**Thursday, February 3, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

In Exodus we read:

“There the angel of the Lord appeared to him in flames of fire from within a bush. Moses saw that though the bush was on fire it did not burn up.” (Exodus 3:2)

Please join me as we pray:

How marvelous, Holy God, that for Moses inspiration came through his experience before the burning bush. May it be, Lord, that for each of these Senators their vision for the future of this State we love will lead them to fresh insights and new approaches to problems and challenges. And every step along their way, dear God, may these leaders sense Your presence as You inspire and inform and embolden them. We give You thanks for their gifts and their determination—all to Your ultimate glory, O loving Lord.

Amen.

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

**Doctor of the Day**

Senator ANDERSON introduced Dr. Rob Morgan of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

At 11:15 A.M., Senator CAMPBELL requested a leave of absence beginning at 1:30 P.M.

**Leave of Absence**

At 12:30 P.M., Senator RANKIN requested a leave of absence beginning at 12:45 P.M. and lasting until Tuesday at Noon.

**Leave of Absence**

At 3:40 P.M., Senator DAVIS requested a leave of absence for the balance of the day.

**Leave of Absence**

At 3:40 P.M., Senator ROSE requested a leave of absence for the balance of the day.

**Expression of Personal Interest**

Senator PEELER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest in commemoration of the Ronald Reagan Centennial Year which is beginning today.

The following Resolution was adopted by the General Assembly on January 12, 2011:

S. 338 -- Senators Courson, McConnell, Land, Peeler, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O’Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEMORATE FEBRUARY 6, 2011, AS “RONALD REAGAN DAY.”

Whereas, the members of the General Assembly feel it is appropriate to declare February 6, 2011, as “Ronald Reagan Day” in the State of South Carolina to commemorate the Ronald Reagan Centennial Celebration; and

Whereas, Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois and died on June 5, 2004 in Bel Air, California; and

Whereas, Ronald Reagan served in the U.S. Army Reserve from April 1937 until December 1945; and

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

Whereas, Ronald Reagan often visited the Palmetto State and was highly respected by many South Carolinians; and

Whereas, Ronald Reagan enjoyed support from Republicans, Democrats, and Independents during his dynamic career in politics; and

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

Whereas, Ronald Reagan’s commitment to our Armed Forces contributed to the restoration of pride in America and her values and prepared America’s Armed Forces to meet the challenges of the 21st century; and

Whereas, Ronald Reagan’s vision of “peace through strength” led to the end of the Cold War; and

Whereas, members of the General Assembly take great pride in honoring Ronald Reagan for his many contributions to our country and in celebrating his life. Now, therefore,

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

That the members of the General Assembly, by this resolution, recognize and commemorate February 6, 2011, as “Ronald Reagan Day.”

Be it further resolved that a copy of this resolution be forwarded to Mrs. Nancy Reagan, the Young America’s Foundation, and the Ronald Reagan Presidential Foundation and Library.

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

**Remarks by Senator COURSON**

Mr. PRESIDENT, today is a very special day. Initially, I would like to introduce Weston Adams, a long-time friend who served in the South Carolina House of Representatives from 1972 to 1974. Weston served our country as Ambassador to Malawi in the 1980’s. He was also involved with me in Ronald Reagan’s campaigns, serving as a Presidential Elector in 1980. There are only four of the eight electors of the Palmetto State alive today. Ambassador Adams also served as a delegate to the Republican National Convention in 1980 for President Reagan. Weston, welcome back to the General Assembly. It is an honor to have you here with us today. As previously mentioned, I was pleased to have been a South Carolina Presidential Elector in 1980 and 1984, a Reagan delegate to multiple Republican National Conventions and the Republican National Committeeman for South Carolina from 1980 - 1988.

I would like to invite my fellow Reaganite: the Senator from Charleston, President *Pro Tempore* GLENN McCONNELL, along with the Majority Leader, Senator HARVEY PEELER, and the Minority Leader, Senator JOHN LAND, to join me for these remarks.

Senator McCONNELL and I are the only remaining members of the South Carolina General Assembly who were involved in leadership positions in President Reagan’s campaign. The Ronald Reagan Centennial Celebration became law on June 9, 2009, by a Resolution signed by President Barack Obama. President Reagan’s Birthday Centennial Celebration will start here today in South Carolina. In January 2011, the General Assembly unanimously passed a Concurrent Resolution, which was initially co-sponsored by the four of us to officially dedicate February 6, 2011, as Ronald Reagan Day in South Carolina. The roll of the Senate was applied to the Resolution on a motion by Senator DARRELL JACKSON. A copy has been sent to the Ronald Reagan Library, the Young America’s Foundation which owns the Reagan Center and the Reagan Ranch, and Mrs. Nancy Reagan for the permanent records. Many of the national celebratory events will occur in Simi Valley this weekend. I was hoping to be able to attend the library events but recent surgery for a slipped disc precluded my attending.

This Session of the South Carolina Senate is being televised statewide by S.C. ETV. For edification purposes of viewers, the following events will take place: On Saturday, February 5th , “A Concert for America - A Tribute to Ronald Reagan” will be shown at 7 p.m. PST or 10 p.m. EST. This may be downloaded on your computer. On February 6th, a concert will begin in Simi Valley followed by a program which will include a 21 field gun salute by the 11th Marines, an F-18 flyover, keynote remarks by Secretary James A. Baker III, former Secretary of State, Secretary of the Treasury, and Chief of Staff for President Reagan, and the official laying of the Presidential Wreath on President Reagan’s memorial site by Mrs. Reagan. As you know, President Reagan is buried at the Reagan Library in Simi Valley.

My observations about Ronald Reagan are simple. When you were around him, it was always like the Fourth of July. Unless there was an international crisis taking place, he instilled confidence in us. For those of us who had the honor to be with him, he had such a way about him that when you left, you not only felt good about who you were, but more importantly about the greatness of the United States of America.

His personal traits were unbelievable. He was as civil as any human being I have ever had the opportunity to be with. This was expressed by the late Speaker Thomas P. (Tip) O’Neill, Jr., Democratic Speaker of the House, when he was asked who his favorite president was. He said, “John F. Kennedy from Massachusetts,” with whom he served in the Senate. Then with a twinkling in his eye he said that he really liked Ronald Reagan even though they may have disagreed on policies and politics, but he enjoyed their personal time together.

His policy decisions centered on two core missions. One was to defeat the evil empire. The Union of Soviet Socialist Republics was the greatest military threat this country has ever faced. President Reagan persuaded the Congress to begin a massive military buildup in the 1980’s. This action led to the ultimate demise of the Soviet Union without an armed conflict. The Soviet Union collapsed and his actions restored faith and pride in our military.

The second one was the misery index which was a combination of record inflation, unemployment, and high interest rates he inherited from a bipartisan list of 1970’s presidents. He established a twenty year period of unprecedented prosperity and economic initiatives which President William J. Clinton also supported. He always has been an icon to those of us who are conservatives and he has now become an American icon. A recent issue of *Time* magazine explored commentaries made by President Obama and his White House staff on Ronald Reagan. One article lists six Presidents whom *Time* thought had transformed the presidency: three in the 19th century -- Thomas Jefferson, Andrew Jackson, and Abraham Lincoln and three in the 20th century -- Theodore Roosevelt, Franklin Roosevelt and Ronald Reagan. I was tremendously honored to have had the opportunity to know and serve with a true national hero.

Mr. PRESIDENT, I request that the Clerk read the Resolution followed by a viewing of a video produced by the Ronald Reagan Presidential Library.

**CO-SPONSORS ADDED**

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

S. 138 Sens. Thomas, Cromer

S. 172 Sens. Shane Martin, Ford

S. 245 Sen. Grooms

S. 277 Sen. Shane Martin

S. 420 Sen. Campbell

S. 444 Sen. Bright

S. 483 Sen. Scott

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 407 Sen. Davis

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 497 -- Senators Elliott, Rankin, Cleary and McGill: A BILL TO AMEND SECTION 48-39-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

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Senator ELLIOTT spoke on the Bill.

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

S. 498 -- Senators Jackson, Fair, Hutto, Knotts and Lourie: A BILL TO AMEND SECTION 59-10-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SNACKS SOLD FOR STUDENT CONSUMPTION IN SCHOOLS, SO AS TO PROVIDE FOR FAT, CALORIE, AND SUGAR CONTENT STANDARDS THAT SNACK FOOD AND BEVERAGES MUST MEET IN ORDER TO BE SOLD IN SCHOOLS, DEFINE THE TERM “REGULAR SCHOOL DAY”, AND TO ALLOW A SCHOOL DISTRICT TO SET STRICTER STANDARDS; BY ADDING SECTION 59-10-345 SO AS TO PROVIDE NUTRITIONAL REQUIREMENTS THAT ELEMENTARY, MIDDLE, AND HIGH SCHOOLS MUST FOLLOW FOR FULL MEALS FOR STUDENT CONSUMPTION AND TO REGULATE PORTION SIZE FOR A LA CARTE ITEM SALES; TO AMEND SECTION 59-10-380, RELATING TO FOOD OR BEVERAGE ITEMS SOLD AS A FUNDRAISER, SO AS TO SPECIFICALLY EXCLUDE FUNDRAISERS FROM THE NUTRITIONAL REQUIREMENTS; AND BY ADDING SECTION 59-10-390 SO AS TO PROVIDE THAT REVISIONS TO THIS CHAPTER MUST CORRESPOND WITH GUIDELINES ESTABLISHED BY THE ALLIANCE FOR A HEALTHIER GENERATION.

