**Thursday, May 20, 2010**

**(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:

In Deuteronomy we read a portion of the prayer known as the Shema:

“You shall love the Lord your God with all your heart, and with all your soul, and with all your might.” (Deuteronomy 6:5)

Bow with me in prayer, if you will:

Loving God, we indeed hear Your call for us to give our all to You as we strive to live as Your faithful servants. May it be so, Lord. May these Senators themselves always stay attuned to Your desire and to Your will. Strengthen them in their devotion to You and to acting in ways that are right and just. Indeed, surround and protect all who serve You, O God, not only everyone here in this Senate Chamber, but also those in uniform off in the world’s hotspots as well as here at home, and those in other significant leadership roles in our State and throughout our Nation. All this we pray in Your loving name, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Local Appointments**

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Ralph Edwin Tupper, Tupper, Grimsley & Dean, P. A., P. O. Box 2055, Beaufort, SC 29901 *VICE* George Peter Lamb

Reappointment, Horry County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

J. Conrad Hetzer, 305 Ocean View Drive, Myrtle Beach, SC 29572

Reappointment, Horry County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Maurice Dewayne Jones, 4525 Canal Street, Loris, SC 29569

Reappointment, Saluda County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Joyce B. Shults, 1437 Old Chappells Ferry Road, Saluda, SC 29138

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S.454, R207:

(R207, S454) -- Senators Peeler and Ford: AN ACT TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO PROVIDE PROCEDURES FOR FILLING A BOARD SEAT THAT IS VACANT FOR SIXTY DAYS, TO PROVIDE THAT MILEAGE, PER DIEM, AND SUBSISTENCE FOR BOARD MEMBERS MUST BE PAID BY THE BOARD RATHER THAN FROM THE STATE GENERAL FUND, TO PROVIDE THAT THE OFFICE OF STATE FIRE MARSHAL WILL PROVIDE ADMINISTRATIVE SUPPORT TO THE BOARD AND THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AMONG OTHER FUNCTIONS, WILL PROVIDE ADMINISTRATIVE, FISCAL, INVESTIGATIVE, AND INSPECTION OPERATIONS AND ACTIVITIES OF THE BOARD, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS AND TO PROVIDE LICENSURE QUALIFICATIONS AND REQUIREMENTS, TO AUTHORIZE THE DEPARTMENT, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS AND TAKE NECESSARY ACTION TO MAINTAIN PUBLIC SAFETY, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION AND SANCTIONS THAT MAY BE IMPOSED, TO PROVIDE PROCEDURES FOR HEARINGS AND APPEALS, TO ESTABLISH REQUIREMENTS FOR FACILITIES FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO PROVIDE REQUIREMENTS FOR A RETAIL FIREWORKS SALES LICENSE, INCLUDING THE REQUIREMENT TO HAVE LIABILITY INSURANCE, TO REQUIRE A WHOLESALE LICENSE TO STORE DISPLAY FIREWORKS, TO REQUIRE THE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS MANUFACTURING, SELLING, OR STORING FIREWORKS; AND TO REPEAL SECTIONS 23‑35‑10, 23‑35‑20, 23‑35‑30, 23‑35‑40, 23‑35‑50, 23‑35‑60, 23‑35‑70, 23‑35‑80, 23‑35‑90, 23‑35‑100, 23‑35‑110, 23‑35‑120, 23‑35‑140, AND 23‑35‑160 RELATING TO THE REGULATION, LICENSURE, AND PERMITTING OF FIREWORKS AND EXPLOSIVES.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

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

**Doctor of the Day**

Senators RANKIN and ELLIOTT introduced Dr. Thomas Whitaker of Myrtle Beach, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 987 Sen. Bright

**Motion Adopted**

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

**Report from the State House Committee**

The State House Committee met on Wednesday, May 19, 2010. Representative Rex Rice submitted his resignation as chairman.

Senator PEELER was elected Chairman of the State House Committee.

The Senate members of the State House Committee are Senators PEELER, LEATHERMAN, RYBERG, COURSON and VERDIN.

**RECALLED**

H. 3574 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES HEYWARD COVE ALONG BRIDGE STREET IN THE TOWN OF BLUFFTON THE “THOMAS G. HEYWARD MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “THOMAS G. HEYWARD MEMORIAL BRIDGE”.

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

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1470 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR W. BARNEY GIESE, SOLICITOR FOR THE FIFTH JUDICIAL CIRCUIT, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 5011 -- Reps. Funderburk, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO CONGRATULATE JACK BRANTLEY OF KERSHAW COUNTY UPON THE OCCASION OF HIS SEVENTY-FIFTH BIRTHDAY, TO COMMEND HIM FOR HIS MANY YEARS AS AN ENTHUSIASTIC SUPPORTER OF WORTHY COMMUNITY CAUSES, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

**Message from the House**

Columbia, S.C., May 19, 2010

Mr. President and Senators:

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

H. 4054 -- Rep. Edge: A CONCURRENT RESOLUTION TO URGE THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EDUCATE PARENTS ON THE IMPORTANCE OF ADOLESCENT WELL PHYSICALS TO PREVENT CHRONIC DISEASES, APPROPRIATELY INTERVENE TO BETTER TREAT CHRONIC DISEASE, AND UPDATE IMMUNIZATIONS FOR ADOLESCENTS OF THIS STATE AND NATION.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following veto to the Senate:

(R202, H4511) -- Reps. Clyburn, Harrison, Wylie, Bales, Brantley, Cobb‑Hunter, Ott, Hosey, Hodges, Battle, Whipper, Alexander, Gilliard, Kennedy, Skelton, Jefferson, Merrill, Frye, King, Anderson, J.R. Smith, McEachern, Mitchell, Rice, A.D. Young, J.H. Neal, Allen, Hardwick, Williams, Harrell, Clemmons, G.M. Smith, Vick, Bingham, Branham, H.B. Brown, R.L. Brown, Cooper, Dillard, Duncan, Gunn, Hart, Hayes, Hearn, Littlejohn, V.S. Moss, J.M. Neal, Neilson, Rutherford, Thompson, Weeks, White, Willis, T.R. Young and Loftis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE “SOUTH CAROLINA RURAL INFRASTRUCTURE ACT”, TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following veto to the Senate:

(R203, H4607) -- Reps. Sandifer, Huggins, Ott, Hutto, Howard, Anderson, Gambrell, Rice, Hayes, Erickson, Bedingfield, Lowe, Brady, G.A. Brown, Pinson, Bowers, Toole, Crawford, Bales, Mack, Allison, Parker, Mitchell, Long, Viers, Sellers, Sottile, Forrester, Horne, Clemmons, Simrill and Cole: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37‑2‑308 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PROCEDURES THAT MUST BE FOLLOWED BY MOTOR VEHICLE DEALERS IN ADVERTISEMENTS MADE IN THE COURSE OF SOLICITING FOR THE SALE OR LEASE OF MOTOR VEHICLES; AND TO AMEND SECTION 37‑6‑108, AS AMENDED, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO PROVIDE PENALTIES FOR MOTOR VEHICLE DEALERS WHO VIOLATE THE PROVISIONS OF SECTION 37‑2‑308.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 19, 2010

Mr. President and Senators:

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

S. 915 -- Senators Land, Anderson, Nicholson, Leventis, Elliott, Williams, Sheheen and Setzler: A BILL TO AMEND ACT 314 OF 2000, TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2015.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 19, 2010

Mr. President and Senators:

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

S. 1137 -- Senators Fair and L. Martin: A BILL TO AMEND SECTION 44‑53‑398, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MONITORING THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE, SO AS TO ALSO MONITOR PHENYLPROPANOLAMINE AND THE SALE AND PURCHASE OF THESE PRODUCTS, TO MAKE IT ILLEGAL TO PURCHASE THESE PRODUCTS, TO PROVIDE THAT INFORMATION GATHERED FROM THE PURCHASER AT THE TIME OF THE SALE OF THESE PRODUCTS MUST BE ENTERED IN AN ELECTRONIC LOG, RATHER THAN A WRITTEN LOG, TO PROVIDE THAT THE INFORMATION MUST BE TRANSMITTED TO A CENTRAL DATA COLLECTION SYSTEM THAT WILL SUBMIT THIS INFORMATION TO SLED WHICH WILL MAINTAIN THIS INFORMATION TO ASSIST LAW ENFORCEMENT IN MONITORING THESE SALES AND PURCHASES, AND TO PROVIDE THAT A RETAILER OF THESE PRODUCTS MAY APPLY TO THE BOARD OF PHARMACY FOR AN EXEMPTION FROM THE ELECTRONIC LOG REQUIREMENT; AND BY ADDING CHAPTER 14 TO TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL SERVE AS THE REPOSITORY FOR INFORMATION THE CENTRAL DATA COLLECTION GATHERS AND TRANSFERS TO SLED PERTAINING TO THE SALE AND PURCHASE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 19, 2010

Mr. President and Senators:

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

S. 1296 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 19, 2010

Mr. President and Senators:

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

S. 1348 -- Senator Campsen: A BILL TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12‑16‑1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 19, 2010

Mr. President and Senators:

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

**H. 4657--GENERAL APPROPRIATIONS BILL**

Respectfully submitted,

Speaker of the House

Received as Information

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

**HOUSE CONCURRENCES**

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

S. 1459 -- Senator Fair: A CONCURRENT RESOLUTION CONGRATULATING MR. FRANCIS MARION ASHE ON THE CELEBRATION OF HIS NINETIETH BIRTHDAY AND WISHING HIM WELL IN THE FUTURE.

S. 1461 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SPECIAL AGENT AL JARVIS OF BAMBERG COUNTY WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) FOR HIS OUTSTANDING SERVICE DURING A DECEMBER 2009 HOSTAGE STANDOFF IN WYTHEVILLE, VIRGINIA.

S. 1464 -- Senator Lourie: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE CITIZENS OF SOUTH CAROLINA FOR THE “QUIET HEROES” FROM POLAND WHO COURAGEOUSLY HAVE FOUGHT FOR THIS COUNTRY’S FREEDOMS FROM 1775 THROUGH WORLD WAR II AND PARTICULARLY FOR THE COURAGE OF RICHARD COSBY (RYSZARD KOSSOBUDZKI), WHO FOUGHT WITH INCREDIBLE BRAVERY AND FORTITUDE FOR POLAND, AND WITH AMERICA FOR THE FREE WORLD, FOR THE LIBERATION OF EUROPE.

S. 1467 -- Senator Elliott: A CONCURRENT RESOLUTION TO HONOR AND COMMEND COMMANDER BOBBY VICK STRICKLAND, SR., OF HORRY COUNTY, UPON THE OCCASION OF HIS RETIREMENT AS A LAW ENFORCEMENT OFFICER FOR THE CITY OF NORTH MYRTLE BEACH, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

**HOUSE BILL RETURNED**

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

H. 4572 -- Reps. J.E. Smith, Bannister, Weeks and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVISIONS THAT AFFECT BEER, BY AMENDING SECTION 61-4-940, SO AS TO ALLOW WHOLESALERS AND RETAILERS OF BEER TO TEMPORARILY STORE EQUIPMENT USED IN DELIVERY OF BEER AND TO AUTHORIZE WHOLESALERS OF BEER TO SUPPLY RETAIL DEALERS OF BEER WITH DISPLAYS THAT ARE ALLOWED BY FEDERAL REGULATIONS; BY ADDING SECTION 61‑4‑960, SO AS TO ALLOW HOLDERS OF RETAIL PERMITS THAT AUTHORIZE THE SALE OF BEER OR WINE FOR OFF‑PREMISES CONSUMPTION TO HOLD A LIMITED NUMBER OF BEER TASTINGS AT THE RETAIL LOCATION EACH YEAR UNDER CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 61-4-1515, SO AS TO ALLOW A BREWERY TO OFFER BEER TASTINGS UNDER CERTAIN CONDITIONS AND TO PROVIDE FOR THE PAYMENT OF APPROPRIATE TAXES.

**H. 4572--Recorded Vote**

Senator BRYANT desired to be recorded as voting against the third reading of the Bill.

**H. 4572--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

**SECOND READING BILLS**

The following Bills and Joint Resolution having been read the second time, were ordered placed on the Third Reading Calendar:

S. 1021 -- Senator Massey: A BILL TO AMEND ACT 476 OF 1969, AS AMENDED, RELATING TO THE VALLEY PUBLIC SERVICE AUTHORITY IN AIKEN COUNTY, SO AS TO ADD TWO MEMBERS TO THE GOVERNING BOARD OF THE AUTHORITY AND TO PROVIDE FOR THEIR TERMS AND MANNER OF APPOINTMENT.

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

There was no objection.

On motion of Senator MASSEY, the Bill was read the second time, passed and ordered to a third reading.

**S. 1021--Ordered to a Third Reading**

On motion of Senator MASSEY, S. 1021 was ordered to receive a third reading on Friday, May 21, 2010.

S. 1463 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO EXTEND THE TERM OF OFFICE FOR MEMBERS THAT ARE SET TO EXPIRE IN 2010.

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

There was no objection.

On motion of Senator LEVENTIS, the Bill was read the second time, passed and ordered to a third reading.

**S. 1463--Ordered to a Third Reading**

On motion of Senator LEVENTIS, S. 1463 was ordered to receive a third reading on Friday, May 21, 2010.

