19341ab12.docx

Prefiled and referred to the Committee on Medical Affairs.

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

S. 1016 -- Senator Knotts: A JOINT RESOLUTION TO CREATE THE TASK FORCE ON PUBLIC WATER UTILITY RATES IN SOUTH CAROLINA.

l:\council\bills\agm\19336ab12.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1017 -- Senator Knotts: A BILL TO AMEND SECTION 58-5-240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FILING SCHEDULES FOR PROPOSED RATES OF PUBLIC UTILITIES SERVICES, SO AS TO ELIMINATE THE ABILITY OF A PUBLIC WATER UTILITY TO IMPLEMENT A RATE INCREASE PENDING AN APPEAL.

l:\council\bills\agm\19335ab12.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1018 -- Senators Knotts and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FALSE CLAIMS ACT” BY ADDING CHAPTER 85 TO TITLE 15 TO DEFINE NECESSARY TERMS, TO ESTABLISH LIABILITY FOR FALSE OR FRAUDULENT CLAIMS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE PROCEDURES FOR CIVIL ACTIONS FOR FALSE CLAIMS AND THE PROCEDURE AND CONTENTS OF CIVIL INVESTIGATIVE DEMANDS, TO PROVIDE A METHOD TO REWARD PERSONS WHO REPORT CERTAIN FRAUD AND EMBEZZLEMENT OFFENSES, AND TO CREATE THE STATE FALSE CLAIMS ACT INVESTIGATION AND PROSECUTION FUND.

l:\council\bills\ms\7634ahb12.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1019 -- Senators Lourie, Elliott, Nicholson, O'Dell, Reese and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “CAYLEE'S LAW” BY ADDING SECTION 16-3-1055 SO AS TO REQUIRE THE REPORTING OF A MISSING CHILD TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AND TO PROVIDE PENALTIES FOR FAILURE TO REPORT.

l:\council\bills\ms\7632ahb12.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1020 -- Senator Cromer: A BILL TO AMEND SECTION 50-11-355, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL DEER HUNTING NEAR A RESIDENCE, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT DEER WITH FIREARMS NEAR A RESIDENCE WITHOUT THE PERMISSION OF THE OWNER AND OCCUPANT.

l:\council\bills\swb\5046cm12.docx

Prefiled and referred to the Committee on Fish, Game and Forestry.

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

S. 1021 -- Senators Sheheen and Williams: A BILL TO AMEND SECTION 56-3-150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF A FOREIGN PRIVATELY OWNED AND OPERATED VEHICLE OF A NONRESIDENT, SO AS TO PROVIDE THAT THE PROPERTY TAXES ASSESSED AGAINST THE VEHICLE OF A NONRESIDENT MUST BE PAID BEFORE IT MAY BE OPERATED, TO PROVIDE OTHER CONDITIONS IMPOSED UPON A NONRESIDENT BEFORE HE MAY OPERATE HIS VEHICLE, TO PROVIDE THAT THE WRITTEN INQUIRY BY THE AUDITOR MUST BE DELIVERED TO THE OPERATOR'S LAST KNOWN ADDRESS, AND TO REVISE THE PENALTY PROVISION.

l:\council\bills\swb\5019cm12.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1022 -- Senators Peeler, Ryberg, Gregory, Massey, Courson and L. Martin: A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING BODIES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT PART OF THE GOVERNING BODY OF THE DEPARTMENT OF TRANSPORTATION IS A SEVEN-MEMBER COMMISSION; TO AMEND SECTION 1-30-105, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION IS THE SECRETARY OF TRANSPORTATION; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF CERTAIN OFFICERS BY THE GOVERNOR, SO AS TO DELETE THE PROVISION THAT PROVIDES THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS MAY BE REMOVED FROM OFFICE BY THE GOVERNOR UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTIONS 11-43-120, 11-43-130, 11-43-150, 11-43-160, 11-43-170, 11-43-180, 11-43-220, 11-43-510, 11-43-520, 11-43-540, 11-43-550, AND 11-43-560, RELATING TO THE CREATION, DUTIES, AND FUNCTIONS OF THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO PROVIDE THAT THE BANK IS ADMINISTERED BY THE SECRETARY OF TRANSPORTATION, AND TO ELIMINATE ITS BOARD OF DIRECTORS; TO AMEND SECTIONS 57-1-10, 57-1-40, 57-1-410, 57-1-430, 57-1-490, AND 57-3-20, ALL AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO ELIMINATE THE DEPARTMENT OF TRANSPORTATION COMMISSION AND ITS RESPONSIBILITIES, AND TO ALLOW THE GOVERNOR TO APPOINT THE SECRETARY OF TRANSPORTATION; TO AMEND SECTION 57-3-50, RELATING TO THE ESTABLISHMENT OF HIGHWAY DISTRICTS, SO AS TO SUBSTITUTE THE TERM “DEPARTMENT” FOR THE TERM “COMMISSION”; TO AMEND SECTION 57-1-500, RELATING TO A DEPARTMENT OF TRANSPORTATION ETHICS WORKSHOP, SO AS TO DELETE THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS AS PARTICIPANTS IN THIS WORKSHOP; TO REPEAL SECTION 11-43-140 RELATING TO THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK; AND TO REPEAL ARTICLE 3, CHAPTER 1, TITLE 57, SECTIONS 57-1-460, 57-1-470, 57-1-500, ARTICLE 7, CHAPTER 1, TITLE 56, AND SECTIONS 6, 7, AND 8 OF ACT 114 OF 2007 ALL RELATING TO THE CREATION AND FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION AND ITS COMMISSION.

l:\council\bills\swb\5040cm12.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1023 -- Senators McConnell, Knotts and Nicholson: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 1, 2012, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, WHOSE TERM WILL EXPIRE JULY 31, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES ON JUNE 30, 2012; AND TO ELECT A SUCCESSOR TO THE ADMINISTRATIVE LAW COURT, SEAT 2, WHOSE TERM EXPIRES ON JUNE 30, 2012.

l:\s-jud\bills\mcconnell\jud0004.js.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1024 -- Senator Campsen: 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.

l:\s-jud\bills\campsen\jud0010.ssp.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1025 -- Senator Campsen: A BILL TO AMEND SECTION 7-17-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY BOARD OF CANVASSERS, SO AS TO CHANGE THE MEETING DATE FROM FRIDAY TO MONDAY; TO AMEND SECTION 7-17-20, RELATING TO THE CANVASS OF VOTES, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY; AND TO ADD SECTION 7-17-25, SO AS TO REQUIRE POST-ELECTION AUDITS TO BE CONDUCTED BY COUNTY ELECTION COMMISSIONS PURSUANT TO REGULATIONS PROMULGATED BY THE STATE ELECTION COMMISSION.

l:\s-jud\bills\campsen\jud0008.ssp.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1026 -- Senators Bryant and Elliott: A BILL TO REPEAL SECTION 41-27-525 OF THE 1976 CODE, RELATING TO THE AVAILABILITY OF UNEMPLOYMENT BENEFITS FOR PERSONS SEEKING ONLY PART-TIME WORK.

l:\s-res\klb\001part.kmm.klb.docx

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 1027 -- Senator Elliott: A JOINT RESOLUTION TO PROVIDE FOR AN ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2012 GENERAL ELECTION TO ASCERTAIN THE WISHES OF THE QUALIFIED ELECTORS OF THIS STATE AS TO WHETHER OR NOT THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM (TERI) SHOULD BE CLOSED TO NEW PARTICIPANTS, PROVIDE FOR THE MANNER IN WHICH THIS REFERENDUM MUST BE CONDUCTED AND THE COSTS PAID, AND TO PROVIDE FOR A BALLOT EXPLANATION.

l:\council\bills\swb\5006htc12.docx

Prefiled and referred to the Committee on Finance.

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

S. 1028 -- Senator Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 21 TO TITLE 37 SO AS TO PROVIDE FOR THE CREATION OF PREPAID MEDICAL SERVICE AGREEMENTS THROUGH WHICH EMPLOYERS, INDIVIDUALS, AND NON-EMPLOYER ORGANIZATIONS ON BEHALF OF INDIVIDUALS MAY CONTRACT DIRECTLY WITH HEALTH CARE PROVIDERS TO PROVIDE HEALTH CARE SERVICES FOR INDIVIDUALS, TO PROVIDE THOSE CONTRACTS ARE NOT INSURANCE, AND TO PROVIDE CERTAIN DEFINITIONS, AMONG OTHER THINGS.

l:\council\bills\agm\19350ab12.docx

Prefiled and referred to the Committee on Banking and Insurance.

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

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

l:\council\bills\dka\3837ac12.docx

Prefiled and referred to the Committee on Fish, Game and Forestry.

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

S. 1030 -- Senator Verdin: A BILL TO AMEND SECTION 12-36-2120 OF THE 1976 CODE, RELATING TO THE SECOND AMENDMENT WEEKEND TAX EXEMPTION FOR CERTAIN FIREARMS, TO INCLUDE AN EXEMPTION FOR RESIDENTIAL HOME PROTECTION PRODUCTS.

l:\s-res\dbv\003home.kmm.dbv.docx

Prefiled and referred to the Committee on Finance.

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

S. 1031 -- Senators Lourie, L. Martin, Elliott and Setzler: A BILL TO AMEND SECTION 56-5-5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56-5-5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56-5-5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56-5-5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56-5-5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56-5-5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

l:\s-res\jl\001demo.kmm.jl.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1032 -- Senator Elliott: A BILL TO AMEND SECTION 57-23-800 OF THE 1976 CODE, RELATING TO VEGETATION MANAGEMENT OF MEDIANS, ROADSIDES, AND INTERCHANGES ALONG INTERSTATE HIGHWAYS, TO PROVIDE THAT THE INTERCHANGE OF INTERSTATE 95 AND SOUTH CAROLINA HIGHWAY 34 MAY BE MOWED BEYOND THIRTY FEET FROM THE EDGE OF THE TRAVEL LANE.

l:\s-res\de\002mowi.kmm.de.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1033 -- Senators Verdin and Elliott: A BILL TO REPEAL CHAPTER 43, TITLE 46 OF THE 1976 CODE, RELATING TO THE MIGRANT FARM WORKERS COMMISSION; AND TO AMEND SECTION 1-31-40, RELATING TO THE POWERS AND DUTIES OF THE STATE COMMISSION FOR MINORITY AFFAIRS, TO VEST THE STATE COMMISSION FOR MINORITY AFFAIRS WITH THE POWERS AND DUTIES OF THE FORMER MIGRANT FARM WORKERS COMMISSION.

l:\s-res\dbv\004migr.kmm.dbv.docx

Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

S. 1034 -- Senator Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-1050 TO REQUIRE LOCAL GOVERNMENTAL ENTITIES, AGENCIES, ORGANIZATIONS, OR INDIVIDUALS THAT RECEIVE, COLLECT, OR SPEND PUBLIC FUNDS DERIVED FROM STATE OR LOCAL TAX REVENUE TO FILE PERIODIC EXPENDITURE REPORTS WITH THE STATE OR LOCAL GOVERNMENTAL ENTITY OR AGENCY THAT PROVIDED, COLLECTED, OR SPENT THE PUBLIC FUNDS.

l:\s-res\de\001loca.mrh.de.docx

Prefiled and referred to the Committee on Finance.