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

S. 499 -- Senator Rose: A BILL TO AMEND SECTION 12-37-670, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LISTING NEW STRUCTURES FOR TAXATION, SO AS TO PROVIDE THAT PREVIOUSLY UNTAXED IMPROVEMENTS TO REAL PROPERTY MUST BE LISTED FOR TAXATION BY THE FIRST DAY OF THE NEXT CALENDAR QUARTER AFTER A CERTIFICATE OF OCCUPANCY IS ISSUED OR THE STRUCTURE IS OCCUPIED.

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

S. 500 -- Senator Bright: A JOINT RESOLUTION TO PROVIDE FOR A JOINT SUBCOMMITTEE TO STUDY WHETHER SOUTH CAROLINA SHOULD ADOPT A CURRENCY TO SERVE AS AN ALTERNATIVE TO THE CURRENCY DISTRIBUTED BY THE FEDERAL RESERVE SYSTEM IN THE EVENT OF A MAJOR BREAKDOWN OF THE FEDERAL RESERVE SYSTEM.

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

S. 501 -- Senators Cromer, Peeler, Leatherman, L. Martin, McGill, Courson, Thomas, Grooms, Verdin, O'Dell, Campsen, Matthews, Campbell, Hutto, Alexander, Williams, Fair, Scott, Cleary, Reese, Davis, Leventis, Shoopman, Elliott, Anderson, S. Martin and Nicholson: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A FIRE MANAGER WHO SUPERVISES A PRESCRIBED FIRE MUST CONSIDER BOTH FIRE BEHAVIOR AND SMOKE MANAGEMENT AND TO PROVIDE CITATIONS TO OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

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

S. 502 -- Senator Davis: A BILL TO AMEND SECTION 50-23-30, AS AMENDED, CODE OF LAW OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE REQUIREMENT THAT WATERCRAFT AND OUTBOARD MOTORS BE TITLED, SO AS TO EXEMPT SAILBOATS WITHOUT MOTORIZED PROPULSION NOT MORE THAN FOURTEEN FEET IN LENGTH FROM THE TITLING REQUIREMENT.

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

S. 503 -- Senators Cleary, Alexander, Scott, Rankin, McGill, Williams and Ford: A BILL TO AMEND SECTION 40-37-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANNER OF PRESCRIBING AND ADMINISTERING PHARMACEUTICAL AGENTS BY AN OPTOMETRIST, SO AS TO PERMIT INJECTIONS INTO THE EYELID AS AN EXCEPTION TO THE PROHIBITION AGAINST MEDICATIONS BEING GIVEN BY INJECTION OR INTRAVENOUSLY.

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

S. 504 -- Senator Leventis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5-1525 SO AS TO PROVIDE MAXIMUM SPEED LIMITS FOR STATE-OPERATED MOTOR VEHICLES.

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

S. 505 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON MIRACLE HILL ROAD THAT CROSSES OVER OOLENOY RIVER IN PICKENS COUNTY “FRANK ‘SLIM’ KOTCHER BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “FRANK ‘SLIM’ KOTCHER BRIDGE”.

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

S. 506 -- Senators Bryant and O'Dell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 27 ALONG INTERSTATE HIGHWAY 85 IN ANDERSON COUNTY “LANCE CORPORAL JONATHAN SHEA NASH INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “LANCE CORPORAL JONATHAN SHEA NASH INTERCHANGE”.

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

S. 507 -- Senator Leventis: A BILL TO AMEND SECTION 17-21-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHANGE OF VENUE IN CRIMINAL PROCEEDINGS, SO AS TO PROVIDE THAT IF A PERSON CHARGED WITH A CRIMINAL OFFENSE IS A LAW ENFORCEMENT OFFICER, MAGISTRATE, OR CIRCUIT JUDGE, IT IS REBUTTABLY PRESUMED THAT A FAIR AND IMPARTIAL TRIAL CANNOT BE OBTAINED IN THE COUNTY IN WHICH THE DEFENDANT SERVED AND THAT THE VENUE IN SUCH A CASE MUST BE CHANGED TO ANOTHER COUNTY.

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

S. 508 -- Senators Bright, Shoopman, Davis, Campbell, Knotts, Cromer, Campsen, Courson, Bryant, Verdin, McConnell, Grooms, Ryberg, Thomas and Massey: A JOINT RESOLUTION TO DECLARE THAT THE FEDERAL PATIENT PROTECTION AND AFFORDABLE HEALTH CARE ACT IS NOT RECOGNIZED BY THIS STATE AND SHALL NOT BE ENFORCED BY ANY UNITED STATES OR SOUTH CAROLINA OFFICIAL, AGENT, OR EMPLOYEE UNLESS AND UNTIL THE UNITED STATES SUPREME COURT ISSUES AN OPINION THAT THE ACT IS NOT IN VIOLATION OF THE UNITED STATES CONSTITUTION.

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

S. 509 -- Senators Leventis, Land, Ryberg, Rankin, Hutto, Davis, Campsen, Bryant, L. Martin, Alexander, Shoopman, Thomas, Massey and Bright: A SENATE RESOLUTION TO PROVIDE THAT THE CLERK OF THE SENATE SHALL REDUCE THE MONTHLY IN‑DISTRICT COMPENSATION FOR EACH SENATOR BY A PROPORTIONATE AMOUNT SO THAT EACH SENATOR'S ANNUAL IN-DISTRICT COMPENSATION IS REDUCED BY ONE THOUSAND DOLLARS.

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

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

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

H. 3074 -- Reps. Barfield, Toole, Viers, Owens, Bikas and Clemmons: A JOINT RESOLUTION TO REQUEST APPROPRIATE ACTION BY THE CONGRESS OF THE UNITED STATES, ON ITS OWN ACTION BY CONSENT OF TWO-THIRDS OF BOTH HOUSES OR ON THE APPLICATION OF THE LEGISLATURES OF TWO-THIRDS OF THE SEVERAL STATES, TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE THAT THE TOTAL OF ALL FEDERAL APPROPRIATIONS MAY NOT EXCEED THE TOTAL OF ALL ESTIMATED FEDERAL REVENUES IN ANY FISCAL YEAR, WITH CERTAIN EXCEPTIONS.

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

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

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

H. 3479 -- Rep. H. B. Brown: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF FAIRFIELD COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

**REPORTS OF STANDING COMMITTEES**

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 336 -- Senator Grooms: A BILL TO AMEND SECTION 56‑7‑30 OF THE 1976 CODE, RELATING TO GENERATING UNIFORM TRAFFIC CITATIONS WITH AN ELECTRONIC DEVICE, TO REQUIRE THAT A COPY OF THE CITATION IS HANDED DIRECTLY TO THE OFFENDER BY THE LAW ENFORCEMENT OFFICER ISSUING THE TICKET; TO AMEND CHAPTER 7, TITLE 56, RELATING TO MOTOR VEHICLE TRAFFIC TICKETS, BY ADDING SECTION 56‑7‑35 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MUST STOP AN OWNER OR OPERATOR OF A VEHICLE TO ISSUE A TRAFFIC TICKET, TO PROVIDE THAT THE TRAFFIC TICKET MUST BE HANDED DIRECTLY TO THE OWNER OR OPERATOR OF THE VEHICLE, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY MAY NOT MAIL OR OTHERWISE SEND A TRAFFIC TICKET TO AN OFFENDER, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED, AND TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO TOLL COLLECTION; TO AMEND SECTION 56‑5‑710, RELATING TO THE POWER OF LOCAL AUTHORITIES CONCERNING TRAFFIC LAWS, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED; TO AMEND SECTION 56‑5‑70, AS AMENDED, RELATING TO CERTAIN VEHICLE REQUIREMENTS BEING SUSPENDED DURING A STATE OF EMERGENCY, TO CLARIFY THAT UNIFORM TRAFFIC CITATIONS MAY NOT BE ISSUED IN WHOLE OR IN PART ON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER ELECTRONIC DEVICE CAPTURING THE PHOTOGRAPHIC EVIDENCE WAS ATTENDED OR UNATTENDED AT THE TIME IT CAPTURED THE PHOTOGRAPHIC EVIDENCE; AND TO DISGORGE ANY FINES COLLECTED IN VIOLATION OF SECTION 56‑5‑70.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 471 -- Senator Grooms: A CONCURRENT RESOLUTION TO OPPOSE ANY PLAN TO EXPAND THE SAVANNAH RIVER THAT DOES NOT PROVIDE MUTUAL ECONOMIC BENEFITS TO THE PEOPLE OF SOUTH CAROLINA.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

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

S. 489 -- Senators O’Dell and Nicholson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE WORK OF ROGER STEVENSON, M.D. UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY‑SEVEN YEARS AS DIRECTOR OF THE GREENWOOD GENETIC CENTER.