H. 4233 -- Rep. Harrison: A BILL TO AMEND SECTION 12‑21‑1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE BEER AND WINE LICENSE TAX, SO AS TO CONFORM THE DEFINITION OF “BEER” FOR PURPOSES OF THIS LICENSE TAX TO THE REVISED DEFINITION FOR “BEER” PROVIDED BY LAW FOR THE REGULATION OF BEER AND WINE SALES AND CONSUMPTION.

Senator LARRY MARTIN explained the Bill.

H. 4505 -- Rep. Nanney: A BILL TO AMEND SECTION 14‑1‑214, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF FINES, FEES, AND COURT COSTS BY CREDIT OR DEBIT CARD, SO AS TO INCLUDE REGISTERS OF DEEDS IN THE LIST OF PERSONS ASSOCIATED WITH THE COURTS WHO MAY ACCEPT PAYMENT BY CREDIT OR DEBIT CARD.

Senator LARRY MARTIN explained the Bill.

H. 4715 -- Rep. Vick: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF JEFFERSON NATIONAL GUARD ARMORY IN JEFFERSON, SOUTH CAROLINA, TO THE COUNTY OF CHESTERFIELD.

**AMENDED, READ THE SECOND TIME**

H. 4563 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑25‑115 SO AS TO REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE TO PROMULGATE REGULATIONS RELATING TO PRESCRIBED CONDITIONS FOR THE ISSUANCE OF PERMITS FOR THE MANUFACTURING, PROCESSING, OR PACKAGING OF FOODS UNDER CERTAIN CONDITIONS, AND TO ALLOW AN OFFICER OR EMPLOYEE OF THE COMMISSIONER TO HAVE ACCESS TO A FACTORY OR ESTABLISHMENT OWNED BY A PERMIT HOLDER TO ASCERTAIN COMPLIANCE WITH THE PERMIT CONDITIONS; BY ADDING SECTION 39‑25‑210 SO AS TO REQUIRE A PERSON ENGAGED IN MANUFACTURING, PROCESSING, OR PACKAGING FOODS TO FIRST OBTAIN A PERMIT FROM THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE RENEWAL OF PERMITS, AND TO PROVIDE PENALTIES FOR FAILURE TO OBTAIN A PERMIT; TO AMEND SECTION 39‑25‑30, RELATING TO PROHIBITED ACTS, SO AS TO INCLUDE OPERATING WITHOUT A VALID PERMIT; TO AMEND SECTION 39‑25‑180, RELATING TO PROMULGATION OF REGULATIONS BY THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, SO AS TO INCLUDE REGULATIONS RELATING TO GOOD MANUFACTURING PRACTICE, THERMALLY PROCESSED LOW‑ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS, ACIDIFIED FOODS, FISH AND FISHERY PRODUCTS, HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEMS, AND FOOD ALLERGEN AND LABELING; AND TO AMEND SECTION 39‑25‑190, RELATING TO AUTHORITY TO ENTER AND INSPECT A PREMISES, SO AS TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE MAY PERFORM LABORATORY SERVICES, AND TO PROVIDE FOR THE PAYMENT OF FEES FOR THOSE SERVICES.

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

Senator VERDIN proposed the following amendment (4563R002.DBV), which was adopted:

Amend the bill, as and if amended, by striking Section 39‑25‑190(G), page 9, lines 1-7.

Amend the bill, as and if amended, page 3, by striking lines 5 - 7 and inserting:

/ provided by the department. /

Renumber sections to conform.

Amend title to conform.

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

H. 3790 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA MORTGAGE LENDING ACT”, BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD‑KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTIONS 37‑1‑301, 37-3-105, 37‑3‑501, AND 37‑23‑20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH‑COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR “ADJUSTABLE RATE MORTGAGE”; TO AMEND SECTIONS 37‑23‑40, 37‑23‑45, AND 37‑23‑75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH‑COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29‑4‑20, RELATING TO THE DEFINITION OF “REVERSE MORTGAGE”, SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

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

The Committee on Banking and Insurance proposed the following amendment (BBM\9762BH10), which was adopted:

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

/ SECTION 1. Section 40‑58‑20 of the 1976 Code, as last amended by Act 67 of 2009, is further amended by adding at the end:

“(40) ‘Qualified loan originator’ means a natural person who acts as a loan originator exclusively for a mortgage broker licensee and who is not an employee of the mortgage broker. Unless otherwise indicated, a qualified loan originator is subject to the requirements of a loan originator under this chapter.”

SECTION 2. Section 40‑58‑50 of the 1976 Code, as last amended by Act 67 of 2009, is further amended by adding at the end:

“(E)(1) A person may not act as a qualified loan originator in this State without first being licensed with the administrator. It is unlawful for a person to employ, to compensate, or to appoint as its agent a qualified loan originator unless the qualified loan originator is licensed pursuant to this chapter. The license of a qualified loan originator is not effective during any period when that person is not supervised pursuant to an exclusive written contract by a mortgage broker licensed pursuant to this chapter. When a qualified loan originator ceases to be supervised by a licensed mortgage broker, the qualified loan originator and the mortgage broker shall notify promptly the administrator in writing. The mortgage broker’s notice must include a statement of the specific reason or reasons for the termination of the qualified loan originator’s exclusive written contract. The reason for termination is confidential information and may not be released to the public.

(2) An application to become licensed as a qualified loan originator must be in writing, under oath, and in a form prescribed by the administrator. The application must contain any and all information in Sections 40‑58‑50(A) and (C) and be accompanied by a nonrefundable annual licensing fee of one hundred dollars. Additionally, the applicant must:

(a) meet the requirements of Section 40‑58‑50(C);

(b) meet the surety bond requirement of a mortgage broker pursuant to Section 40‑58‑40. Principal on the surety is the qualified loan originator.

(c) act as an agent for a single mortgage broker licensee, who:

(i) is responsible for supervising the qualified loan originator as required by this chapter and in accordance with a plan of supervision approved by the administrator in the administrator’s sole discretion;

(ii) signs the license application of the applicant; and

(iii) is jointly and severally liable with the qualified loan originator for any claims arising from the qualified loan originator’s mortgage origination activities.

(3) Pursuant to Section 40‑58‑110, a qualified loan originator license expires on December thirty‑first and must be renewed pursuant to that section and accompanied by a nonrefundable annual licensing fee of one hundred dollars.

(4) Each office location of a qualified loan originator is a branch office of the supervising mortgage broker licensee.

(5) In addition to the activities prohibited by other provisions of state or federal law, it is unlawful for a qualified loan originator to:

(a) be compensated on a basis that is dependent upon the interest rate, fees, or other terms of the loan originated, provided that this section does not prohibit compensation based on the principal balance of the loan;

(b) offer loans other than fixed‑term, fixed‑rate, fully amortizing mortgage loans originated by a single mortgage lender with substantially equal monthly mortgage payments and without a prepayment penalty, unless the administrator approves, in the administrator’s sole discretion, the sale of other loan products for that lender.

(c) handle borrower or other third‑party funds in connection with the origination of mortgage loans.

(6) Unless otherwise indicated, a qualified loan originator is subject to the requirements of a loan originator under this chapter.”

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

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the committee amendment.

The committee amendment was adopted.

Senator THOMAS proposed the following amendment (AGM\  
18069BH10), which was adopted:

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

/ SECTION 1. Section 40‑58‑20 of the 1976 Code, as last amended by Act 67 of 2009, is further amended by adding at the end:

“(40) ‘Qualified loan originator’ means a natural person who acts as a loan originator exclusively for a mortgage broker licensee and who is not an employee of the mortgage broker. Unless otherwise indicated, a qualified loan originator is subject to the requirements of a loan originator under this chapter.”

SECTION 2. Section 40‑58‑50 of the 1976 Code, as last amended by Act 67 of 2009, is further amended by adding at the end:

“(E)(1) A person may not act as a qualified loan originator in this State without first being licensed with the administrator. It is unlawful for a person to employ, to compensate, or to appoint as its agent a qualified loan originator unless the qualified loan originator is licensed pursuant to this chapter. The license of a qualified loan originator is not effective during any period when that person is not supervised pursuant to an exclusive written contract by a mortgage broker licensed pursuant to this chapter. When a qualified loan originator ceases to be supervised by a licensed mortgage broker, the qualified loan originator and the mortgage broker shall notify promptly the administrator in writing. The mortgage broker’s notice must include a statement of the specific reason or reasons for the termination of the qualified loan originator’s exclusive written contract. The reason for termination is confidential information and may not be released to the public.

(2) An application to become licensed as a qualified loan originator must be in writing, under oath, and in a form prescribed by the administrator. The application must contain any and all information in Sections 40‑58‑50(A) and (C) and be accompanied by a nonrefundable annual licensing fee of one hundred dollars. Additionally, the applicant must:

(a) meet the requirements of Section 40‑58‑50(C);

(b) meet the surety bond requirement of a mortgage broker pursuant to Section 40‑58‑40. Principal on the surety is the qualified loan originator.

(c) act as an agent for a single mortgage broker licensee, who:

(i) is responsible for supervising the qualified loan originator as required by this chapter and in accordance with a plan of supervision approved by the administrator in the administrator’s sole discretion;

(ii) signs the license application of the applicant; and

(iii) is jointly and severally liable with the qualified loan originator for any claims arising from the qualified loan originator’s mortgage origination activities.

(3) Pursuant to Section 40‑58‑110, a qualified loan originator license expires on December thirty‑first and must be renewed pursuant to that section and accompanied by a nonrefundable annual licensing fee of one hundred dollars.

(4) Each office location of a qualified loan originator is a branch office of the supervising mortgage broker licensee, and must be operated as any other branch office pursuant to this chapter.

(5) In addition to the activities prohibited by other provisions of state or federal law, it is unlawful for a qualified loan originator to:

(a) be compensated on a basis that is dependent upon the interest rate, fees, or other terms of the loan originated, provided that this section does not prohibit compensation based on the principal balance of the loan;

(b) offer loans other than fixed‑term, fixed‑rate, fully amortizing mortgage loans originated for a single mortgage lender with substantially equal monthly mortgage payments and without a prepayment penalty.

(c) handle borrower or other third‑party funds in connection with the origination of mortgage loans.

(6) Unless otherwise indicated, a qualified loan originator is subject to the requirements of a loan originator under this chapter.”

SECTION 3. Any provision of this act deemed by HUD to conflict with its interpretation of the SAFE Act, provided for in Section 1508 of Title V of The Housing and Economic Recovery Act of 2008, Public Law 110‑289, must be interpreted, applied, or amended in such a way so as to comply with HUD’s interpretation of the SAFE Act. If any provision of this act cannot be interpreted, applied, or amended in such a way so as to comply with the SAFE Act, that provision must be severed from the act and shall not affect the remainder of the act’s compliance with the SAFE Act. The regulating authority shall adopt emergency regulations or take other actions necessary to ensure compliance with the SAFE Act and the regulating authority’s continued jurisdiction over and supervision of the mortgage business in this State.

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

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

The amendment was adopted.

Senator SHEHEEN proposed the following amendment (3790R001.VAS), which was adopted:

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

/ SECTION \_\_\_. A. Section 37‑3‑501(1) of the 1976 Code, as last amended by Act 67 of 2009, is further amended to read:

“Section 37‑3‑501. (1) ‘Supervised loan’ means a consumer loan in which the rate of the loan finance charge exceeds twelve percent per year as determined according to the provisions on the loan finance charge for consumer loans (Section 37‑3‑201). A supervised loan does not include ~~a mortgage loan as defined in Section 37‑22‑110(30).~~:

(a) a mortgage loan as defined in Section 37‑22‑110(30); or

(b) a closed‑end credit transaction, with an original repayment term of less than one hundred twenty days, unsecured by any interest in the consumer’s personal property or secured by personal property, excluding motor vehicles that are free of any other liens or encumbrances, that does not have a market value that reasonably secures the amount of the loan, and the consumer:

(i) receives funds from and incurs interest or a fee payable to a creditor, and contemporaneously with, or any time after, the receipt of funds, provides a check or other payment instrument to the creditor who agrees with the consumer not to deposit or present the check or payment instrument; or

(ii) receives funds from and incurs interest or a fee payable to a creditor, and contemporaneously with, or any time after, the receipt of funds, authorizes the creditor to initiate a debit or debits to the consumer’s deposit account by electronic fund transfer or a remotely created check or remotely created consumer item as defined in Section 36‑3‑103(16).

The provisions of subitem (b) do not apply to credit unions, bank holding companies, banks, or financial institutions insured by the Federal Deposit Insurance Corporation.”

B. Section 37‑3‑503(7) of the 1976 Code is amended to read:

“(7)(a) A licensee may conduct the business of making supervised loans only at or from any place of business for which he holds a license and not under any other name than that in the license. Sales or leases made pursuant to a lender credit card do not violate this subsection.

