**Wednesday, March 9, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 1:00 P.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 the book of Joel we read:

“ ‘Even now,’ declares the Lord, ‘return to me with all your heart, with fasting and weeping and mourning.’ ” (Joel 2:12)

Join me on this Ash Wednesday as we pray together:

Holy and Ever-loving God, not a single one of us believes that we are so perfect that we do not need to bow before You and confess our sinfulness. You know our hearts; You alone grasp the fullness of our shortcomings. Yet You have promised to cleanse us in ways that nothing else can even begin to match. So we pray to You here in this Senate Chamber, Lord, to accept us all afresh, to set us on a new course, to grant us forgiveness for those times we have stumbled. And we praise You for Your constant faithfulness and Your redemptive love.

Amen.

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

**Motion Adopted**

On motion of Senator BRYANT, with unanimous consent, Senators BRIGHT, REESE and BRYANT were granted leave to attend a meeting of a LCI subcommittee.

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4162

Agency: Environmental Certification Board

Chapter: 51

Statutory Authority: 1976 Code Sections 40-1-70, 40-23-70, and 40‑23‑305

SUBJECT: Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses

Received by Lieutenant Governor January 21, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 21, 2011

Withdrawn and Resubmitted March 9, 2011

Document No. 4164

Agency: Division of Labor

Chapter: 71

Statutory Authority: 1976 Code Sections 41-3-40 and 41-13-20

SUBJECT: Child Labor

Received by Lieutenant Governor January 21, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 21, 2011

Withdrawn and Resubmitted March 9, 2011

**Doctor of the Day**

Senator COURSON introduced Dr. Tommy Gibbons of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 1:15 P.M., Senator COURSON requested a leave of absence beginning at 6:00 P.M. and lasting until 11:00 A.M. in the morning.

**Leave of Absence**

At 2:00 P.M., Senator LEATHERMAN requested a leave of absence beginning at 4:00 P.M. and lasting until 11:00 A.M. in the morning.

**CO-SPONSORS ADDED**

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

S. 36 Sen. Setzler

S. 76 Sen. Cromer

S. 220 Sen. Ford

S. 225 Sen. Alexander

S. 592 Sen. Rose

S. 605 Sen. Rose

S. 638 Sen. Rose

S. 643 Sen. Rose

**CO-SPONSORS REMOVED**

The following co-sponsors were removed from the respective Bills:

S. 431 Sen. Larry Martin

S. 630 Sens. Cromer and Verdin

**Privilege of the Chamber**

On motion of Senator KNOTTS, with unanimous consent, the Privilege of the Chamber, to that area behind the rail was extended to Lance Corporal William Kyle Carpenter of Gilbert, S.C. and his family.

While serving in Afghanistan, Lance Corporal Carpenter was seriously wounded from an enemy hand grenade while saving the lives of other soldiers in his unit. Lance Corporal Carpenter was commended for his heroism and thanked for his dedicated and courageous service to the United States and South Carolina.

Senator COURSON spoke about Lance Corporal Carpenter’s service.

**Remarks by Senator KNOTTS**

On November 21, 2010, while serving in the worst area of operation in all of Afghanistan, Lance Corporal William Kyle Carpenter of the United States Marine Corps, took the full blast from a taliban hand grenade while attempting to save his good friend and fellow Marine Corporal, Nick Eufrazio.

Corporal Carpenter suffered catastrophic wounds, and on Thanksgiving Day, he was air-lifted to Landstuhl Regional Medical Center in Germany. Landstuhl is the largest hospital for American military personnel and Coalition Forces in Europe, and it is better known as “half-way home”.

When Lance Corporal Carpenter was carried off the plane in Germany, the first person to greet him was Master Sergeant Charles Williams of the S.C. Air National Guard, from Chapin, S.C. Better known to all of us in the S.C. Senate as “Chuck”, he was on military leave from the Office of the Senate Sergeant-at-Arms -- serving his second tour in Germany -- and assigned as an Assistant Chaplain to the ICU (intensive care unit) for the Wounded Warrior Project.

Although Kyle Carpenter does not recall Chuck being by his side, Chuck remembers the battered young man whose life hung in the balance. On the second day of Kyle’s hospitalization at Landstuhl, he developed a blood clot, and plans to evacuate Corporal Carpenter to the United States were delayed. Chuck continuously remained by Kyle’s side, praying for Kyle’s improvement. Miraculously on the third day, the clot was gone, and Kyle was stable enough to be flown to Bethesda, MD, where he began his “long and final way back home.”

Although Kyle lost his right eye, most of his teeth, and suffered extreme damage to his right arm, he remained tough -- gaining physical and spiritual strength daily. His family, friends, church, doctors and surgical teams were amazed by his ability to persevere and improve.

After 25 surgeries and hundreds of hours of physical therapy, Lance Corporal Carpenter is back home with his family, and today he is reunited for the first time with Master Sergeant Chuck Williams.

Ladies and gentlemen, we are honored to have Kyle Carpenter here today. Kyle is truly the epitome of an American hero, and we are blessed to have him in our presence.

In a few weeks, I will be hosting the SC Fallen Soldiers luncheon and ceremony.

There is no doubt that Kyle is with us today because God had a greater plan for him.

Nick Eufrazio, Kyle’s best friend in Afghanistan, is reportedly improving. He is now speaking and walking. The two families have continued to stay in touch and have grown very close. Kyle is looking forward to his reunion with Nick in the near future as he returns to Bethesda for further medical treatment. Let’s keep Marine Corporal Nick Eufrazio in our thoughts and prayers as he recovers from injuries sustained in the same devastating blast.

On December 10, 2010, Kyle Carpenter received the Purple Heart for his unselfish and brave sacrifice for his country. And, Lance Corporal Carpenter has been nominated for the United States Medal of Honor. Although Lance Corporal Carpenter would like to stay in the Marines, his soldiering days are probably over.

Kyle is accompanied by his parents, Robert and Robin Carpenter of Gilbert, his twin brothers, Price and Peyton, his grandfather, James Carpenter, and Kyle’s fiancé, Miss Jordan Gleaton. Kyle is looking forward to going to college to become a teacher and football coach. He also looks forward to marrying the woman who stood and continues to stand by his side, Jordan.

Lance Corporal Carpenter, on behalf of the South Carolina Senate and the entire S.C. General Assembly, we want to thank you for your heroic service. We pray for your swift and complete recovery, and we wish you great success in your future career as a teacher and coach.

**Remarks by Senator COURSON**

We welcome Lance Corporal Kyle Carpenter to the South Carolina Senate. It is my understanding that he is stationed at Marine Corps Base, Camp Lejeune, North Carolina. I was also stationed at that base.

Outside of the Iwo Jima Memorial in Arlington, VA, the new National Marine Corps Museum at Quantico, Virginia, is probably considered the holiest of holy location by Marines. I have been involved extensively with the museum since its dedication approximately ten years ago. The National Marine Corps Museum is located just up I-95 from Jacksonville, North Carolina.

Today, it is my pleasure to present to you a pin that I wear which I obtained from the National Museum of the Marine Corps which has a United States flag and the Marine Corps flag crossed together.

Thank you.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senators KNOTTS and COURSON were ordered printed in the Journal.

**Expression of Personal Interest**

Senator THOMAS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator MASSEY rose for an Expression of Personal Interest.

**Motion to Ratify Adopted**

At 2:13 P.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at 11:15 A.M. on Thursday, March 10, 2011.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 673 -- Senators Cleary, Campbell, O'Dell, Cromer, Knotts and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-244 SO AS TO PROVIDE A DENTAL INSURANCE PLAN MAY NOT REQUIRE A DENTIST WHO IS A PARTICIPATING PROVIDER OF THE PLAN TO PROVIDE A SERVICE TO AN INSURED OF THE PLAN AT A FEE SET BY OR SUBJECT TO THE APPROVAL OF THE INSURER UNLESS THE SERVICE IS COVERED BY THE DENTAL INSURANCE PLAN, TO PROVIDE A HEALTH CARE SERVICE CONTRACTOR OR THIRD PARTY ADMINISTRATOR MAY NOT MAKE A MEMBER OF ITS DENTAL CARE PROVIDERS NETWORK AVAILABLE TO A DENTAL PLAN THAT SETS DENTAL FEES FOR A SERVICE THAT IS NOT A COVERED SERVICE, AND TO DEFINE CERTAIN TERMS.

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

S. 674 -- Senator Knotts: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 24 OF ARTICLE III, SECTION 3 OF ARTICLE VI, AND SECTION 1A OF ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, ALL RELATING TO DUAL OFFICE HOLDING AND QUALIFICATION FOR OFFICE, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST HOLDING TWO OFFICES OF HONOR OR PROFIT DOES NOT APPLY TO COMMISSIONED LAW ENFORCEMENT OFFICERS, CORRECTIONS OFFICERS, OR DEPUTY CORONERS WHO HOLD PUBLIC OFFICE IN A POLITICAL SUBDIVISION OTHER THAN THE ONE IN WHICH THEY SERVE AS A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, OR DEPUTY CORONER.

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

S. 675 -- Senators Lourie, Campbell, Williams, Bryant, Land, Cromer, Elliott, Alexander, Ryberg, McGill, Nicholson, Massey and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-40-715 SO AS TO PROVIDE PROCEDURES FOR CONDUCTING EXPEDITED HEARINGS ON ACTIONS FOR EVICTION IN RESIDENTIAL LANDLORD AND TENANT AGREEMENTS.

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

S. 676 -- Senator Knotts: A BILL TO AMEND SECTION 8-1-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC OFFICERS NOT CONSIDERED DUAL OFFICEHOLDERS, SO AS TO PROVIDE THAT A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, OR DEPUTY CORONER EMPLOYED BY A POLITICAL SUBDIVISION OTHER THAN THE ONE IN WHICH THEY SERVE AS A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, OR DEPUTY CORONER IS NOT CONSIDERED A DUAL OFFICEHOLDER FOR THE PURPOSES OF THE CONSTITUTION OF SOUTH CAROLINA, 1895.