S. 495 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO EXTEND THE CONGRATULATIONS OF THE SOUTH CAROLINA GENERAL ASSEMBLY TO LEROY RAVENELL ON THE OCCASION OF HIS BEING ELECTED SHERIFF OF ORANGEBURG COUNTY, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT AS HE TAKES UP HIS NEW DUTIES.

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

**THIRD READING BILL**

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

S. 91 -- Senators Ryberg and Knotts: A BILL TO AMEND CHAPTER 150, TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION LOTTERY TICKET SALES, BY ADDING SECTION 59‑150‑155 TO PROVIDE THAT A PERSON WHO CURRENTLY HOLDS A RETAIL LOTTERY TICKET SALES LICENSE MAY BE GRANTED A TEMPORARY LICENSE FOR RETAIL LOTTERY TICKET SALES IF HE ACQUIRES ANOTHER RETAIL BUSINESS WHICH SELLS LOTTERY TICKETS, TO PROVIDE THE LENGTH OF TIME A TEMPORARY LICENSE IS VALID, AND TO PROVIDE THE FEE FOR A TEMPORARY LICENSE.

**Recorded Vote**

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

**READ THE SECOND TIME**

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

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

Senator ROSE explained the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Fair Ford Grooms

Hayes Hutto Jackson

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

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

**Statement by Senator COURSON**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of second reading.

**S. 172--Objection to Third Reading of the Bill**

Senator ROSE asked unanimous consent to give the Bill a third reading on Friday, February 4, 2011.

Senator McCONNELL objected.

**READ THE SECOND TIME**

S. 349 -- Senator Cromer: A BILL TO AMEND SECTION 50‑21‑125, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO PROVIDE THAT CERTAIN SWIMMING RESTRICTIONS APPLY ON LAKES AND RESERVOIRS CONSTRUCTED OR DEVELOPED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

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

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

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Ford Grooms Hayes

Hutto Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell Nicholson O'Dell

Peeler Rankin Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**Statement by Senator COURSON**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of second reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 46 -- Senator McConnell: A BILL TO AMEND SECTION 50‑21‑870 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WEARING OF PERSONAL FLOTATION DEVICES ON PERSONAL WATERCRAFT, SO AS TO PROVIDE THAT A PERSON IS NOT REQUIRED TO WEAR A PERSONAL FLOTATION DEVICE IF THE PERSON IS IN POSSESSION OF A PERSONAL WATERCRAFT THAT IS LOCATED IN THREE FEET OF WATER OR LESS, AND IS ANCHORED, AND THE ENGINE IS NOT OPERATING.

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

The Committee on Fish Game and Forestry proposed the following amendment (46R002.RWC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 32 - 36 and inserting:

/ III, or Type V~~;~~. This subsection does not apply to a licensed driver or a person who is sixteen years of age or older who is in possession of a non‑operating personal watercraft that is in three feet of water or less, and is anchored or moored to a fixed or stationary floating object, that is not another personal watercraft or vessel;” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Ford Grooms Hayes

Hutto Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell Nicholson O'Dell

Peeler Rankin Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**Statement by Senator COURSON**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of second reading.

**CARRIED OVER**

S. 430 -- Senators L. Martin and Alexander: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS ATTENDING DANIEL HIGH SCHOOL IN THE PICKENS COUNTY SCHOOL DISTRICT ON AUGUST 18, 2010, DUE TO A WATER MAIN BREAK, IS EXEMPT FROM THE MAKE‑UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Senator SETZLER, the Joint Resolution 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 THE INTERRUPTED DEBATE.**

**AMENDED, READ THE SECOND TIME**

S. 255 -- Senators Cleary, McConnell, Hutto, Rose, Ford and Knotts: A BILL TO AMEND TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57, SO AS TO AUTHORIZE QUALIFIED RELIGIOUS, CHARITABLE, EDUCATIONAL, AND OTHER ELEEMOSYNARY ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES AND CASINO NIGHT CHARITY GAMES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS; TO REQUIRE PROCEEDS TO BE USED FOR RELIGIOUS, CHARITABLE, EDUCATIONAL, OR OTHER ELEEMOSYNARY PURPOSES; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment (DKA/3201SD11) proposed by Senator THOMAS and previously printed in the Journal of Tuesday, February 2, 2011.

Senator THOMAS explained the amendment.

With Senator THOMAS retaining the floor, Senator HAYES asked unanimous consent to make a motion to take up Amendment No. 167 for immediate consideration.

There was no objection.

**Amendment No. 167**

Senators HAYES and LARRY MARTIN proposed the following amendment (AGM\18475AB11), which was withdrawn:

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

/ SECTION 1. Title 33 of the 1976 Code is amended by adding:

“CHAPTER 57

Charitable Raffles

Section 33‑57‑100. (A) A lottery or raffle of any type whatsoever is unlawful unless it is authorized by the following:

(1) Chapter 150, Title 59, the Education Lottery;

(2) Article 24, Chapter 21, Title 12, Charitable Bingo; or

(3) Chapter 57, Title 33, Charitable Raffles.

(B) It is the intent of the General Assembly that only qualified tax‑exempt entities organized for religious, charitable, educational, philanthropic, or eleemosynary purposes shall operate and conduct raffles as authorized by this chapter.

(C)(1) Nothing in this chapter may be construed to allow electronic gambling devices or machines of any types, slot machines, video poker or similar electronic play devices, or to change or alter in any manner the prohibitions regarding video poker or similar electronic play devices in Chapter 21, Title 12 and Chapter 19, Title 16.

(2) No person may conduct a fundraising event commonly known and operated as a ‘casino night’, ‘Las Vegas night’, or ‘Monte Carlo night’ involving live individuals playing roulette, blackjack, poker, baccarat, or other card games, or dice games, unless the event is conducted only for entertainment purposes and no prizes, financial rewards, or incentives are received by players.

(3) No events with an electronic device or machine, slot machines, electronic video gaming devices, wagering on live sporting events, or simulcast broadcasts of horse races are authorized.

(D) Except for raffles conducted by the South Carolina Lottery Commission pursuant to Chapter 150, Title 59 or Charitable Bingo authorized by Article 24, Chapter 21, the provisions of this chapter provide the sole means by which activities associated with conducting raffles are authorized. The provisions of this chapter must be narrowly construed to ensure that tax‑exempt entities conducting a charitable raffle pursuant to this chapter are in strict compliance with the requirements of this chapter.

Section 33‑57‑110. For purposes of this chapter:

(1) ‘Adjusted gross receipts’ means gross receipts less all cash prizes and the amount paid for merchandise prizes purchased.

(2) ‘Charitable organization’ means a person or organization that is or holds itself out to be established for a religious, benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety.

(3) ‘Charity gaming supplies and equipment’ means any material, device, apparatus, or paraphernalia customarily used in the conduct of raffles, including raffle tickets, and other apparatus or paraphernalia used in conducting raffles subject to regulation under this chapter. The term shall not include any material, device, apparatus, or paraphernalia incidental to the raffle, such as pencils, playing cards, or other supplies that may be purchased or leased from normal sources of supply.

(4) ‘Fifty‑fifty raffle’ means a raffle conducted by a charitable organization qualified to operate raffles pursuant to Section 33‑57‑120 and the proceeds collected by the sale of the raffle tickets are split evenly between the prize winner and the charitable organization after the raffle drawing.

(5) ‘Gross receipts’ means all funds collected or received from the conduct of raffles.

(6) ‘Net receipts’ means adjusted gross receipts less all expenses, charges, fees, and deductions that are authorized under this chapter. Payment of unauthorized expenses, charges, fees, and deductions from the gross receipts is a violation of this chapter.

(7) ‘Operate’, ‘operated’, or ‘operating’ means the conduct, direction, supervision, management, operation, control, or guidance of activity.

(8) ‘Person’ means an individual, an organization, a trust, a foundation, a group, an association, a partnership, a corporation, a society, any other private entity, or a combination of them, or a manager, agent, servant, officer, or employee thereof.

(9) ‘Raffle’ means a game of chance in which a participant is required to pay something of value for a ticket for a chance to win a prize, with the winner to be determined by a random drawing or similar process whereby all entries have an equal chance of winning.