(b)(1) A person licensed to make supervised loans may not make or enter into a closed‑end credit transaction, with an original repayment term of less than one hundred twenty days, unsecured by any interest in the consumer’s personal property or secured by personal property, excluding motor vehicles that are free of any other liens or encumbrances, that does not have a market value that reasonably secures the amount of the loan, and the consumer:

(i) receives funds from and incurs interest or a fee payable to a creditor, and contemporaneously with, or any time after, the receipt of funds, provides a check or other payment instrument to the creditor who agrees with the consumer not to deposit or present the check or payment instrument; or

(ii) receives funds from and incurs interest or a fee payable to a creditor, and contemporaneously with, or any time after, the receipt of funds, authorizes the creditor to initiate a debit or debits to the consumer’s deposit account by electronic fund transfer or a remotely created check or remotely created consumer item as defined in Section 36‑3‑103(16).

(2) The board shall impose the following penalties for violation of this item:

(a) a fine of $500.00 for the first violation;

(b) a fine of $1,000.00 for the second violation;

(c) permanent revocation of license for the third violation.

The board may not revoke a license issued pursuant to this chapter unless the licensee has been given notice and opportunity for hearing in accordance with the Administrative Procedures Act.

(3) In addition to the penalties required in item (2), the board or the court may order and impose civil penalties upon a person subject to the provisions of this article for violations of this article or its regulations in an amount not to exceed one thousand dollars for each violation. The board also may order repayment of unlawful or excessive fees charged to customers.

(c) The provisions of subsection (b)(1) do not apply to credit unions, bank holding companies, banks, or financial institutions insured by the Federal Deposit Insurance Corporation.

(d) A person licensed to make supervised loans that makes supervised loans secured by a motor vehicle that have an original repayment term of less than one hundred twenty days must comply with the provisions contained in Section 37‑3‑413.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**PRESIDENT *Pro Tempore* PRESIDES**

At 11:53 A.M., Senator McCONNELL assumed the Chair.

**Statement by Senators McCONNELL, BRIGHT and KNOTTS**

We voted against the amendment proposed by Senators SHEHEEN and LOURIE regarding supervised lenders. While we have no problem with the substance of the amendment, we are concerned that the Senate’s actions not only violate the germaneness Rules of the Senate, but likely the Constitution’s prohibition against bobtailing. In the final weeks of Session, we understand the desire to attach amendments to Bills to aid in their passage. However, we should not allow the zeal to implement any idea, no matter how meritorious, to trump the Rules of the Senate or the provisions of the Constitution. For those reasons, we voted “no”.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3059 -- Rep. Herbkersman: A BILL TO AMEND SECTION 7‑1‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN SOUTH CAROLINA ELECTION LAW, SO AS TO DELETE THE DEFINITION “CLUB DISTRICT”; TO AMEND SECTION 7‑5‑460, RELATING TO CUSTODY OF BOOKS AND THEIR RETURN AFTER AN ELECTION, SO AS TO DELETE A REFERENCE TO A “CLUB” AS AN ENTITY TO WHOM THE BOOKS ARE RESPONSIBLE; TO AMEND SECTIONS 7‑9‑20, 7‑9‑30, AS AMENDED, 7‑9‑40, 7‑9‑50, AS AMENDED, 7‑9‑60, AND 7‑9‑70, RELATING TO CLUBS IN PARTY ORGANIZATIONS, SO AS TO DELETE REFERENCES TO PARTY CLUBS WHICH CLARIFIES THE ORGANIZATIONAL RELATIONS WITH ELECTION PRECINCTS; TO PROVIDE THAT ALL ELECTED PRECINCT COMMITTEEMEN MAY VOTE ON QUESTIONS BEFORE THE COUNTY COMMITTEE, TO PROVIDE THAT THE CHAIRMAN MAY VOTE IN THE CASE OF A TIE, AND TO PROVIDE THAT AN ELECTED OFFICER OF THE COUNTY COMMITTEE WHO IS NOT A PRECINCT COMMITTEEMAN MAY VOTE DE FACTO, AND TO CLARIFY THE ELECTION PRECINCTS ORGANIZATIONAL RELATIONSHIP; AND TO AMEND SECTION 7‑13‑170, RELATING TO THE PROCEDURE WHEN A MANAGER FAILS TO ATTEND THE PLACE WHICH HAS BEEN SCHEDULED FOR HOLDING A POLL, SO AS TO DELETE THE TERM “CLUB” FROM THE QUALIFYING MEMBER TO BECOME A MANAGER IN THE PLACE OF ABSENT MANAGERS.

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 (JUD3059.002), which was adopted:

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

/ SECTION 1. Section 7‑1‑20 of the 1976 Code is amended to read:

“Section 7‑1‑20. The following words and phrases ~~used herein~~, unless the same be plainly inconsistent with the context, shall be construed as follows:

(1) ‘General election’ means the election ~~provided herein~~ to be held for the election of officers to the regular terms of office provided by law, whether State, United States, county, municipal, or of any other political subdivision of the State, and for voting on constitutional amendments proposed by the General Assembly~~;~~.

(2) ‘Special election’ means any other election including any referendum provided by law to be held under the provisions of law applicable to general elections~~;~~.

(3) ‘Primary’ means a party primary election held by a political party under the provisions of this title~~;~~.

(4) ‘Inhabitants’ means the number of inhabitants according to the federal census last taken~~;~~.

(5) ‘Electoral board’ means the board or other authority empowered to hold a general or special election~~;~~.

(6) A ‘voting or polling precinct’ ~~shall mean~~ means an area created by the legislature for convenient localization of polling places and which ~~shall be administered~~ administers and counts votes ~~counted~~ therein as a local unit in all elections~~;~~.

A ‘voting place’ ~~shall be any~~ is a place within a voting or polling precinct ~~wherein~~ where ballots may be cast.

(7) ‘Political party’ means a political party, organization, or association certified ~~as such~~ by the State Election Commission ~~in the manner~~ as provided for in this title~~;~~.

(8) ‘State committee’ means the state executive committee of a political party~~;~~.

(9) ‘State chairman’ means the chairman of the state executive committee of a political party~~;~~.

(10) ‘County committee’ means the county executive committee of a political party~~;~~.

(11) ‘County chairman’ means the chairman of the county executive committee of a political party~~;~~.

(12) ~~‘Club district’ means the territory of the general election voting place or precinct in which the political party club is formed under this Title, whether a ward or township or a subdivision thereof;~~

~~(13)~~ ‘Booth’ includes a voting machine booth, curtain, or enclosure~~; and~~.

~~(14)~~(13) ‘Legal holiday’ means ~~any~~ a holiday recognized by ~~the~~ state or federal law.

~~(15)~~(14) ‘Voter’, ‘registered voter’, ‘elector’, ‘registered elector’, ‘qualified elector’, or ‘qualified registered elector’ means ~~any~~ a person whose name is contained on the active roster of voters maintained by the State Election Commission and whose name has not been removed from the roster for any of the reasons named in ~~items (2) and (3) of subsection (C) of~~ Section 7‑3‑20(C)(2) and (3) and who possesses a valid registration certificate.”

SECTION 2. Section 7‑5‑460 of the 1976 Code is amended to read:

“Section 7‑5‑460. The commissioners of election or the county committee, as the case may be, shall turn over ~~such~~ registration books to the election managers ~~of election~~ of each polling precinct ~~or club~~, who ~~shall be~~ are responsible for the care and custody of ~~such~~ these books and the return ~~thereof~~ of them within three days after ~~such~~ the election. The commissioners of election or the county committee, as the case may be, shall return ~~such~~ the books to the board of registration ~~prior to~~ before the day on which the books of registration are next required by law to be opened by the board of registration and ~~in no event~~ not later than twenty days after ~~such~~ the election.”

SECTION 3. Section 7‑9‑20 of the 1976 Code is amended to read:

“Section 7‑9‑20. The qualifications for membership in a certified party and for voting at a party primary election include the following: the applicant for membership, or voter, must be at least eighteen years of age or become so before the succeeding general election, and must be a registered elector and a citizen of the United States and of this State. ~~No~~ A person may not ~~belong to any party club or~~ vote in ~~any~~ a primary unless he is a registered elector. The state convention of any political party, organization, or association in this State may add by party rules to the qualifications for membership in the party, organization, or association and for voting at the primary elections if ~~such~~ the qualifications do not conflict with the provisions of this section or with the Constitution and laws of this State or of the United States.”

SECTION 4. Section 7‑9‑70 of the 1976 Code is amended to read:

“Section 7‑9‑70. A county ~~conventions~~ convention must be held during a twelve‑month period ending March thirty‑first of ~~every~~ each general election year during a month determined by the state committee as provided in Section 7‑9‑100. The county committee shall set the date, time, and location during the month designated by the state committee for the county convention to be held~~;~~. ~~however,~~ The date set by the county committee for the county convention must be at least two weeks ~~prior to~~ before the state convention. When a month in a nongeneral election year is chosen for the county convention, it must be held for the purpose of reorganization only. The date, time, and location that the county convention must be reconvened during the general election year to nominate candidates for public office to be filled in the general election must be set by county committee. Notices, both for the convention to be held for reorganization and for the reconvened convention to nominate candidates, must be published by the county committee, once a week for two consecutive weeks, not more than three nor less than two weeks, before the day in a newspaper having general circulation in the county. ~~The convention must be composed of delegates elected from the clubs in the county, one delegate for every twenty‑five members and major fraction thereof, based upon the number of votes polled in the first primary of the preceding general election year or based upon the number of votes for presidential electors at the last preceding general election therefor from the precinct as determined by the state committee. The same basis must be used in all precincts; or if the last preceding nominations were by convention, the representation must be based upon the number of votes for presidential electors at the last preceding general election therefor from the precinct. The list of delegates certified to by the president and secretary of each club shall constitute the temporary roll of the county convention. Where new precincts have been created or where the areas of precincts have been redefined, the party executive committee of the affected counties shall apportion delegates from the clubs representing the precincts.~~”

SECTION 5. Section 7‑13‑170 of the 1976 Code is amended to read:

“Section 7‑13‑170. ~~In case~~ If all of the managers ~~shall~~ fail to attend at the same time and place appointed for holding ~~such~~ the poll, or shall refuse or fail to act, or ~~in case~~ if no manager has been appointed for ~~such~~ the poll, it ~~shall be~~ is lawful for the voters present at the precinct voting place on that day to appoint from among the qualified voters of ~~such~~ the precinct ~~or club~~ the managers to act as managers in the place and stead of the absent managers, and any one of the managers ~~so~~ appointed shall administer the oath to the other managers. But if the duly appointed managers attend in a reasonable time, they shall take charge of and conduct the election.”

SECTION 6. Sections 7‑9‑30, 7-9-40, 7-9-50, and 7-9-60 of the 1976 Code are repealed.

SECTION 7. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3746 -- Reps. Clemmons and Viers: A BILL TO AMEND SECTION 7‑11‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7‑11‑75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7‑11‑80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7‑11‑85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7‑11‑95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7‑11‑100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

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 (JUD3746.004), which was adopted:

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

/ SECTION 1. Section 7‑11‑70 of the 1976 Code is amended to read:

“Section 7‑11‑70. (A) A candidate’s nominating petition for any office in this State shall contain the signatures of at least ~~five~~ three percent of the qualified registered electors of the geographical area of the office for which he offers as a candidate; provided, that no petition candidate is required to furnish the signatures of more than ~~ten thousand~~ four thousand qualified registered electors for any office. The official number of qualified registered electors of the geographical area of any office must be the number of registered electors of such area registered one hundred twenty days prior to the date of the election for which the nomination petition is being submitted.

(B) The petition must be certified to the State Election Commission in the case of national, state, circuit, and multicounty district offices; with the county election commission in the case of countywide or less than countywide offices with the exception of municipal offices; with the clerk of a municipality in case of a municipal office, and the certified petition shall constitute and be kept as a public record.

(C) A qualified elector may participate in only one nominating process for each partisan public office to be filled at an election.

(1) An elector is considered to have participated in the nominating process for each partisan public office listed on the ballot at a primary election if the elector cast a ballot at the primary election.

(2) An elector is considered to have participated in the nominating process for each partisan office for which he cast a vote at a convention described in Section 7‑11‑30.

(3) An elector otherwise qualified to sign a petition for a candidate to appear on an election ballot may not sign more than one petition per election per office.

The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.”

SECTION 2. Article 1, Chapter 11, Title 7 of the 1976 Code is amended by adding:

“Section 7‑11‑75.(A) A person offering for election as a petition candidate in any general election must notify the entity to which the petition is required to be filed, in writing, by noon on the day of the primary election preceding that general election of his intention to file as a petition candidate for that office. This written notification is considered in the public domain and is not confidential. Failure to provide this notification disqualifies that person as a petition candidate for the office for that election. The petition, as required by Section 7‑11‑70, must be filed no later than noon on July fifteenth before the general election.

(B) A person offering for election as a petition candidate in any special election must meet the requirements established in Section 7-13-190.

SECTION 3. Section 7‑11‑80 of the 1976 Code, as last amended by Act 510 of 1984, is further amended to read:

“Section 7‑11‑80. (A) All nominating petitions for any political office or petition of any political party seeking certification ~~as such~~ in the State of South Carolina shall be standardized as follows:

(1) shall be on good quality original bond paper sized eight and one-half by fourteen inches or eight and one-half by eleven inches~~.~~;

(2) shall contain a concise statement of purpose; ~~in the case of nomination of candidates, the name of the candidate, the office for which he offers, and the date of the election for such office shall be contained in such petition.~~;

(3) shall contain in separate columns from left to right the following:

(a) signature of voter and printed name of voter;

(b) address of residence where registered; and

(c) precinct of voter~~.~~;

(4) no single petition page shall contain the signatures of registered voters from different counties~~.~~;

(5) all signatures of registered voters shall be numbered consecutively~~.~~; and

(6) petitions with more than one page must have the pages consecutively numbered upon filing with the appropriate authority, and each subsequent page after the first must contain the statement of purpose that appears on the first page.