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

S. 1035 -- Senators Massey, L. Martin and Verdin: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, BY ADDING SECTION 44-1-143 TO PROVIDE FOR HOME BASED FOOD PRODUCTION OPERATIONS, TO PROVIDE FOR THE PROTECTION OF FOOD ITEMS PREPARED BY HOME BASED FOOD PRODUCTION OPERATIONS FOR SALE, TO PROVIDE HEALTH AND SANITARY REQUIREMENTS, TO PROVIDE FOR PACKAGING AND LABELS OF FOOD ITEMS, TO PROVIDE THAT HOME BASED FOOD PRODUCTION OPERATIONS MAY NOT SELL ITEMS PREPARED BY THE OPERATION AT WHOLESALE, TO PROVIDE THAT HOME BASED FOOD PRODUCTION OPERATIONS ARE NOT RETAIL FOOD ESTABLISHMENTS, TO PROVIDE FOR A PROCESS THROUGH WHICH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY INVESTIGATE COMPLAINTS, AND TO DEFINE NECESSARY TERMS.

l:\s-res\asm\001cott.kmm.asm.docx

Prefiled and referred to the Committee on Medical Affairs.

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

S. 1036 -- Senators L. Martin and Elliott: A BILL TO AMEND SECTION 56-5-2946 AND 56-5-2950, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPLIED CONSENT TO TESTING OF A MOTORIST'S BODILY FLUIDS TO DETERMINE THE PRESENCE OF ALCOHOL OR DRUGS IN HIS SYSTEM, SO AS TO PROVIDE THAT CHEMICAL TESTS OF A PERSON'S SALIVA MAY BE USED TO DETERMINE THE ALCOHOL OR DRUGS IN HIS SYSTEM.

l:\council\bills\swb\5057cm12.docx

Prefiled and referred to the Committee on Judiciary.

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

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

l:\council\bills\nbd\11962cm12.docx

Prefiled and referred to the Committee on Corrections and Penology.

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

S. 1038 -- Senators Campsen, Massey, Elliott and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9-9-7 SO AS TO CLOSE THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA (GARS) TO NEW MEMBERS AFTER 2012, TO PROVIDE THAT NO ADDITIONAL SERVICE CREDIT MAY BE EARNED OR ESTABLISHED IN GARS NOR MEMBER CONTRIBUTIONS ACCEPTED BY GARS AFTER 2012, TO PROVIDE THAT ANNUITY BENEFITS EARNED BY GARS MEMBERS BEFORE 2013 MUST BE PAID, INCLUDING APPLICABLE SURVIVOR BENEFITS, TO PROVIDE FOR THE REFUND OF CONTRIBUTIONS AND APPLICABLE INTEREST TO GARS MEMBERS WHO HAVE NOT EARNED AN ANNUITY BENEFIT BEFORE 2013, AND TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY PARTICIPATING IN THE STATE DEFERRED COMPENSATION PLANS SHALL RECEIVE A STATE-PAID MATCHING CONTRIBUTION NOT TO EXCEED IN TOTAL THE MATCH THAT WOULD BE PAID IF THEY WERE PARTICIPATING IN THE STATE OPTIONAL RETIREMENT PROGRAM.

l:\council\bills\bbm\10466htc12.docx

Prefiled and referred to the Committee on Finance.

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

S. 1039 -- Senator Ford: A BILL TO AMEND THE CODE OF THE LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC UTILITIES, SERVICES, AND CARRIERS, BY ADDING CHAPTER 28 TO TITLE 58 SO AS TO ENACT THE “SOUTH CAROLINA ELECTRICAL UTILITY DEREGULATION AND COMPETITIVE POWER ACT OF 2012”.

l:\council\bills\ggs\22227zw12.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1040 -- Senator Thomas: A BILL TO AMEND SECTION 1-11-730, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETIREE ELIGIBILITY FOR PARTICIPATION IN THE STATE HEALTH AND DENTAL PLANS AND THE RESPONSIBILITY FOR PAYMENT OF PREMIUMS FOR RETIREES ELIGIBLE TO PARTICIPATE IN THESE PLANS, SO AS TO PROVIDE THAT IF A STATE EMPLOYEE OR PUBLIC SCHOOL DISTRICT EMPLOYEE RETIRES ON DISABILITY UNDER A STATE RETIREMENT SYSTEM, AND THE RETIREE IS ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS WHILE RETIRED, THEN THE TRUST FUND SHALL PAY ONE-HALF OF THE RETIREE'S EMPLOYEE PREMIUM.

l:\council\bills\nbd\11938dg12.docx

Prefiled and referred to the Committee on Finance.

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

S. 1041 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-580 SO AS TO ALLOW A LOCAL GOVERNING BODY WHICH IMPOSES THE LOCAL ACCOMMODATIONS TAX BY ORDINANCE TO PROVIDE FOR THE COLLECTION OF THE TAX BY MEANS OF A JEOPARDY ASSESSMENT, TO PROVIDE THOSE CIRCUMSTANCES IN WHICH A JEOPARDY ASSESSMENT MAY BE ISSUED, AND TO PROVIDE FOR THE MEANS OF WHICH THE JEOPARDY ASSESSMENT MAY BE CANCELED, STAYED, AND APPEALED.

l:\council\bills\dka\3851htc12.docx

Prefiled and referred to the Committee on Finance.

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

S. 1042 -- Senator Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-65 SO AS TO PROVIDE THAT BEGINNING WITH SCHOOL YEAR 2012-2013, ALL MIDDLE AND HIGH SCHOOLS OF THIS STATE SHALL PROVIDE AT LEAST THREE HOURS OF INSTRUCTION EACH YEAR TO ITS STUDENTS IN EACH GRADE AT THE BEGINNING OF THE SCHOOL YEAR ABOUT CRIMINAL CONDUCT OR OTHER ACTIONS MOST COMMONLY COMMITTED BY OR INVOLVING SCHOOL-AGED CHILDREN OR YOUNG ADULTS THAT COULD RESULT IN INCARCERATION IN A FEDERAL, STATE, OR LOCAL PRISON OR DETENTION FACILITY WHETHER THE CONDUCT OR ACTIONS ARE COMMITTED AS A JUVENILE OR AS AN ADULT, AND TO PROVIDE FOR PROCEDURES AND OTHER REQUIREMENTS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

l:\council\bills\dka\3860sd12.docx

Prefiled and referred to the Committee on Education.

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

S. 1043 -- Senators Lourie and Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-48 SO AS TO PROVIDE DEFINITIONS, TO REQUIRE GROUP HEALTH INSURANCE AND GROUP HEALTH BENEFIT PLANS TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS FOR AN INSURED WITH IMPAIRED HEARING AND WHO IS TWENTY-ONE YEARS OF AGE OR LESS, AND TO PROVIDE FOR THE SCOPE OF COVERAGE, AMONG OTHER THINGS.

l:\council\bills\agm\19343ab12.docx

Prefiled and referred to the Committee on Banking and Insurance.

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

S. 1044 -- Senator Knotts: A BILL TO AMEND SECTION 38-59-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE REQUIREMENTS FOR THE INITIATION OF OVERPAYMENT RECOVERY EFFORTS PURSUANT TO THE SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT, SO AS TO ADD REQUIREMENTS CONCERNING AN APPEAL.

l:\council\bills\swb\5055ab12.docx

Prefiled and referred to the Committee on Banking and Insurance.

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

S. 1045 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 32 TO TITLE 2 SO AS TO ENACT THE “SOUTH CAROLINA ZERO-BASE BUDGET ACT”, TO ESTABLISH THE ZERO-BASE BUDGET COMMITTEE AND PROVIDE FOR ITS MEMBERSHIP, POWERS, AND DUTIES.

l:\council\bills\swb\5054htc12.docx

Prefiled and referred to the Committee on Finance.

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

S. 1046 -- Senator Anderson: A BILL TO AMEND SECTION 56-5-3660, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WEARING OF A HELMET BY CERTAIN PERSONS WHO OPERATE OR RIDE UPON A TWO-WHEELED MOTORIZED VEHICLE, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO ALL PERSONS WHO OPERATE OR RIDE UPON A TWO-WHEELED MOTORIZED VEHICLE.

l:\council\bills\swb\5056cm12.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1047 -- Senators Sheheen and Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-55 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO DRIVE A MOTOR VEHICLE THROUGH A SCHOOL ZONE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE WHEN THE SCHOOL ZONE'S WARNING LIGHTS HAVE BEEN ACTIVATED, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS SECTION.

l:\council\bills\swb\5051cm12.docx

Prefiled and referred to the Committee on Transportation.

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

S. 1048 -- Senators Verdin and Elliott: A CONCURRENT RESOLUTION TO CREATE, STRENGTHEN, AND EXPAND LOCAL FARM AND FOOD ECONOMIES THROUGHOUT SOUTH CAROLINA BY SUPPORTING STATE POLICIES THAT ENCOURAGE STATE AGENCIES, STATE-OWNED FACILITIES, AND STATE PARTNERS TO PURCHASE LOCAL SOUTH CAROLINA FARM OR FOOD PRODUCTS.

l:\s-res\dbv\005supp.kmm.dbv.docx

Prefiled and referred to the Committee on Agriculture and Natural Resources.

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

S. 1049 -- Senators Campbell, Verdin and Elliott: A BILL TO AMEND SECTION 41-35-120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON IS DISQUALIFIED FROM UNEMPLOYMENT BENEFITS AFTER TWENTY-SIX WEEKS IF THE PERSON DOES NOT APPLY FOR OR ACCEPT SUITABLE WORK OR DOES NOT ACCEPT DEPARTMENTALLY APPROVED COMMUNITY SERVICE WORK, AND TO ESTABLISH THE LENGTH OF THE DISQUALIFICATION PERIOD.

l:\s-res\pgc\001uico.kmm.pgc.docx

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 1050 -- Senators Bryant and Elliott: A BILL TO AMEND ARTICLE 1, CHAPTER 35, TITLE 41 OF THE 1976 CODE, RELATING TO REGULAR UNEMPLOYMENT BENEFITS AND CLAIMS FOR UNEMPLOYMENT BENEFITS, BY ADDING SECTION 41-35-150, TO PROVIDE THAT EACH APPLICANT FOR UNEMPLOYMENT BENEFITS MUST FIRST UNDERGO A DRUG TEST, TO PROVIDE FOR A PERIOD OF INELIGIBILITY TO RECEIVE BENEFITS FOR AN APPLICANT WHO TESTS POSITIVE FOR CONTROLLED SUBSTANCES, TO PROVIDE FOR NOTICE TO THE APPLICANT PRIOR TO THE TESTING, TO PROVIDE THAT AN APPLICANT MAY DISCLOSE ANY PRESCRIPTION DRUGS THAT THE APPLICANT IS TAKING TO THE PERSON ADMINISTERING THE TEST, AND TO PROVIDE FOR RETESTING AND REAPPLICATION FOR BENEFITS IF THE APPLICANT TESTS POSITIVE FOR CONTROLLED SUBSTANCES.

l:\s-res\klb\002uidr.kmm.klb.docx

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 1051 -- Senators Verdin and Elliott: A BILL TO AMEND CHAPTER 40, TITLE 27 OF THE 1976 CODE, RELATING TO THE RESIDENTIAL LANDLORD AND TENANT ACT, BY ADDING SECTION 27-40-550 TO PROVIDE THAT A TENANT MAY NOT HARM THE PREMISES IN RETALIATION FOR A LANDLORD INITIATING AN EJECTMENT PROCEEDING; AND BY ADDING SECTION 27-40-810 TO PROVIDE THAT A TENANT THAT HARMS THE PREMISES IN RETALIATION FOR THE LANDLORD INITIATING AN EJECTMENT PROCEEDING MUST MAKE THE NECESSARY REPAIRS OR REIMBURSE THE LANDLORD FOR THE COSTS OF THE REPAIRS IF THE LANDLORD REPAIRS THE DAMAGES AND TO PROVIDE THAT THE LANDLORD MAY RECOVER THE COSTS OF THE REPAIRS AND ATTORNEY'S FEES IF THE TENANT DOES NOT REIMBURSE HIM.

l:\s-res\dbv\006tena.kmm.dbv.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1052 -- Senator Campsen: A SENATE RESOLUTION TO AMEND RULE 32(B) OF THE RULES OF THE SENATE, RELATING TO THE CONTESTED CALENDAR, TO PROVIDE THAT A BILL OR RESOLUTION MAY ONLY BE PLACED ON THE CONTESTED CALENDAR BY A MEMBER OBJECTING TO THE BILL OR BY A MEMBER OR MEMBERS DESIRING TO BE PRESENT AND TO PROVIDE FOR THE TERMS, CONDITIONS, AND LIMITATIONS OF A MEMBER OBJECTING TO A BILL OR RESOLUTION AND A MEMBER OR MEMBERS DESIRING TO BE PRESENT ON A BILL OR RESOLUTION.

l:\s-res\gec\002cont.mrh.gec.docx

Prefiled and referred to the Committee on Rules.