(10) ‘Secretary’ means the Office of the Secretary of State.

(11) ‘Year’ means a twelve‑month period from January first to December thirty‑first.

(12) ‘Director’ means the Director of the South Carolina Department of Revenue

Section 33‑57‑120. (A) A charitable organization is qualified to conduct raffles in accordance with the provisions of this chapter if the charitable organization:

(1) is recognized by the South Carolina Department of Revenue and the United States Internal Revenue Service as exempt from federal and state income taxation pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), 501(d), or 509(a); or is an educational institution, as defined in Chapter 56, Title 33; and

(2) has been in continuous existence and operation in the State for a period of not less than five years prior to the date of the first raffle; and

(3) is registered with the secretary pursuant to the requirements of Chapter 56, Title 33. In the event that a charitable organization meets the requirements of items (1) and (2) of this subsection, but is not registered with the secretary pursuant to Chapter 56, Title 33, or is unable to provide the secretary with documents that are required by Chapter 56, Title 33, the charitable organization must provide sufficient evidence concerning the structure and operation of the organization to enable the secretary to determine whether the applicant meets the charitable, religious, education, patriotic, or fraternal criteria required for charitable raffle authorization. Indicia of sufficient evidence includes, but is not limited to, the submission of a document attesting to the stated purpose of the organization, names of board members or organizers of the organization, and the formation date of the organization.

(B)(1) The requirement to register for the purpose of conducting raffles with the director shall apply to any and all charitable organizations that intend to conduct a raffle in this State, including those organizations that are exempt from or not required to follow the registration requirements of Chapter 56, Title 33.

(2) An exemption from registration for the purpose of conducting raffles is authorized for raffles conducted by a charitable organization where a non‑cash prize is donated for the charitable raffle and the total value of the prize or prizes offered for a raffle event is not more than nine hundred fifty dollars and for fifty‑fifty raffles where the tickets are sold to members or guests of a charitable organization and the total value of proceeds collected is not more than nine hundred fifty dollars.

(C) Charitable organizations that comply with the requirements of Section 33‑57‑120(A) and intend to operate a raffle must submit an annual raffle form with a fee of fifty dollars to the director. This registration form and fee shall cover all authorized raffles for a year. Registrations for raffles shall expire by December thirty‑first each year. Proceeds from the fees shall be retained by the director for enforcement of these provisions.

(D) The director may revoke a registration issued pursuant to this chapter if it finds that an organization is not in compliance with the exemption requirements of the Internal Revenue Code. A registration revoked under this chapter must not be reissued until a new application for registration has been made and the director determines that the organization is complying with the applicable provisions of the Internal Revenue Code.

(E) Charitable organizations registering with the director pursuant to the provisions of this chapter shall be subject to investigation and other actions by the Department of Revenue and subject to all penalties contained in Chapters 56 and 57, Title 33.

Section 33‑57‑130. (A) A charitable organization is allowed to operate up to four raffles per year. If a charitable organization has affiliates or subsidiaries that share a Federal Employer’s Identification Number (EIN) with a parent charitable organization, meet the requirements of this chapter, and are registered pursuant to Section 33‑57‑120(C), then each qualified affiliate or subsidiary, in addition to the raffles conducted by a parent charitable organization, may operate and conduct up to four raffles per year. Each charitable raffle shall continue for not more than nine months from the date the first raffle ticket is sold. No raffle drawing shall be conducted between the hours of midnight and ten a.m. Local law enforcement officials are authorized to enforce the hours of operation.

(B) The restriction on numbers of raffles shall not apply to raffles held by charitable organizations that are exempt pursuant to Section 33‑57‑120(B)(2).

Section 33‑57‑140. (A) Except for fifty‑fifty raffles, no less than ninety percent of the net receipts of a raffle authorized pursuant to this chapter must be used for the charitable, religious, educational, philanthropic, or eleemosynary purposes of the charitable organization.

(B) No gross receipts, expenses, or net receipts of a raffle shall be used to influence the outcome of a political office, to influence the outcome of an issue pending before a political body or a political party.

(C) A charitable organization shall not enter into a contract with any person to have that person operate raffles on behalf of the charitable organization.

(D)(1) A charitable organization shall not lend its name nor allow its identity to be used by any person in the operating or advertising of a raffle in which the charitable organization is not directly and solely operating the raffle.

(2) No person shall purchase or lease the name of a charitable organization for the purpose of conducting a raffle.

(3) Nothing in this section, however, shall prohibit two or more charitable organizations from participating together to conduct a raffle.

(E) A charitable organization conducting a raffle may advertise the events. Any advertisement for a raffle must name, within the advertisement, the charitable organization sponsoring the event.

(F) A raffle shall be conducted only by a qualified and authorized charitable organization through its bona fide officers and members who volunteer their time and receive no compensation for their services. Food and beverages served to and consumed by volunteers or staff of the sponsoring organization during a raffle are not compensation. No member, director, officer, employee, or agent of the charitable organization may receive any direct or indirect pecuniary benefit other than being able to participate in the raffle on a basis equal to all other participants. Full time staff of a charitable organization may receive their regular and ordinary compensation, but that compensation shall not be paid from the gross or net receipts of a raffle.

(G) A charitable organization shall not conduct raffles through any agent or third party, and shall not pay consulting fees or something of value to any person for any services performed in relation to the operating or conducting of a raffle. Rental of raffle equipment from a third party and the hiring of a person to operate equipment, so long as the expense is reasonable, are not considered conducting a raffle by a third party.

(H) Noncash prizes shall not be redeemed for money from the charitable organization or from any other entity that redeems noncash prizes awarded by raffles for money in the ordinary course of business.

(I) No raffle drawing event shall be held on Christmas Day.

(J) Raffle drawings must be conducted in accordance with local building and fire code regulations.

(K) The provisions of this chapter are not intended and shall not be construed to allow the play of raffles through any electronic device or machine. The operation of raffles excludes electronic gambling machines or devices, slot machines, or video poker games.

(L) An individual prize awarded to each winner in a raffle shall not exceed a maximum fair market value of forty thousand dollars. No real property may be offered as a prize in a raffle. For each raffle event, the total fair market value of all prizes offered by any charitable organization shall not exceed two hundred fifty thousand dollars.

(M) The purchase price for a raffle ticket may not exceed one hundred dollars.

Section 33‑57‑150. Expenses that are reasonable and necessary to operate and conduct raffles, as authorized by this chapter, are allowable, but no member, director, officer, employee, or agent of a charitable organization may receive any direct or indirect pecuniary benefit from payment of expenses related to the operation or conduct of a raffle. Allowable expenses include only expenses incurred for:

(1) advertising, including the cost of printing raffle tickets and gift certificates;

(2) office supplies, copying, and minor office equipment costs incurred in conducting or operating a charitable raffle;

(3) reasonable postage, parking, and shipping costs;

(4) costs of food and beverages, including corkage and gratuity fees, provided to the attendees and volunteers of the event;

(5) costs of materials and supplies for decorating a facility used for a charitable raffle drawing;

(6) entertainment related costs, such as disc jockeys, music bands, auctioneers, waiters, bartenders, and wait staff, incurred during the conducting or operating of a charitable raffle drawing;

(7) repairs to premises and equipment related to conducting or operating a charitable raffle;

(8) door prizes or prizes;

(9) stated premises’ rental or insurance expenses;

(10) security expenses incurred in conducting or operating charitable raffles;

(11) bookkeeping, accounting, or legal services utilized in connection with a charitable raffle including, but not limited to, the registration fees and the required financial reports;

(12) permit costs, fees, or taxes required by local or state government to conduct and operate a charitable raffle; and

(13) janitorial services and supplies incurred in conducting or operating a charitable raffle.

Section 33‑57‑160. (A) Each charitable organization conducting a registered raffle shall keep records of its gross receipts, expenses, adjusted gross receipts, and net receipts for each separate raffle at which winning chances are determined. All deductions from gross receipts for each separate raffle shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the expense deduction, and the recipient. The distribution of net receipts shall be itemized as to payee, purpose, amount, and date of payment.

(B) At the conclusion of each raffle, each charitable organization conducting a raffle shall report within forty‑five days from the conclusion of the event to its membership the gross receipts, expenses, and net receipts from each separate raffle, and the distribution of net receipts itemized as required by this chapter.

(C) Each registered charitable organization conducting charitable raffles shall submit annually by March fifteenth to the director a report under oath containing the following information for each raffle conducted within the preceding year:

(1) the amount of the gross proceeds;

(2) an itemized list of expenses incurred or paid, including the name of each person, company, or governmental entity to whom an expense was paid;

(3) each item of an expenditure made or to be made, with a detailed description of the merchandise purchased or the services rendered, and the name of each person, company, or governmental entity to whom the expenditure is to be made;

(4) the amount of the net proceeds;

(5) the use to which the proceeds have been or are to be applied;

(6) a list of prizes offered and given, with an estimate of their respective values; and

(7) the number of tickets sold.