(B) A nominating petition for office must meet all the requirements pursuant to subsection (A) and the following:

(1) the name of the candidate, the office for which he offers, and the date of the election for such office;

(2) a statement in a conspicuous location and in bold on each page, that, by signing the petition, the voter attests, under penalty of perjury, that he manually signed his own name and that he has not participated in any other nominating process for this public office in accordance with Section 7-11-70(C).

(3) Each page of the petition must bear on the bottom or back the affidavit of the circulator of the sheet, which affidavit must be subscribed and sworn by such circulator before a notary public and shall set forth:

(a) his residential address;

(b) that each signer manually signed his own name with full knowledge of the contents of the petition;

(c) that each signature was signed within one hundred eighty days of the last day on which such petition may be filed; and

(d) that, to the best of the affiant’s knowledge and belief, the signers are registered electors of the State qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county or municipality named in the affidavit.

(4) No notary public may sign the petition as an elector or serve as a circulator of any petition which he notarized. Any and all sheets of a petition that have the circulator’s affidavit notarized by a notary public who also served as a circulator of one or more sheets of the petition or who signed one of the sheets of the petition as an elector shall be disqualified and rejected.

(5) No petition nominating a candidate shall be circulated prior to one hundred eighty days before the last day on which the petition may be filed, and no signature shall be counted unless it was signed within one hundred eighty days of the last day for filing the same.

(C) The State Election Commission may furnish petition forms to the county election officials and to interested persons.”

SECTION 4. Section 7‑11‑85 of the 1976 Code, as added by Act 263 of 1984, is further amended to read:

“Section 7‑11‑85. (A) Every signature on a petition requiring five hundred or less signatures must be checked for validity by the respective county board of voter registration against the signatures of the voters on the original applications for registration on file in the registration board office. When a petition requires more than five hundred signatures, ~~every one of the first~~ five hundred consecutive signatures chosen randomly must be checked for validity, and at least one out of every other group of ten signatures ~~thereafter beginning with the five hundred and first signature~~ appearing before and after the five hundred signature block also must be chosen randomly and ~~must be~~ checked for validity. If the projected number of valid signatures, using this percentage method for the signatures over five hundred plus the number of valid signatures in the ~~first~~ five hundred signature block, total at least the number of signatures required by law on the petition, it must be certified as a valid petition. No petition, however, may be rejected if the number of signatures over five hundred checked using the percentage method plus the number of valid signatures in the ~~first~~ five hundred signature block does not total at least the number required by law. If insufficient signatures are found using the percentage method in order to certify as a valid petition, the board of voter registration must check every signature over five hundred separately, or ~~such~~ the number over five hundred until the required number of valid signatures is found.

(B) If it is a petition seeking to certify a new political party or if the office for which the petition has been submitted comprises more than one county, and using the percentage method of checking does not result in the required number of valid signatures, the executive director of the commission shall designate which counties must check additional signatures.

(C) No signatures on a petition may be rejected if the address of a voter, registration certificate number of a voter, or the precinct of a voter, as required by Section 7‑11‑80, is missing or incorrect if the signature is otherwise valid, and if the board can otherwise verify that the voter is currently a qualified elector in that jurisdiction who registered to vote at least thirty days before submission of the petition, unless the elector meets the exception established in Section 7-5-150. The signature of a voter may ~~only~~ be rejected if it is illegible and cannot be found in the records of the board of voter registration, is missing from the petition, or is not that of the voter, or if the registration of the voter has been deleted for any of the reasons named in items (2) or (3) of subsection (C) of Section 7‑3‑20.

(D) The board of voter registration shall complete a summary form containing the results of checking any petition and must give the completed form to the requesting authority. The form used for this purpose must be prescribed and provided by the executive director.

(E) In addition to all other requirements, all qualified electors signing a petition for a candidate to appear on a ballot for election to a particular office must have been a qualified elector who registered to vote at least thirty days before submission of the petition, unless the elector meets the exception established in Section 7-5-150.”

SECTION 5. Article 1, Chapter 11, Title 7 of the 1976 Code is amended by adding:

“Section 7‑11‑95. (A) The entity to which a petition nominating a candidate must be filed may reject an elector’s signature if, after a hearing with notice to all parties, the entity finds that fraud of any kind or degree was committed in the execution of the petition. The entity must give all parties supporting and objecting to the petition an opportunity to be heard at the hearing.

(B) The State Election Commission shall establish a process to validate signatures on a petition which provides the greatest amount of transparency during the validation process without interfering with the election commission’s other statutory duties.

SECTION 6. Article 1, Chapter 11, Title 7 of the 1976 Code is amended by adding:

“Section 7‑11‑100. Decisions of the local entity concerning a petition nominating a candidate may be appealed to the State Election Commission according to the provisions of this section. After a petition is certified, a protest against a petition must be made no later than noon on the fifth day following certification. The State Election Commission must hear the protest within seven days after the protest is filed. If the State Election Commission determines a petition candidate fails to meet the statutory requirements, it shall not place the petition candidate’s name on the ballot. The State Election Commission’s decision concerning the petition is the final decision in the matter.”

SECTION 7. Section 7-11-15 of the 1976 Code is amended to read:

“Section 7-11-15. In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file ~~a~~ each statement of intention of candidacy between noon on March sixteenth and noon on March thirtieth as provided in this section. However, if March thirtieth falls on Saturday, Sunday, or a legal holiday, the statement must be filed by noon the following business day.

(1) Candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy with the state executive committee of their respective party.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy with the county executive committee of their respective party in the county of their residence. The county committees must, within five days of the receipt of the statements, transmit the statements along with the applicable filing fees to the respective state executive committees. However, the county committees must report all filings to the state committees no later than five p.m. on March thirtieth, unless March thirtieth falls on Saturday, Sunday, or a legal holiday, in which case the statement must be filed by noon the following business day. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy with the county executive committee of their respective party.

Except as provided herein, the county executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all statements of intention of candidacy with the county election commission by noon on the ~~tenth~~ fifth day following the deadline for filing statements by candidates. If the ~~tenth~~ fifth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following business day. The state executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all the statements of intention of candidacy with the State Election Commission by noon on the ~~tenth~~ fifth day following the deadline for filing statements by candidates. If the ~~tenth~~ fifth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following business day. No candidate’s name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy has not been filed with the county election commission or State Election Commission, as the case may be, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7‑13‑40 and 7‑13‑350, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy.

The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. It must be filed in triplicate by the candidate, and the political party committee with whom it is filed must stamp it with the date and time received, sign it, keep one copy, return one copy to the candidate, and send one copy to either the county election commission or the State Election Commission, as the case may be.

If, after the closing of the time for filing statements of intention of candidacy, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.

The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.”

SECTION 8. Section 7-13-45 of the 1976 Code is amended to read:

“Section 7-13-45. In every general election year, the county chairman shall:

(1) designate a specified place other than a private residence where persons may file a statement of intention of candidacy;

(2) designate a specified place other than a private residence where persons may file as candidates;

(3) establish regular hours of not less than four hours a day during the final ~~seventy‑two hours~~ three business days of the filing period in which he or some person he designates must be present at the designated place to accept filings;

(4) place ~~an~~ a legal advertisement to appear two weeks before the filing period begins in a newspaper of general circulation in the county at least five by seven inches in size and on the county’s website, if applicable, and on the party’s state website that notifies the public of the dates of the filing periods, the offices which may be filed for, the place and street address where filings may be made, and the hours that an authorized person will be present to receive filings.”

SECTION 9. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 10. This act takes effect on January 1, 2011. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**Objection**

Senator BRYANT asked unanimous consent to make a motion to give the Bill a third reading on Friday, May 21, 2010.

Senator MALLOY objected.

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**READ THE SECOND TIME**

H. 4215 -- Reps. Harrison, McLeod and Weeks: A BILL TO AMEND SECTION 18‑3‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST SERVE A NOTICE OF APPEAL OF A DECISION OF A MAGISTRATE UPON THE OFFICER OR ATTORNEY WHO PROSECUTED THE CASE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.

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 (JUD4215.002), which was adopted:

Amend the bill, as and if amended, page 1, Section 18-3-30(A), SECTION 1, by striking lines 25-29 and inserting the following:

/ “Section 18‑3‑30. (A) The appellant ~~shall~~, within ten days after sentence, shall file the notice of appeal with the clerk of court and shall serve notice of appeal upon the magistrate who tried the case and upon the officer or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

Senators MALLOY and MARTIN proposed the following amendment (JUD4215.004), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 18-3-30 (A) in its entirety and inserting the following:

/ “Section 18‑3‑30. (A) The appellant ~~shall~~, within ten days after sentence, shall file the notice of appeal with the clerk of court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4261 -- Reps. Harrison and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑75 SO AS TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, OR HIS DESIGNEE, MAY ISSUE AN ADMINISTRATIVE SUBPOENA FOR THE PRODUCTION OF RECORDS DURING THE INVESTIGATION OF CERTAIN CRIMINAL CASES THAT INVOLVE FINANCIAL CRIMES.

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 (JUD4261.001), which was adopted:

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

/ SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑75. (A) An officer of the court who is employed by the South Carolina Law Enforcement Division, or the officer’s designee, when there is reasonable cause, may issue an administrative subpoena for the production of subscriber or customer records, as defined by federal law, pursuant to 18 U.S.C. Section 2703(c)(2), during the investigation of criminal cases involving financial crimes. Investigations eligible for an administrative subpoena include Section 16‑13‑230 (Breach of Trust with Fraudulent Intent), Section 16‑13‑240 (Obtaining a signature or property by false pretenses), Section 16‑13‑510 et seq (Financial Identity Fraud), Section 16‑14‑20 et seq (Financial transaction card or number theft), Section 16‑14‑60 et seq (Financial transaction card fraud), 16‑16‑10 et seq (Computer Crimes Act), and Section 34‑3‑110 (Crimes against a federally chartered or insured financial institution). Information that may be requested includes, but is not limited to, records from financial institutions, public and private utilities, and communications providers. An administrative subpoena must comply with the provisions of 18 U.S.C. Section 2703(c)(2).

(B) The good faith reliance by a financial institution, public or private utility, communications provider, or other entity to provide information specified in an administrative subpoena pursuant to subsection (A), constitutes a complete defense to any civil, criminal, or administrative action arising out of the administrative subpoena.

(C)(1) The South Carolina Law Enforcement Division is authorized to promulgate permanent regulations pursuant to the Administrative Procedures Act in Chapter 23, Title 1, to define the procedures and guidelines needed to issue an administrative subpoena as provided in this section.

(2) Pursuant to Section 1-23-130, the South Carolina Law Enforcement Division is authorized to promulgate emergency regulations to define the procedures and guidelines needed to issue an administrative subpoena as provided in this section until such time as permanent regulations are promulgated. The provisions of Section 1-23-130(A), (B), (D), and (E) are applicable to emergency regulations promulgated pursuant to this subitem. The provisions of Section 1-23-130(C) are not applicable to emergency regulations promulgated pursuant to this subitem. An emergency regulation promulgated pursuant to this subitem becomes effective upon issuance and continues for one year unless terminated sooner by the South Carolina Law Enforcement Division or concurrent resolution of the the General Assembly.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4506 -- Reps. Lucas, Harrison, J.E. Smith, Harrell, Battle and Rutherford: A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS’ MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

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

The Committee on Finance proposed the following amendment (4506FIN001.HKL), which was adopted:

Amend the joint resolution, as and if amended, page 2, SECTION 2, by striking line 20 and inserting:

/ Code; however, once the original acquisition and all outstanding original obligations related to the tract are paid in full, revenues collected pursuant to Article 7, Chapter 1, Title 6 of the 1976 Code must be used only for the purposes set forth in Article 7, Chapter 1, Title 6 of the 1976 Code. /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the committee amendment.

The committee amendment was adopted.

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

**AMENDED, READ THE SECOND TIME**

H. 4888 -- Reps. Duncan, Ott, Forrester and Mitchell: A JOINT RESOLUTION TO ADOPT THE PROPOSED “TAILORING RULE” OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN SOUTH CAROLINA UPON ITS ADOPTION BY THE EPA IN ORDER TO GIVE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SUFFICIENT TIME TO PROMULGATE APPROPRIATE REGULATIONS REGARDING GREENHOUSE GASES.

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

Senators CAMPBELL and LEVENTIS proposed the following amendment (4888R001.PGC), which was adopted:

Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting:

/ A JOINT RESOLUTION

TO ADOPT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY GREENHOUSE GAS REGULATIONS FOR STATIONARY SOURCES IN ORDER TO GIVE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SUFFICIENT TIME TO PROMULGATE APPROPRIATE REGULATIONS, IF REQUIRED.