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

S. 677 -- Senators Hutto, Sheheen, Lourie, Land, Setzler, Reese, Williams, Matthews, Malloy, Pinckney, Leventis, Coleman, Jackson, Elliott, Anderson, Nicholson and Scott: A BILL TO AMEND SECTION 1-11-720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES AND RETIREES ARE ELIGIBLE FOR THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO INCLUDE AND MAKE ELIGIBLE A BUSINESS WITH NO MORE THAN TWENTY-FIVE FULL-TIME EMPLOYEES.

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

S. 678 -- Senator Lourie: A SENATE RESOLUTION TO DECLARE MARCH 14-22, 2011, NATIONAL MULTIPLE SCLEROSIS WEEK IN SOUTH CAROLINA, AND TO COMMEND THE EFFORTS OF THE NATIONAL MULTIPLE SCLEROSIS SOCIETY TO ADVOCATE FOR AWARENESS OF THE EFFECTS OF AND TREATMENTS FOR MULTIPLE SCLEROSIS.

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On motion of Senator LOURIE, with unanimous consent, the Senate Resolution was adopted.

S. 679 -- Senators Elliott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS AND PRESIDENT BARACK OBAMA TO EXPEDITIOUSLY PURSUE IMPROVED ENERGY POLICIES AND RELATED TAX POLICIES IN AN EFFORT TO STRENGTHEN OUR NATIONAL ECONOMY AND ENHANCE THE QUALITY OF LIFE OF AMERICAN CITIZENS.

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Senator ELLIOTT spoke on the Resolution.

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

S. 680 -- Senator Cleary: A SENATE RESOLUTION TO DECLARE WEDNESDAY, MARCH 9, 2011, AS “SOUTH CAROLINA RECYCLERS DAY” AND TO COMMEND AND RECOGNIZE SOUTH CAROLINA’S RECYCLERS FOR THEIR CONTRIBUTIONS TO OUR STATE'S ECONOMY AND FOR THEIR EFFORTS TO PROTECT THE ENVIRONMENT AND PROMOTE ENERGY EFFICIENCY.

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The Senate Resolution was adopted.

S. 681 -- Senator Cleary: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DANIEL H. ISAAC OF HORRY COUNTY FOR EXEMPLARY COMMUNITY SERVICE, AND TO CONGRATULATE HIM UPON RECEIVING THE 2011 ANN DEBOCK AWARD THROUGH THE LEADERSHIP GRAND STRAND CLASS.

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The Senate Resolution was adopted.

H. 3012 -- Reps. Horne, H. B. Brown and Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE “LICENSURE OF IN-HOME CARE PROVIDER ACT” SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN-HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN-HOME CAREGIVERS EMPLOYED BY IN-HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT'S RESPONSIBILITIES PURSUANT TO THIS CHAPTER; AND TO AMEND SECTION 44-7-2910, AS AMENDED, RELATING TO CRIMINAL RECORD CHECKS FOR CAREGIVERS, SO AS TO INCLUDE IN-HOME CARE PROVIDERS.

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

H. 3038 -- Rep. Umphlett: A BILL TO AMEND SECTION 44-34-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TATTOO FACILITY ENGAGING IN ANOTHER RETAIL BUSINESS, SO AS TO PROVIDE A TATTOO FACILITY MAY PROVIDE THE RETAIL SALE OF MERCHANDISE WITH IMAGES AND LANGUAGE PROMOTING THE ART AND CULTURE OF TATTOOING.

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

H. 3170 -- Rep. Gilliard: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY VETERAN HOMELESSNESS, UNEMPLOYMENT, JOB PLACEMENT, INCIDENCE OF POST-TRAUMATIC STRESS DISORDER, ACCESS TO BASIC HUMAN SERVICES, AND OTHER ISSUES AFFECTING SOUTH CAROLINA VETERANS AND TO PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

Read the first time and referred to the General Committee.

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

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

H. 3716 -- Ways and Means Committee: A BILL TO AMEND CHAPTER 20, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION FINANCE ACT OF 1977, SO AS TO RENAME THE CHAPTER, DEFINE CERTAIN TERMS, REVISE THE PURPOSE OF THE CHAPTER, REVISE PUPIL WEIGHTINGS WITHIN THE ALLOCATION FORMULA, DELETE PROVISIONS REGARDING SCHOOL AND DISTRICT IMPROVEMENT PLANS, DELETE THE INFLATION ADJUSTMENT TO STATE FUNDS FOR SCHOOL DISTRICTS, DELETE THE PROVISION THAT A SCHOOL DISTRICT MAY NOT RECEIVE HOLD HARMLESS FUNDS, DELETE THE REQUIREMENT THAT TEACHER SALARIES MUST BE ADJUSTED TO STAY AT THE SOUTHEASTERN AVERAGE, PROVIDE WHAT THE STATE MINIMUM SALARY SCHEDULE MUST INCLUDE, PROVIDE THAT TEACHER SALARIES IN THE FISCAL YEAR AFTER A FURLOUGH HAS BEEN IMPOSED MUST BE BASED ON THE TEACHER SALARY IN THE YEAR PRIOR TO THE FURLOUGH, PROVIDE THAT TEACHER PAY RAISES MAY BE PROVIDED AT THE DISCRETION OF THE SCHOOL DISTRICT, REVISE HOW A TEACHER MAY QUALIFY FOR A PAY RAISE, REQUIRE THE DEPARTMENT TO DEVELOP AN INCENTIVE COMPENSATION SYSTEM BASED ON TEACHER PERFORMANCE FOR TEACHERS AND PROVIDE REPORTING REQUIREMENTS, REQUIRE A SCHOOL DISTRICT TO PUBLISH THE ACTUAL PERCENTAGE OF ITS PER PUPIL EXPENDITURES USED FOR CLASSROOM INSTRUCTION, INSTRUCTIONAL SUPPORT, AND NON-INSTRUCTIONAL PUPIL SERVICES, REQUIRE THE DISTRICT TO SPEND AT LEAST SEVENTY PERCENT OF ITS PER PUPIL EXPENDITURES IN THESE CATEGORIES, AND DELETE OBSOLETE REFERENCES; BY ADDING ARTICLE 2 TO CHAPTER 139, TITLE 59 SO AS TO REQUIRE EACH SCHOOL DISTRICT BOARD OF TRUSTEES TO DEVELOP FIVE-YEAR PLANS FOR THE DISTRICT AND FOR THE SCHOOLS OF THE DISTRICT, PROVIDE WHAT THESE PLANS MUST INCLUDE, AND PROVIDE FOR ALLOCATION OF FUNDING FOR ELEMENTS OF THE PLAN; AND BY ADDING SECTION 59-19-91 SO AS TO REQUIRE A SCHOOL DISTRICT BOARD OF TRUSTEES TO ESTABLISH AN IMPROVEMENT COUNCIL AT EACH SCHOOL IN THE DISTRICT, PROVIDE WHO MAY SERVE ON THE COUNCIL, PROVIDE THE DUTIES OF THE COUNCIL, AND PROVIDE TERMS FOR COUNCIL MEMBERS.

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

H. 3764 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF UNIVERSAL DRIVE AND SUMTER HIGHWAY AND AT THE INTERSECTION OF UNIVERSAL DRIVE AND BURDELL DRIVE, BOTH IN RICHLAND COUNTY, THAT CONTAIN THE WORDS “IN MEMORY OF MARY L. SHIVERS”.

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

H. 3894 -- Reps. Owens, Daning and Forrester: A CONCURRENT RESOLUTION TO CONGRATULATE THE TWENTY SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA’S 2011 ACADEMIC ALL-STATE BY PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

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

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 36 -- Senators McConnell, McGill and Setzler: A BILL TO AMEND ACT 99 OF 2007, RELATING TO THE SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES, BY REPEALING SECTIONS 1B AND 1C, WHICH STATE THAT THE SALES TAX RATE ON DURABLE MEDICAL EQUIPMENT IS FIVE AND ONE-HALF PERCENT SUBJECT TO FURTHER REDUCTION BASED ON GENERAL FUND REVENUE GROWTH.

Ordered for consideration tomorrow.

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

S. 271 -- Senator Cleary: A BILL TO AMEND SECTION 15‑41‑30 OF THE 1976 CODE, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, TO DELETE THE PROVISION THAT THE EXEMPTION ONLY APPLIES TO THE EXTENT REASONABLY NECESSARY FOR THE SUPPORT OF THE DEBTOR AND ANY DEPENDENT OF THE DEBTOR AND TO INCREASE THE ALLOWABLE AMOUNTS TO CONFORM TO THOSE ALLOWABLE UNDER FEDERAL BANKRUPTCY LAW.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 523 -- Senators Leatherman and McGill: A BILL TO AMEND SECTION 6-11-810 OF THE 1976 CODE, RELATING TO THE DEFINITION OF SPECIAL PURPOSE DISTRICT, TO AMEND THE DEFINITION TO INCLUDE CERTAIN FIRE AND PUBLIC SAFETY DISTRICTS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 560 -- Senator Fair: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO INCLUDE SPECIAL PURPOSE DISTRICTS PROVIDING SANITATION SERVICES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 586 -- Senators Hayes, O’Dell, Verdin and Shoopman: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

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

H. 3397 -- Reps. Lowe and Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

Ordered for consideration tomorrow.

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

H. 3399 -- Reps. Rutherford and Owens: A BILL TO AMEND JOINT RESOLUTION 263 OF 1998 RELATING TO THE GRANTING OF CONCURRENT FEDERAL LAW ENFORCEMENT JURISDICTION OVER THE NATIONAL ADVOCACY CENTER LOCATED ON THE COLUMBIA CAMPUS OF THE UNIVERSITY OF SOUTH CAROLINA IN RICHLAND COUNTY, SO AS TO EXTEND THAT CONCURRENT FEDERAL JURISDICTION TO ADJACENT FEDERALLY OCCUPIED PROPERTY AND TO THE INN AT USC AND THE KIRKLAND APARTMENT BUILDING LOCATED RESPECTIVELY AT 1619 PENDLETON STREET AND 1611 PENDLETON STREET IN THE CITY OF COLUMBIA, SOUTH CAROLINA AND TO DESIGNATE THE TEXT OF JOINT RESOLUTION 263 OF 1998, AS AMENDED BY THIS ACT, AS SECTION 3‑3‑350 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

Ordered for consideration tomorrow.