(D) Records required by this chapter shall be preserved for three years, and organizations shall make available their records relating to operations of raffles at any time at the request of a member of the organization, or investigators from the department or law enforcement.

(E) No new registration shall be issued to an organization that fails to file its report as required by this section until all reports are filed, and the director has confirmed that the information in the reports is in compliance with the provisions of this chapter. An organization that fails to file a timely annual report required by this section may be assessed by the director administrative fines of ten dollars for each day of noncompliance for each delinquent report not to exceed two thousand dollars for each separate violation. In addition to the assessed fines, the director may revoke an organization’s registration for failure to file an annual report and bring an action before an administrative law judge to enjoin the organization from conducting raffles until the required reports are filed with the director.

Section 33‑57‑170. (A) Only one nonprofit organization may operate or cause the operation of a raffle in a building in any one twenty‑four hour period, and a building may not be used to conduct more than four raffles in a twelve‑month period. This section applies to all buildings regardless of ownership, of primary use, or of original use. For the purposes of this section, ‘building’ means a structure surrounded by exterior walls or permanent fire walls.

(B) A person is not permitted to manage or conduct a raffle or assist in any manner with the raffle operation if he (1) has a criminal record within the past five years, excluding misdemeanors; or (2) has a conviction of a crime of moral turpitude in the last ten years; or (3) has a conviction of writing more than five checks against insufficient funds within the past five years.

Section 33‑57‑180. (A) The director shall perform all functions incident to the administration, collection, enforcement, and operation of the provisions imposed pursuant to this chapter. Upon his own motion or upon complaint of any person, the director may investigate an organization to determine if it has violated the provisions of this chapter or has filed an application, or other information required by this chapter, which contains false or misleading statements. The director may subpoena or audit persons and organizations and require production of books, papers, and other documents to aid in the investigation of alleged violations of this chapter. By registering with the director pursuant to this chapter, each charitable organization consents to the director, as well as his agents, including local law enforcement or a circuit solicitor or his agents, entering onto the premises where a charitable raffle drawing is being held, for the purpose of enforcing the provisions of this chapter.

(B)(1) In addition to other actions authorized by this chapter and by law, the director, if he has reason to believe that one or more of the following acts or violations listed below has occurred or may occur, may assess a fine of not more than five hundred dollars for each violation and bring an action before an administrative law judge to enjoin a person or an organization from continuing the act or violation, or committing other acts in furtherance of it, and for other relief as the court considers appropriate:

(a) a person or organization operates in violation of the provisions of this chapter;

(b) a person or organization makes a false statement in any information required to be filed by this chapter;

(c) a person or organization uses a device, scheme, or artifice to defraud or to obtain money or property by means of false pretences, representation, or promise during the charitable raffles;

(d) the officers, directors, representatives, or agents of a charitable organization refuse or fail, after notice, to produce records of the organization; or

(e) the funds raised by the charitable raffles are not devoted to or distributed to the charitable purposes of the raffle.

(2) Each violation and each day in violation of a provision of this chapter constitutes a separate offense for which an administrative fine may be assessed.

(C) A person or organization that is assessed an administrative fine, has its registration suspended or revoked, or that has its registration denied, has thirty days from receipt of certified notice from the director to pay the fine or request an evidentiary hearing before an administrative law judge. If a person or organization fails to remit fines or request a hearing after the required notice is given and after thirty days from the date of receipt of certified notice has elapsed, the director may suspend its registration pending final resolution and may bring an action before the administrative law judge to enjoin the person or organization from engaging in further charitable raffles. The decision of the administrative law judge may be appealed according to the procedures in the Administrative Procedures Act.

Section 33‑57‑190. (A) A person or organization that knowingly and willfully conducts a charitable raffle without obtaining the necessary registration or qualifying for an exemption is guilty of conducting an illegal lottery and, upon conviction of a first offense, must be fined not more than one thousand dollars or imprisoned not more than one year, or both. For a second or subsequent offense, a person or organization is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

(B) A person or organization that knowingly and willfully violates a provision of this chapter with the intent to deceive or defraud an individual or charitable organization is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not more than five thousand dollars or imprisoned not more than one year, or both. For a second or subsequent offense, a person or organization is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

(C) A person or organization that knowingly and willfully gives false or misleading information to the director in a registration or report required by this chapter is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not more than two thousand dollars or imprisoned not more than one year, or both. For a second or subsequent offense, a person or organization is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) Upon the conviction of a member of a charitable organization or the conviction of a charitable organization for a violation pursuant to this section, all proceeds of the raffle from which the offense arose shall be disgorged to the director. Proceeds disgorged pursuant to this chapter shall be retained by the director for purposes of enforcement of this chapter.

(E) An organization whose officer or director is convicted of a violation pursuant to this section shall be prohibited from applying for a raffle permit for a period of no less than five years after the date of the conviction.

Section 33‑57‑200. The first two hundred thousand dollars in administrative fine revenue received pursuant to this chapter in a fiscal year may be retained by the director to offset the expenses of enforcing this chapter. All administrative fines collected pursuant to this chapter in excess of two hundred thousand dollars in a fiscal year must be transmitted to the State Treasurer and deposited in the state general fund. All fees collected pursuant to this chapter must be transmitted to the State Treasurer and deposited in a fund separate and distinct from the general fund and used by the director for the purpose of administering the provisions of this chapter. All criminal fines collected pursuant to this chapter may be retained by the law enforcement agency assisting the director in its prosecution.

Section 33‑57‑210. The Department of Revenue may promulgate regulations to administer and enforce the provisions of this chapter.”

SECTION 2. Nothing in the provisions of this act, including the allowance of qualified charitable organizations to conduct some raffles by the use of limited types of non‑electronic casino games, shall alter or amend the terms of “The Catawba Indian Claims Settlement Agreement” or “The Catawba Indian Claims Settlement Act”, as referenced in S.C. Code Ann. Sections 27‑16‑10 through 27‑16‑140 (2010) and in 25 U.S.C. Sections 941 through 941*n* (2010), or the holding of the South Carolina Supreme Court in Catawba Indian Tribe of South Carolina v. State of South Carolina, 372 S.C. 519, 642 S.E.2d 751 (2007), so as to allow an Indian Tribe or any other group of individuals to operate or conduct casino games unless conducted or operated only by a qualified charitable organization solely pursuant to the terms of Chapter 57, Title 33.

SECTION 3. This act shall apply prospectively. 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 4. 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, unless the provision prohibiting the altering or amending of the terms of “The Catawba Indian Claims Settlement Act” is held invalid or unconstitutional, so as to allow casino games in South Carolina by an Indian Tribe or any other group of individuals. The invalidity of that provision shall affect all other provisions or applications of this act, and to that end, the provisions of this act are non‑severable from that provision.

SECTION 5. The provisions of this act become effective thirty days after ratification of an amendment to Section 7, Article XVII of the Constitution of this State allowing its terms as proposed to the qualified electors of this State at the 2012 General Election, and the provisions of this act are repealed five years from the effective date unless further authorized by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

**Point of Quorum**

At 1:20 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

In the absence of a quorum, Senator KNOTTS moved that the Senate stand adjourned.

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

**Ayes 4; Nays 29**

**AYES**

Jackson Leventis Lourie

Reese

**Total--4**

**NAYS**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Davis Fair

Grooms Hayes Hutto

Knotts Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McConnell Nicholson O’Dell

Peeler Rose Ryberg

Scott Setzler Shoopman

Thomas Williams

**Total--29**

The Senate refused to adjourn.

Senator LARRY MARTIN resumed speaking on the amendment.

Senator McCONNELL spoke on the amendment.

**RECESS**

At 2:01 P.M., with Senator McCONNELL retaining the floor, on motion of Senator COURSON, with unanimous consent, the Senate receded from business subject to the Call of the PRESIDENT.

At 2:49 P.M., the Senate resumed.

Senator McCONNELL spoke on the amendment.

Senator LARRY MARTIN asked unanimous consent to make a motion to take up Amendment No. 168 for immediate consideration.

There was no objection.

**Amendment No. 168**

Senator HAYES proposed the following amendment (255R011.RWH), which was initially not adopted, subsequently reconsidered and then adopted:

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

/ SECTION 1. Title 33 of the 1976 Code is amended by adding:

“CHAPTER 57

Charitable Raffles

Section 33‑57‑100. (A) A lottery or raffle of any type whatsoever is unlawful unless it is authorized by the following:

(1) Chapter 150, Title 59, the Education Lottery;

(2) Article 24, Chapter 21, Title 12, Charitable Bingo; or

(3) Chapter 57, Title 33, Charitable Raffles.