Be it enacted by the General Assembly of the State of South Carolina:

Whereas, on April 1, 2010, the United States Environmental Protection Agency (EPA) and the United States Department of Transportation jointly issued the Light‑Duty Vehicle Greenhouse Gas (GHG) Emission Standards and Corporate Average Fuel Economy (CAFE) Standards, in reliance on findings by the EPA’s Endangerment and Cause or Contribute Findings that GHG emissions may be reasonably anticipated to endanger human health and welfare, and that CHG emissions from regulated vehicles may cause or contribute to endangerment; and

Whereas, when these new vehicle standards take effect, the EPA has determined that the new vehicle standards will result in new air permitting requirements under the Prevention of Significant Deterioration (PSD) and Title V permit programs of the Clean Air Act and under South Carolina law for stationary source facilities that emit greenhouse gases; and

Whereas, if PSD and Title V permitting requirements are applied to stationary source facilities that emit greenhouse gases at the threshold levels currently applicable under the Clean Air Act and South Carolina law, over eight hundred currently permitted minor sources and an untold number of small businesses not currently required to have air permits will require major source permit review; and

Whereas, requiring major source permit review for these additional facilities would result in significant financial expenditures and substantial delays for the affected businesses, a backlog of permits under review, an excessive administrative burden on the State, and the hindrance of new financial investments in South Carolina; and

Whereas, because the EPA has concluded that applying current statutory thresholds to CHG emissions would lead to “absurd results” and “administrative impossibility” in these two permitting programs, the EPA has proposed to adopt a provision known as the “Tailoring Rule” which will substantially raise the threshold levels for greenhouse gas emissions that trigger major source permit review under the federal PSD and Title V programs of the Clean Air Act; however, EPA’s Tailoring Rule will not be effective in this State unless enacted into state law; and

Whereas, several organizations and states, including South Carolina, have petitioned the United States Court of Appeals for the District of Columbia Circuit to review the EPA’s Endangerment and Cause or Contribute Findings as arbitrary and capricious, and otherwise not in accordance with applicable laws; and

Whereas, several organizations and states have petitioned the EPA to reconsider its Endangerment and Cause or Contribute Findings for CHGs to account for new information about the validity of the scientific information used to justify the findings; and

Whereas, due to the recent regulatory uncertainty concerning the judicial challenges and administrative requests relating to the EPA’s Endangerment and Cause or Contribute Findings, and in order to provide clarity and consistency in South Carolina as to air pollution control permitting requirements and assessment of environmental fees related to greenhouse gas emissions and to lessen the administrative and financial burden on South Carolina’s businesses, while continuing to protect the public health and the environment, it is necessary that South Carolina adopt these potential rules until such time as the State promulgates appropriate amendments of its regulations, if required.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. In the event that the United States Environmental Protect Agency adopts rules that raise the threshold levels of GHG emissions that will trigger a requirement for emitters of greenhouse gases in South Carolina, notwithstanding any other provision of law, the rules shall be immediately effective in this State on an interim basis and implemented by the South Carolina Department of Health and Environmental Control pursuant to this joint resolution.

SECTION 2. This joint resolution takes effect upon approval by the Governor and shall remain in effect until regulations concerning CHGs are promulgated. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

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

**Objection**

Senator LEVENTIS asked unanimous consent to make a motion that the Joint Resolution be given a third reading on Friday, May 21, 2010.

Senator McCONNELL objected.

**ADOPTED**

S. 1447 -- Senators Campbell, Campsen and Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF JEDBURG ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 “FIREFIGHTER MICHAEL FRENCH ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “FIREFIGHTER MICHAEL FRENCH ROAD”.

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

H. 4712 -- Rep. J.H. Neal: A CONCURRENT RESOLUTION MAKING THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE CITY OF ACCRA, GHANA, SISTER ENTITIES FOR THE PURPOSE OF EXCHANGING INFORMATION AND IDEAS CONCERNING THE LEGISLATIVE AND GOVERNMENTAL PROCESS OF EACH ENTITY.

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

**OBJECTION**

H. 4562 -- Rep. Vick: A BILL TO AMEND SECTION 39‑11‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGISTRATION FEES OF WEIGHMASTERS AND DEPUTY WEIGHMASTERS, SO AS TO REVISE THE REGISTRATION FEE FOR WEIGHMASTERS AND TO DELETE THE ADDITIONAL FEE FOR DEPUTY PUBLIC WEIGHMASTERS; TO AMEND SECTION 39‑11‑60, RELATING TO LENGTH OF REGISTRATION AND RENEWAL, SO AS TO REVISE THE TIME IN WHICH PUBLIC WEIGHMASTER REGISTRATIONS MUST BE RENEWED; TO AMEND SECTION 39‑11‑80, RELATING TO REFUSAL OR REVOCATION OF A LICENSE, SO AS TO DELETE THE REFUSAL OR REVOCATION OF A DEPUTY PUBLIC WEIGHMASTER LICENSE BY THE COMMISSIONER OF AGRICULTURE; AND TO REPEAL SECTIONS 39‑11‑40 AND 39‑11‑50 RELATING TO EMPLOYMENT OR DESIGNATION OF DEPUTY WEIGHMASTERS AND RENEWAL OF REGISTRATION, RESPECTIVELY.

Senator VERDIN spoke on the Bill.

Senator McCONNELL spoke on the Bill.

**Remarks by Senator VERDIN**

Thank you.

Mr. PRESIDENT and members of the Senate, if you’ll give me your attention, please, for just a second. I’m addressing H. 4562 on page 22 of the Calendar and I make a motion, having voted in the majority, and I’m here to offer a solution and remedy for this fee increase as well as an explanation for why I’m asking for the roll call on the motion to reconsider.

First, the explanation on the Bill. The remedy that I want to ask for on second reading, Senators, is that we not adopt the $10.00 annual fee increase that we amended to the Bill yesterday. I’m going to ask for the deletion of the fee that we have operated under for 40 years. The Commissioner of Agriculture has indicated the significance of streamlining the weighmaster and deputy weighmaster categories is significant to the degree that he does not want to lose this legislation at the end of Session.

So, Senators, let me say this -- the reason I’m asking for a roll call on the motion to reconsider is that’s the only way I can get by one of the objections that was placed on the Bill yesterday. So, I’m asking for a roll call on the motion to reconsider.

Senator MALLOY: Is this Bill on the uncontested Calendar?

Senator VERDIN: It is currently uncontested. Yes.

Senator MALLOY: And, the reason we’re reconsidering is because of the actions that took place in the body yesterday?

Senator VERDIN: That’s right. I think we have unwound a little bit from yesterday and, I believe, I have a pathway to a solution and remedy here. It will just take a couple of motions.

Senator MALLOY: Is it my understanding there is a Senator that wants to vote against the provision?

Senator VERDIN: That right. There’s a Senator that wants to vote against the provision that was amended to the Bill yesterday.

Senator MALLOY: Unanimous consent to allow the Senator from Spartanburg to be allowed to vote against the provision.

Senator LEATHERMAN: Tell me, again, exactly what you’re doing?

Senator VERDIN: Well, I want to undo the fee increase that was amended to the Bill yesterday on Second Reading. That was a $10.00 annualized fee. Right now, they’re operating under a fee scheme that’s been in place for 40 years, where it’s about $5.00 over three years and deputy weighmasters pay $1.00 over three years. The commissioner has indicated that for the streamlining, for the clerical, for the administrative purposes of keeping up with the weighmaster and deputy weighmasters, he doesn’t want to risk losing this Bill over a fee increase. As a remedy, he said, “Please give me a Bill without a fee increase.”

Senator LEATHERMAN: Did the Bill go through committee process?

Senator VERDIN: Yes it did. Absolutely.

Senator LEATHERMAN: If it was good then, why are we trying to undo it?

Senator VERDIN: I’ll confess, Senator -- and I’ll apologize to the body for, at the very end of the debate yesterday -- to characterizing this Bill as no net increase. What I was not taking into consideration was that we were moving to an annual basis of assessing this fee as opposed to a triennial basis. So, my quick mental calculation gave the wrong indication to some of the members of the Senate and thereby affected some of their votes. I apologize to the body for the misrepresentation and mistake.

Senator LEATHERMAN: That’s not my issue. I just wondered if it was good previously, why it’s not good now? What do they do with the fee money? Do they need it?

Senator VERDIN: Well, not all the members that have objected to the increase yesterday or the way the vote was taken are actually on the Agriculture Committee. The department does need it. I will say that forthrightly. I have been up here three times this year, arguing for fee increases for the Department of Agriculture. In this case, the weighmasters are operating under a 40 year old fee scheme.

Senator LEATHERMAN: So they do need it; that’s what you’re saying to me?

Senator VERDIN: They would need it, but they need the administrative streamlining more so than they need the fee. We’re only talking about $5,000, Senator. They could use it if they had it. What they’ve also asked for is the opportunity to -- in the interim or before the next session -- closely calculate, because they went ahead and said, “If we have to have a fee in the statute as opposed to the regulations, just see if you can get us $10.00 annually.” Well, they’ve now said, “Give us a chance until January to look at it very closely at what would be the most effective means of assessing the fee and for what time period.” So, I’m coming from the lobby from being in communication with the Commissioner’s Office, asking for the Bill without the fee increase if it’s going to be a hangnail for us.

Senator LEATHERMAN: Why can’t we get it passed the way…

Senator VERDIN: I think we can. I would be more than happy to accommodate the will of the body in that regard, but for the sake of accommodating the members from yesterday, I’ve asked for the opportunity to, at least, go back and get on record. They have to be recorded yesterday with unanimous consent to opposing the Bill, and that courtesy was not afforded to some of the members.

Senator McCONNELL: This Bill had a roll call vote yesterday, didn’t it?

Senator VERDIN: That’s correct.

Senator McCONNELL: And, we had a recorded vote, and then after the recorded vote by unanimous consent members wanted to start switching their votes?

Senator VERDIN: Senator, I confess that I’ve have had about 13 to 14 votes of “no” on these fee increases this year and I did a quick calculation in my head, turned to my colleagues and I said, “I think I’ve got one you’ll be happier with.” I confess to that mistake and misrepresentation.

Senator McCONNELL: You said, “In the aggregate”, do you recall?

Senator VERDIN: That’s correct.

Senator McCONNELL: You answered the question and you said, “In the aggregate, it might be.” But, by my calculation it was a 600% fee increase and that is why I voted against it. In fact, on the roll call, I was the lone vote against it. Some of my friends who have railed against those court fees stampeded in there and voted for a 600% fee increase and now it looks like they’re trying to undo their votes.

**Remarks to be Printed**

On motion of Senator ROSE, with unanimous consent, the remarks of Senator VERDIN with accompanying questions by Senator McCONNELL were ordered printed in the Journal.

Senator SHANE MARTIN objected to further consideration of the Bill.

**OBJECTION**

H. 4448 -- Reps. Sandifer, Agnew, Duncan, M.A. Pitts, Neilson, Brady, Gunn, Lowe, Funderburk, Hardwick, Mitchell, Hearn, Pinson, Bales, Clemmons, Toole, D.C. Moss, Ballentine, Willis, Huggins, Long, Simrill, H.B. Brown, Kirsh, Forrester, Rice, Anderson, D.C. Smith, Nanney, Vick, Stewart, T.R. Young, Bowers, Allen, V.S. Moss, Whitmire, Littlejohn, G.R. Smith, Hayes, Cobb‑Hunter, J.R. Smith, Brantley, Gambrell, King, Viers, Bannister, Dillard, Ott, Jefferson, Herbkersman, Allison, Wylie, R.L. Brown, Whipper, Weeks, Knight and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑37‑50 SO AS TO AUTHORIZE ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC SYSTEMS TO IMPLEMENT FINANCING SYSTEMS FOR ENERGY EFFICIENCY IMPROVEMENTS, TO GIVE THEM THE AUTHORITY TO FINANCE THE PURCHASE PRICE AND INSTALLATION COST OF ENERGY CONSERVATION MEASURES, TO PROVIDE FOR THE RECOVERY OF THIS FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY CONSERVATION MEASURES, TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THESE MEASURES, TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES, AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF THESE MEASURES INSTALLED IN RENTAL PROPERTIES; AND TO AMEND SECTION 8‑21‑310, AS AMENDED, RELATING TO THE SCHEDULE OF FEES AND COSTS TO BE COLLECTED IN EACH COUNTY BY A CLERK OF COURT, REGISTER OF DEEDS, OR COUNTY TREASURER, SO AS TO ALLOW A FEE BE CHARGED FOR FILING A NOTICE OF A METER CONSERVATION CHARGE.

Senator HUTTO objected to further consideration of the Bill.