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

H. 3668 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 56‑1‑745 RELATING TO THE DRIVER’S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Invitations polled out H. 3715 favorable:

H. 3715 -- Reps. Crawford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, Cooper, Corbin, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON FRIDAY, JUNE 17, 2011, FROM 11:30 A.M. TO 1:00 P.M. FOR ITS ANNUAL STATE HOUSE MEETING.

**Poll of the Invitations Committee**

**Polled 9; Ayes 9; Nays 0; Not Voting 0**

**AYES**

Knotts Thomas O’Dell

McGill Elliott Ford

Verdin Campsen Malloy

**Total--9**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

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

**READ THE SECOND TIME**

H. 3332 -- Reps. Sandifer, McLeod, Bowers, Bales, Anderson, Pinson and Clemmons: A BILL TO AMEND SECTION 38‑73‑736, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN REDUCTIONS IN PREMIUM CHARGES, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS NOT A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS; TO AMEND SECTION 38‑73‑737, RELATING TO DRIVER TRAINING COURSE CREDITS TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS.

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

Senator LARRY MARTIN explained the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3622 -- Reps. J.E. Smith, Pitts and Sottile: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE VETERANS’ ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM SEPTEMBER 1, 2010, TO JANUARY 31, 2012.

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

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

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

The Committee on Judiciary proposed the following amendment (JUD3178.002), which was adopted:

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

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

“Section 61-4-550. (A) The department may issue permits ~~to nonprofit organizations~~ running for a period not exceeding fifteen days for a fee of ten dollars per day. ~~For purposes of this section, a “nonprofit organization” is an entity which is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purposes, and which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State.~~These special permits may be issued only for locations at fairs and special functions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 36; Nays 2**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--36**

**NAYS**

Bright Thomas

**Total--2**

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

**READ THE SECOND TIME**

S. 220 -- Senators Jackson and Ford: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE 1976 CODE, BY ADDING SECTION 44‑1‑149 TO PROHIBIT THE RESALE OF FOOD THAT HAS BEEN SERVED OR SOLD TO AND POSSESSED BY A CONSUMER.

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 33; Nays 3**

**AYES**

Alexander Campbell Campsen

Cleary Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Land Leventis

Malloy *Martin, Larry* Massey

McConnell McGill Nicholson

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**READ THE SECOND TIME**

S. 445 -- Senators Hutto, Fair, Jackson and Ford: A BILL TO AMEND SECTION 44‑29‑135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59‑10‑220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

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

Senator HUTTO explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 25; Nays 15**

**AYES**

Alexander Campbell Cleary

Elliott Fair Ford

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

Matthews McGill Nicholson

Peeler Rankin Reese

Ryberg Scott Verdin

Williams

**Total--25**

**NAYS**

Bright Bryant Campsen

Courson Cromer Davis

Grooms *Martin, Shane* Massey

McConnell O'Dell Rose

Setzler Shoopman Thomas

**Total--15**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 109 -- Senator Verdin: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 137, TO ENACT THE “REFLEX SYMPATHETIC DYSTROPHY SYNDROME EDUCATION ACT”, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH AN EDUCATIONAL PROGRAM CONCERNING THE SYNDROME, TO PROVIDE FOR THE CONTENTS OF A PUBLIC AWARENESS PROGRAM, TO REQUIRE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WORK WITH HEALTH CARE PROVIDERS AND OTHER PROFESSIONALS CONCERNING THE SYNDROME, TO ALLOW FOR PRIVATE FUNDING OF THE PROGRAM, AND TO DEFINE NECESSARY TERMS.

The Committee on Medical Affairs proposed the following amendment (S-109), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 6 through 28 and inserting:

/ Section 44‑137‑30. (A) The public awareness program must utilize written materials and other forms of communication designed to provide education about the syndrome. The program’s materials must contain information concerning:

(1) the nature and possible causes of the syndrome;

(2) risk factors that may contribute to the manifestation of the syndrome;

(3) available treatment options, including the risks and benefits of treatment; and

(4) the availability of diagnostic, treatment, and support services in the State.

(B) The educational materials must be available on the department’s website.

Section 44‑137‑40. The department shall provide information to health care providers, local public health agencies, and other appropriate government agencies concerning:

(1) the nature of the syndrome;

(2) current research on the syndrome;

(3) current diagnostic treatments;

(4) current medical and surgical treatment options; and

(5) the availability of diagnostic, treatment, and support services in the State. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**AMENDMENT PROPOSED, CARRIED OVER**

H. 3583 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

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

Senators McCONNELL, GROOMS, CAMPSEN, SETZLER, CAMPBELL and ROSE proposed the following amendment (3583R001.GFM):

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

/ SECTION 2. Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12‑4‑397. (A) For purposes of this section, a ‘tax statute of this State’ means a statute imposing or relating to the imposition or nonimposition of a tax or fee administrated by the South Carolina Department of Revenue.

(B) In applying the revenue statutes of this State, the department’s interpretation of those statutes must be based solely on the plain meaning of the statute’s text and the legislative intent giving rise to the statute’s enactment.

(C) Terms contained in the tax statutes of this State may not be given broader meaning in policy documents or regulations of the department beyond the meaning of the statute.

(D) If the application of subsection (B) results in ambiguity with respect to the correct application of the statute, then that ambiguity must be resolved in favor of the taxpayer. The department shall report any ambiguity to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.”

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

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The question then was adoption of the amendment.

On motion of Senator O’DELL, with unanimous consent, the Bill was carried over.

**CARRIED OVER**

S. 620 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO PALMETTO FELLOWS SCHOLARSHIP AND PALMETTO FELLOWS SCHOLARSHIP ENHANCEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4149, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator COURSON explained the Joint Resolution.

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

**CARRIED OVER**

S. 621 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NEED-BASED GRANTS PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4148, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator COURSON explained the Joint Resolution.

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

**CARRIED OVER**

S. 622 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LIFE SCHOLARSHIP & LIFE SCHOLARSHIP ENHANCEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4146, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator COURSON explained the Joint Resolution.

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

**CARRIED OVER**

S. 623 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LOTTERY TUITION ASSISTANCE PROGRAM FOR TWO-YEAR PUBLIC AND INDEPENDENT INSTITUTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4147, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator COURSON explained the Joint Resolution.

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

**CARRIED OVER**

S. 624 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA HOPE SCHOLARSHIP, DESIGNATED AS REGULATION DOCUMENT NUMBER 4145, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator COURSON explained the Joint Resolution.

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

**CARRIED OVER**

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

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

**CARRIED OVER**

S. 232 -- Senator Cleary: A BILL TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

Senator CLEARY explained the Bill.

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

**CARRIED OVER**

S. 533 -- Senators Coleman and Reese: A BILL TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR A SALES TAX EXEMPTION OF CERTAIN ITEMS FOR CERTAIN FACILITIES RESEARCHING AND TESTING THE IMPACT OF NATURAL DISASTERS, SO AS TO PROVIDE THAT THE QUALIFYING INVESTMENT OF AT LEAST TWENTY MILLION DOLLARS MAY BEGIN AT ANY TIME PERIOD AFTER JANUARY 1, 2009, AND ALL OR A PORTION MAY OCCUR BEFORE THE TAXPAYER NOTIFIES THE DEPARTMENT OF REVENUE OF ITS INTENTION.

On motion of Senator O’DELL, the Bill was carried over.

**JOINT RESOLUTION TABLED**

S. 606 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF AGRICULTURE, RELATING TO FOOD AND COSMETICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4154, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator BRYANT moved to table the Joint Resolution.

There was no objection and the Resolution was tabled.

**OBJECTION**

S. 27 -- Senators Leatherman, McGill, Rose and Leventis: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS INCLUDING AN EXEMPTION OF TWO PRIVATE PASSENGER VEHICLES OWNED OR LEASED BY A TOTALLY AND PERMANENTLY DISABLED VETERAN, TO PROVIDE THAT A TOTALLY AND PERMANENTLY DISABLED FIREFIGHTER ALSO QUALIFIES FOR THIS EXEMPTION.

Senator THOMAS objected to further consideration of the Bill.

**OBJECTION**

H. 3373 -- Reps. Sandifer, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND SECTION 38‑77‑112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF AN AUTOMOBILE INSURER FROM THE REQUIREMENT TO WRITE AUTOMOBILE INSURANCE COVERAGE FOR AN APPLICANT OR EXISTING POLICYHOLDER, SO AS TO REMOVE CERTAIN EXEMPTIONS FROM THE APPLICABILITY OF THIS SECTION.

Senator LARRY MARTIN explained the Bill.

Senator THOMAS spoke on the Bill.

Senator FAIR objected to further consideration of the Bill.

**OBJECTION**

S. 630 -- Senators Knotts, Massey, Peeler, Reese, Davis, Hutto, Fair, Hayes, Sheheen, Leventis, Malloy, Rose, McConnell, L. Martin, Rankin, Ryberg, Scott, Setzler, Coleman, Ford, Campbell, Land, Courson, McGill, Jackson, Williams, Matthews, Lourie, O’Dell, Cleary, Nicholson, Alexander, Anderson, Leatherman, Pinckney, Thomas, Campsen and Shoopman: A SENATE RESOLUTION TO AMEND THE RULES OF THE SENATE BY ADDING RULE 54, THE “PROHIBITION ON NONCANDIDATE COMMITTEES”, SO AS TO PROHIBIT A MEMBER OF THE SENATE FROM, DIRECTLY OR INDIRECTLY, ESTABLISHING, FINANCING, MAINTAINING, OR CONTROLLING A NONCANDIDATE COMMITTEE.

Senator LARRY MARTIN explained the Senate Resolution.

Senators SHANE MARTIN and BRIGHT objected to further consideration of the Senate Resolution.

**Statement by Senators BRIGHT and SHANE MARTIN**

The reason we objected to consideration of S. 630 today was that we were interested in reaching the Illegal Immigration Bill.

**SENATE RESOLUTION ADOPTED**

S. 525 -- Senators L. Martin and Ford: A SENATE RESOLUTION TO DESIGNATE FRIDAY, SEPTEMBER 2, 2011, AS “SOUTH CAROLINA FAMILY PLAY DAY” AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO JOIN HANDS IN CELEBRATING THIS DAY.

The Senate Resolution was adopted.