(B) It is the intent of the General Assembly that only qualified tax‑exempt entities organized for religious, charitable, educational, philanthropic, or eleemosynary purposes shall operate and conduct raffles as authorized by this chapter.

(C)(1) Nothing in this chapter may be construed to allow electronic gambling devices or machines of any types, slot machines, video poker or similar electronic play devices, or to change or alter in any manner the prohibitions regarding video poker or similar electronic play devices in Chapter 21, Title 12 and Chapter 19, Title 16.

(2) No person may conduct a fundraising event commonly known and operated as a ‘casino night’, ‘Las Vegas night’, or ‘Monte Carlo night’ involving live individuals playing roulette, blackjack, poker, baccarat, or other card games, or dice games, unless the event is conducted only for entertainment purposes and no prizes, financial rewards, or incentives are received by players. No casino or casino games, except as otherwise authorized herein, are lawful.

(3) No events with an electronic device or machine, slot machines, electronic video gaming devices, wagering on live sporting events, or simulcast broadcasts of horse races are authorized.

(D) Except for raffles conducted by the South Carolina Lottery Commission pursuant to Chapter 150, Title 59 or Charitable Bingo authorized by Article 24, Chapter 21, the provisions of this chapter provide the sole means by which activities associated with conducting raffles are authorized. The provisions of this chapter must be narrowly construed to ensure that tax‑exempt entities conducting a charitable raffle pursuant to this chapter are in strict compliance with the requirements of this chapter.

Section 33‑57‑110. For purposes of this chapter:

(1) ‘Adjusted gross receipts’ means gross receipts less all cash prizes and the amount paid for merchandise prizes purchased.

(2) ‘Charitable organization’ means a person or organization that is or holds itself out to be established for a religious, benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety.

(3) ‘Charity gaming supplies and equipment’ means any material, device, apparatus, or paraphernalia customarily used in the conduct of raffles, including raffle tickets, and other apparatus or paraphernalia used in conducting raffles subject to regulation under this chapter. The term shall not include any material, device, apparatus, or paraphernalia incidental to the raffle, such as pencils, playing cards, or other supplies that may be purchased or leased from normal sources of supply.

(4) ‘Fifty‑fifty raffle’ means a raffle conducted by a charitable organization qualified to operate raffles pursuant to Section 33‑57‑120 and the proceeds collected by the sale of the raffle tickets are split evenly between the prize winner and the charitable organization after the raffle drawing.

(5) ‘Gross receipts’ means all funds collected or received from the conduct of raffles.

(6) ‘Net receipts’ means adjusted gross receipts less all expenses, charges, fees, and deductions that are authorized under this chapter. Payment of unauthorized expenses, charges, fees, and deductions from the gross receipts is a violation of this chapter.

(7) ‘Operate’, ‘operated’, or ‘operating’ means the conduct, direction, supervision, management, operation, control, or guidance of activity.

(8) ‘Person’ means an individual, an organization, a trust, a foundation, a group, an association, a partnership, a corporation, a society, any other private entity, or a combination of them, or a manager, agent, servant, officer, or employee thereof.

(9) ‘Raffle’ means a game of chance in which a participant is required to pay something of value for a ticket for a chance to win a prize, with the winner to be determined by a random drawing or similar process whereby all entries have an equal chance of winning.

(10) ‘Secretary’ means the Office of the Secretary of State.

(11) ‘Year’ means a twelve‑month period from January first to December thirty‑first.

Section 33‑57‑120. (A) A charitable organization is qualified to conduct raffles in accordance with the provisions of this chapter if the charitable organization:

(1) is recognized by the South Carolina Department of Revenue and the United States Internal Revenue Service as exempt from federal and state income taxation pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), 501(d), or 509(a); or is an educational institution, as defined in Chapter 56, Title 33; and

(2) has been in continuous existence and operation in the State for a period of not less than five years prior to the date of the first raffle; and

(3) is registered with the secretary pursuant to the requirements of Chapter 56, Title 33. In the event that a charitable organization meets the requirements of items (1) and (2) of this subsection, but is not registered with the secretary pursuant to Chapter 56, Title 33, or is unable to provide the secretary with documents that are required by Chapter 56, Title 33, the charitable organization must provide sufficient evidence concerning the structure and operation of the organization to enable the secretary to determine whether the applicant meets the charitable, religious, education, patriotic, or fraternal criteria required for charitable raffle authorization. Indicia of sufficient evidence includes, but is not limited to, the submission of a document attesting to the stated purpose of the organization, names of board members or organizers of the organization, and the formation date of the organization.

(B)(1) The requirement to register for the purpose of conducting raffles with the secretary shall apply to any and all charitable organizations that intend to conduct a raffle in this State, including those organizations that are exempt from or not required to follow the registration requirements of Chapter 56, Title 33.

(2) An exemption from registration for the purpose of conducting raffles is authorized for raffles conducted by a charitable organization where a non‑cash prize is donated for the charitable raffle and the total value of the prize or prizes offered for a raffle event is not more than nine hundred fifty dollars and for fifty‑fifty raffles where the tickets are sold to members or guests of a charitable organization and the total value of proceeds collected is not more than nine hundred fifty dollars.

(C) Charitable organizations that comply with the requirements of Section 33‑57‑120(A) and intend to operate a raffle must submit an annual raffle form with a fee of fifty dollars to the secretary. This registration form and fee shall cover all authorized raffles for a year. Registrations for raffles shall expire by December thirty‑first each year. Proceeds from the fees shall be retained by the secretary for enforcement of these provisions.

(D) The secretary may revoke a registration issued pursuant to this chapter if it finds that an organization is not in compliance with the exemption requirements of the Internal Revenue Code. A registration revoked under this chapter must not be reissued until a new application for registration has been made and the secretary determines that the organization is complying with the applicable provisions of the Internal Revenue Code.

(E) Charitable organizations registering with the secretary pursuant to the provisions of this chapter shall be subject to investigation and other actions by the secretary and subject to all penalties contained in Chapters 56 and 57, Title 33.

Section 33‑57‑130. (A) A charitable organization is allowed to operate up to four raffles per year. If a charitable organization has affiliates or subsidiaries that share a Federal Employer’s Identification Number (EIN) with a parent charitable organization, meet the requirements of this chapter, and are registered pursuant to Section 33‑57‑120(C), then each qualified affiliate or subsidiary, in addition to the raffles conducted by a parent charitable organization, may operate and conduct up to four raffles per year. Each charitable raffle shall continue for not more than nine months from the date the first raffle ticket is sold. No raffle drawing shall be conducted between the hours of midnight and ten a.m. Local law enforcement officials are authorized to enforce the hours of operation.

(B) The restriction on numbers of raffles shall not apply to raffles held by charitable organizations that are exempt pursuant to Section 33‑57‑120(B)(2).

Section 33‑57‑140. (A) Except for fifty‑fifty raffles, no less than ninety percent of the net receipts of a raffle authorized pursuant to this chapter must be used for the charitable, religious, educational, philanthropic, or eleemosynary purposes of the charitable organization.

(B) No gross receipts, expenses, or net receipts of a raffle shall be used to influence the outcome of a political office, to influence the outcome of an issue pending before a political body or a political party.

(C) A charitable organization shall not enter into a contract with any person to have that person operate raffles on behalf of the charitable organization.

(D)(1) A charitable organization shall not lend its name nor allow its identity to be used by any person in the operating or advertising of a raffle in which the charitable organization is not directly and solely operating the raffle.

(2) No person shall purchase or lease the name of a charitable organization for the purpose of conducting a raffle.

(3) Nothing in this section, however, shall prohibit two or more charitable organizations from participating together to conduct a raffle.

(E) A charitable organization conducting a raffle may advertise the events. Any advertisement for a raffle must name, within the advertisement, the charitable organization sponsoring the event.

(F) A raffle shall be conducted only by a qualified and authorized charitable organization through its bona fide officers and members who volunteer their time and receive no compensation for their services. Food and beverages served to and consumed by volunteers or staff of the sponsoring organization during a raffle are not compensation. No member, director, officer, employee, or agent of the charitable organization may receive any direct or indirect pecuniary benefit other than being able to participate in the raffle on a basis equal to all other participants. Full time staff of a charitable organization may receive their regular and ordinary compensation, but that compensation shall not be paid from the gross or net receipts of a raffle.

(G) A charitable organization shall not conduct raffles through any agent or third party, and shall not pay consulting fees or something of value to any person for any services performed in relation to the operating or conducting of a raffle. Rental of raffle equipment from a third party and the hiring of a person to operate equipment, so long as the expense is reasonable, are not considered conducting a raffle by a third party.

(H) Non-cash prizes shall not be redeemed for money from the charitable organization or from any other entity that redeems non-cash prizes awarded by raffles for money in the ordinary course of business.

(I) No raffle drawing event shall be held on Christmas Day.

(J) Raffle drawings must be conducted in accordance with local building and fire code regulations.