H. 3835 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Brady, Branham, Brantley, H.B. Brown, R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb‑Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D.C. Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 9, TITLE 23 TO ENACT THE “SOUTH CAROLINA HYDROGEN PERMITTING ACT” SO AS TO CREATE THE STATE HYDROGEN PERMITTING PROGRAM AND TO STATE THE PURPOSE OF THE PROGRAM; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT ONLY THE STATE FIRE MARSHAL MAY PERMIT A HYDROGEN FACILITY IN THIS STATE, BUT MAY DELEGATE THIS AUTHORITY TO A COUNTY OR MUNICIPAL OFFICIAL IN SPECIFIC CIRCUMSTANCES; TO PROVIDE THE DUTIES AND OBLIGATIONS OF THE STATE FIRE MARSHAL UNDER THE ACT; TO PROVIDE REQUIREMENTS FOR A PARTY SEEKING TO RENOVATE OR CONSTRUCT A HYDROGEN FACILITY; TO PROVIDE THE STATE FIRE MARSHAL MAY IMPOSE CERTAIN FEES RELATED TO PERMITTING, LICENSING, AND INSPECTING UNDER THE ACT; TO PROVIDE PENALTIES FOR A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY HYDROGEN IN VIOLATION OF THE ACT; AND TO AMEND SECTION 23‑9‑20, RELATING TO DUTIES OF THE STATE FIRE MARSHAL, SO AS TO PROVIDE THE STATE FIRE MARSHAL SHALL SUPERVISE ENFORCEMENT OF THE SOUTH CAROLINA HYDROGEN PERMITTING PROGRAM.

Senator MALLOY objected to further consideration of the Bill.

**CARRIED OVER**

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

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

H. 4865 -- Rep. Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

Senator LEATHERMAN explained the Joint Resolution.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

H. 4282 -- Reps. D.C. Smith, Owens, Littlejohn, Gilliard, Daning, Hosey, Clemmons, Harrison and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A TEXT MESSAGING DEVICE OR A HAND‑HELD MOBILE TELEPHONE, AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION.

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 (JUD4282.001), which was adopted:

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

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

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

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

(2) ‘Text-based communication’ means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(3) ‘Wireless electronic communication device’ means an electronic device that allows a person to wirelessly communicate with another person, including, but not limited to, a mobile telephone, a personal digital assistant, a text messaging device, or a computer.

(B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State.

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

(1) lawfully parked or stopped;

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

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

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

(5) summoning medical or other emergency assistance;

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

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

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

(D) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined twenty dollars, pay a twenty-five dollar Trauma Care Fund surcharge, and have one point assessed against the person’s motor vehicle operating record, pursuant to Section 56-1-720, no part of which may be waived, reduced, or suspended. The fine is subject to all other applicable court costs, assessments, and surcharges. The Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund to be used by the Department of Health and Environmental Control as established and provided for in Section 44-61-540. The Trauma Care Fund surcharge is not subject to the provisions of Section 44-61-520(G). If the person does not subsequently violate this section for a one-year period from the date of conviction, the one point assessed against the person’s motor vehicle operating record must be removed.

(E) A law enforcement officer must not:

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

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

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

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

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

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

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

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

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

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

VIOLATION POINTS

Reckless driving………… 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

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

posted limits…… 2

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

m.p.h. above the posted limits 4

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

Disobedience of any official traffic control

device……………….. 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or giving improper

signal for stopping, turning, or suddenly

decreased speed 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing ….2

Using a wireless electronic communication

device to compose, send, or read a text-based

communication while operating a motor vehicle 1.”

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

H. 4202 -- Reps. Mitchell, Long, Dillard, Cobb‑Hunter and Sellers: A BILL TO AMEND SECTION 16‑3‑930, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES, SO AS TO PROVIDE A MANDATORY MINIMUM PENALTY OF FIVE YEARS FOR A PERSON WHO COMMITS THE OFFENSE AND INCREASE THE MAXIMUM PENALTY TO THIRTY YEARS.

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 (JUD4202.001), which was adopted:

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

/ SECTION 1. 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); 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 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); kidnapping (Section 16‑3‑910); trafficking in persons (Section16-3-930); 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); 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)~~; and taking of a hostage by an inmate (Section 24‑13‑450)~~. Only those offenses specifically enumerated in this section are considered violent offenses.”

SECTION 2. Section 16-1-90(A) of the 1976 Code is amended to read:

“(A) The following offenses are Class A felonies and the maximum terms established for a Class A felony, as set forth in Section 16‑1‑20(A), apply:

10-11-325(B)(2) Detonating an explosive or destructive device or

igniting an incendiary device upon the capitol

grounds or within the capitol building resulting

in death to a person where there was not malice

aforethought

16-3-50 Manslaughter‑‑voluntary

16-3-652 Criminal sexual conduct

First degree

16-3-655(C)(2) Criminal sexual conduct, 1st degree, with minor

less than 16, 2nd offense

16-3-656 Assault with intent to commit criminal sexual

conduct

First degree

16-3-658 Criminal sexual conduct where victim is legal

spouse (separated)

First degree

16-3-910 Kidnapping

16-3-920 Conspiracy to commit kidnapping

16-3-930 Trafficking in persons

16-3-1075(B)(2) Carjacking (great bodily injury)

16-11-110(A) Arson in the first degree

16-11-330(A) Robbery while armed with a deadly weapon

16-11-380(A) Entering bank with intent to steal money,

securities for money, or property, by force,

intimidation, or threats

16-11-390 Safecracking

16-11-532(D)(2) Injuring real property when illegally obtaining

nonferrous metals and the act results in the

death of a person

16-23-720(A)(2) Detonating a destructive device or causing an

explosion, or intentionally aiding, counseling,

or procuring an explosion by means of detonation

of a destructive device which results in the

death of a person where there was not malice

aforethought

24-13-450 Taking of a hostage by an inmate

43-35-85(F), 16-3-1050(F) Abuse or neglect of a vulnerable adult

resulting in death

44-53-370 Prohibited Acts A, penalties (b)(1) (narcotic

drugs

in Schedules I(b) and (c), LSD, and Schedule II)

second, third, or subsequent offense

44-53-370(e)(2)(a)2 Prohibited Acts A, penalties (trafficking in

cocaine, 10 grams or more but less than 28

grams)

Second offense

44-53-370(e)(2)(b)2 Prohibited Acts, penalties (trafficking in

cocaine,

28 grams or more but less than 100 grams)

Second offense

44-53-370(e)(5)(a)2 Prohibited Acts, penalties (trafficking in LSD,

100 dosage units or more but less than 500

dosage units)

Second offense

44-53-370(e)(5)(b)2 Prohibited Acts, penalties (trafficking in LSD,

500 dosage units or more but less than 1,000

dosage units)

Second offense

44-53-370(e)(5)(a)3 Prohibited Acts, penalties (trafficking in LSD,

100 dosage units or more, but less than 500

dosage units)

Third or subsequent offense

44-53-370(e)(5)(b)3 Prohibited Acts, penalties (trafficking in LSD,

500 dosage units or more, but less than

1,000 dosage units)

Third or subsequent offense

44-53-370(e)(6)(d) Prohibited Acts, penalties (trafficking in

flunitrazepam, 5 kilograms or more)

44-53-370(e)(8)(a)(ii) Trafficking in MDMA or ecstasy, 100 dosage

units but less than 500‑‑Second offense

44-53-370(e)(8)(a)(iii) Trafficking in MDMA or ecstasy, 100 dosage

units but less than 500‑‑Third or subsequent

offense

44-53-370(e)(8)(b)(ii) Trafficking in MDMA or ecstasy, 100 dosage

units but less than 1000‑‑Third or

subsequent offense

44-53-370(e)(8)(b)(iii) Trafficking in MDMA or ecstasy, 100 dosage

units but less than 1000‑‑Third or

subsequent offense

44-53-370(g)(1)(b) Prohibited Acts A, penalties (distribution of

narcotic drugs in Schedules I(b) and (c), LSD,

and Schedule II with intent to commit a crime)

Second offense

44-53-370(g)(1)(c) Prohibited Acts A, penalties (distribution of

narcotic drugs in Schedules I(b) and (c), LSD,

and Schedule II with intent to commit a crime)

Third or subsequent offense

44-53-375(B)(2) Manufacture, distribution of methamphetamine or cocaine base, second offense

44-53-375(B)(3) Manufacture, distribution, etc.,

methamphetamine, or cocaine base

Third or subsequent offense

44-53-375(C)(1)(b) Trafficking in ice, crank, or crack cocaine (10

grams or more but less than 28 grams)

Second offense

44-53-375(C)(2)(b) Trafficking in ice, crank, or crack cocaine (28

grams or more but less than 100 grams)

Second offense

55-1-30(3) Unlawful removing or damaging of airport facility

or equipment when death results

56-5-1030(B)(3) Interference with traffic‑control devices or

railroad signs or signals prohibited when death

results from violation

58-17-4090 Penalty for obstruction of railroad”

SECTION 3. Section 16-1-90(D) of the 1976 Code is amended to read:

“(D) The following offenses are Class D felonies and the maximum terms established for a Class D felony, as set forth in Section 16‑1‑20(A), apply:

10-11-325(A) Possessing, having readily accessible, or

transporting onto the capitol grounds or within

the capitol building an explosive, destructive,

or incendiary device

16-1-55 Accessory after the fact of a Class A, B, or C

Felony

~~16-3-930~~ ~~Knowingly subjecting another person to forced~~

~~labor or services, or recuiting, harboring,~~

~~transporting, providing, or obtaining by any~~

~~means a person knowing that the person will be~~

~~subject to forced labor or services~~

16-3-1090(B) Assist another person in committing suicide

16-3-1730(C) Stalking within ten years of a conviction of

harassment or stalking

16-11-312 Burglary‑‑second degree

16-11-325 Common law robbery

16-11-525(D)(1) Injuring real property when illegally obtaining

nonferrous metals and the act results in great

bodily injury to person

16-15-140 Committing or attempting lewd act upon child

under 16

16-15-355 Disseminating obscene material to a minor 12

years or younger

16-23-720(C) Possessing, manufacturing, transporting,

distributing, possessing with the intent to

distribute any explosive device, substance, or

material configured to damage, injure, or kill a

person, or possessing materials which when

assembled constitute a destructive device

16-23-720(D) Threaten by means of a destructive weapon

16-23-720(E) Harboring one known to have violated provisions

relating to bombs, weapons of mass destruction

and destructive devises

16-23-730 Communicating or transmitting to a person that a

hoax device or replica is a destructive device or

detonator with intent to intimidate or threaten

injury, obtain property, or interfere with the

ability of a person or government to conduct its

affairs

16-23-750 Communicating or aiding and abetting the

communication of a threat or conveying false

information concerning an attempt to kill,

injure, or intimidate a person or damage property

or destroy by means of an explosive, incendiary,

or destructive device (second or subsequent

offense)

24-3-210 Furloughs for qualified inmates of state prison

system‑‑Failure to return (See Section 24-13-410)

24-13-410(B) Escaping or attempting to escape from prison or

possessing tools or weapons used to escape

24-13-470 Inmate throwing bodily fluids on a correctional

facility employee

43-35-85(B) Abusing or neglecting a vulnerable adult that

results in great bodily injury

43-35-85(D), 16-3-1050(E) Abuse or neglect of a vulnerable adult

resulting in great bodily injury

44-53-370(b)(1) Prohibited Acts A, penalties (narcotic drugs in

Schedule I (b) and (c), LSD, and Schedule II)

First offense

44-53-370 Prohibited Acts A, penalties (g)(2)(a)

(distribution of controlled substances with

intent to commit a crime)

First offense

44-53-375(B)(1) Manufacture, distribution, etc., methamphetamine

or cocaine

First offense

44-53-445(B)(2) Distribution, manufacture, sale, or possession of

crack cocaine within proximity of a school

44-53-577 Unlawful to hire, solicit, direct a person under 17

years of age to transport, conceal, or conduct

financial transaction relating to unlawful drug

activity

50-21-113(A)(1) Operating a moving water device while under the

influence of alcohol or drugs where great bodily

injury results

56-5-2945(A)(1) Causing great bodily injury by operating vehicle

while under influence of drugs or alcohol”

SECTION 4. Section 16-3-20(C)(a)(1) of the 1976 Code is amended to read:

“(C) The judge shall consider, or he shall include in his instructions to the jury for it to consider, mitigating circumstances otherwise authorized or allowed by law and the following statutory aggravating and mitigating circumstances which may be supported by the evidence:

(a) Statutory aggravating circumstances:

(1) The murder was committed while in the commission of the following crimes or acts:

(a) criminal sexual conduct in any degree;

(b) kidnapping;

(c) trafficking in persons;

~~(c)~~(d) burglary in any degree;

~~(d)~~(e) robbery while armed with a deadly weapon;

~~(e)~~(f) larceny with use of a deadly weapon;

~~(f)~~(g) killing by poison;

~~(g)~~(h) drug trafficking as defined in Section 44‑53‑370(e), 44‑53‑375(B), 44‑53‑440, or 44‑53‑445;

~~(h)~~(i) physical torture;

~~(i)~~(j) dismemberment of a person; or

~~(j)~~(k) arson in the first degree as defined in Section 16‑11‑110(A).”

SECTION 5. Section 16-3-652(1)(b) of the 1976 Code is amended to read:

“(1) A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:

(a) The actor uses aggravated force to accomplish sexual battery.

(b) The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar offense or act.”

SECTION 6. Section 16-3-655(D)(2)(a) of the 1976 Code is amendment to read:

“(2) In sentencing a person, upon conviction or adjudication of guilt of a defendant pursuant to this section, the judge shall consider, or he shall include in his instructions to the jury for it to consider, mitigating circumstances otherwise authorized or allowed by law and the following statutory aggravating and mitigating circumstances which may be supported by the evidence:

(a) Statutory aggravating circumstances:

(i) The victim’s resistance was overcome by force.

(ii) The victim was prevented from resisting the act because the actor was armed with a dangerous weapon.