**ADOPTED, RETURNED TO HOUSE**

H. 3714 -- Reps. Gilliard, Stavrinakis, McCoy, Clyburn, Anderson, Daning, McEachern, Crosby, Limehouse, Sottile, R.L. Brown, Clemmons, Dillard, Herbkersman, Hosey, Mack, Patrick and Whipper:

A CONCURRENT RESOLUTION TO COMMEMORATE THE UNION OF THE CHARLESTON AIR FORCE BASE AND NAVAL WEAPONS STATION CHARLESTON, RENAMED JOINT BASE CHARLESTON, AND TO COMMEND JOINT BASE CHARLESTON FOR ITS OVERALL IMPORTANCE TO THE STATE AND OUR NATIONAL SECURITY, AND TO COMMEND THE DEDICATED MEN AND WOMEN THERE SERVING THE STATE OF SOUTH CAROLINA AND THE UNITED STATES OF AMERICA.

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

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

**MOTION ADOPTED**

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

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

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

**COMMITTEE AMENDMENT AMENDED**

**DEBATE INTERRUPTED**

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23‑1‑250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16‑9‑480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment P17A (JUD0020.010) proposed by Senator KNOTTS and previously printed in the Journal of Tuesday, March 8, 2011.

Senator KNOTTS explained the amendment.

Senator LEVENTIS spoke on the amendment.

Senator McCONNELL spoke on the amendment.

Senator DAVIS spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

On motion of Senator LARRY MARTIN, with unanimous consent, Amendment No. P17A was carried over.

On motion of Senator LARRY MARTIN, with unanimous consent, Amendment No. P21 was taken up for immediate consideration.

**Amendment No. P21**

Senators KNOTTS, McCONNELL, DAVIS, CAMPSEN, ROSE, CAMPBELL and CROMER proposed the following amendment (JUD0020.011), which was adopted:

Amend the committee report, as and if amended, on page [20-1], lines 29-42, and on page [20-2], lines 1-6, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 6-1-170 of the 1976 Code is amended by adding subsection (E) to read:

“(E)(1) Notwithstanding any other provision of law, a resident of a political subdivision in this State may bring a civil action in the circuit court in which the resident and political subdivision are located to enjoin:

(a) an enactment by the political subdivision of any ordinance or policy that intentionally limits or prohibits a law enforcement officer, local official, or local government employee from seeking to enforce a state law with regard to immigration;

(b) an enactment by the political subdivision of any ordinance or policy that intentionally limits or prohibits a law enforcement officer, local official, or local government employee from communicating to appropriate federal or state officials regarding the immigration status of a person within this State; or

(c) an enactment by the political subdivision of any ordinance, policy, regulation, or other legislation pertaining to the employment, licensing, permitting, or otherwise doing business with a person based upon that person’s authorization to work in the United States, which intentionally exceeds or conflicts with federal law or that intentionally conflicts with state law.

(2) A person who is not a resident of the political subdivision may not bring an action against the political subdivision pursuant to this subsection. The action must be brought against the political subdivision and not against an employee of the political subdivision acting in the employee’s individual capacity.

(3) If the court finds that the political subdivision has intentionally violated this section, the court shall enjoin the enactment, action, policy, or practice, and may enter a judgment against the political subdivision of not less than one thousand dollars nor more than five thousand dollars for each day that the enactment, action, policy, or practice remains or remained in effect. The proceeds from any such judgment must be used to reimburse the resident’s reasonable attorney’s fees. Any remaining proceeds must be used to cover the administrative costs of implementing, investigating, and enforcing the provisions of Chapter 8, Title 41 of the South Carolina Code of Laws.”/

Amend the committee report further, as and if amended, on page [20-4], lines 26-43, on page [20-5], lines 1-42, on [20-6], lines 1-42, and on [20-7], lines 1-6, by striking SECTION 5 in its entirety and inserting:

/ SECTION 5. Chapter 13, Title 17 of the 1976 Code is amended by adding:

“Section 17‑13‑170. (A) If a law enforcement officer of this State or a political subdivision of this State lawfully stops, detains, investigates, or arrests a person for a criminal offense, and during the commission of the stop, detention, investigation, or arrest the officer has reasonable suspicion to believe that the person is unlawfully present in the United States, the officer shall make a reasonable effort, when practicable, to determine whether the person is lawfully present in the United States, unless the determination would hinder or obstruct an investigation.

(B)(1) If the person provides the officer with a valid form of any of the following picture identifications, the person is presumed to be lawfully present in the United States:

(a) a driver’s license or picture identification issued by the South Carolina Department of Motor Vehicles;

(b) a driver’s license or picture identification issued by another state;

(c) a picture identification issued by the United States, including a passport or military identification; or

(d) a tribal picture identification.

(2) It is unlawful for a person to display, cause or permit to be displayed, or have in the person’s possession a false, fictitious, fraudulent, or counterfeit picture identification for the purpose of offering proof of the person’s lawful presence in the United States. A person who violates the provisions of this item:

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

(b) for a second offense or subsequent offenses, is guilty of a felony, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than five years.

(3) If the person cannot provide the officer with any of the forms of picture identification listed in this subsection, the person may still be presumed to be lawfully present in the United States, if the officer is able to otherwise verify that the person has been issued any of the forms of picture identification.

(4) If the person is operating a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56-1-20, the person may be arrested pursuant to Section 56-1-440.

(5) If the person meets the presumption established pursuant to this subsection, the officer may not further stop, detain, investigate, or arrest the person based solely on the person’s lawful presence in the United States.

(C)(1) If the person does not meet the presumption established pursuant to subsection (B), the officer shall make a reasonable effort, when practicable, to verify the person’s lawful presence in the United States by at least one of the following methods:

(a) contacting the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety;

(b) submitting an Immigration Alien Query through the International Justice and Public Safety Network;

(c) contacting the United States Immigration and Customs Enforcement’s Law Enforcement Support Center; or

(d) contacting the United States Immigration and Customs Enforcement’s local field office.

(2) The officer shall stop, detain, or investigate the person only for a reasonable amount of time as allowed by law. If, after making a reasonable effort, the officer is unable to verify the person’s lawful presence in the United States by one of the methods described in subitem (C)(1), the officer may not further stop, detain, investigate, or arrest the person based solely on the person’s lawful presence in the United States.

(3) If the officer verifies that the person is lawfully present in the United States, the officer may not further stop, detain, investigate, or arrest the person based solely on the person’s lawful presence in the United States.

(4) If the officer determines that the person is unlawfully present in the United States, the officer shall determine in cooperation with the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety or the United States Immigration and Customs Enforcement, as applicable, whether the officer shall retain custody of the person for the underlying criminal offense for which the person was stopped, detained, investigated, or arrested, or whether the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety or the United States Immigration and Customs Enforcement, as applicable, shall assume custody of the person. The officer is not required by this section to retain custody of the person based solely on the person’s lawful presence in the United States. The officer may securely transport the person to a federal facility in this State or to any other point of transfer into federal custody that is outside of the officer’s jurisdiction. The officer shall obtain judicial authorization before securely transporting a person to a point of transfer that is outside of this State.

(D) Nothing in this section must be construed to require a law enforcement officer to stop, detain, investigate, arrest, or confine a person based solely on the person’s lawful presence in the United States. A law enforcement officer may not attempt to make an independent judgment of a person’s lawful presence in the United States. A law enforcement officer may not consider race, color, or national origin in implementing this section, except to the extent permitted by the United States or South Carolina Constitution. This section must be implemented in a manner that is consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

(E) Except as provided by federal law, officers and agencies of this State and political subdivisions of this State may not be prohibited or restricted from sending, receiving, or maintaining information related to the immigration status of any person or exchanging that information with other federal, state, or local government entities for the following purposes:

(1) determining eligibility for any public benefit, service, or license provided by the federal government, this State, or a political subdivision of this State;

(2) verifying any claim of residence or domicile, if determination of residence or domicile is required under the laws of this State or a judicial order issued pursuant to a civil or criminal proceeding in this State;

(3) determining whether an alien is in compliance with the federal registration laws prescribed by Chapter 7, Title II of the federal Immigration and Nationality Act; or

(4) pursuant to 8 U.S.C. Section 1373 and 8 U.S.C. Section 1644.

(F) Nothing in this section must be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release. However, pursuant to the provisions of Section 17‑15‑30, a court setting bond shall consider whether the person charged is an alien unlawfully present in the United States.

(G) No official, agency, or political subdivision of this State may limit or restrict the enforcement of this section or federal immigration laws.

(H) This section does not implement, authorize, or establish, and shall not be construed to implement, authorize, or establish the federal Real ID Act of 2005.” /

Amend the committee report further, as and if amended, page [20-14], before line 13, by adding appropriately numbered SECTIONS to read:

/ SECTION \_\_. Section 23-3-80 of the 1976 Code is repealed.

SECTION \_\_. Title 23, Chapter 6, Article 1 of the 1976 Code is amended by adding:

“Section 23-6-60. (A) There is created an Illegal Immigration Enforcement Unit within the Department of Public Safety. The purpose of the Illegal Immigration Enforcement Unit is to enforce immigration laws as authorized pursuant to federal laws and the laws of this State.

(B) The Illegal Immigration Enforcement Unit is under the administrative direction of the department’s director. The department’s director shall maintain and provide administrative support for the Illegal Immigration Enforcement Unit. The department’s director may appoint a deputy director to administer and oversee the operations of the Illegal Immigration Enforcement Unit.

(C)(1) The Illegal Immigration Enforcement Unit shall have such officers, agents, and employees as the department’s director may deem necessary and proper for the enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State.

(2)(a) The enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State must be the only responsibility of the officers of the Illegal Immigration Enforcement Unit.

(b) The officers shall be commissioned by the Governor upon the recommendation of the department’s director.

(c) The officers shall have the same power to serve criminal prossesses against offenders as sheriffs of the various counties and also the same power as such sheriffs to arrest without warrants and to detain persons found violating or attempting to violate immigration laws. The officers also shall have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.