(K) The provisions of this chapter are not intended and shall not be construed to allow the play of raffles through any electronic device or machine. The operation of raffles excludes electronic gambling machines or devices, slot machines, or video poker games.

(L) An individual prize awarded to each winner in a raffle shall not exceed a maximum fair market value of forty thousand dollars. No real property may be offered as a prize in a raffle. For each raffle event, the total fair market value of all prizes offered by any charitable organization shall not exceed two hundred fifty thousand dollars.

(M) The purchase price for a raffle ticket may not exceed one hundred dollars.

Section 33‑57‑150. Expenses that are reasonable and necessary to operate and conduct raffles, as authorized by this chapter, are allowable, but no member, director, officer, employee, or agent of a charitable organization may receive any direct or indirect pecuniary benefit from payment of expenses related to the operation or conduct of a raffle. Allowable expenses include only expenses incurred for:

(1) advertising, including the cost of printing raffle tickets and gift certificates;

(2) office supplies, copying, and minor office equipment costs incurred in conducting or operating a charitable raffle;

(3) reasonable postage, parking, and shipping costs;

(4) costs of food and beverages, including corkage and gratuity fees, provided to the attendees and volunteers of the event;

(5) costs of materials and supplies for decorating a facility used for a charitable raffle drawing;

(6) entertainment related costs, such as disc jockeys, music bands, auctioneers, waiters, bartenders, and wait staff, incurred during the conducting or operating of a charitable raffle drawing;

(7) repairs to premises and equipment related to conducting or operating a charitable raffle;

(8) door prizes or prizes;

(9) stated premises’ rental or insurance expenses;

(10) security expenses incurred in conducting or operating charitable raffles;

(11) bookkeeping, accounting, or legal services utilized in connection with a charitable raffle including, but not limited to, the registration fees and the required financial reports;

(12) permit costs, fees, or taxes required by local or state government to conduct and operate a charitable raffle; and

(13) janitorial services and supplies incurred in conducting or operating a charitable raffle.

Section 33‑57‑160. (A) Each charitable organization conducting a registered raffle shall keep records of its gross receipts, expenses, adjusted gross receipts, and net receipts for each separate raffle at which winning chances are determined. All deductions from gross receipts for each separate raffle shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the expense deduction, and the recipient. The distribution of net receipts shall be itemized as to payee, purpose, amount, and date of payment.

(B) At the conclusion of each raffle, each charitable organization conducting a raffle shall report within forty‑five days from the conclusion of the event to its membership the gross receipts, expenses, and net receipts from each separate raffle, and the distribution of net receipts itemized as required by this chapter.

(C) Each registered charitable organization conducting charitable raffles shall submit annually by March fifteenth to the secretary a report under oath containing the following information for each raffle conducted within the preceding year:

(1) the amount of the gross proceeds;

(2) an itemized list of expenses incurred or paid, including the name of each person, company, or governmental entity to whom an expense was paid;

(3) each item of an expenditure made or to be made, with a detailed description of the merchandise purchased or the services rendered, and the name of each person, company, or governmental entity to whom the expenditure is to be made;

(4) the amount of the net proceeds;

(5) the use to which the proceeds have been or are to be applied;

(6) a list of prizes offered and given, with an estimate of their respective values; and

(7) the number of tickets sold.

(D) Records required by this chapter shall be preserved for three years, and organizations shall make available their records relating to operations of raffles at any time at the request of a member of the organization, or investigators from the secretary or law enforcement.

(E) No new registration shall be issued to an organization that fails to file its report as required by this section until all reports are filed, and the secretary has confirmed that the information in the reports is in compliance with the provisions of this chapter. An organization that fails to file a timely annual report required by this section may be assessed by the secretary administrative fines of ten dollars for each day of noncompliance for each delinquent report not to exceed two thousand dollars for each separate violation. In addition to the assessed fines, the secretary may revoke an organization’s registration for failure to file an annual report and bring an action before an administrative law judge to enjoin the organization from conducting raffles until the required reports are filed with the secretary.

Section 33‑57‑170. (A) The secretary shall perform all functions incident to the administration, collection, enforcement, and operation of the provisions imposed pursuant to this chapter. Upon his own motion or upon complaint of any person, the secretary may investigate an organization to determine if it has violated the provisions of this chapter or has filed an application, or other information required by this chapter, which contains false or misleading statements. The secretary may subpoena or audit persons and organizations and require production of books, papers, and other documents to aid in the investigation of alleged violations of this chapter. By registering with the secretary pursuant to this chapter, each charitable organization consents to the secretary, as well as his agents, including local law enforcement or a circuit solicitor or his agents, entering onto the premises where a charitable raffle drawing is being held, for the purpose of enforcing the provisions of this chapter.

(B)(1) In addition to other actions authorized by this chapter and by law, the secretary, if he has reason to believe that one or more of the following acts or violations listed below has occurred or may occur, may assess a fine of not more than five hundred dollars for each violation and bring an action before an administrative law judge to enjoin a person or an organization from continuing the act or violation, or committing other acts in furtherance of it, and for other relief as the court considers appropriate:

(a) a person or organization operates in violation of the provisions of this chapter;

(b) a person or organization makes a false statement in any information required to be filed by this chapter;

(c) a person or organization uses a device, scheme, or artifice to defraud or to obtain money or property by means of false pretences, representation, or promise during the charitable raffles;

(d) the officers, directors, representatives, or agents of a charitable organization refuse or fail, after notice, to produce records of the organization; or

(e) the funds raised by the charitable raffles are not devoted to or distributed to the charitable purposes of the raffle.

(2) Each violation and each day in violation of a provision of this chapter constitutes a separate offense for which an administrative fine may be assessed.

(C) A person or organization that is assessed an administrative fine, has its registration suspended or revoked, or that has its registration denied, has thirty days from receipt of certified notice from the secretary to pay the fine or request an evidentiary hearing before an administrative law judge. If a person or organization fails to remit fines or request a hearing after the required notice is given and after thirty days from the date of receipt of certified notice has elapsed, the secretary may suspend its registration pending final resolution and may bring an action before the administrative law judge to enjoin the person or organization from engaging in further charitable raffles. The decision of the administrative law judge may be appealed according to the procedures in the Administrative Procedures Act.

Section 33‑57‑180. (A) A person or organization that knowingly and willfully conducts a charitable raffle without obtaining the necessary registration or qualifying for an exemption is guilty of conducting an illegal lottery and, upon conviction of a first offense, must be fined not more than one thousand dollars or imprisoned not more than one year, or both. For a second or subsequent offense, a person or organization is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

(B) A person or organization that knowingly and willfully violates a provision of this chapter with the intent to deceive or defraud an individual or charitable organization is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not more than five thousand dollars or imprisoned not more than one year, or both. For a second or subsequent offense, a person or organization is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

(C) A person or organization that knowingly and willfully gives false or misleading information to the secretary in a registration or report required by this chapter is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not more than two thousand dollars or imprisoned not more than one year, or both. For a second or subsequent offense, a person or organization is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) Upon the conviction of a member of a charitable organization or the conviction of a charitable organization for a violation pursuant to this section, all proceeds of the raffle from which the offense arose shall be disgorged to the secretary. Proceeds disgorged pursuant to this chapter shall be retained by the secretary for purposes of enforcement of this chapter.

(E) An organization whose officer or director is convicted of a violation pursuant to this section shall be prohibited from applying for a raffle permit for a period of no less than five years after the date of the conviction.

Section 33‑57‑190. The first two hundred thousand dollars in administrative fine revenue received pursuant to this chapter in a fiscal year may be retained by the secretary to offset the expenses of enforcing this chapter. All administrative fines collected pursuant to this chapter in excess of two hundred thousand dollars in a fiscal year must be transmitted to the State Treasurer and deposited in the state general fund. All fees collected pursuant to this chapter must be transmitted to the State Treasurer and deposited in a fund separate and distinct from the general fund and used by the secretary for the purpose of administering the provisions of this chapter. All criminal fines collected pursuant to this chapter may be retained by the law enforcement agency assisting the secretary in its prosecution.

Section 33‑57‑200. The Secretary of State may promulgate regulations to administer and enforce the provisions of this chapter.”

SECTION 2. Nothing in the provisions of this act, including the allowance of qualified charitable organizations to conduct some raffles by the use of limited types of non‑electronic casino games, shall alter or amend the terms of “The Catawba Indian Claims Settlement Agreement” or “The Catawba Indian Claims Settlement Act”, as referenced in S.C. Code Ann. Sections 27‑16‑10 through 27‑16‑140 (2010) and in 25 U.S.C. Sections 941 through 941*n* (2010), or the holding of the South Carolina Supreme Court in Catawba Indian Tribe of South Carolina v. State of South Carolina, 372 S.C. 519, 642 S.E.2d 751 (2007), so as to allow an Indian Tribe or any other group of individuals to operate or conduct casino games unless conducted or operated only by a qualified charitable organization solely pursuant to the terms of Chapter 57, Title 33.