(iii) The victim was prevented from resisting the act by threats of great and immediate bodily harm, accompanied by an apparent power to inflict bodily harm.

(iv) The victim is prevented from resisting the act because the victim suffers from a physical or mental infirmity preventing his resistance.

(v) The crime was committed by a person with a prior conviction for murder.

(vi) The offender committed the crime for himself or another for the purpose of receiving money or a thing of monetary value.

(vii) The offender caused or directed another to commit the crime or committed the crime as an agent or employee of another person.

(viii) The crime was committed against two or more persons by the defendant by one act, or pursuant to one scheme, or course of conduct.

(ix) The crime was committed during the commission of burglary in any degree, ~~or~~ kidnapping, or trafficking in persons.”

SECTION 7. Section 16‑3‑930 of the 1976 Code is amended to read:

“Section 16‑3‑930. (A) A person who knowingly subjects another person to forced labor or services, or recruits, entices, harbors, transports, provides, or obtains by any means another person knowing that the person will be subjected to forced labor or services, or aids, abets, attempts, or conspires to do any of the above acts is guilty of a felony known as trafficking in persons for forced labor or services and, upon conviction, must be imprisoned for not more than ~~fifteen~~ thirty years.

(B) ‘Forced labor or services’ means any type of labor or services performed or provided by a person rendered through another person’s exertion of physical, financial, or other means of control over the person providing the labor or services.

(C) This section does not apply to labor or services performed or provided by a person in the custody of the Department of Corrections or a local jail, detention center, or correctional facility.”

SECTION 8. Section 17-25-45(C) of the 1976 Code is amended to read:

“(C) As used in this section:

(1) ‘Most serious offense’ means:

16-1-40 Accessory, for any offense enumerated in this item

16-1-80 Attempt, for any offense enumerated in this item

16-3-10 Murder

16-3-30 Killing by poison

16-3-40 Killing by stabbing or thrusting

16-3-50 Voluntary manslaughter

16-3-85(A)(1) Homicide by child abuse

16-3-85(A)(2) Aiding and abetting homicide by child abuse

16-3-210 Lynching, First degree

16-3-430 Killing in a duel

16-3-620 Assault and battery with intent to kill

16-3-652 Criminal sexual conduct, First degree

16-3-653 Criminal sexual conduct, Second degree

16-3-655 Criminal sexual conduct with minors, except

where evidence is presented at the criminal

proceeding and the court, after the conviction,

makes a specific finding on the record that the

conviction obtained for this offense

resulted from consensual sexual conduct where

the victim was younger than the actor, as

contained in Section 16-3-655(3)

16-3-656 Assault with intent to commit criminal sexual

conduct,

First and Second degree

16-3-910 Kidnapping

16-3-920 Conspiracy to commit kidnapping

16-3-930 Trafficking in persons

16-3-1075 Carjacking

16-11-110(A) Arson, First degree

16-11-311 Burglary, First degree

16-11-330(A) Armed robbery

16-11-330(B) Attempted armed robbery

16-11-540 Damaging or destroying building, vehicle, or

other property

by means of explosive incendiary, death results

24-13-450 Taking of a hostage by an inmate

25-7-30 Giving information respecting national or state

defense to foreign contacts during war

25-7-40 Gathering information for an enemy

43-35-85(F) Abuse or neglect of a vulnerable adult resulting

in death

55-1-30(3) Unlawful removing or damaging of airport

facility or equipment when death results

56-5-1030(B)(3) Interference with traffic‑control devices or railroad signs or signals prohibited when death results from violation

58-17-4090 Obstruction of railroad, death results.”

SECTION 9. 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));

(5) criminal sexual conduct with minors, second degree. 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) 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) engaging a child for sexual performance (Section 16‑3‑810);

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

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

(9) incest (Section 16‑15‑20);

(10) 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;

~~(17)~~(18) criminal sexual conduct when the victim is a spouse (Section 16‑3‑658);

~~(18)~~(19) sexual battery of a spouse (Section 16‑3‑615);

~~(19)~~(20) sexual intercourse with a patient or trainee (Section 44‑23‑1150);

~~(20)~~(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

~~(21)~~(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.”

SECTION 10. Section 23-3-490(D)(1) 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));

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

(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); ~~or~~

(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.”

SECTION 11. Section 23-3-535(B) of the 1976 Code is amended to read:

“(B) It is unlawful for a sex offender who has been convicted of any of the following offenses to reside within one thousand feet of a school, daycare center, children’s recreational facility, park, or public playground:

(1) criminal sexual conduct with a minor, first degree;

(2) criminal sexual conduct with a minor, second degree;

(3) assault with intent to commit criminal sexual conduct with a minor; ~~or~~

(4) kidnapping a person under eighteen years of age; or

(5) trafficking in persons 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.”

SECTION 12. Section 23-3-540(G)(1) of the 1976 Code is amended to read:

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

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

(e) 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; ~~or~~

(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”

SECTION 13. 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;

~~(2)~~(3) criminal sexual conduct in the first, second, or third degree, Sections 16‑3‑652, 16‑3‑653, and 16‑3‑654;

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

~~(4)~~(5) criminal sexual conduct where victim is legal spouse (separated), Section 16‑3‑658;

~~(5)~~(6) spousal sexual battery, Section 16‑3‑615;

~~(6)~~(7) engaging a child for a sexual performance, Section 16‑3‑810;

~~(7)~~(8) committing lewd act upon child under sixteen, Section 16‑15‑140;

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

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

SECTION 14. The repeal or amendment by the provisions of this act or any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 15. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**AMENDMENT PROPOSED, CARRIED OVER**

H. 4341 -- Reps. Hutto, Stavrinakis, J.E. Smith, Harvin, Miller, Govan, Allen, Battle, Anderson, Simrill, Norman, T.R. Young and Wylie: A JOINT RESOLUTION TO CREATE THE AUTISM SPECTRUM DISORDER STUDY COMMITTEE ON EARLY INTERVENTION AND TO PROVIDE FOR ITS PURPOSE, MEMBERS, AND DUTIES AND TO PROVIDE THAT THE STUDY COMMITTEE MUST SUBMIT ITS FINDINGS AND RECOMMENDATIONS NO LATER THAN DECEMBER 1, 2011 AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

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

There was no objection.

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

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

There was no objection.

Senator THOMAS proposed the following amendment (NBD\  
12380AC10):

Amend the joint resolution, as and if amended, by deleting all before the enacting words and inserting:

/Whereas, autism spectrum disorder is a complex disorder of unknown etiology that impacts the normal development of the brain in the areas of social interaction, communication skills, and cognitive function; and

Whereas, the prevalence of autism spectrum disorder has grown to an alarming one in one hundred ten people across the United States; and

Whereas, autism spectrum disorder is diagnosed four times more often in boys than in girls, but the prevalence is not affected by race, region, or socioeconomic status; and

Whereas, although there is currently no cure for autism spectrum disorder, with early screening, diagnosis, intervention, and treatment, the diverse symptoms related to autism spectrum disorder and the outcomes achieved can be greatly improved. Now, therefore,/

Amend the joint resolution, further, by deleting all after the enacting words and inserting:

/SECTION 1. (A) There is created the Autism Spectrum Disorder Task Force to make recommendations to the legislature and relevant state agencies on developing and implementing a comprehensive, coordinated system to provide appropriate diagnostic, intervention, and support services to individuals with autism spectrum disorder across the lifespan.

The task force shall focus its efforts on addressing the unmet needs of individuals with autism at various levels of severity and their families, both in urban and rural communities in South Carolina. The task force shall address and report on at least all of the following:

(1) study the means for developing a comprehensive, coordinated system of care delivery and ensure that resources are created, well‑utilized, and appropriately spread across the State;

(2) research the age at which children are screened and diagnosed with autism spectrum disorder and evaluate the ability of parents and caregivers to recognize signs of autism early;

(3) evaluate early identification of autism by medical professionals, including education and training of health care and mental health care professionals and the use of best practice guidelines;

(4) assess the accessibility of appropriate intensive intervention services and, as necessary, the means for expanding those capabilities;

(5) study and propose best practices for integration and coordination of the medical community, community educators, childhood educators, health care providers, and community‑based services into a seamless support system for individuals and their families;

(6) determine the need for the creation of medical centers of diagnostic excellence in designated sectors of the State, which could provide clinical services including assessment, diagnoses, and treatment of patients;

(7) evaluate general and special education services, including the need for regional specialized autism schools that provide model education to students with autism spectrum disorder and training to public school teachers and administrators;

(8) assess in‑home support services for families requiring behavioral and other support;

(9) recommend methods for enhancing community agency responsiveness to the living, learning, and employment needs of adults with autism and provision of services including, but not limited to, respite services, crisis intervention, employment assistance, case management, and long‑term care options;

(10) identify and determine application of best practices across the lifespan;

(11) study financing options;

(12) evaluate data collection pertaining to autism spectrum disorder.

(B) For purposes of this joint resolution, “autism spectrum disorder” means Autistic Disorder, Rett’s Disorder, Childhood Disintegrative Disorder, Asperger’s Disorder, and Pervasive Developmental Disorder Not Otherwise Specified.

(C) The task force shall consist of fifteen voting members, composed as follows:

(1) seven members to be appointed by the President Pro Tempore of the Senate. Of these members, one must be a member of the Senate; one must be a parent of a child with autism under six years of age; one must be a parent of a child with autism six through twenty‑one years of age; one must be a pediatrician; one must be a developmental pediatrician; one must be a representative of an organization providing residential services for individuals with autism; and one must be a representative of the South Carolina Autism Society;

(2) seven members to be appointed by the Speaker of the House of Representatives. Of these members, one must be a member of the House of Representatives; one must be a parent of a child with autism spectrum disorder over twenty‑two years of age; one must be a parent of a child with autism spectrum disorder of any age; one must be a board certified behavior analyst; one must be a special education teacher; one must be a member of a county disabilities and special needs board; and one must be a representative of Autism Speaks;

(3) one member to be appointed by the Governor;

(4) the following persons shall serve ex officio as nonvoting members and shall work together in a collaborative manner to serve as a resource to the task force:

(a) State Superintendent of the Department of Education or a designee;

(b) Director of the Department of Disabilities and Special Needs, or a designee;

(c) Director of the Department of Mental Health, or a designee;

(d) Director of the Department of Health and Environmental Control, or a designee;

(e) Director of the Department of Health and Human Services, or a designee;

(f) Director of the Department of Insurance, or a designee;

(g) Director of First Steps, or a designee;

(h) Director of the Center for Disability Resources, Department of Pediatrics, University of South Carolina School of Medicine, or a designee;

(i) Director of the University of South Carolina College of Education Program in Special Education‑Autism Program, or a designee;

(j) Director of the Medical University of South Carolina Department of Pediatrics, Division of Developmental Pediatrics, or a designee;

(k) Director of the Greenwood Genetic Center, or a designee.

The task force also may form workgroups as necessary to address specific issues within the technical purview of individual members.

(D) The task force shall meet as often as is necessary, or as called by the chair, and shall convene no later than sixty days after the effective date of this joint resolution, at which time at least a majority of the members must have been appointed. (E) The staffing for the task force must be provided by the Department of Disabilities and Special Needs with the support of the appropriate committees of the Senate and House of Representatives that oversee health care policy in this State.

(F) The members of the task force may not receive compensation and are not entitled to receive mileage, subsistence, or per diem authorized by law for members of state boards, committees, and commissions.

(G) The task force shall submit a report containing its findings and recommendations to the General Assembly and the Governor no later than December 1, 2011, at which time the task force is abolished.

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

Renumber sections to conform.

Amend title to conform.

On motion of Senator THOMAS, 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.

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

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

May 18, 2010

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am writing to inform you that I am vetoing and returning without my approval S.481, R. 182, a bill that creates the South Carolina Certified Athletic Trainers Foundation.

(R182, S481) -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE; TO PROVIDE FOR ITS COMPOSITION, FOR THE FILLING OF VACANCIES, FOR THE ELECTION OF A CHAIRMAN, AND FOR MEMBER COMPENSATION; TO ALLOW THE FOUNDATION TO ACCEPT CERTAIN FUNDS; AND TO PROVIDE FOR THE DISTRIBUTION OF FUNDS.

The eleven-member foundation is intended to solicit and accept donations to ensure that a certified athletic trainer is on staff in every middle school and high school.

We have long supported the public school system and its athletic programs. Our student athletes learn principles of hard work and team building by participating in athletics. We also understand and appreciate the need to utilize a qualified health care professional to manage injuries incurred while participating in sports. On one level we would like to support this bill; however, we are vetoing this legislation for the following reason.

We cannot support legislation that creates yet another state-sanctioned non-profit corporation. There are literally thousands of needs across the State, and to sanction by the state but a few worthy causes is to put them in a superior position to others in fundraising. We do not believe this is equitable to the other thousands. For example, more than a decade ago PalmettoPride was established as a non-profit corporation authorized to coordinate and implement programs for litter control. At that time, PalmettoPride was created as the Governor’s Task Force on Litter by Executive Order under Governor Jim Hodges. However, PalmettoPride progressed from a task force to a temporary proviso to ultimately becoming established in law. As important as litter control is, should this not be on level ground with other causes in the competition for other donations? For example, the State also has a compelling need to stop drunk driving, which the non-profit, MADD (Mothers Against Drunk Driving) continues to fight.