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

S. 1053 -- Senator Campsen: A SENATE RESOLUTION TO AMEND RULE 32(A) OF THE RULES OF THE SENATE, RELATING TO THE ORDER OF BUSINESS AND SPECIAL ORDERS, TO INCREASE THE NUMBER OF BILLS ALLOWED TO BE IN SPECIAL ORDER STATUS ON SECOND AND THIRD READING FROM THREE TO SIX; AND TO AMEND RULE 33(B) TO INCREASE THE NUMBER OF BILLS ALLOWED ON SPECIAL ORDER UPON MOTION OF THE RULES COMMITTEE FROM ONE TO TWO.

l:\s-res\gec\003spec.rem.gec.docx

Prefiled and referred to the Committee on Rules.

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

S. 1054 -- Senator Rose: A BILL TO AMEND SECTION 63-7-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO EXPAND THE DELINEATED LIST OF PERSONS REQUIRED TO REPORT TO INCLUDE SCHOOL EMPLOYEES, COACHES, CAMP COUNSELORS, ANIMAL CONTROL OFFICERS, FIREFIGHTERS, AND OTHER PERSONS WHOSE DUTIES REQUIRE DIRECT CONTACT OR SUPERVISION OF CHILDREN, TO PROVIDE ANY PERSON MUST REPORT SUSPECTED SEXUAL OR PHYSICAL ABUSE OF A CHILD, TO PROVIDE THAT BOARD MEMBERS, CHIEF EXECUTIVE OFFICERS, DIRECTORS AND OTHER HEADS OF ORGANIZATIONS, ADMINISTRATORS, AND SUPERVISORS ARE REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT BY A STAFF MEMBER, TO PROVIDE FOR REPORTING TO THE COUNTY DEPARTMENT OF SOCIAL SERVICES UNDER CERTAIN CIRCUMSTANCES AND TO LAW ENFORCEMENT, AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH, OPERATE, AND PUBLICIZE A TWENTY-FOUR HOUR, STATEWIDE, TOLL-FREE TELEPHONE NUMBER FOR THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT; AND TO AMEND SECTION 63-7-410, RELATING TO THE PENALTIES FOR FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT A PERSON MAY NOT BE ADJUDICATED DELINQUENT FOR FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT.

l:\council\bills\ms\7651ahb12.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1055 -- Senator McConnell: A BILL TO AMEND SECTION 14-27-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE JUDICIAL COUNCIL, SO AS TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE COUNCIL, THE CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS, AND A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW, TO CHANGE THE PERSON SERVING FROM THE SOUTH CAROLINA BAR FROM THE PRESIDENT OF THE SOUTH CAROLINA BAR TO ONE PERSON RECOMMENDED BY THE SOUTH CAROLINA BAR, AND TO ADD AS A MEMBER, A MUNICIPAL COURT JUDGE IN LIEU OF ONE OF THE TWO MAGISTRATE COURT JUDGES; TO AMEND SECTION 14-27-30 RELATING TO THE CHIEF JUSTICE APPOINTING A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW AND APPOINTING THE SUMMARY COURT JUDGES; AND TO AMEND SECTION 14-27-40 RELATING TO THE TERMS OF SERVICE, SO AS TO PROVIDE THAT THE CHIEF JUDGE SERVES DURING THE TERM OF HIS OFFICE, AND THE PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW SERVES FOR A FOUR-YEAR TERM.

l:\s-jud\bills\mcconnell\jud0001.js.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1056 -- Senator Peeler: A BILL TO AMEND SECTION 44-53-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANNER IN WHICH CHANGES TO SCHEDULES OF CONTROLLED SUBSTANCES MAY BE MADE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO PROVIDE THAT THE EXISTENCE OF A RECOGNIZED MEDICAL USE OF A SUBSTANCE MUST BE CONSIDERED BY THE DEPARTMENT WHEN MAKING A RECOMMENDATION TO THE GENERAL ASSEMBLY ABOUT ADDING A SUBSTANCE TO A SCHEDULE, TO PROVIDE FOR THE ADDITION, DELETION, OR RESCHEDULING OF A CONTROLLED SUBSTANCE BY THE DEPARTMENT WHEN A CORRESPONDING ADDITION, DELETION, OR RESCHEDULING OF THE DRUG BY FEDERAL LAW OR REGULATION OCCURS, TO PROVIDE FOR THE EMERGENCY DESIGNATION OF A SUBSTANCE AS A SCHEDULE I SUBSTANCE, AND TO PROVIDE AN EXEMPTION FROM ORDINARY PROMULGATION REQUIREMENTS; AND TO AMEND SECTION 44-53-190, AS AMENDED, RELATING TO SCHEDULE I CONTROLLED SUBSTANCES, SO AS TO DEFINE AND ADD SYNTHETIC CANNABINOIDS, CATHINONES, AND SUBSTITUTED CATHINONES TO THAT SCHEDULE.

l:\council\bills\agm\19357ab12.docx

Prefiled and referred to the Committee on Medical Affairs.

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

S. 1057 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 85 TO TITLE 40 SO AS TO ENACT THE “MUSIC THERAPY PRACTICE ACT” TO REGULATE THE PRACTICE OF MUSIC THERAPY, TO PROVIDE CERTAIN DEFINITIONS, TO CREATE THE SOUTH CAROLINA BOARD OF MUSIC THERAPY TO ASSIST THE DEPARTMENT ON ALL MATTERS PERTAINING TO THE EDUCATION, EXAMINATION, LICENSURE, AND CONTINUING EDUCATION OF LICENSED MUSIC THERAPISTS AND THE PRACTICE OF MUSIC THERAPY, TO PROHIBIT THE PRACTICE OF MUSIC THERAPY WITHOUT A LICENSE, TO REQUIRE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL PROVIDE ADMINISTRATIVE, FISCAL, INVESTIGATIVE, INSPECTIONAL, CLERICAL, SECRETARIAL, AND LICENSE RENEWAL OPERATIONS AND ACTIVITIES OF THE BOARD, TO PROVIDE DUTIES AND RESPONSIBILITIES OF THE BOARD, TO PROVIDE CRITERIA FOR LICENSURE, AND TO PROVIDE FOR THE USE OF A PROFESSIONAL DESIGNATION, AMONG OTHER THINGS.

l:\s-res\hkl\001musi.mrh.hkl.docx

Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 1058 -- Senators Cromer and Campsen: A BILL TO AMEND CHAPTER 71, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL BONDS, BY ADDING SECTION 59-71-35 TO PROHIBIT SCHOOL DISTRICTS FROM ISSUING GENERAL OBLIGATION BONDS FOR GENERAL OPERATING EXPENSES.

l:\s-res\rwc\004nogo.kmm.rwc.docx

Prefiled and referred to the Committee on Education.

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

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

l:\s-res\rwc\003dnrb.kmm.rwc.docx

Prefiled and referred to the Committee on Fish, Game and Forestry.

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

S. 1060 -- Senator Campsen: A BILL TO AMEND SECTION 17-15-30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS TO PROVIDE THAT A PERSON WHO IS RELEASED ON BAIL PENDING TRIAL, AND IS SUBSEQUENTLY CHARGED WITH A VIOLENT OFFENSE, SHALL BE DENIED BAIL WHEN THE PROSECUTOR PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT NO CONDITION OR COMBINATION OF CONDITIONS REASONABLY ASSURES THE SAFETY OF ANY OTHER PERSON OR THE SAFETY OF THE COMMUNITY IF THE PERSON IS RELEASED, AND TO REQUIRE THE COURT TO CONSIDER THE SOURCE OF FUNDS TO POST BAIL AS IT RELATES TO NONAPPEARANCE.

l:\s-jud\bills\campsen\jud0009.jjg.docx

Prefiled and referred to the Committee on Judiciary.

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

S. 1061 -- Senators S. Martin and Peeler: A BILL TO AMEND SECTION 17-25-45 OF THE 1976 CODE, RELATING TO LIFE SENTENCE FOR PERSONS COMMITTING CERTAIN CRIMES, BY ADDING CERTAIN OFFENSES TO THE DEFINITION OF “MOST SERIOUS OFFENSE”.

l:\s-res\srm\001crim.kmm.srm.docx

Prefiled and referred to the Committee on Judiciary.