SECTION 3. This act shall apply prospectively. 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 4. 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, unless the provision prohibiting the altering or amending of the terms of “The Catawba Indian Claims Settlement Act” is held invalid or unconstitutional, so as to allow casino games in South Carolina by an Indian Tribe or any other group of individuals. The invalidity of that provision shall affect all other provisions or applications of this act, and to that end, the provisions of this act are non‑severable from that provision.

SECTION 5. The provisions of this act become effective thirty days after ratification of an amendment to Section 7, Article XVII of the Constitution of this State allowing its terms as proposed to the qualified electors of this State at the 2012 General Election, and the provisions of this act are repealed five years from the effective date unless further authorized by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The question then was the adoption of Amendment No. 168.

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

**Ayes 13; Nays 21**

**AYES**

Alexander Bryant Cleary

Fair Hayes Leatherman

*Martin, Larry* O’Dell Peeler

Reese Ryberg Shoopman

Thomas

**Total--13**

**NAYS**

Bright Campsen Courson

Cromer Davis Ford

Grooms Hutto Knotts

Leventis Malloy *Martin, Shane*

Massey McConnell Nicholson

Rose Scott Setzler

Sheheen Verdin Williams

**Total--21**

The amendment was not adopted.

**Statement by Senator McCONNELL**

I voted against Amendment No. 168 because I believe that it would unnecessarily restrict the ability of charities to hold casino nights to raise funds.  This amendment would ban casino nights from offering prizes to participants.  That restriction would for all intents and purposes ban casino nights in South Carolina.  That part of the amendment I believe was a fix to a problem that did not exist.  It is another attempt to micromanage private charities’ and nonprofits’ ability to raise needed donations for worthy causes.  For that reason, I voted “no”.

On motion of Senator HAYES, with unanimous consent, Amendment No. 167 was withdrawn from consideration.

The Senate resumed consideration of Amendment No. 2.

Senator THOMAS was recognized to speak on Amendment No. 2.

At 2:58 P.M., Senator SHEHEEN moved that the Senate stand adjourned.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the motion to adjourn was out of order inasmuch as a Senator held the floor and the motion would require unanimous consent.

The PRESIDENT sustained the Point of Order.

Senator THOMAS resumed explaining Amendment No. 2.

**PRESIDENT *PRO TEMPORE* PRESIDES**

At 3:25 P.M., Senator McCONNELL assumed the Chair.

Senator THOMAS resumed explaining Amendment No. 2.

Having voted on the prevailing side, Senator MASSEY moved to reconsider the vote whereby the adoption of Amendment No. 168 failed.

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

**Ayes 27; Nays 4**

**AYES**

Alexander Bright Bryant

Campsen Courson Cromer

Fair Grooms Hayes

Jackson Knotts Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McConnell O’Dell

Peeler Reese Ryberg

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--27**

**NAYS**

Cleary Ford Hutto

Leventis

**Total--4**

The motion to reconsider the vote whereby the adoption of Amendment No. 168 failed, was adopted.

The question then was the adoption of Amendment No. 168.

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

**Ayes 23; Nays 8**

**AYES**

Alexander Bryant Cleary

Courson Cromer Fair

Grooms Hayes Jackson

Leatherman Malloy *Martin, Larry*

Massey O’Dell Peeler

Reese Ryberg Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--23**

**NAYS**

Bright Campsen Ford

Hutto Knotts Leventis

*Martin, Shane* McConnell

**Total--8**

Amendment No. 168 was adopted.

**Statement by Senator McCONNELL**

I voted against Amendment No. 168 because I believe that it would unnecessarily restrict the ability of charities to hold casino nights to raise funds.  This amendment would ban casino nights from offering prizes to participants.  That restriction would for all intents and purposes ban casino nights in South Carolina.  That part of the amendment I believe was a fix to a problem that did not exist.  It is another attempt to micromanage private charities and nonprofits ability to raise needed donations for worthy causes.  For that reason, I voted “no”.

On motion of Senator THOMAS, with unanimous consent, Amendment No. 2 was withdrawn.

On motion of Senator THOMAS, with unanimous consent, Amendment No. 1, which had been previously carried over, was withdrawn.

**Amendment No. 166**

Senators SETZLER and KNOTTS proposed the following amendment (255R009.NGS), which was adopted:

Amend the bill, as and if amended, page 5, by striking Section 33‑57-120(C) and inserting:

/ (C) Charitable organizations that comply with the requirements of Section 33‑57‑120(A) and intend to operate a raffle must submit an annual raffle form to the secretary. This registration form shall cover all authorized raffles for a year. Registrations for raffles shall expire by December thirty‑first each year. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

Senator THOMAS spoke on the amendment.

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

**Ayes 32; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Fair Ford

Grooms Hayes Hutto

Jackson Knotts Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

O’Dell Peeler Reese

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

**Total--0**

The amendment was adopted.

**Statement by Senator SETZLER**

I offered Amendment No. 166 in order to delete the $50 registration fee when submitting a raffle form.

**Amendment No. 161**

Senator KNOTTS proposed the following amendment (JUD0255.010), which was withdrawn:

Amend the bill, as and if amended, page 4, in Section 33-57-120, by striking lines 1-26 in their entirety and inserting the following:

/ Section 33-57-120. (A) A charitable organization is qualified to conduct raffles or casino night charity games in accordance with the provisions of this chapter if the charitable organization is a nonprofit, tax-exempt church, school, civic organization, or related support group; nonprofit organization qualified under Section 501(c) of the Internal Revenue Code, as amended; a bona fide nonprofit organization approved by the Secretary of State; or a hunting club that is established and operating within the State. The organization must have been in continuous existence and operation in the State for a period of not less than one year prior to the date of the first raffle or casino night charity game. /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

On motion of Senator KNOTTS, the amendment was withdrawn.

The question then was the second reading of the Bill.

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

**Ayes 18; Nays 14**

**AYES**

Alexander Campsen Cleary

Cromer Ford Hutto

Knotts Leatherman Malloy

*Martin, Larry* Massey McConnell

Nicholson Peeler Ryberg

Scott Setzler Sheheen

**Total--18**

**NAYS**

Bright Bryant Courson

Fair Grooms Hayes

Jackson Leventis *Martin, Shane*

Reese Shoopman Thomas

Verdin Williams

**Total--14**

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

**Statement by Senator GROOMS**

I voted against the second reading of S. 255 because its proponents are attempting to “fix” a “so-called” problem by creating a new government regulatory scheme that will no doubt cause the exact same problems they claim to be solving. They claim that immediate action is required because laws are being violated and good and decent citizens will soon be arrested for conducting charitable raffles.  This is absolutely not true. No one in our State has been arrested or detained for operating a raffle. In fact, for more than a century, charitable and civic organizations have successfully raised money through donations by utilizing raffles.  By imposing this new and complex government scheme, our State will be creating situations where those who do not conduct raffles in compliance with these new rules and regulations will be arrested and charged with crimes.

**PRESIDENT PRESIDES**

At 4:29 P.M., the PRESIDENT assumed the Chair.

**Motion Adopted**

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

**EXECUTIVE SESSION**

On motion of Senator McCONNELL, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

**STATEWIDE APPOINTMENTS**

**Confirmations**

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

Initial Appointment, Director of Department of Revenue and Taxation, with term coterminous with Governor

James F. Etter, 120 Tam O Shanter Drive, Blythewood, SC 29016 *VICE* Ray N. Stevens

On motion of Senator LEATHERMAN, the question was confirmation of Mr. Etter.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Fair Ford

Grooms Hayes Hutto

Jackson Knotts Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

Nicholson Peeler Reese

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Etter was confirmed.

Having received a favorable report from the Banking and Insurance Committee, the following appointment was confirmed in open session:

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

Robert David Black, 227 McDaniel Avenue, Greenville, SC 29601 *VICE* Scott Richardson

On motion of Senator THOMAS, the question was confirmation of Mr. Black.

Senator MALLOY spoke in favor of confirmation.

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

**Ayes 28; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Fair Ford

Grooms Hayes Jackson

Knotts Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey McConnell Nicholson

Peeler Reese Scott

Shoopman Thomas Verdin

Williams

**Total--28**

**NAYS**

**Total--0**

The appointment of Mr. Black was confirmed.

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Charnel Monique Redden, 25, born in Kingstree, S.C., and currently living in Irmo, who was a victim of domestic violence.

and

**MOTION ADOPTED**

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Norma Jean W. Thompson of Myrtle Beach, S.C. Mrs. Thompson was a beloved wife, devoted mother and doting grandmother.

**ADJOURNMENT**

At 4:52 P.M., on motion of Senator McCONNELL, 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.

\* \* \*