(d) The department must provide the officers with distinctive uniforms and suitable arms and equipment for use in the performance of their duties. Such officers shall at all times, when in the performance of their duties, wear complete uniforms with badges conspicuously displayed on the outside of their uniforms, except officers performing undercover duties. The department director shall prescribe a unique and distinctive official uniform with appropriate insignia to be worn by all officers when on duty and at such other times as the department’s director shall order, and a distinctive color or colors and appropriate emblems for all motor vehicles used by the Illegal Immigration Enforcement Unit except those designated by the director. No other law enforcement agency, private security agency, or any person shall wear a similar uniform and insignia that could be confused with the uniform and insignia of the Illegal Immigration Enforcement Unit. An emblem may not be used on a nondepartment motor vehicle, nor may such vehicle be painted in a color or in any manner that would cause the vehicle to be similar to an Illegal Immigration Enforcement Unit vehicle or readily confused with it. The department’s director shall file with the Legislative Council for publication in the State Register a description and illustration of the official Illegal Immigration Enforcement Unit uniform with insignia and the emblems of the official Illegal Immigration Enforcement Unit and motor vehicles including a description of the color of such uniforms and vehicles.

(D) Notwithstanding any other provision of law, the Illegal Immigration Enforcement Unit must be funded annually by a specific appropriation to the Illegal Immigration Enforcement Unit in the state general appropriations act, separate and distinct from the department’s other appropriations.

(E) The department’s director, or the deputy director if appointed, shall negotiate the terms of a memorandum of agreement with the United States Immigration and Customs Enforcement pursuant to Section 287(g) of the federal Immigration and Nationality Act as soon as possible after the effective date of this act.

(F) Nothing in this section may be construed to prevent other law enforcement agencies of the State and political subdivisions of the State, including local law enforcement agencies, from enforcing immigration laws as authorized pursuant to federal laws and the laws of this State.” /

Renumber sections to conform

Amend title to conform.

Senator KNOTTS explained the amendment.

**PRESIDENT *Pro Tempore* PRESIDES**

At 5:44 P.M., Senator McCONNELL assumed the Chair.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O’Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

The amendment was adopted.

On motion of Senator KNOTTS, with unanimous consent, Amendment No. P17A was withdrawn.

**Amendment No. P4**

Senator ROSE proposed the following amendment (JUD0020.003), which was adopted:

Amend the committee report, as and if amended, on page [20-5], by striking lines 4-9, and inserting:

/ (2) If the person cannot provide the law enforcement officer with any of the forms of picture identification listed in this subsection, the person may still be presumed to be lawfully present in the United States, if the officer is able to otherwise verify that the person has been issued any of those forms of picture identification. /

Amend the committee report further, as and if amended, on page [20-9], by striking lines 25-39, and inserting:

/ ~~(D)~~(C) The ~~Employment Security Commission~~ South Carolina Department of Employment and Workforce must provide private employers with technical advice and electronic access to the E‑Verify federal work authorization program’s website for the sole purpose of registering and participating in the program.

~~(E)~~(D) Private employers who elect to verify a new employee’s work authorization in accordance with Section 41‑8‑20(B)(1) shall provisionally employ a new employee until his work authorization has been verified. A private employer who elects to verify a new employee’s work authorization in accordance with Section 41‑8‑20(B)(1) must submit a new employee’s name and information for verification even if the new employee’s employment is terminated less than ~~five~~ three business days after becoming employed. If a new employee’s work authorization is not verified by the federal work authorization program, a private employer must not employ, continue to employ, or re‑employ the employee. /

Amend the committee report further, as and if amended, on page [20-10], by striking lines 16-26, and inserting:

/ “Section 41-8-50. (A) Upon receipt of a written and signed complaint against a private employer, or upon an investigation initiated by the director for good cause, if the director finds reasonable grounds exist that a private employer ~~allegedly~~ violated the provisions of Section 41‑8‑20 or Section 41‑8‑30, the director must institute an investigation of the alleged violation. The director shall verify the work authorization status of the alleged unauthorized alien with the federal government pursuant to 8 U.S.C. Section 1373(c). A state, county, or local official must not attempt to independently determine if an alien is authorized to work in the United States. /

Amend the committee report further, as and if amended, on page [20-11], by striking lines 1-9, and inserting:

/ ~~a private employer of one hundred or more employees prior to July 1, 2009, or against a private employer of less than one hundred employees prior to July 1, 2010.~~ The director must not bring an action against a private employer for any employee who has been employed for ~~five~~ three business days or less at the time of the director’s inspection or random audit. A second occurrence involving a violation of this section must be based only on an employee who is employed by the private employer after a first action has been brought for a violation of Section 41‑8‑20 or Section 41‑8‑30. /

Renumber sections to conform

Amend title to conform.

Senator ROSE explained the amendment.

The amendment was adopted.

**RECESS**

At 6:06 P.M., on motion of Senator SHANE MARTIN, the Senate receded from business not to exceed ten minutes.

At 6:25 P.M., the Senate resumed.

On motion of Senator LARRY MARTIN, debate was interrupted by recess.

**RECESS**

At 6:26 P.M., on motion of Senator LARRY MARTIN, the Senate receded from business until 8:30 P.M.

**NIGHT SESSION**

The Senate reassembled at 8:34 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, READ THE SECOND TIME**

**RETURNED TO THE STATUS OF SPECIAL ORDER**

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23‑1‑250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16‑9‑480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

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

**Amendment No. P22**

Senators SHANE MARTIN, McCONNELL, BRYANT, LARRY MARTIN, LEVENTIS, SETZLER, BRIGHT and THOMAS proposed the following amendment (JUD0020.012), which was carried over and subsequently withdrawn:

Amend the committee report, as and if amended, page [20-14], after line 12, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16-13-480. Unless otherwise provided by law, it is unlawful for a person to make, issue, or sell, or offer to make, issue, or sell, a false, fictitious, fraudulent, or counterfeit picture identification for the purpose of offering proof of a person’s lawful presence in the United States. A person who violates this section is guilty of a felony, and, upon conviction, must be fined twenty-five thousand dollars or imprisoned for not less than five years, or both. All property, both real and personal, which in any manner is knowingly used to facilitate the making, issuance, or selling of a false, fictitious, fraudulent, or counterfeit picture identification in violation of this section is subject to the forfeiture provisions of Section 44-53-520, Section 44-53-530, and Section 44-53-586.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

Senator MALLOY spoke on the amendment.

Senator MALLOY moved to lay the amendment on the table.

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

**Ayes 2; Nays 34**

**AYES**

Ford Malloy

**Total--2**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Jackson Knotts

Land Leventis *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill O’Dell

Peeler Rankin Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--34**

The Senate refused to table the amendment. The question then was the adoption of the amendment.

Senator MALLOY spoke on the amendment.

**Objection**

Senator LARRY MARTIN asked unanimous consent to make a motion to carry over the amendment.

Senator FORD objected.

Senator MALLOY spoke on the amendment.

On motion of Senator MALLOY, with unanimous consent, Amendment No. P22 was carried over and subsequently withdrawn.

**Amendment No. P10**

Senator HUTTO proposed the following amendment (20MW4), which was tabled:

Amend the committee report, as and if amended, page [20-5], line 25, by inserting an appropriately numbered paragraph to read:

/ ( ) This Section does not apply to a county or municipality when it has only one law enforcement officer on duty and response support from another law enforcement agency is not available. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. P11**

Senator HUTTO proposed the following amendment (20MW3), which was adopted:

Amend the committee report, as and if amended, page [20-5], line 25, by inserting an appropriately numbered paragraph to read:

/ ( ) This section does not apply to a law enforcement officer who is acting as a school resource officer for any elementary or secondary school. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator PEELER moved that the amendment be adopted.

The amendment was adopted.

**Amendment No. P23**

Senators SHANE MARTIN and LARRY MARTIN proposed the following amendment (JUD0020.013), which was adopted:

Amend the committee report, as and if amended, page [20-14], after line 12, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16-13-480. Unless otherwise provided by law, it is unlawful for a person to make, issue, or sell, or offer to make, issue, or sell, a false, fictitious, fraudulent, or counterfeit picture identification that is for use by an alien who is unlawfully present in the United States. A person who violates this section is guilty of a felony, and, upon conviction, must be fined twenty-five thousand dollars or imprisoned for not more than five years, or both.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

The amendment was adopted.

On motion of Senator SHANE MARTIN, with unanimous consent, Amendment No. P22, which was previously carried over, was withdrawn.

The Committee on Judiciary proposed the following amendment (JUD0020.001), which was adopted:

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

/ SECTION 1. Section 6-1-170 of the 1976 Code is amended by adding subsection (E) to read:

“(E) Notwithstanding any other provision of law, a resident of a political subdivision in this State may bring a civil action in the circuit court in which the resident and political subdivision are located to enjoin any enactment, action, policy, or practice intentionally taken by the political subdivision in violation of this section. A person who is not a resident of the political subdivision may not bring an action against the political subdivision pursuant to this subsection. If the court finds that the political subdivision has intentionally violated this section, the court shall enjoin the enactment, action, policy, or practice, and may enter a judgment against the political subdivision of not less than one thousand dollars nor more than five thousand dollars for each day that the enactment, action, policy, or practice remains or remained in effect. The proceeds from any such judgment must be used to reimburse the resident’s reasonable attorney’s fees. Any remaining proceeds must be used to cover the administrative costs of implementing, investigating, and enforcing the provisions of Chapter 8, Title 41 of the South Carolina Code of Laws.”

SECTION 2. Section 8-14-20(B) of the 1976 Code is amended to read:

“(B) A public employer may not enter into a services contract with a contractor for the physical performance of services within this State unless the contractor agrees:

(1) to register and participate in the federal work authorization program to verify the employment authorization of all new employees and require agreement from its subcontractors, and through the subcontractors, the sub‑subcontractors, to register and participate in the federal verification of the employment authorization of all new employees; or

(2) to employ only workers who:

(a) possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;

(b) are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90; ~~or~~

(c) possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the Executive Director of the South Carolina Department of Motor Vehicles, or his designee. The Executive Director of the South Carolina Department of Motor Vehicles, or his designee, shall publish on its website a list of states where the license requirements are at least as strict as those in South Carolina; or

(d) possess a valid United States passport or valid United States military identification card.”

SECTION 3. Section 16-9-460 of the 1976 Code is amended to read:

“Section 16-9-460. (A) It is a felony for a person who has come to, entered, or remained in the United States in violation of law to allow themselves to be transported, moved, or attempted to be transported within the State or to solicit or conspire to be transported or moved within the State with intent to further the person’s unlawful entry into the United States or avoiding apprehension or detection of the person’s unlawful immigration status by state or federal authorities.