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

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

l:\s-res\klb\011pris.rem.klb.docx

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

S. 1063 -- Senator Peeler: A BILL TO AMEND SECTION 7-7-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN CHEROKEE COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

l:\council\bills\ggs\22234zw12.docx

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

S. 1064 -- Senator Malloy: A BILL TO AMEND ARTICLE 8, CHAPTER 36, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CORPORATIONS NOT-FOR-PROFIT PROVIDING WATER SERVICE FINANCED BY FEDERAL OR STATE LOANS BEING PERMITTED TO CONVERT TO A PUBLIC SERVICE DISTRICT, BY ADDING SECTION 33-36-1315 SO AS TO PROVIDE FOR ADDITIONAL CONVERSION PROVISIONS, TERMS, AND LIMITATIONS FOR NONPROFIT CORPORATIONS OF A CERTAIN SIZE THAT PROVIDE WATER SERVICE IN TWO OR MORE COUNTIES; AND TO AMEND SECTION 33-36-1330, RELATING TO THE GOVERNING BOARD AND STRUCTURE OF A CORPORATION WHICH HAS BEEN CONVERTED TO A PUBLIC SERVICE DISTRICT, SO AS TO PROVIDE FOR THE GOVERNING STRUCTURE OF A PUBLIC SERVICE DISTRICT OF A CERTAIN SIZE THAT PROVIDES SERVICE IN TWO OR MORE COUNTIES.

l:\council\bills\agm\19199ab11.docx

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

S. 1065 -- Senators L. Martin and Hayes: A BILL TO AMEND SECTION 61-2-180 OF THE 1976 CODE, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710; AND TO AMEND SECTION 61-4-580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, TO CLARIFY THAT THIS ITEM DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710.

l:\s-rules\drafting\lam\018vide.ec.lam.docx

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

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

l:\s-jud\bills\mcconnell\jud0155.hla.docx

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

S. 1067 -- Senator McConnell: A BILL TO AMEND SECTION 5-3-15, SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A MUNICIPALITY CANNOT ANNEX PROPERTY IDENTIFIED IN AN APPLICATION FOR INCORPORATION PENDING A FINAL DETERMINATION OF INCORPORATION.

l:\s-jud\bills\mcconnell\jud0154.hla.docx

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

S. 1068 -- Senator Bryant: A BILL TO REPEAL SECTION 41-1-85 OF THE 1976 CODE, RELATING TO THE PROHIBITION OF TAKING A PERSONNEL ACTION BASED ON THE USE OF TOBACCO PRODUCTS OUTSIDE OF THE WORKPLACE.

l:\s-res\klb\004toba.kmm.klb.docx

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

S. 1069 -- Senator Bryant: A BILL TO AMEND SECTION 41-35-10 OF THE 1976 CODE, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS, TO PROVIDE FOR AN EXCEPTION FOR BENEFITS BASED ON SEASONAL WAGES; TO AMEND CHAPTER 35, TITLE 41, RELATING TO UNEMPLOYMENT BENEFITS AND CLAIMS, TO SET THE TOTAL AMOUNT OF BENEFITS PAID ON SEASONAL WAGES; TO AMEND CHAPTER 27, TITLE 41, RELATING TO GENERAL PROVISIONS CONCERNING THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO PROVIDE DEFINITIONS RELATING TO SEASONAL AND NON-SEASONAL EMPLOYERS, EMPLOYEES, AND INDUSTRIES; TO AMEND CHAPTER 31, TITLE 41, RELATING TO CONTRIBUTIONS AND PAYMENTS TO THE UNEMPLOYMENT TRUST FUND, BY ADDING SECTION 41-31-52, TO PROVIDE FOR AN APPLICATION PROCESS TO DETERMINE AN EMPLOYER'S STATUS AS A SEASONAL EMPLOYER, TO PROVIDE FOR THE CONTENTS OF THE APPLICATION, TO PROVIDE FOR DETERMINATIONS BY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO PROVIDE FOR DUTIES OF A SEASONAL EMPLOYER, TO PROVIDE FOR REVOCATION OF SEASONAL EMPLOYER STATUS, AND TO PROVIDE FOR AN APPEALS PROCESS; AND TO AMEND SECTION 41-35-66, TO PROVIDE FOR THE DETERMINATION OF SEASONAL WORKER BENEFITS.

l:\s-res\klb\005uise.kmm.klb.docx

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

S. 1070 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-2905 SO AS TO MOVE THE DEFINITION OF A DIRECT CAREGIVER IN A DIRECT CARE ENTITY TO THIS SECTION; TO AMEND SECTION 44-7-2910, RELATING TO CRIMINAL RECORD CHECKS FOR DIRECT CAREGIVERS, SO AS TO SPECIFY THAT A DIRECT CARE ENTITY MUST HAVE A STATE AND A FEDERAL CRIMINAL RECORD CHECKS CONDUCTED ON A DIRECT CAREGIVER APPLICANT BEFORE THE APPLICANT IS EMPLOYED, TO DELETE THE DEFINITION OF A DIRECT CAREGIVER IN A DIRECT CARE ENTITY, AND TO DELETE PROVISIONS NO LONGER APPLICABLE TO THE PROCEDURES FOR OBTAINING THESE RECORD CHECKS; BY ADDING SECTION 44-7-2915 SO AS TO PROHIBIT A PERSON FROM APPLYING FOR, AND A DIRECT CARE ENTITY FROM, EMPLOYING A PERSON AS A DIRECT CAREGIVER WHO HAS BEEN CONVICTED OF CERTAIN CRIMES, TO ENUMERATE THESE CRIMES, TO REQUIRE A STATEMENT ON EMPLOYMENT APPLICATIONS AND IN CONTRACTS RECITING THIS PROHIBITION, AND TO PROVIDE CRIMINAL PENALTIES FOR SUCH A PERSON WHO APPLIES FOR EMPLOYMENT AS OR WHO CONTRACTS TO BE A DIRECT CAREGIVER; TO AMEND SECTION 44-7-4920, RELATING TO CRIMINAL RECORD CHECK PROCEDURES, SO AS TO FURTHER SPECIFY AND CONFORM THESE PROCEDURES TO THIS ACT; AND BY ADDING SECTION 44-7-2925 SO AS TO PROHIBIT A DIRECT CAREGIVER FROM TRANSPORTING CLIENTS OR PATIENTS WHILE EMPLOYED AS A DIRECT CAREGIVER IF THE CAREGIVER HAS HAD AN ALCOHOL RELATED DRIVING OFFENSE WITHIN TEN YEARS OF SEEKING EMPLOYMENT OR SUBSEQUENT TO BECOMING EMPLOYED.

l:\council\bills\nbd\11778ac11.docx

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

S. 1071 -- Senator Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-55 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON WHO HOLDS A BEGINNER’S PERMIT OR A RESTRICTED DRIVER'S LICENSE TO DRIVE A MOTOR VEHICLE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS SECTION.

l:\council\bills\swb\5064cm12.docx

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

S. 1072 -- Senators Ford, Reese, Leventis, Williams, Malloy, Setzler, Land, Pinckney, Lourie, Jackson, Elliott, Coleman, Nicholson, Matthews and Scott: A SENATE RESOLUTION TO EXPRESS THE DISAPPOINTMENT OF THE SOUTH CAROLINA SENATE REGARDING THE DECISION BY THE STATE SUPERINTENDENT OF EDUCATION TO DECLINE TO APPLY FOR RACE TO THE TOP FUNDS, AND, FOR THE BETTERMENT OF THE SCHOOLS AND CHILDREN OF THIS STATE, TO IMPLORE THE SUPERINTENDENT TO RECONSIDER HIS DECISION.

l:\council\bills\nbd\11866dg11.docx

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

S. 1073 -- Senator Rose: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MR. JOSEPH R. PYE OF DORCHESTER COUNTY FOR HIS OUTSTANDING CONTRIBUTIONS TO SOUTH CAROLINA PUBLIC SCHOOLS AND TO CONGRATULATE HIM ON BEING NAMED 2012 SOUTH CAROLINA SUPERINTENDENT OF THE YEAR.

l:\s-res\mtr\007jose.mrh.mtr.docx

The Senate Resolution was adopted.

S. 1074 -- Senator Courson: A SENATE RESOLUTION TO HONOR DR. WENDELL R. ESTEP FOR HIS TWENTY-FIVE YEARS AS PASTOR OF FIRST BAPTIST CHURCH OF COLUMBIA AND TO RECOGNIZE HIS DYNAMIC CHRISTIAN MINISTRY AND HIS DEDICATED SERVICE TO HIS FELLOW MAN.

l:\council\bills\nbd\11937ahb12.docx

The Senate Resolution was adopted.

S. 1075 -- Senators Courson and Lourie: A SENATE RESOLUTION TO CONGRATULATE THE LAW FIRM OF AUN AND MCKAY, P.A., SERVING THE MIDLANDS WITH OFFICES IN COLUMBIA, CHAPIN, AND MYRTLE BEACH, UPON THE OCCASION OF ITS GRAND REOPENING, TO COMMEND ANDREW “ANDY” AUN AND RANDY MCKAY FOR THEIR DEDICATION TO THE LEGAL PROFESSION AND TO THE MIDLANDS COMMUNITY, AND TO WISH THEM CONTINUED SUCCESS IN THE FUTURE.

l:\council\bills\nbd\11933ahb12.docx

The Senate Resolution was adopted.

S. 1076 -- Senator Rose: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE FORT DORCHESTER HIGH SCHOOL BOYS GOLF TEAM FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR GARNERING THE 2011 CLASS AAAA STATE CHAMPIONSHIP TITLE.

l:\s-res\mtr\004golf.mrh.mtr.docx

The Senate Resolution was adopted.

S. 1077 -- Senator Rose: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE SUMMERVILLE HIGH SCHOOL GIRLS TRACK AND FIELD TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2011 CLASS AAAA STATE CHAMPIONSHIP TITLE.

l:\s-res\mtr\005trac.mrh.mtr.docx

The Senate Resolution was adopted.

S. 1078 -- Senator Rose: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SAMUEL ROBERT CLARK, PRINCIPAL OF ALSTON MIDDLE SCHOOL, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\s-res\mtr\006samc.mrh.mtr.docx

The Senate Resolution was adopted.

S. 1079 -- Senator Davis: A CONCURRENT RESOLUTION TO RECOGNIZE THE PARISH CHURCH OF ST. HELENA IN BEAUFORT, SOUTH CAROLINA UPON THE OCCASION OF THEIR THREE HUNDREDTH ANNIVERSARY AND TO WISH THEM MANY MORE YEARS OF SPIRITUAL PROSPERITY.

l:\s-res\td\001hele.mrh.td.docx

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

S. 1080 -- Senators Jackson, Scott, Lourie and Courson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 77 AND SOUTH CAROLINA HIGHWAY 555 IN RICHLAND COUNTY “HARRY ‘H. B.’ RUTHERFORD, SR. INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “HARRY ‘H. B.’ RUTHERFORD, SR. INTERCHANGE”.

l:\council\bills\swb\6271cm11.docx

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

S. 1081 -- Senators Ford, Reese, Coleman, Setzler, Williams, Elliott, Leventis, Lourie, Malloy, Land, Jackson, Pinckney, Nicholson, Matthews and Scott: A CONCURRENT RESOLUTION TO EXPRESS THE DISAPPOINTMENT OF THE SOUTH CAROLINA GENERAL ASSEMBLY REGARDING THE DECISION BY THE STATE SUPERINTENDENT OF EDUCATION TO DECLINE TO APPLY FOR RACE TO THE TOP FUNDS, AND, FOR THE BETTERMENT OF THE SCHOOLS AND CHILDREN OF THIS STATE, TO IMPLORE THE SUPERINTENDENT TO RECONSIDER HIS DECISION.

l:\council\bills\nbd\11867dg11.docx

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

S. 1082 -- Senator McConnell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME STATE ROAD 165 SOUTHEAST OF TOOGOODOO ROAD IN THE TOWN OF MEGGETT AS THE “MAYOR GRANGE S. COFFIN, JR. ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS ROAD THAT CONTAIN THE WORDS “MAYOR GRANGE S. COFFIN, JR. ROAD”.

l:\s-jud\bills\mcconnell\jud0153.hla.docx

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

S. 1083 -- Senator Courson: A CONCURRENT RESOLUTION TO CONGRATULATE AND EXTEND BEST WISHES TO THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY IN 2011 AND TO COMMEND THIS OUTSTANDING ORGANIZATION AND ITS MEMBERS FOR ITS MANY CONTRIBUTIONS OVER THE YEARS TO OUR STATE'S POLITICAL DISCOURSE AND SYSTEM OF GOVERNMENT.

l:\council\bills\dka\3842sd12.docx

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

S. 1084 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JOHN HEATH CALDWELL, LEGISLATIVE LIAISON FOR THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES, UPON THE OCCASION OF HIS RETIREMENT, AFTER THIRTY-EIGHT YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\council\bills\gm\29415htc12.docx

The Senate Resolution was adopted.