In this case, there is no legislative roadblock preventing local schools or organizations from easily setting up a tax-exempt non-profit foundation. This is evidenced by the more than 8,000 charitable organizations and 1,500 professional fundraisers registered with our Secretary of State’s Division of Public Charities. Keep in mind that legislation such as this opens Pandora’s Box to every charity or non-profit entity in our State lobbying for the state’s endorsement. As we have said on numerous occasions, the government should not be in the business of picking winners and losers – in this case, non-profits which would result in declaring one more worthy than another.

Additionally, almost half of the 256 high schools in our State already have an athletic trainer – without the assistance of a state-endorsed corporation. If schools without a trainer wish to hire one, then we are confident that the South Carolina Athletic Trainers’ Association (SCATA) could create a non-profit foundation and solicit donations without endowments of this form from the government. In fact, SCATA could build on their existing fundraising efforts that currently provide numerous awards and scholarships.

For this reason, I am vetoing and returning without my approval S.481, R. 182.

Sincerely,

/s/ Mark Sanford

**VETO SUSTAINED**

(R182, S481) -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE; TO PROVIDE FOR ITS COMPOSITION, FOR THE FILLING OF VACANCIES, FOR THE ELECTION OF A CHAIRMAN, AND FOR MEMBER COMPENSATION; TO ALLOW THE FOUNDATION TO ACCEPT CERTAIN FUNDS; AND TO PROVIDE FOR THE DISTRIBUTION OF FUNDS.

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

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

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

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

**Ayes 25; Nays 17**

**AYES**

Alexander Anderson Campbell

Coleman Courson Elliott

Fair Hayes Hutto

Jackson Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey McGill Nicholson

O’Dell Pinckney Rankin

Reese Scott Setzler

Williams

**Total--25**

**NAYS**

Bright Bryant Campsen

Cleary Cromer Davis

Grooms Knotts *Martin, Shane*

McConnell Mulvaney Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--17**

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

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

**CARRIED OVER**

S. 932 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 50‑16‑25 OF THE 1976 CODE, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY FOR HUNTING OR TO SUPPLEMENT A FREE ROAMING POPULATION, TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE A LIVE HOG FROM A TRAP OR FROM THE WOODS, FIELDS, OR MARSHES OF THIS STATE, AND TO CLARIFY THAT THIS SECTION DOES NOT APPLY TO ACCEPTED FARMING PRACTICES RELATED TO MEMBERS OF THE SUIDAE FAMILY.

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

**CONCURRENCE**

S. 286 -- Senators Cleary, Rose and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IMPLEMENT A TARGETED COMMUNITY HEALTH PROGRAM IN THREE TO FIVE COUNTIES OF NEED FOR DENTAL HEALTH EDUCATION, SCREENING, AND TREATMENT REFERRALS IN PUBLIC SCHOOLS FOR CHILDREN IN KINDERGARTEN, THIRD, SEVENTH, AND TENTH GRADES OR UPON ENTRY INTO PUBLIC SCHOOLS, TO REQUIRE PROGRAM GUIDELINES TO BE PROMULGATED IN REGULATIONS, TO REQUIRE AN ACKNOWLEDGMENT OF DENTAL SCREENING TO BE ISSUED UPON COMPLETION OF THE SCREENING AND TO REQUIRE THIS ACKNOWLEDGMENT TO BE PRESENTED TO THE CHILD’S SCHOOL, TO REQUIRE NOTIFICATION TO THE CHILD’S PARENT IF PROFESSIONAL ATTENTION IS INDICATED BY THE SCREENING AND IF AUTHORIZED BY THE CHILD’S PARENTS, TO PROVIDE NOTIFICATION TO THE COMMUNITY HEALTH COORDINATOR TO FACILITATE FURTHER ATTENTION IF NEEDED, AND TO PROVIDE THAT A SCREENING MUST BE COMPLETED UNLESS A CHILD’S PARENT COMPLETES AN EXEMPTION FORM.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator CLEARY explained the amendments.

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

**Ayes 39; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant

**Total--2**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CARRIED OVER**

S. 405 -- Senator Cleary: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO CLARIFY THAT A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY-TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED AS A PRIMARY OR SECONDARY RESIDENCE FOR PROPERTY TAX PURPOSES; TO AMEND SECTION 12-37-224, RELATING TO BOATS AS A PRIMARY OR SECONDARY RESIDENCE, TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, SHALL BE CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF AD VALOREM PROPERTY TAXATION IN THIS STATE; AND TO AMEND SECTION 12-37-714, RELATING TO BOATS WITH A SITUS IN THIS STATE, TO PROVIDE THAT UPON AN ORDINANCE PASSED BY THE LOCAL GOVERNING BODY, A COUNTY MAY SUBJECT A BOAT, INCLUDING ITS MOTOR IF THE MOTOR IS SEPARATELY TAXED, TO PROPERTY TAX IF IT IS WITHIN THIS STATE FOR NINETY DAYS IN THE AGGREGATE, REGARDLESS OF THE NUMBER OF CONSECUTIVE DAYS.

The House returned the Bill with amendments.

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

**CARRIED OVER**

S. 783 -- Senator McConnell: A BILL TO AMEND SECTION 51‑13‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

The House returned the Bill with amendments.

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

**CONCURRENCE**

S. 836 -- Senator Cromer: A BILL TO AMEND SECTION 51‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator CROMER explained the amendments.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE**

S. 974 -- Senator Campsen: A BILL TO AMEND SECTION 50‑9‑20 OF THE 1976 CODE, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE THAT ANNUAL HUNTING AND FISHING LICENSES SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE AND TO PROVIDE THAT THREE‑YEAR HUNTING AND FISHING LICENSES SHALL BE VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE; BY ADDING SECTION 50‑9‑560, TO PROVIDE THAT THE DEPARTMENT MAY ISSUE THREE‑YEAR COMBINATION LICENSES, SPORTSMAN LICENSES, JUNIOR SPORTSMAN LICENSES, BIG GAME PERMITS, AND WILDLIFE MANAGEMENT AREA PERMITS; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, TO ESTABLISH THE THREE‑YEAR HUNTING AND FISHING LICENSE FUND, TO PROVIDE THAT THREE‑YEAR LICENSE FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE THIRD OF THE FUND MUST BE DISTRIBUTED TO THE GAME PROTECTION FUND, TO ESTABLISH THE THREE‑YEAR WILDLIFE MANAGEMENT AREA PERMIT FUND, TO PROVIDE THAT THREE‑YEAR WILDLIFE MANAGEMENT AREA PERMIT FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE‑THIRD OF THE FUND MUST BE DISTRIBUTED TO THE WILDLIFE ENDOWMENT FUND; AND TO MAKE CONFORMING AMENDMENTS.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator CAMPSEN explained the amendments.

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

**Ayes 38; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

Bryant

**Total--1**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CARRIED OVER**

S. 1078 -- Senators Jackson, Knotts, Courson, Ryberg, Nicholson, Sheheen, Thomas, Rose, Campbell, Malloy, Ford, L. Martin, Hayes, Verdin, Davis, Leventis and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑264 SO AS TO REQUIRE THE OWNER OF A COMMUNITY RESIDENTIAL CARE FACILITY TO UNDERGO A CRIMINAL RECORD CHECK AS A REQUIREMENT OF LICENSURE AND TO ENUMERATE THOSE CRIMES THAT PRECLUDE LICENSURE.

The House returned the Bill with amendments.

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 1134 -- Senators Peeler and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE “SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT” TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE‑UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL PROVIDE ACCESS TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES FOR SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

The House returned the Bill with amendments.

The question then was the adoption of the amendment.

Senator HAYES explained the amendment.

**Amendment No. 1**

Senator HAYES proposed the following Amendment No. 1 (1134R001.RWH), which was adopted:

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

/ SECTION 1. This act may cited as the “South Carolina Education Bill of Rights for Children in Foster Care”.

SECTION 2. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 38

South Carolina Education Bill of Rights

for Children in Foster Care

Section 59‑38‑10. (A) Each school district shall have in place procedures to ensure seamless transitions between schools and school districts for children upon notice that a child is in foster care. School districts shall consider maintaining a child in foster care in the same school if it is in the child’s best interest. A school district must not place additional enrollment requirements on a child based solely on the fact that the child is in foster care.

(B) Each school district shall:

(1) facilitate the immediate enrollment of a child in foster care residing in a foster home, group living facility, or any other setting that is located within the district or area served by the district;

(2) assist a child in foster care transferring from one district to another by ensuring proper transfer of records;

(3) request school records within two school days of placement into a school and transfer records within two school days of receiving a request for school records.

I The Department of Social Services immediately shall enroll the child in school, maintaining the child in the same school if possible, and shall provide a copy of the court order to the school district to be included in the student’s school record.

(D) Educational and school placement decisions for children in foster care must be made to ensure that each child immediately is placed in the least restrictive educational program and has access to all academic resources, services, and extracurricular and enrichment activities that are available to all students.

(E) Each school district shall accept for credit full or partial course work satisfactorily completed by a child in foster care while attending a public school, nonpublic school, or nonsectarian school in accordance with state and district policies or regulations.

(F) Each school district shall ensure that when a decision to change the foster home placement of a child is made by the court or the Department of Social Services and the child must change schools, the grades and credits of that child must be calculated as of the date the child left school, and the child’s grades must not be lowered as a result of these circumstances.

(G) Each school district shall ensure that if a child in foster care is absent from school due to a certified court appearance or related court‑ordered activity including, but not limited to, court‑ordered treatment services, these absences must be counted as excused absences upon submission of appropriate documentation. If these absences exceed the limit provided for by law, the school administrator shall allow the child an opportunity to make up all assignments and required seat time.

(H) Each school district, subject to federal law, may permit an authorized representative of the Department of Social Services to have access to the school records of a child in foster care for the purpose of fulfilling educational case management responsibilities required by law and to assist with the school transfer or placement of the child.

(I) The Department of Social Services shall ensure that children in foster care have a willing and available adult to advocate for their best educational interests, and school districts shall acknowledge and accept this person’s role in advocating for educational services necessary to meet each child’s needs.”

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

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Bryant Campbell

Campsen Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright

**Total--1**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 1294 -- Senator Peeler: A BILL TO AMEND SECTION 50‑11‑2540 OF THE 1976 CODE, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES FROM NOVEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR.

The House returned the Bill with amendments.

The question then was concurrence in the House amendments.

Senator CAMPSEN explained the House amendments.

**Amendment No. 1**

Senator CAMPSEN proposed the following Amendment No. 1 (1294R004.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking SECTION 1, lines 21‑34, and inserting:

/ SECTION 1. Section 50‑11‑2540 of the 1976 Code is amended to read:

“Section 50‑11‑2540. (A) It is lawful to trap furbearing animals for commercial purposes from ~~January~~ December first of each year to March first of ~~each~~ the succeeding year. ~~The trapping season may not exceed sixty‑one days each year under any circumstances.~~ It is unlawful to trap any other times unless authorized by the department. It is lawful to take furbearing animals by other lawful means during the general open hunting seasons established therefor.

(B) It is lawful to trap coyotes from December first of each year to March first of the succeeding year. It is unlawful to trap coyotes at any other time unless authorized by the department. Notwithstanding the provisions of Section 50‑11‑1080, it is lawful to take coyotes by other lawful means at any time during the year.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 39; Nays 2**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Jackson Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright McConnell

**Total--2**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**CONCURRENCE**

S. 1363 -- Senators Hayes, Setzler and Courson: A BILL TO AMEND SECTION 59‑26‑85 OF THE 1976 CODE, RELATING TO THE INCREASE PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION PRIOR TO JULY 1, 2010, SHALL RECEIVE AN INCREASE IN PAY FOR THE LIFE OF THE CERTIFICATION, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION ON OR AFTER JULY 1, 2010, ONLY SHALL RECEIVE AN INCREASE IN PAY FOR THE INITIAL TEN YEARS OF THE CERTIFICATION, AND TO PROVIDE THAT ONLY TEACHERS WHO APPLY FOR CERTIFICATION PRIOR TO JULY 1, 2010, MAY RECEIVE A LOAN FOR THE APPLICATION FEE.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator HAYES explained the House amendments.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Mulvaney Nicholson Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CARRIED OVER**

H. 4244 -- Rep. Limehouse: A BILL TO AMEND SECTION 59‑130‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

The House returned the Bill with amendments.

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

**EXECUTIVE SESSION**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session and, upon lifting of the veil of secrecy, stand in recess.

On motion of Senator McCONNELL, the seal of secrecy was removed and the Senate reconvened.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Ralph Edwin Tupper, Tupper, Grimsley & Dean, P. A., P. O. Box 2055, Beaufort, SC 29901 *VICE* George Peter Lamb

Reappointment, Horry County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Maurice Dewayne Jones, 4525 Canal Street, Loris, SC 29569

Reappointment, Horry County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

J. Conrad Hetzer, 305 Ocean View Drive, Myrtle Beach, SC 29572

Reappointment, Saluda County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Joyce B. Shults, 1437 Old Chappells Ferry Road, Saluda, SC 29138

**ADJOURNMENT**

At 2:01 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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