~~(A)~~(B) It is a felony for a person knowingly or in reckless disregard of the fact that another person has come to, entered, or remained in the United States in violation of law to transport, move, or attempt to transport that person within the State or to solicit or conspire to transport or move that person within the State with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of that person’s unlawful immigration status by state or federal authorities.

(C) It is a felony for a person who has come to, entered, or remained in the United States in violation of law to conceal, harbor, or shelter themselves from detection or to solicit or conspire to conceal, harbor, or shelter themselves from detection in any place, including a building or means of transportation, with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of the person’s unlawful immigration status by state or federal authorities.

~~(B)~~(D) It is a felony for a person knowingly or in reckless disregard of the fact that another person has come to, entered, or remained in the United States in violation of law to conceal, harbor, or shelter from detection or to solicit or conspire to conceal, harbor, or shelter from detection that person in any place, including a building or means of transportation, with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of that person’s unlawful immigration status by state or federal authorities.

~~(C)~~(E) A person who violates the provisions of ~~subsection (A) or (B) of~~ this section is guilty of a felony and, upon conviction, must be punished by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed five years, or both.

~~(D)~~(F) A person who is convicted of, pleads guilty to, or enters into a plea of nolo contendere to a violation of this section must not be permitted to seek or obtain any professional license offered by the State or any agency or political subdivision of the State.

~~(E)~~(G) ~~Subsections (A) and (B) do~~ This section does not apply to programs, services, or assistance including soup kitchens, crisis counseling and intervention; churches or other religious institutions that are recognized as a 501(c)(3) organizations by the Internal Revenue Service; and short‑term shelters specified by the United States Attorney General, in the United States Attorney General’s sole discretion after consultation with appropriate federal agencies and departments, which:

(i) deliver in‑kind services at the community level, including through public or private nonprofit agencies;

(ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient’s income or resources; and

(iii) are necessary for the protection of life or safety.

Shelter provided for strictly humanitarian purposes or provided under the Violence Against Women Act is not a violation of this section, so long as the shelter is not provided in furtherance of or in an attempt to conceal a person’s illegal presence in the United States.

~~(F)~~(H) Providing health care treatment or services to a natural person who is in the United States unlawfully is not a violation of this section.”

SECTION 4. Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16-17-750. (A) It is unlawful for a person eighteen years of age or older to fail to carry in the person’s personal possession any certificate of alien registration or alien registration receipt card issued to the person pursuant to 8 U.S.C. Section 1304 while the person is in this State.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.”

SECTION 5. Chapter 13, Title 17 of the 1976 Code is amended by adding:

“Section 17‑13‑170. (A) If a law enforcement officer of this State or a political subdivision of this State lawfully stops, detains, investigates, or arrests a person for a criminal offense, and during the commission of the stop, detention, investigation, or arrest the officer has reasonable suspicion to believe that the person is unlawfully present in the United States, the officer shall make a reasonable effort, when practicable, to determine whether the person is lawfully present in the United States, unless the determination would hinder or obstruct an investigation.

(B)(1) If the person provides the law enforcement officer with a valid form of any of the following picture identifications, the person is presumed to be lawfully present in the United States:

(a) a driver’s license or picture identification issued by the South Carolina Department of Motor Vehicles;

(b) a driver’s license or picture identification issued by another state;

(c) a picture identification issued by the United States, including a passport or military identification; or

(d) a tribal picture identification.

(2) If the person cannot provide the law enforcement officer with any of the forms of picture identification listed in this subsection, the person may still be presumed to be lawfully present in the United States, if the officer is able to otherwise verify that the person has been issued any of the forms of picture identification.

(3) It is unlawful for a person to display, cause or permit to be displayed, or have in the person’s possession a false, fictitious, fraudulent, or counterfeit picture identification for the purpose of offering proof of the person’s lawful presence in the United States. A person who violates the provisions of this item:

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

(b) for a second offense or subsequent offenses, is guilty of a felony and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than five years.

(4) If the person meets the presumption established pursuant to this subsection, the officer may not further stop, detain, or investigate the person based solely on the person’s lawful presence in the United States.

(C)(1) If the person does not meet the presumption established pursuant to subsection (B), the law enforcement officer shall verify the person’s lawful presence in the United States with United States Immigration and Customs Enforcement.

(2) If United States Immigration and Customs Enforcement verifies that the person is lawfully present in the United States, the officer may not further stop, detain, or investigate the person based solely on the person’s lawful presence in the United States.

(3) If United States immigration and Customs Enforcement determines that the person is unlawfully present in the United States, the officer shall determine in cooperation with United States Immigration and Customs Enforcement whether the officer shall retain custody of the person or whether United States Immigration and Customs Enforcement shall assume custody of the person. The officer may securely transport the person to a federal facility in this State or to any other point of transfer into federal custody that is outside of the officer’s jurisdiction. The officer shall obtain judicial authorization before securely transporting a person to a point of transfer that is outside of this State.

(4) If, after making a reasonable attempt, the officer is unable to contact United States Immigration and Customs Enforcement to determine if the person is lawfully present in the United States, the officer may not further stop, detain, or investigate the person based solely on the person’s lawful presence in the United States. The officer shall stop, detain, or investigate the person only for a reasonable time as allowed by law.

(D) A law enforcement officer may not attempt to make an independent judgment of a person’s lawful presence in the United States. A law enforcement officer may not consider race, color, or national origin in implementing this section, except to the extent permitted by the United States or South Carolina Constitution. This section must be implemented in a manner that is consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

(E) Except as provided by federal law, officers and agencies of this State and political subdivisions of this State may not be prohibited or restricted from sending, receiving, or maintaining information related to the immigration status of any person or exchanging that information with other federal, state, or local government entities for the following purposes:

(1) determining eligibility for any public benefit, service, or license provided by the federal government, this State, or a political subdivision of this State;

(2) verifying any claim of residence or domicile, if determination of residence or domicile is required under the laws of this State or a judicial order issued pursuant to a civil or criminal proceeding in this State;

(3) determining whether an alien is in compliance with the federal registration laws prescribed by Chapter 7, Title II of the federal Immigration and Nationality Act; or

(4) pursuant to 8 U.S.C. Section 1373 and 8 U.S.C. Section 1644.

(F) Nothing in this section must be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release. However, pursuant to the provisions of Section 17‑15‑30, a court setting bond shall consider whether the person charged is an alien unlawfully present in the United States.

(G) No official, agency, or political subdivision of this State may limit or restrict the enforcement of this section or federal immigration laws.

(H) This section does not implement, authorize, or establish, and shall not be construed to implement, authorize, or establish the federal Real ID Act of 2005.”

SECTION 6. Section 23-3-1100 of the 1976 Code is amended to read:

“Section 23-3-1100. (A) If a person is charged with a criminal offense and is confined for any period in a jail of the State, county, or municipality, or a jail operated by a regional jail authority, a reasonable effort shall be made to determine whether the confined person is an alien unlawfully present in the United States.

(B) If the prisoner is an alien, the keeper of the jail or other officer must make a reasonable effort to verify whether the prisoner has been lawfully admitted to the United States or if the prisoner is unlawfully present in the United States. Verification must be made within seventy‑two hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If the prisoner is determined to be an alien unlawfully present in the United States, the keeper of the jail or other officer shall notify the United States Department of Homeland Security.

(C) Upon notification to the United States Department of Homeland Security pursuant to subsection (B), the keeper of the jail must account for daily expenses incurred for the housing, maintenance, transportation, and care of the prisoner who is an alien unlawfully present in the United States and must forward an invoice to the Department of Homeland Security for these expenses.

(D) The keeper of the jail or other officer may securely transport the prisoner who is an alien unlawfully present in the United States to a federal facility in this State or to any other point of transfer into federal custody that is outside of the keeper of the jail or other officer’s jurisdiction. The keeper of the jail or other officer shall obtain judicial authorization before securely transporting a prisoner who is unlawfully present in the United States to a point of transfer that is outside of this State.

(E) If a prisoner who is an alien unlawfully present in the United States completes the prisoner’s sentence of incarceration, the keeper of the jail or other officer shall notify the United States Department of Homeland Security and shall securely transport the prisoner to a federal facility in this State or to any other point of transfer into federal custody that is outside of the keeper of the jail or other officer’s jurisdiction. The keeper of the jail or other officer shall obtain judicial authorization before securely transporting a prisoner who is unlawfully present in the United States to a point of transfer that is outside of this State.

~~(D)~~(F) Nothing in this section shall be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release. However, pursuant to the provisions of Section 17‑15‑30, a court setting bond shall consider whether the person charged is an alien unlawfully present in the United States.

~~(E)~~(G) The State Law Enforcement Division shall promulgate regulations to comply with the provisions of this section in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws.

~~(F)~~(H) In enforcing the terms of this section, no state officer shall attempt to make an independent judgment of an alien’s immigration status. State officials must verify an alien’s status with the federal government in accordance with 8 U.S.C. Section 1373(c).”

SECTION 7. Section 41-8-20 of the 1976 Code is amended to read:

“Section 41-8-20. (A) All private employers in South Carolina ~~on or after July 1, 2009,~~ shall be imputed a South Carolina employment license, which permits a private employer to employ a person in this State. ~~On and after July 1, 2009, a~~ A private employer may not employ a person unless his South Carolina employment license is in effect and is not suspended or revoked. A private employer’s employment license shall remain in effect provided the private employer complies with the provisions of this chapter.

(B) ~~On and after July 1, 2009, all~~ All private employers ~~of one hundred or more employees~~ who are required by federal law to complete and maintain federal employment eligibility verification forms or documents must:

(1) register and participate in the E‑Verify federal work authorization program, or its successor, to verify information of all new employees, and verify the work authorization of every new employee within ~~five~~ three business days after employing a new employee; or

(2) employ only workers who, at the time of employment:

(a) possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;

(b) are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90; ~~or~~

(c) possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the director. The Executive Director of the Department of Motor Vehicles, or his designee, shall determine which states have driver’s license requirements that are at least as strict as those in South Carolina, and shall develop and periodically update a list of the states. The Department of Motor Vehicles shall provide the director with a copy of the list and all updates to the list. The director shall publish the list on the Department of Labor, Licensing and Regulation’s website; or

(d) possess a valid United States passport or valid United States military identification card.