H. 3385 -- Reps. D. C. Moss, V. S. Moss, Harrison, Delleney, Gambrell, Harrell, Hiott, Hixon, Lucas and Norman: A BILL TO AMEND SECTION 61-6-4160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL SALE OF ALCOHOLIC LIQUORS ON SUNDAYS AND ELECTION DAYS, SO AS TO INCLUDE CHRISTMAS DAY AND THANKSGIVING DAY IN THE PURVIEW OF THE STATUTE.

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

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

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

H. 4308 -- Rep. Daning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 17A AND THE SANGAREE PARKWAY IN BERKELEY COUNTY “LANCE CORPORAL TODD ALVIN BENJAMIN INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “LANCE CORPORAL TODD ALVIN BENJAMIN INTERSECTION”.

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

H. 4318 -- Reps. J. H. Neal, Bales, Brady, Butler Garrick, Harrison, Howard, McEachern and Rutherford: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 48 IN RICHLAND COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 769 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 “H. HEATH HILL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “H. HEATH HILL HIGHWAY”.

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

**REPORTS OF STANDING COMMITTEES**

**Invitations Accepted**

The following invitations were polled favorably from the Invitations Committee and the members voting as follows:

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Alexander Campsen Cromer

Elliott Ford Knotts

Malloy McGill O’Dell

Reese Verdin

**Total-- 11**

**NAYS**

**Total-- 0**

Tuesday, January 10, 2012 - 6:00 p.m. - 7:30 p.m.

Members of the Senate, Reception, Columbia Museum of Art, by the SC Bankers Association

Wednesday, January 11, 2012 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by PIEDMONT NATURAL GAS

Wednesday, January 11, 2012 - 12:00 - 2:00 p.m.

Members of the Senate and Staff, Luncheon, State House Grounds, by PALMETTO HEALTH FOUNDATION

Wednesday, January 11, 2012 - 6:00 p.m. - 7:00 p.m.

Members of the Senate, Reception, Capital City Club, by the SOUTH CAROLINA ECONOMIC DEVELOPERS ASSOCIATION

Wednesday, January 11, 2012 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Reception, Palmetto Club (Summit Location), by the COLLEGE OF CHARLESTON BOARD OF TRUSTEES

Thursday, January 12, 2012 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by the FOUNDATION FOR THE SC COMMISSION FOR THE BLIND

Tuesday, January 17, 2012 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Reception, Columbia Museum of Art, by the SC telecommmunications Association

Tuesday, January 17, 2012 - 6:00 p.m. - 8:00 p.m.

Members of the Senate, Reception, Columbia Marriott Hotel, by the SC chamber of commerce

Wednesday, January 18, 2012 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by the SC High School League

Wednesday, January 18, 2012 - 12:00 - 2:00 p.m.

Members of the Senate, Luncheon, Room 112 of the Blatt Building, by the SC CONSORTIUM FOR GIFTED EDUCATION

Wednesday, January 18, 2012 - 6:00 p.m. - 7:00 p.m.

Members of the Senate, Reception, 1st Floor, Capitol City Center, by the SC BAR ASSOCIATION

Thursday, January 19, 2012 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112 of the Blatt Building, by the SC Broadcasters Association

Tuesday, January 24, 2012 - 6:00 p.m. - 8:00 p.m.

Members of the Senate, Reception, Clarion Hotel Downtown, by the AMERICAN COUNCIL OF ENGINEERING COMPANIES OF SC SC SOCIETY OF PROFESSIONAL ENGINEERS

AMERICAN SOCIETY OF CIVIL ENGINEERING SC

Tuesday, January 24, 2012 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Reception, Clarion Hotel Downtown, by the SC ASSOCIATION OF TECHNICAL COLLEGE COMMISSIONERS

Wednesday, January 25, 2012 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112 of the Blatt Building, by the SC NURSE ANESTHETIST ASSOCIATION

Wednesday, January 25, 2012 - 12:00 noon

Members of the Senate, Luncheon, State House Grounds, by the SC BAPTIST ASSOCIATION

Wednesday, January 25, 2012 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Oyster Roast and Frogmore Stew, Clarion Hotel Downtown, by CLARION HOTEL DOWNTOWN

Wednesday, January 25, 2012 - 7:00 p.m. - 9:00 p.m.

Members of the Senate and Staff, Reception, Clarion Hotel Downtown, by the JOHN DE LA HOWE SCHOOL FOUNDATION, INC.

Thursday, January 26, 2012 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112 of the Blatt Building, by the SC ASSOCIATION OF CHRISTIAN SCHOOLS FOR EXCELLENCE, INC.

Tuesday, January 31, 2012 - 6:00 p.m. - 9:00 p.m.

Members of the Senate and Staff, Reception, Clarion Hotel Downtown, by the MYRTLE BEACH AREA CHAMBER OF COMMERCE

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 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.

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.

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.

**HOUSE BILLS RETURNED**

The following House Bill and Joint Resolution were read the third time and ordered returned to the House with amendments:

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.

Senator DAVIS 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.

Senator DAVIS explained the Bill.

The Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

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.

Senator CAMPBELL explained the Bill.

**Recorded Vote**

Senators GROOMS and VERDIN desired to be recorded as voting against the third reading of the Bill.

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 SHANE MARTIN explained the Bill.

Senator VERDIN spoke on the Bill.

**READ THE SECOND TIME**

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.

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 41; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 3351 -- Reps. Cobb‑Hunter, Weeks and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑75 SO AS TO DECLARE JANUARY SEVENTEENTH OF EACH YEAR AS “EARTHA KITT DAY” IN SOUTH CAROLINA IN HONOR OF THE LATE EARTHA MAE KITT, NATIONALLY AND INTERNATIONALLY KNOWN ACTRESS, SINGER, AND NATIVE SOUTH CAROLINIAN.

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

Senator COURSON proposed the following amendment (3351R001.REC), which was adopted:

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

/ SECTION 3. A. The General Assembly finds that:

(A) Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois and died on June 5, 2004 in Bel Air, California.

(B) Ronald Reagan served in the U.S. Army Reserve from April 1937 until December 1945.

(C) Ronald Reagan was a man of humble background who worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States.

(D) Ronald Reagan often visited the Palmetto State and was highly respected by many South Carolinians.

(E) Ronald Reagan enjoyed support from Republicans, Democrats, and Independents during his dynamic career in politics.

(F) Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America from 1981 to 1989. He won two successive contests by margins in the Electoral College unsurpassed in the history of American presidential elections.

(G) Ronald Reagan’s commitment to our Armed Forces contributed to the restoration of pride in America and her values and prepared America’s Armed Forces to meet the challenges of the 21st century.

(H) Ronald Reagan’s vision of “peace through strength” led to the end of the Cold War.

B. Chapter 3, Title 53 of the 1976 Code is amended by adding:

“Section 53‑3‑145. February sixth of each year, the birthday of the late President of the United States, Ronald Reagan, is declared to be /

Renumber sections to conform.

Amend title to conform.

Senator COURSON 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 31; Nays 11**

**AYES**

Alexander Campbell Cleary

Coleman Courson Cromer

Elliott Ford Gregory

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O’Dell

Pinckney Rankin Reese

Scott Setzler Thomas

Williams

**Total--31**

**NAYS**

Bright Bryant Campsen

Davis Grooms *Martin, Shane*

Peeler Rose Ryberg

Sheheen Verdin

**Total--11**

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

**Statement by Senators GROOMS, BRYANT and VERDIN**

We voted against this Bill, H. 3351, because we believe there is a distinct difference between a cabaret singer and one of the greatest presidents of the United States.  We fully support recognizing President Reagan without having to diminish his great accomplishments by equating them to the actions of a liberal gay rights activist. President Reagan’s great legacy can certainly stand on its own.

**Statement by Senator LEVENTIS**

I did not vote on this Bill, H. 3351, because I believe we should be focused on substance, not symbolism that most citizens will never know of nor benefit from.

**RECOMMITTED**

S. 732 -- Senators Pinckney, Knotts, Scott, Peeler, Fair, Cleary, Ford, Nicholson, Williams, Hutto, Elliott, Alexander, Matthews, Land, Setzler, Campbell, Hayes, McConnell, Davis, Thomas, Rose and Lourie: 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 HUTTO asked unanimous consent to recommit the Bill to the Committee on Judiciary, retaining its place on the Calendar.

There was no objection.

The Bill was recommitted to the Committtee on Judiciary.

**AMENDMENT PROPOSED, OBJECTION**

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.

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

Senator GROOMS proposed the following amendment (3266R003.LKG):

Amend the bill, as and if amended, page 4, by striking lines 3 and 4 and inserting:

/ The Department of Transportation must provide the Joint Transportation Review Committee with thirty days written notice before transferring a road from the state highway secondary system to a private entity pursuant to this section.

A private entity to whom a road is transferred from the state highway secondary system pursuant to this section may maintain the road but may not limit public access to the road that existed on the date of transfer, may not change the nature of the use of the road prior to transfer, and may not alter the size of the road.

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.

Senator GROOMS explained the proposed amendment.

Senator KNOTTS objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER AS AMENDED**

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.

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 (JUD3667.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 12-21, and inserting:

/ (C) A person is guilty of criminal sexual conduct with a minor in the third degree if the actor is over fourteen years of age and the actor wilfully and lewdly commits or attempts to commit a lewd or lascivious act upon or with the body, or its parts, of a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the actor or the child. However, a person may not be convicted of a violation of the provisions of this subsection if the person is eighteen years of age or less when the person engages in consensual lewd or lascivious conduct with another person who is at least fourteen years of age. /

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

/ SECTION \_\_. Section 16‑1‑60 of the 1976 Code is amended to read:

“Section 16-1-60. For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16‑3‑10); attempted murder (Section 16‑3‑29); assault and battery by mob, first degree, resulting in death (Section 16‑3‑210(B)), criminal sexual conduct in the first and second degree (Sections 16‑3‑652 and 16‑3‑653); criminal sexual conduct with minors, first, ~~and~~ second, and third degree (Section 16‑3‑655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16‑3‑656); assault and battery with intent to kill (Section 16‑3‑620); assault and battery of a high and aggravated nature (Section 16‑3‑600(B)); kidnapping (Section 16‑3‑910); trafficking in persons (Section 16‑3‑930); voluntary manslaughter (Section 16‑3‑50); armed robbery (Section 16‑11‑330(A)); attempted armed robbery (Section 16‑11‑330(B)); carjacking (Section 16‑3‑1075); drug trafficking as defined in Section 44‑53‑370(e) or trafficking cocaine base as defined in Section 44‑53‑375(C); manufacturing or trafficking methamphetamine as defined in Section 44‑53‑375; arson in the first degree (Section 16‑11‑110(A)); arson in the second degree (Section 16‑11‑110(B)); burglary in the first degree (Section 16‑11‑311); burglary in the second degree (Section 16‑11‑312(B)); engaging a child for a sexual performance (Section 16‑3‑810); homicide by child abuse (Section 16‑3‑85(A)(1)); aiding and abetting homicide by child abuse (Section 16‑3‑85(A)(2)); inflicting great bodily injury upon a child (Section 16‑3‑95(A)); allowing great bodily injury to be inflicted upon a child (Section 16‑3‑95(B)); criminal domestic violence of a high and aggravated nature (Section 16‑25‑65); abuse or neglect of a vulnerable adult resulting in death (Section 43‑35‑85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43‑35‑85(E)); taking of a hostage by an inmate (Section 24‑13‑450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10‑11‑325(B)(1)); spousal sexual battery (Section 16‑3‑615); producing, directing, or promoting sexual performance by a child (Section 16‑3‑820); ~~lewd act upon a child under sixteen (Section 16‑15‑140);~~ sexual exploitation of a minor first degree (Section 16‑15‑395); sexual exploitation of a minor second degree (Section 16‑15‑405); promoting prostitution of a minor (Section 16‑15‑415); participating in prostitution of a minor (Section 16‑15‑425); aggravated voyeurism (Section 16‑17‑470(C)); detonating a destructive device resulting in death with malice (Section 16‑23‑720(A)(1)); detonating a destructive device resulting in death without malice (Section 16‑23‑720(A)(2)); boating under the influence resulting in death (Section 50‑21‑113(A)(2)); vessel operator’s failure to render assistance resulting in death (Section 50‑21‑130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55‑1‑30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56‑5‑750(C)(2)); interference with traffic‑control devices, railroad signs, or signals resulting in death (Section 56‑5‑1030(B)(3)); hit and run resulting in death (Section 56‑5‑1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56‑5‑2945(A)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57‑7‑20(D)); obstruction of a railroad resulting in death (Section 58‑17‑4090); accessory before the fact to commit any of the above offenses (Section 16‑1‑40); and attempt to commit any of the above offenses (Section 16‑1‑80). Only those offenses specifically enumerated in this section are considered violent offenses.” /

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

/ SECTION \_\_. Section 17‑22‑90(6) of the 1976 Code is amended to read:

“(6) if the offense is ~~committing or attempting to commit a lewd act upon a child under the age of sixteen years pursuant to Section 16‑15‑140~~ criminal sexual conduct with a minor in the third degree pursuant to Section 16-3-655(C), agree in the agreement between the solicitor’s office and the offender as provided in Section 17‑22‑120 to allow information about the offense to be made available to day care centers, group day care homes, family day care homes, church or religious day care centers, and other facilities providing care to children and related agencies by the State Law Enforcement Division pursuant to regulations which the State Law Enforcement Division shall promulgate; and” /

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

/ SECTION \_\_. Section 19‑11‑30 of the 1976 Code is amended to read:

“Section 19‑11‑30. In any trial or inquiry in any suit, action, or proceeding in any court or before any person having, by law or consent of the parties, authority to examine witnesses or hear evidence, no husband or wife may be required to disclose any confidential or, in a criminal proceeding, any communication made by one to the other during their marriage.

Notwithstanding the above provisions, a husband or wife is required to disclose any communication, confidential or otherwise, made by one to the other during their marriage where the suit, action, or proceeding concerns or is based on child abuse or neglect, the death of a child, or criminal sexual conduct involving a minor~~, or the commission or attempt to commit a lewd act upon a minor~~.” /

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

/ SECTION \_\_. Section 23‑3‑430(C) of the 1976 Code is amended to read:

“(C) For purposes of this article, a person who has been convicted of, pled guilty or nolo contendere to, or been adjudicated delinquent for any of the following offenses shall be referred to as an offender:

(1) criminal sexual conduct in the first degree (Section 16‑3‑652);

(2) criminal sexual conduct in the second degree (Section 16‑3‑653);

(3) criminal sexual conduct in the third degree (Section 16‑3‑654);

(4) criminal sexual conduct with minors, first degree (Section ~~16‑3‑655(1)~~ 16-3-655(A));

(5) criminal sexual conduct with minors, second degree (Section 16-3-655(B)). If evidence is presented at the criminal proceeding and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section ~~16‑3‑655(3)~~ 16-3-655(B)(2) provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;

(6) criminal sexual conduct with minors, third degree (Section 16-3-655(C));

(7) engaging a child for sexual performance (Section 16‑3‑810);

~~(7)~~(8) producing, directing, or promoting sexual performance by a child (Section 16‑3‑820);

~~(8)~~(9) criminal sexual conduct: assaults with intent to commit (Section 16‑3‑656);

~~(9)~~(10) incest (Section 16‑15‑20);

~~(10)~~(11) buggery (Section 16‑15‑120);

~~(11) committing or attempting lewd act upon child under sixteen (Section 16‑15‑140);~~

(12) peeping, voyeurism, or aggravated voyeurism (Section 16‑17‑470);

(13) violations of Article 3, Chapter 15 of Title 16 involving a minor;

(14) a person, regardless of age, who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in this State, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in a comparable court in the United States, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the court makes a specific finding on the record that based on the circumstances of the case the convicted person should register as a sex offender;

(15) kidnapping (Section 16‑3‑910) of a person eighteen years of age or older except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

(16) kidnapping (Section 16‑3‑910) of a person under eighteen years of age except when the offense is committed by a parent;

(17) trafficking in persons (Section 16‑3‑930) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

(18) criminal sexual conduct when the victim is a spouse (Section 16‑3‑658);

(19) sexual battery of a spouse (Section 16‑3‑615);

(20) sexual intercourse with a patient or trainee (Section 44‑23‑1150);

(21) criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:

(a) persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16‑15‑375(5);

(b) perform a sexual activity in the presence of the person solicited (Section 16‑15‑342); or

(22) administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiring to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit a crime listed in Section 44‑53‑370(f), except petit larceny or grand larceny.

(23) any other offense specified by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109‑248), the Sex Offender Registration and Notification Act (SORNA).” /

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

/ SECTION \_\_. Section 23‑3‑490(D) of the 1976 Code is amended to read:

“(D) For purposes of this article, information on a person adjudicated delinquent in family court for an offense listed in Section 23‑3‑430 must be made available to the public in accordance with the following provisions:

(1) If a person has been adjudicated delinquent for committing any of the following offenses, information must be made available to the public pursuant to subsections (A) and (B):

(a) criminal sexual conduct in the first degree (Section 16‑3‑652);

(b) criminal sexual conduct in the second degree (Section 16‑3‑653);

(c) criminal sexual conduct with minors, first degree (Section ~~16‑3‑655(1)~~ 16-3-655(A));

(d) criminal sexual conduct with minors, second degree (Section ~~16‑3‑655(2) and (3)~~ 16-3-655(B));

(e) engaging a child for sexual performance (Section 16‑3‑810);

(f) producing, directing, or promoting sexual performance by a child (Section 16‑3‑820);

(g) kidnapping (Section 16‑3‑910); or

(h) trafficking in persons (Section 16‑3‑930) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense.

(2) Information shall only be made available, upon request, to victims of or witnesses to the offense, public or private schools, child day care centers, family day care centers, businesses or organizations that primarily serve children, women, or vulnerable adults, as defined in Section 43‑35‑10(11), for persons adjudicated delinquent for committing any of the following offenses:

(a) criminal sexual conduct in the third degree (Section 16‑3‑654);

(b) criminal sexual conduct: assaults with intent to commit (Section 16‑3‑656);

(c) criminal sexual conduct with a minor: assaults with intent to commit (Section 16‑3‑656);

(d) ~~committing or attempting lewd act upon child under sixteen (Section 16‑15‑140)~~ criminal sexual conduct with minors, third degree (Section 16-3-655(C));

(e) peeping (Section 16‑17‑470);

(f) incest (Section 16‑15‑20);

(g) buggery (Section 16‑15‑120);

(h) violations of Article 3, Chapter 15 of Title 16 involving a minor, which violations are felonies; or

(i) indecent exposure.

(3) A person who is under twelve years of age at the time of his adjudication, conviction, guilty plea, or plea of nolo contendere for a first offense of any offense listed in Section 23‑3‑430(C) shall be required to register pursuant to the provisions of this chapter; however, the person’s name or any other information collected for the offender registry shall not be made available to the public.

(4) A person who is under twelve years of age at the time of his adjudication, conviction, guilty plea, or plea of nolo contendere for any offense listed in Section 23‑3‑430(C) and who has a prior adjudication, conviction, guilty plea, or plea of nolo contendere for any offense listed in Section 23‑3‑430(C) shall be required to register pursuant to the provisions of this chapter, and all registry information concerning that person shall be made available to the public pursuant to items (1) and (2).

(5) Nothing in this section shall prohibit the dissemination of all registry information to law enforcement.” /

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

/ SECTION \_\_. Section 23‑3‑540 of the 1976 Code is amended to read:

“Section 23-3-540. (A) Upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere of a person for committing criminal sexual conduct with a minor in the first degree, pursuant to Section 16‑3‑655(A)(1), or ~~committing or attempting a lewd act upon a child under sixteen, pursuant to Section 16‑15‑140~~ criminal sexual conduct with a minor in the third degree, pursuant to Section 16-3-655(C), the court must order that the person, upon release from incarceration, confinement, commitment, institutionalization, or when placed under the supervision of the Department of Probation, Parole and Pardon Services shall be monitored by the Department of Probation, Parole and Pardon Services with an active electronic monitoring device.

(B) Upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere of a person for any other offense listed in subsection (G), the court may order that the person upon release from incarceration, confinement, commitment, institutionalization, or when placed under the supervision of the Department of Probation, Parole and Pardon Services shall be monitored by the Department of Probation, Parole and Pardon Services with an active electronic monitoring device.

(C) A person who is required to register pursuant to this article for committing criminal sexual conduct with a minor in the first degree, pursuant to Section 16‑3‑655(A)(1), ~~or committing or attempting a lewd act upon a child under sixteen, pursuant to Section 16‑15‑140~~ criminal sexual conduct with a minor in the third degree, pursuant to Section 16-3-655(C), and who violates a term of probation, parole, community supervision, or a community supervision program must be ordered by the court or agency with jurisdiction to be monitored by the Department of Probation, Parole and Pardon Services with an active electronic monitoring device.

(D) A person who is required to register pursuant to this article for any other offense listed in subsection (G), and who violates a term of probation, parole, community supervision, or a community supervision program, may be ordered by the court or agency with jurisdiction to be monitored by the Department of Probation, Parole and Pardon Services with an active electronic monitoring device.

(E) A person who is required to register pursuant to this article for committing criminal sexual conduct with a minor in the first degree, pursuant to Section 16‑3‑655(A)(1), or ~~committing or attempting a lewd act upon a child under sixteen, pursuant to Section 16‑15‑140~~ criminal sexual conduct with a minor in the third degree, pursuant to Section 16-3-655(C), and who violates a provision of this article, must be ordered by the court to be monitored by the Department of Probation, Parole and Pardon Services with an active electronic monitoring device.

(F) A person who is required to register pursuant to this article for any other offense listed in subsection (G), and who violates a provision of this article, may be ordered by the court to be monitored by the Department of Probation, Parole and Pardon Services with an active electronic monitoring device.