~~(C)~~ ~~The provisions of subsection (B) apply to all private employers who employ less than one hundred employees and who are required by federal law to complete and maintain federal employment eligibility verification forms or documents on and after July 1, 2010.~~

~~(D)~~(C) The Employment Security Commission must provide private employers with technical advice and electronic access to the E‑Verify federal work authorization program’s website for the sole purpose of registering and participating in the program.

~~(E)~~(D) Private employers who elect to verify a new employee’s work authorization in accordance with Section 41‑8‑20(B)(1) shall provisionally employ a new employee until his work authorization has been verified. A private employer who elects to verify a new employee’s work authorization in accordance with Section 41‑8‑20(B)(1) must submit a new employee’s name and information for verification even if the new employee’s employment is terminated less than ~~five~~ three days after becoming employed. If a new employee’s work authorization is not verified by the federal work authorization program, a private employer must not employ, continue to employ, or re‑employ the employee.

~~(F)~~(E) To assist private employers in understanding the requirements of this chapter, the director shall send written notice of the requirements of this section, to include a list of states with driver’s license requirements at least as strict as those in South Carolina, to all South Carolina employers ~~no later than January 1, 2009~~, and shall publish the information contained in the notice on its website. Nothing in this section shall create a legal requirement that any private employer receive actual notice of the requirements of this chapter through written notice from the director, nor create any legal defense for failure to receive notice.

(F) If a private employer is a contractor, the private employer shall maintain the contact phone numbers of all subcontractors and sub-subcontractors performing services for the private employer. The private employer shall provide the contact phone numbers or a contact phone number, as applicable, to the director pursuant to an audit or investigation within seventy-two hours of the director’s request.”

SECTION 8. Section 41-8-50 of the 1976 Code is amended to read:

“Section 41-8-50. (A) Upon receipt of a written and signed complaint against a private employer, or upon an investigation initiated by the director for good cause, if the director finds reasonable grounds exist that a private employer allegedly violated the provisions of Section 41‑8‑20 or Section 41‑8‑30, the director must institute an investigation of the alleged violation. The director shall verify the work authorization status of the alleged unauthorized alien with the federal government pursuant to 8 USC Section 1373(c). A state, county, or local official must not attempt to independently determine if an alien is authorized to work in the United States.

(B) If, after completing the investigation, and after reviewing any information or evidence submitted by the private employer demonstrating compliance with the provisions of this chapter, the director determines that substantial evidence exists to support a finding that the private employer has committed a violation of Section 41‑8‑20 or Section 41‑8‑30, the director shall:

(1) notify the United States Immigration and Customs Enforcement of suspected unauthorized aliens employed by the private employer;

(2) notify state and local law enforcement agencies responsible for enforcing state immigration laws of the employment of suspected unauthorized aliens by the employer; and

(3) assess a reasonable penalty in accordance with subsection (D) of this section.

(C) ~~The director must not bring an action for an occurrence involving a violation of Section 41‑8‑20 or Section 41‑8‑30 against a private employer of one hundred or more employees prior to July 1, 2009, or against a private employer of less than one hundred employees prior to July 1, 2010.~~ The director must not bring an action against a private employer for any employee who has been employed for ~~five~~ three days or less at the time of the director’s inspection or random audit. A second occurrence involving a violation of this section must be based only on an employee who is employed by the private employer after a first action has been brought for a violation of Section 41‑8‑20 or Section 41‑8‑30.

(D) Upon a finding of an occurrence involving a violation after an investigation pursuant to subsection (A), or after a random audit pursuant to Section 41‑8‑120(B), where the director considered all information or evidence gathered by the director and any information or evidence submitted by the private employer demonstrating compliance with the provisions of this chapter:

(1) for an occurrence involving a violation of Section 41‑8‑20, the private employer must be assessed a reasonable civil penalty of ~~not less than one hundred dollars and~~ not more than one thousand dollars for each violation. ~~However, for a first occurrence involving a violation of Section 41‑8‑20, if, upon notification by the director of a violation of Section 41‑8‑20, the private employer complies with the provisions of Section 41‑8‑20(B) within seventy‑two hours, he must not be assessed a penalty.~~ Any subsequent occurrence involving a violation of Section 41‑8‑20 by the private employer shall result in the assessment of a reasonable civil penalty by the director of not more than one thousand dollars for each violation, except, if a private employer has not committed a violation of Section 41‑8‑20 within the previous five years, a subsequent occurrence must be treated as a first occurrence. If a private employer has ever committed a violation of Section 41‑8‑30, he must be assessed a reasonable civil penalty of not more than one thousand dollars for ~~any~~ each violation or subsequent occurrence involving a violation of Section 41‑8‑20. The director must verify the work authorization status of the employees with the federal government pursuant to 8 USC Section 1373(c) and notify the private employer of the results. The private employer must immediately terminate an employee whose work authorization was not verified upon being notified by the director. The director shall notify federal, state, and local law enforcement officials of any suspected unlawful aliens employed by the private employer, pursuant to subsections (A) and (B) of this section.

(2) for a first occurrence involving a violation of Section 41‑8‑30, a private employer’s license is suspended, and must remain suspended for at least ten days but not more than thirty days. During the period of suspension, a private employer may not employ an employee. After the period of suspension, a private employer’s license must be reinstated, permitting the private employer to engage in business and to employ an employee, if the private employer:

(i) demonstrates that he has terminated the unauthorized alien; and

(ii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;

(3) for a second occurrence involving a violation of Section 41‑8‑30, a private employer’s license is suspended, and must remain suspended for at least thirty days but not more than sixty days. During the period of suspension, a private employer may not employ an employee. After the period of suspension, a private employer’s license must be reinstated, permitting the private employer to engage in business and to employ an employee, if the private employer:

(i) demonstrates that he has terminated the unauthorized alien; and

(ii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;

(4) for a third and subsequent occurrences involving a violation of Section 41‑8‑30, a private employer’s license is revoked, and the private employer may not employ an employee. For a third occurrence only, after ninety days, a private employer may petition the director for a provisional license. The director may grant the private employer a provisional license if the private employer:

(i) agrees to be on probation for a period of three years, during which time the private employer must submit quarterly reports to the director demonstrating compliance with the provisions of Sections 41‑8‑20 and 41‑8‑30;

(ii) demonstrates that he has terminated the unauthorized alien; and

(iii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars.

For all other occurrences where a private employer’s license is revoked, the private employer may not seek reinstatement of his license for a period of five years. After five years, the director may grant reinstatement of a private employer’s license if the private employer:

(i) agrees to be on probation for a period of three years, during which time the private employer must submit quarterly reports to the director demonstrating compliance with the provisions of Sections 41‑8‑20 and 41‑8‑30;

(ii) demonstrates that he has terminated the unauthorized alien; and

(iii) pays a reinstatement fee equal to the cost of investigating and adjudicating the matter, provided that the reinstatement fee must not exceed one thousand dollars.

(5) If a private employer engages in business or employs a new employee during the period that his license is suspended, the private employer’s license shall be revoked, and shall not be reinstated for a period of five years, and only upon a determination by the director that the private employer has complied with the provisions of item (4) of this section.

(E) For purposes of this chapter, it shall be a separate violation each time the private employer fails to verify the immigration status of a new employee as required by Section 41‑8‑20.

(F) In assessing a reasonable civil penalty or taking any other disciplinary action for a violation of Section 41‑8‑20 or Section 41‑8‑30, the director shall base his determination on any evidence or information collected during the investigation or submitted for consideration by the employer, and shall consider the following factors, if relevant:

(1) the number of employees for whom the private employer has failed to verify their immigration status;

(2) the prior violations of this chapter by the private employer;

(3) the size of the private employer’s workforce;

(4) any actions taken by the private employer to comply with federal immigration laws or with the provisions of this chapter;

(5) any actions taken by the private employer subsequent to the inspection or random audit to comply with the provisions of this chapter; ~~and~~

(6) the duration of the violation;

(7) the degree of the violation; and

(8) the good faith of the private employer.

(G) Reinstatement fees assessed in accordance with this section shall be used to cover the administrative costs of implementing, investigating, and enforcing the provisions of this chapter.

(H) The director shall maintain a list of all private employers who have been assessed a civil penalty pursuant to this chapter, or who had their license disciplined, or revoked, and shall publish the list on the agency’s website. The director shall remove a private employer from the list who has been assessed only a civil penalty pursuant to this chapter one year after the private employer’s name has been published, if the private employer has not been assessed a subsequent civil penalty, or had their license disciplined, or revoked, within the one year period.”

SECTION 9. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 10. If any section, subsection, 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, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 11. This act takes effect on September 1, 2011, or sixty days after approval by the Governor, whichever is later. /

Renumber sections to conform.

Amend title to conform.

The committee amendment, as perfected, was adopted.

**Amendment No. 1B**

Senators RANKIN, BRYANT and ROSE proposed the following amendment (20R012.LAR), which was carried over and subsequently substituted with Amendment No. 1C:

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

/ SECTION \_\_\_. Article 1, Chapter 6, Title 23 of the 1976 Code is amended by adding:

“Section 23-6-65. (A) There is levied the following fees on all wire transfers of money from a location within this State to a location outside of the United States:

(1) a five dollar fee for wire transfers of less than five hundred dollars; and

(2) a fee equal to one percent of the amount transferred for wire transfers of more than five hundred dollars.

(B) The entity or business providing wire transfer services shall collect the fee from the person making the wire transfer. The fee must be remitted to the Department of Revenue in a manner established by the department by regulation.

(C) Any South Carolina income tax filer is allowed an income tax credit for the total amount of the fee paid by the filer during a tax year.

(D) All monies collected pursuant to this section remaining after the credit pursuant to subsection (C) is provided must be transferred annually to the Department of Public Safety to support the activities of the Illegal Immigration Enforcement Unit created pursuant to Section 23-6-60.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Article III, Section 15 of the S C. Constitution.

Senator LARRY MARTIN spoke on the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

Senator RANKIN spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

Senator CLEARY spoke on the Point of Order.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

**Point of Order**

Senator GROOMS raised a Point of Order that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator GROOMS spoke on the Point of Order.