(G) This section applies to a person who has been:

(1) convicted of, pled guilty or nolo contendere to, or been adjudicated delinquent for any of the following offenses:

(a) criminal sexual conduct with a minor in the first degree (Section 16‑3‑655(A));

(b) criminal sexual conduct with a minor in the second degree (Section 16‑3‑655(B)). If evidence is presented at the criminal proceeding and the court makes a specific finding on the record that the conviction obtained for this offense resulted from illicit consensual sexual conduct, as contained in Section 16‑3‑655(B)(2), provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, then the convicted person is not required to be electronically monitored pursuant to the provisions of this section;

(c) criminal sexual conduct with a minor in the third degree (Section 16-3-655(C));

(d) engaging a child for sexual performance (Section 16‑3‑810);

~~(d)~~(e) producing, directing, or promoting sexual performance by a child (Section 16‑3‑820);

~~(e)~~(f) criminal sexual conduct: assaults with intent to commit (Section 16‑3‑656) involving a minor;

~~(f) committing or attempting lewd act upon child under sixteen (Section 16‑15‑140);~~

(g) violations of Article 3, Chapter 15 of Title 16 involving a minor;

(h) kidnapping (Section 16‑3‑910) of a person under eighteen years of age except when the offense is committed by a parent;

(i) trafficking in persons (Section 16‑3‑930) of a person under eighteen years of age except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense; or

(2) ordered as a condition of sentencing to be included in the sex offender registry pursuant to Section 23‑3‑430(D) for an offense involving a minor, except that the provisions of this item may not be construed to apply to a person eighteen years of age or less who engages in illicit but consensual sexual conduct with another person who is at least fourteen years of age as provided in Section 16‑3‑655(B)(2).

(H) The person shall be monitored by the Department of Probation, Parole and Pardon Services with an active electronic monitoring device for the duration of the time the person is required to remain on the sex offender registry pursuant to the provisions of this article, unless the person is committed to the custody of the State. Ten years from the date the person begins to be electronically monitored, the person may petition the chief administrative judge of the general sessions court for the county in which the person was ordered to be electronically monitored for an order to be released from the electronic monitoring requirements of this section. The person shall serve a copy of the petition upon the solicitor of the circuit and the Department of Probation, Parole and Pardon Services. The court must hold a hearing before ordering the person to be released from the electronic monitoring requirements of this section, unless the court denies the petition because the person is not eligible for release or based on other procedural grounds. The solicitor of the circuit, the Department of Probation, Parole and Pardon Services, and any victims, as defined in Article 15, Chapter 3, Title 16, must be notified of any hearing pursuant to this subsection and must be given an opportunity to testify or submit affidavits in response to the petition. If the court finds that there is clear and convincing evidence that the person has complied with the terms and conditions of the electronic monitoring and that there is no longer a need to electronically monitor the person, then the court may order the person to be released from the electronic monitoring requirements of this section. If the court denies the petition or refuses to grant the order, then the person may refile a new petition every five years from the date the court denies the petition or refuses to grant the order. A person may not petition the court if the person is required to register pursuant to this article for committing criminal sexual conduct with a minor in the first degree, pursuant to Section 16‑3‑655(A)(1), or ~~committing or attempting a lewd act upon a child under sixteen, pursuant to Section 16‑15‑140~~ criminal sexual conduct with a minor in the third degree, pursuant to Section 16-3-655(C).

(I) The person shall follow instructions provided by the Department of Probation, Parole and Pardon Services to maintain the active electronic monitoring device in working order. Incidental damage or defacement of the active electronic monitoring device must be reported to the Department of Probation, Parole and Pardon Services within two hours. A person who fails to comply with the reporting requirement of this subsection is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years.

(J) The person shall abide by other terms and conditions set forth by the Department of Probation, Parole and Pardon Services with regard to the active electronic monitoring device and electronic monitoring program.

(K) The person must be charged for the cost of the active electronic monitoring device and the operation of the active electronic monitoring device for the duration of the time the person is required to be electronically monitored. The Department of Probation, Parole and Pardon Services may exempt a person from the payment of a part or all of the cost during a part or all of the duration of the time the person is required to be electronically monitored, if the Department of Probation, Parole and Pardon Services determines that exceptional circumstances exist such that these payments cause a severe hardship to the person. The payment of the cost must be a condition of supervision of the person and a delinquency of two months or more in making payments may operate as a violation of a term or condition of the electronic monitoring. All fees generated by this subsection must be retained by the Department of Probation, Parole and Pardon Services, carried forward, and applied to support the active electronic monitoring of sex offenders.

(L) A person who intentionally removes, tampers with, defaces, alters, damages, or destroys an active electronic monitoring device is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years. This subsection does not apply to a person or agent authorized by the Department of Probation, Parole and Pardon Services to perform maintenance and repairs to the active electronic monitoring devices.

(M) A person who completes his term of incarceration and the maximum term of probation, parole, or community supervision and who wilfully violates a term or condition of electronic monitoring, as ordered by the court or determined by the Department of Probation, Parole and Pardon Services is guilty of a felony and, upon conviction, must be sentenced in accordance with the provisions of Section 23‑3‑545.

(N) The Department of Corrections shall notify the Department of Probation, Parole and Pardon Services of the projected release date of an inmate serving a sentence, as described in this section, at least one hundred eighty days in advance of the person’s release from incarceration. For a person sentenced to one hundred eighty days or less, the Department of Corrections shall immediately notify the Department of Probation, Parole and Pardon Services.

(O) When an inmate serving a sentence as described in this section is released on electronic monitoring, a victim who has previously requested notification and the sheriff’s office in the county where the person is to be released must be notified in accordance with the requirements of Article 15, Chapter 3 of Title 16.

(P) As used in this section, ‘active electronic monitoring device’ means an all body worn device that is not removed from the person’s body utilized by the Department of Probation, Parole and Pardon Services in conjunction with a web‑based computer system that actively monitors and records a person’s location at least once every minute twenty‑four hours a day and that timely records and reports the person’s presence near or within a prohibited area or the person’s departure from a specified geographic location. In addition, the device must be resistant or impervious to unintentional or wilful damages. The South Carolina Criminal Justice Academy may offer training to officers of the Department of Probation, Parole and Pardon Services regarding the utilization of active electronic monitoring devices. In areas of the State where cellular coverage requires the use of an alternate device, the Department of Probation, Parole and Pardon Services may use an alternate device.

(Q) Except for juveniles released from the Department of Corrections, all juveniles adjudicated delinquent in family court, who are required to be monitored pursuant to the provisions of this article by the Department of Probation, Parole and Pardon Services, or who are ordered by a court to be monitored must be supervised, while under the jurisdiction of the family court or Board of Juvenile Parole, by the Department of Juvenile Justice. The Department of Probation, Parole and Pardon Services shall report to the Department of Juvenile Justice all violations of the terms or conditions of electronic monitoring for all juveniles supervised by the department, for as long as the family court or Juvenile Parole Board has jurisdiction over the juvenile. If the Department of Juvenile Justice determines that a juvenile has violated a term or condition of electronic monitoring, the department shall immediately notify local law enforcement of the violation.” /

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

/ SECTION \_\_. Section 24‑3‑20(B) of the 1976 Code is amended to read:

“(B) When the director determines that the character and attitude of a prisoner reasonably indicates that he may be trusted, he may extend the limits of the place of confinement of the prisoner by authorizing him to work at paid employment or participate in a training program in the community on a voluntary basis while continuing as a prisoner, if the director determines that:

(1) the paid employment will not result in the displacement of employed workers, nor be applied in skills, crafts, or trades in which there is surplus of available gainful labor in the locality, nor impair existing contracts for services; and

(2) the rates of pay and other conditions of employment will not be less than those paid and provided for work of similar nature in the locality in which the work is to be performed.

The department shall notify victims registered pursuant to Article 15, Chapter 3, Title 16 and the trial judge, solicitor, and sheriff of the county or the law enforcement agency of the jurisdiction where the offense occurred before releasing inmates on work release. However, the trial judge may waive his right to receive the notification contained in this section by notifying the department of this waiver in writing. The department has the authority to deny release based upon opinions received from these persons, if any, as to the suitability of the release.

A prisoner’s place of confinement may not be extended as permitted by this subsection if the prisoner:

(a) is currently serving a sentence for or has a prior conviction for criminal sexual conduct in the first, second, or third degree; attempted criminal sexual conduct; assault with intent to commit criminal sexual conduct; criminal sexual conduct when the victim is his legal spouse; criminal sexual conduct with a minor; ~~committing or attempting to commit a lewd act on a child;~~ engaging a child for sexual performance; spousal sexual battery; a harassment or stalking offense pursuant to Article 17, Chapter 3, Title 16, or a burglary offense pursuant to Section 16‑11‑311 or 16‑11‑312(B); or

(b) is currently serving a sentence for a violent offense as defined in Section 16‑1‑60, except that a prisoner serving a sentence for kidnapping, pursuant to Section 16‑3‑910, voluntary manslaughter, pursuant to Section 16‑3‑50, armed robbery, pursuant to Section 16‑11‑330(A), attempted armed robbery, pursuant to Section 16‑11‑330(B), burglary in the second degree, pursuant to Section 16‑11‑312(B), or carjacking, pursuant to Section 16‑3‑1075 may be eligible to participate in the work release programs so long as the prisoner is within three years from the date of his release from incarceration, and the prisoner is not serving a sentence involving criminal sexual conduct or other violent crime, as classified under Section 16‑1‑60.

(3) A prisoner who is serving a sentence for a ‘no parole offense’ as defined in Section 24‑13‑100 and who is otherwise eligible for work release shall not have his place of confinement extended until he has served the minimum period of incarceration as set forth in Section 24‑13‑125.” /

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

/ SECTION \_\_. Section 24‑13‑710 of the 1976 Code is amended to read:

“Section 24-13-710. The Department of Corrections and the Department of Probation, Parole and Pardon Services shall jointly develop the policies, procedures, guidelines, and cooperative agreement for the implementation of a supervised furlough program which permits carefully screened and selected inmates who have served the mandatory minimum sentence as required by law or have not committed a violent crime as defined in Section 16‑1‑60, a ‘no parole offense’ as defined in Section 24‑13‑100, the crime of criminal sexual conduct in the third degree as defined in Section 16‑3‑654, or the crime of ~~committing or attempting a lewd act upon a child under the age of fourteen as defined in Section 16‑15‑140~~ criminal sexual conduct with a minor in the third degree as defined in Section 16-3-655(C) to be released on furlough prior to parole eligibility and under the supervision of state probation and parole agents with the privilege of residing in an approved residence and continuing treatment, training, or employment in the community until parole eligibility or expiration of sentence, whichever is earlier.

Before an inmate may be released on supervised furlough, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

(1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer.

An inmate must not be granted supervised furlough if he fails to comply with this provision. However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

The department and the Department of Probation, Parole and Pardon Services shall assess a fee sufficient to cover the cost of the participant’s supervision and any other financial obligations incurred because of his participation in the supervised furlough program as provided by this article. The two departments shall jointly develop and approve written guidelines for the program to include, but not be limited to, the selection criteria and process, requirements for supervision, conditions for participation, and removal.

The conditions for participation must include the requirement that the offender must permit the search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, and any of the offender’s possessions by:

(1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer.

However, the conditions for participation for an offender who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions.

By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on supervised furlough. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.

The cooperative agreement between the two departments shall specify the responsibilities and authority for implementing and operating the program. Inmates approved and placed on the program must be under the supervision of agents of the Department of Probation, Parole and Pardon Services who are responsible for ensuring the inmate’s compliance with the rules, regulations, and conditions of the program as well as monitoring the inmate’s employment and participation in any of the prescribed and authorized community‑based correctional programs such as vocational rehabilitation, technical education, and alcohol/drug treatment. Eligibility criteria for the program include, but are not limited to, all of the following requirements:

(1) maintain a clear disciplinary record for at least six months prior to consideration for placement on the program;

(2) demonstrate to Department of Corrections’ officials a general desire to become a law‑abiding member of society;

(3) satisfy any other reasonable requirements imposed upon him by the Department of Corrections;

(4) have an identifiable need for and willingness to participate in authorized community‑based programs and rehabilitative services;

(5) have been committed to the State Department of Corrections with a total sentence of five years or less as the first or second adult commitment for a criminal offense for which the inmate received a sentence of one year or more. The Department of Corrections shall notify victims pursuant to Article 15, Chapter 3, Title 16 as well as the sheriff’s office of the place to be released before releasing inmates through any supervised furlough program. These requirements do not apply to the crimes referred to in this section.” /

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

/ SECTION \_\_. Section 24‑19‑10 of the 1976 Code is amended to read:

“Section 24-19-10. As used herein:

(a) ‘Department’ means the Department of Corrections.

(b) ‘Division’ means the Youthful Offender Division.

(c) ‘Director’ means the Director of the Department of Corrections.

(d) ‘Youthful offender’ means an offender who is:

(i) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63‑19‑1210 for allegedly committing an offense that is not a violent crime, as defined in Section 16‑1‑60, and that is a misdemeanor, a Class D, Class E, or Class F felony, as defined in Section 16‑1‑20, or a felony which provides for a maximum term of imprisonment of fifteen years or less;

(ii) seventeen but less than twenty‑five years of age at the time of conviction for an offense that is not a violent crime, as defined in Section 16‑1‑60, and that is a misdemeanor, a Class D, Class E, or Class F felony, or a felony which provides for a maximum term of imprisonment of fifteen years or less;

(iii) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63‑19‑1210 for allegedly committing burglary in the second degree (Section 16‑11‑312). The offender must receive and serve a minimum sentence of at least three years, no part of which may be suspended, and the person is not eligible for conditional release until the person has served the three‑year minimum sentence;

(iv) seventeen but less than twenty‑one years of age at the time of conviction for burglary in the second degree (Section 16‑11‑312). The offender must receive and serve a minimum sentence of at least three years, no part of which may be suspended, and the person is not eligible for conditional release until the person has served the three‑year minimum sentence;

(v) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63‑19‑1210 for allegedly committing ~~a lewd act upon a child pursuant to Section 16‑15‑140~~ criminal sexual conduct with a minor in the third degree pursuant to Section 16-3-655(C), and the alleged offense involved consensual sexual conduct with a person who was at least fourteen years of age at the time of the act; or

(vi) seventeen but less than twenty‑five years of age at the time of conviction for committing ~~a lewd act upon a child pursuant to Section 16‑15‑140~~ criminal sexual conduct with a minor in the third degree pursuant to Section 16-3-655(C), and the conviction resulted from consensual sexual conduct, provided the offender was eighteen years of age or less at the time of the act and the other person involved was at least fourteen years of age at the time of the act.

(e) ‘Treatment’ means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youthful offenders; this may also include vocational and other training considered appropriate and necessary by the division.

(f) ‘Conviction’ means a judgment in a verdict or finding of guilty, plea of guilty, or plea of nolo contendere to a criminal charge where the imprisonment is at least one year, but excluding all offenses in which the maximum punishment provided by law is death or life imprisonment.” /

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

/ SECTION \_\_. Section 44‑48‑30 of the 1976 Code is amended to read:

“Section 44-48-30. For purposes of this chapter:

(1) ‘Sexually violent predator’ means a person who:

(a) has been convicted of a sexually violent offense; and

(b) suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long‑term control, care, and treatment.

(2) ‘Sexually violent offense’ means:

(a) criminal sexual conduct in the first degree, as provided in Section 16‑3‑652;

(b) criminal sexual conduct in the second degree, as provided in Section 16‑3‑653;

(c) criminal sexual conduct in the third degree, as provided in Section 16‑3‑654;

(d) criminal sexual conduct with minors in the first degree, as provided in Section ~~16‑3‑655(1)~~ 16-3-655(A);

(e) criminal sexual conduct with minors in the second degree, as provided in Section ~~16‑3‑655(2) and (3)~~ 16-3-655(B);

(f) criminal sexual conduct with minors in the third degree, as provided in Section 16-3-655(C);

(g) engaging a child for a sexual performance, as provided in Section 16‑3‑810;

~~(g)~~(h) producing, directing, or promoting sexual performance by a child, as provided in Section 16‑3‑820;

~~(h)~~(i) assault with intent to commit criminal sexual conduct, as provided in Section 16‑3‑656;

~~(i)~~(j) incest, as provided in Section 16‑15‑20;

~~(j)~~(k) buggery, as provided in Section 16‑15‑120;

~~(k) committing or attempting lewd act upon child under sixteen, as provided in Section 16‑15‑140;~~

(l) violations of Article 3, Chapter 15 of Title 16 involving a minor when the violations are felonies;

(m) accessory before the fact to commit an offense enumerated in this item and as provided for in Section 16‑1‑40;

(n) attempt to commit an offense enumerated in this item as provided by Section 16‑1‑80; or

(o) any offense for which the judge makes a specific finding on the record that based on the circumstances of the case, the person’s offense should be considered a sexually violent offense.

(p) criminal solicitation of a minor, as provided in Section 16‑15‑342, if the purpose or intent of the solicitation or attempted solicitation was to:

(i) persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16‑15‑375(5); or

(ii) perform a sexual activity in the presence of the person solicited.

(3) ‘Mental abnormality’ means a mental condition affecting a person’s emotional or volitional capacity that predisposes the person to commit sexually violent offenses.

(4) ‘Sexually motivated’ means that one of the purposes for which the person committed the crime was for the purpose of the person’s sexual gratification.

(5) ‘Agency with jurisdiction’ means that agency which, upon lawful order or authority, releases a person serving a sentence or term of confinement and includes the South Carolina Department of Corrections, the South Carolina Department of Probation, Parole and Pardon Services, the Board of Probation, Parole and Pardon Services, the Department of Juvenile Justice, the Juvenile Parole Board, and the Department of Mental Health.

(6) ‘Convicted of a sexually violent offense’ means a person has:

(a) pled guilty to, pled nolo contendere to, or been convicted of a sexually violent offense;

(b) been adjudicated delinquent as a result of the commission of a sexually violent offense;

(c) been charged but determined to be incompetent to stand trial for a sexually violent offense;

(d) been found not guilty by reason of insanity of a sexually violent offense; or

(e) been found guilty but mentally ill of a sexually violent offense.

(7) ‘Court’ means the court of common pleas.

(8) ‘Total confinement’ means incarceration in a secure state or local correctional facility and does not mean any type of community supervision.

(9) ‘Likely to engage in acts of sexual violence’ means the person’s propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(10) ‘Person’ means an individual who is a potential or actual subject of proceedings under this act and includes a child under seventeen years of age.

(11) ‘Victim’ means an individual registered with the agency of jurisdiction as a victim or as an intervenor.

(12) ‘Intervenor’ means an individual, other than a law enforcement officer performing his ordinary duties, who provides aid to another individual who is not acting recklessly, in order to prevent the commission of a crime or to lawfully apprehend an individual reasonably suspected of having committed a crime.” /

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

/ SECTION \_\_. Section 44‑53‑370(f) of the 1976 Code is amended to read:

“(f) It shall be unlawful for a person to administer, distribute, dispense, deliver, or aid, abet, attempt, or conspire to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit one of the following crimes against that individual:

(1) kidnapping, Section 16‑3‑910;

(2) trafficking in persons, Section 16‑3‑930;

(3) criminal sexual conduct in the first, second, or third degree, Sections 16‑3‑652, 16‑3‑653, and 16‑3‑654;

(4) criminal sexual conduct with a minor in the first, ~~or~~ second, or third degree, Section 16‑3‑655;

(5) criminal sexual conduct where victim is legal spouse (separated), Section 16‑3‑658;

(6) spousal sexual battery, Section 16‑3‑615;

(7) engaging a child for a sexual performance, Section 16‑3‑810;

~~(8) committing lewd act upon child under sixteen, Section 16‑15‑140;~~

~~(9)~~(8) petit larceny, Section 16‑13‑30 (A); or

~~(10)~~(9) grand larceny, Section 16‑13‑30 (B).” /

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

/ SECTION \_\_. Section 63‑7‑2360(B) of the 1976 Code is amended to read:

“(B) The placing agency must inform the foster parent in whose home the minor is placed of that minor’s prior history of a sex offense. For purposes of this section the term ‘sex offense’ means:

(1) criminal sexual conduct in the first degree, as provided in Section 16‑3‑652;

(2) criminal sexual conduct in the second degree, as provided in Section 16‑3‑653;

(3) criminal sexual conduct in the third degree, as provided in Section 16‑3‑654;

(4) criminal sexual conduct with minors in the first degree, as provided in Section 16‑3‑655(A);

(5) criminal sexual conduct with minors in the second degree, as provided in Section 16‑3‑655(B);

(6) criminal sexual conduct with minors in the third degree, as provided in Section 16-3-655(C);

(7) engaging a child for a sexual performance, as provided in Section 16‑3‑810;

~~(7)~~(8) producing, directing, or promoting sexual performance by a child, as provided in Section 16‑3‑820;

~~(8)~~(9) assault with intent to commit criminal sexual conduct, as provided in Section 16‑3‑656;

~~(9)~~(10) incest, as provided in Section 16‑15‑20;

~~(10)~~(11) buggery, as provided in Section 16‑15‑120;

~~(11) committing or attempting lewd act upon child under sixteen, as provided in Section 16‑15‑140;~~

(12) violations of Article 3, Chapter 15 of Title 16 involving a child when the violations are felonies;

(13) accessory before the fact to commit an offense enumerated in this item and as provided for in Section 16‑1‑40;

(14) attempt to commit any of the offenses enumerated herein; or

(15) any offense for which the judge makes a specific finding on the record that based on the circumstances of the case, the minor’s offense should be considered a sex offense.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**CARRIED OVER**

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.

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

**CARRIED OVER**

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.

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

**CARRIED OVER**

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.

Senator CAMPSEN explained the Bill.

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

**CARRIED OVER**

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.

Senator LARRY MARTIN explained the Bill.

Senator KNOTTS spoke on the Bill.

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

**CARRIED OVER**

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”.

Senator LARRY MARTIN explained the Bill.

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

**CARRIED OVER**

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.

Senator CAMPBELL explained the Bill.

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

**CARRIED OVER**

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.

Senator PEELER 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.

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

**CARRIED OVER**

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.

Senator LARRY MARTIN explained the Bill.

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

**CARRIED OVER**

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.

Senator CAMPBELL explained the Bill.

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

**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.

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment, and at the conclusion of the Executive Session, the Senate would stand adjourned.

On motion of Senator McCONNELL, the seal of secrecy was removed and, by prior motion, the Senate adjourned.

**LOCAL APPOINTMENT**

**Confirmation**

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

Reappointment, Chester County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Dianne Hitt Moore, 2740 Dawson Drive, Chester, SC 29706

**MOTION ADOPTED**

On motion of Senators O’DELL, BRYANT and LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of former Anderson County Sheriff David Crenshaw of Anderson, S.C., beloved husband of Lynn Fincher Crenshaw. He died while assisting motorists injured in a car accident. He was a dedicated officer and served selflessly all his life. He will be missed by his family, fellow officers and community.

**ADJOURNMENT**

At 2:14 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 2:00 P.M.

\* \* \*