Senator RANKIN spoke on the Point of Order.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

On motion of Senator CAMPSEN, with unanimous consent, Amendment No. 1C was substituted for Amendment No. 1B as follows:

**Amendment No. 1C**

Senator RANKIN proposed the following amendment (20R014.LAR), which was subsequently withdrawn:

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

/ SECTION \_\_\_. Article 1, Chapter 6, Title 23 of the 1976 Code is amended by adding:

“Section 23-6-65. (A) There is levied the following fees on all wire transfers of money from a location within this State to a location outside of the United States:

(1) a five dollar fee for wire transfers of less than five hundred dollars; and

(2) a fee equal to one percent of the amount transferred for wire transfers of more than five hundred dollars.

(B) The entity or business providing wire transfer services shall collect the fee from the person making the wire transfer. The fee must be remitted to the Department of Revenue in a manner established by the department by regulation.

(C) Any South Carolina income tax filer is allowed an income tax credit for the total amount of the fee paid by the filer during a tax year.

(D) This section does not apply to automated clearinghouse transfers.

(E) All monies collected pursuant to this section remaining after the credit pursuant to subsection (C) is provided must be transferred annually to the Department of Public Safety to support the activities of the Illegal Immigration Enforcement Unit created pursuant to Section 23-6-60.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN moved that the amendment be adopted.

Senator LARRY MARTIN spoke on the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 16; Nays 20**

**AYES**

Alexander Bright Campbell

Cromer Davis Fair

Grooms Hayes *Martin, Larry*

Massey McConnell Peeler

Setzler Shoopman Thomas

Verdin

**Total--16**

**NAYS**

Bryant Campsen Cleary

Elliott Ford Hutto

Jackson Knotts Land

Leventis Malloy *Martin, Shane*

Matthews McGill Nicholson

O’Dell Rankin Ryberg

Scott Williams

**Total--20**

**Statement by Senator McCONNELL**

I voted to table Amendment No. 1C because it creates a new fee with unknown ramifications.

**Statement by Senator ROSE**

I thought I voted not to table Amendment No. 1C to Senate Bill 20 on March 9, 2011,  but the record does not reflect that I did so.  If I did not, I would have voted and intended to vote not to table that amendment because I wanted to hear and learn more about the pros and cons of the proposal in the amendment.

The Senate refused to table the amendment. The question then was the adoption of the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator GROOMS asked unanimous consent to make a motion to carry over Amendment No. 1C to third reading.

Senator MALLOY objected.

Senator GROOMS spoke on the amendment.

Senator GROOMS asked unanimous consent to make a motion to carry over Amendment No. 1C to third reading.

Senator HUTTO objected.

Senator GROOMS asked unanimous consent to make a motion to carry over the amendment.

There was no objection.

Amendment No. 1C was carried over and subsequently withdrawn.

**Amendment No. 2**

Senator FORD proposed the following amendment (JUD0020.008), which was withdrawn:

Amend the committee report, as and if amended, page [20-14], before line 13, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. (A) Notwithstanding the provisions of this act and as a matter of public policy, the General Assembly finds that:

(1) the United States has a long and distinguished history of providing shelter and support to oppressed people from around the world who, for reasons beyond their control, cannot return home;

(2) since 2006, Mexico has suffered an alarming escalation of deadly drug‑related violence and breakdown in social security;

(3) Mexico’s war on drugs has claimed more than twenty‑three thousand lives and continues to threaten the livelihood of hundreds of thousands more;

(4) possessing little confidence in the ability of the Mexican government, military, or other local or federal officials to provide for their safety, tens of thousands of Mexican nationals have escaped to the United States in search of sanctuary from the escalating violence; and

(5) less than two percent of Mexican applicants have been granted political asylum in the United States since the outbreak of drug‑related violence in 2006; Now, therefore,

(B) The members of the General Assembly hereby memorialize Congress and President Barack Obama to expeditiously enact legislation granting temporary protected status to all qualifying Mexican refugees who have fled to the United States to escape Mexico’s uncontrolled drug‑related violence, corrupt and ineffective law enforcement entities, and overt political repression. /

Renumber sections to conform

Amend title to conform.

Senator FORD explained the amendment.

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

The Senate resumed consideration of Amendment No. 1C, which had been previously carried over.

Senator GROOMS was recognized to speak on the amendment.

**Objection**

With Senator GROOMS retaining the floor, Senator FAIR asked unanimous consent to make a motion to carry over Amendment No. 1C to third reading.

Senator RANKIN objected.

Senator GROOMS resumed speaking on the amendment.

With Senator GROOMS retaining the floor, Senator RANKIN asked unanimous consent to make a motion to take up Amendment No. 3A for immediate consideration.

There was no objection.

**Amendment No. 3A**

Senator RANKIN proposed the following amendment (20R0015.LAR), which was adopted:

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

/ SECTION \_\_\_. A. Article 1, Chapter 6, Title 23 of the 1976 Code is amended by adding:

“Section 23-6-65. (A) There is levied the following fees on money transmission or wire transfers of money by a money transmitter required by federal regulation to register with the United States Department of Treasury Financial Crimes Enforcement Network, from a location within this State to a location outside of the United States:

(1) a five dollar fee for wire transfers of less than five hundred dollars; and

(2) a fee equal to one percent of the amount transferred for wire transfers of more than five hundred dollars.

(B) The money transmitter shall collect the fee from the person making the money transmission or wire transfer of money. The fee must be remitted to the Department of Revenue in a manner prescribed by the department.

(C) This section does not apply to automated clearinghouse transfers.

(D) Any South Carolina income tax filer is allowed a refundable income tax credit for the total amount of the fee paid by the filer during a tax year.

(E) All monies collected pursuant to this section remaining after the credit pursuant to subsection (C) is provided must be transferred annually to the Department of Public Safety to support the activities of the Illegal Immigration Enforcement Unit created pursuant to Section 23-6-60.”

B. This act takes effect January 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

Senator GROOMS spoke on the amendment.

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

**Ayes 21; Nays 15**

**AYES**

Alexander Bryant Campsen

Cleary Elliott Ford

Hutto Jackson Knotts

Land Leventis Malloy

*Martin, Shane* McGill Nicholson

O'Dell Rankin Rose

Ryberg Scott Williams

**Total--21**

**NAYS**

Bright Campbell Cromer

Davis Fair Grooms

Hayes *Martin, Larry* Massey

McConnell Peeler Setzler

Shoopman Thomas Verdin

**Total--15**

The amendment was adopted.

**Statement by Senators McCONNELL and BRIGHT**

We voted against Amendment 3A because we are concerned that it could have unintended consequences for the businesses of our State.  Our State is lucky to be home to many large companies who do business around the world and who could be negatively impacted by this amendment.  We know there are problems and there was an attempted fix, but we are not sure if the correction solves the problem.  At this late hour, we feel that no good can come of trying to cobble together an amendment on the fly.  It would be better to wait until the light of day when the members of our business community can weigh- in to ensure that what we try to do is done and that we don’t hurt our businesses in going after wire transfers of illegal aliens. For that reason, we voted “no” on the adoption of the amendment.

**Statement by Senators GROOMS and SHOOPMAN**

We voted against Amendment 3A as we were not presented with any information related to how the amendment would affect our state’s lawful citizens, businesses and corporations.  Our State has an international reputation for being a place to do business. We are blessed to have foreign corporations such as BMW and Michelin and we would love to have more.  To place a 1% tax on all money transfers on lawful persons and lawful businesses, work counter to the intent of the Bill. I support the Oklahoma provision that this amendment is supposed to mimic; however, such a proposal needs careful review and thoughtful consideration and should be debated in the light of day instead of offered for the first time at midnight.  The middle of the night is not the time to introduce and vote on such a proposal.

**Statement by Senators ROSE, BRYANT, CAMPSEN, CLEARY and KNOTTS**

We voted for the adoption of Amendment No. 3A to S. 20 on March 9, 2011, because we believe (1) this amendment can be an effective way to deter illegal immigrants from coming to and remaining in South Carolina, as has occurred in other states; (2) this amendment can prevent illegal immigrants from continuing the practice of earning U.S. dollars in South Carolina and shipping the money overseas without paying S.C. taxes; (3) the prohibition in the amendment stating this section does not apply to automated clearinghouse transfers should prevent this amendment from adversely affecting S.C. businesses; and (4) both the House and the senate will have subsequent opportunities to change this amendment before it becomes law if the amendment is shown later to be defective in som manner.

On motion of Senator RANKIN, Amendment No. 1C was withdrawn.

**Amendment No. 4A**

Senators MALLOY, JACKSON and SCOTT proposed the following amendment (JUD0020.015), which was adopted:

Amend the bill, as and if amended, by amending Section 17-13-170, as contained in SECTION 5, by adding an appropriately numbered subsection to read:

/ “( ) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made and the officer contacts the Illegal Immigration Enforcement Unit within the Department of Public Safety pursuant to this section, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the Department of Public Safety, which shall develop and maintain a database storing the information collected. The Department of Public Safety must promulgate regulations with regard to the collection and submission of the information gathered. In addition, the Department of Public Safety shall prepare a report to be posted on the Department of Public Safety’s website regarding motor vehicle stops using the collected information. The General Assembly shall have the authority to withhold any state funds or federal pass‑through funds from any state or local law enforcement agency that fails to comply with the requirements of this subsection.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 28; Nays 8**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Elliott

Fair Grooms Hayes

Knotts *Martin, Larry Martin, Shane*

Massey McConnell McGill

O’Dell Peeler Rankin

Rose Ryberg Setzler

Shoopman Thomas Verdin

Williams

**Total--28**

**NAYS**

Ford Hutto Jackson

Land Leventis Malloy

Nicholson Scott

**Total--8**

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

**Statement by Senator COURSON**

Due to recent back surgery and the therapy and rest necessitated by the event, I was unable to be in the Chamber the night of March 9 and early morning of March 10.  If present, I would have voted in favor of the second reading of S. 20.

The Bill was returned to the status of Special Order.

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Barry Grover Mixon of Greeleyville, S.C.

and

**MOTION ADOPTED**

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Joe Dean Knuckles from Gaffney. Mr. Knuckles served as a Commissioner on the Gaffney Board of Public Works. He died Friday, March 4th at the age of 73.

**ADJOURNMENT**

At 12:12 A.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*