**Tuesday, May 29, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator LAND.

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

In Job we read how he reflected that:

“ ‘My kinsmen have gone away; my friends have forgotten me’.” (Job 19:14)

Let us bow in prayer:

Holy God, perhaps in a time gone past Job did feel forgotten and removed from those around himself. Not so for those women and men we remember who gave their lives that we might convene in this Senate Chamber today, that we might enjoy liberty and freedom, that we might celebrate life in this nation and this State we love. Thank You, dear God, for the sacrifices of America’s war heroes. Help us all to further honor them by diligently working to conclude this legislative term. In Your loving name we pray, Lord.

Amen.

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

**REGULATION RECEIVED**

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

Document No. 4286

Agency: Workers’ Compensation Commission

Chapter: 67

Statutory Authority: 1976 Code Sections 42-3-30, 42-9-10 and 42-9-30(21)

SUBJECT: Mediation

Received by Lieutenant Governor May 29, 2012

Referred to Judiciary Committee

Legislative Review Expiration April 28, 2013

**Leave of Absence**

On motion of Senator O’DELL, at 12:05 P.M., Senator McGILL was granted a leave of absence until 2:00 P.M.

**Leave of Absence**

On motion of Senator GROOMS, at 12:05 P.M., Senator VERDIN was granted a leave of absence until 3:00 P.M.

**Leave of Absence**

On motion of Senator SHANE MARTIN, at 12:05 P.M., Senator CLEARY was granted a leave of absence for the week.

**Leave of Absence**

At 12:05 P.M., Senator MASSEY requested a leave of absence for Wednesday, May 30, and Thursday, May 31, 2012, for the birth of his second child.

**RECALLED**

H. 4887 -- Rep. Johnson: A BILL TO AMEND SECTION 7‑27‑275, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLARENDON COUNTY ELECTION COMMISSION AND THE CLARENDON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE CLARENDON COUNTY ELECTION COMMISSION AND THE CLARENDON COUNTY BOARD OF REGISTRATION INTO A SINGLE ENTITY.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

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

**RECALLED**

H. 4665 -- Reps. Hixon, Clyburn, J.R. Smith, Spires, Taylor and Young: A BILL TO AMEND ACT 571 OF 1967, AS AMENDED, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, THE BOUNDARIES OF WHICH PURSUANT TO THIS ACT INCLUDE AREAS IN EDGEFIELD AND AIKEN COUNTIES, SO AS TO REVISE THE MANNER IN WHICH THE EXISTING MEMBERS OF THE GOVERNING BODY OF THE AUTHORITY ARE APPOINTED, AND TO ADD TWO MEMBERS TO THE GOVERNING BODY OF THE AUTHORITY FROM THE AREAS IN AIKEN COUNTY SERVED BY THE AUTHORITY.

Senator MASSEY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

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

**RECALLED**

S. 1391 -- Senator Fair: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 25 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH BOWERS ROAD TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 414 “J. METZ LOOPER HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “J. METZ LOOPER HIGHWAY”.

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

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

**RECALLED**

H. 5166 -- Reps. Willis, Pitts and Tribble: A BILL TO AMEND SECTION 7‑7‑360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LAURENS COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1554 -- Senator Hutto: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE HOLLY HILL ACADEMY VARSITY BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1555 -- Senators Knotts, Setzler and Massey: A BILL TO AMEND SECTION 7-7-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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Read the first time and, on motion of Senator KNOTTS, with unanimous consent, S. 1555 was ordered placed on the Calendar without reference.

S. 1556 -- Senator Pinckney: A BILL TO AMEND ACT 601 OF 1971, AS AMENDED, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE JASPER COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT BEGINNING WITH THE YEAR 2012, THE COUNTY BOARD OF EDUCATION RATHER THAN THE COUNTY COUNCIL SHALL IMPOSE THE TAX LEVY NECESSARY FOR SCHOOL PURPOSES, AND TO PROVIDE FOR PROCEDURES FOR AND LIMITATIONS ON THIS SCHOOL TAX LEVY.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

**S. 1556--Ordered to a Second and Third Reading**

On motion of Senator PINCKNEY, with unanimous consent, S. 1556 was ordered to receive a second and third reading on the next two consecutive legislative days.

S. 1557 -- Senator Pinckney: A BILL TO AMEND SECTION 30-5-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERFORMANCE OF THE REGISTER OF DEEDS' DUTIES BY CLERK OF COURT IN CERTAIN COUNTIES, SO AS TO PROVIDE THAT BEGINNING IN 2014 THE REGISTER OF DEEDS IN JASPER COUNTY BE ELECTED RATHER THAN APPOINTED; AND TO AMEND SECTION 30-3-12, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS TO PROVIDE FOR AN APPOINTMENT PROCESS FOR THE JASPER COUNTY REGISTER OF DEEDS PRIOR TO AN ELECTED JASPER COUNTY REGISTER OF DEEDS BECOMING EFFECTIVE.

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Read the first time and, on motion of Senator PINCKNEY, with unanimous consent, S. 1557 was ordered placed on the Calendar without reference.

S. 1558 -- Senator Lourie: A SENATE RESOLUTION TO CONGRATULATE THE A.C. FLORA HIGH SCHOOL BASEBALL TEAM FOR WINNING THE 2012 CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1559 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE A. C. FLORA HIGH SCHOOL VARSITY BOYS GOLF TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2012 CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

H. 5315 -- Reps. Stavrinakis, Whipper and R. L. Brown: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED DURING THE PERIOD OF JANUARY 3, 2012, THROUGH JANUARY 4, 2012, BY THE STUDENTS OF STALL HIGH SCHOOL IN CHARLESTON COUNTY WHEN THE SCHOOL WAS CLOSED DUE TO A GAS LEAK ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 5330 -- Rep. Harrison: A CONCURRENT RESOLUTION TO CONGRATULATE AND COMMEND COLONEL W. THOMAS “TOMMY” McQUEENEY OF CHARLESTON FOR HIS DISTINGUISHED SERVICE ON THE CITADEL BOARD OF VISITORS AS HIS SERVICE ON THE BOARD COMES TO A CLOSE IN 2012.

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

**REPORT OF STANDING COMMITTEE**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 4786 -- Reps. Sandifer and D.C. Moss: A BILL TO AMEND SECTION 41‑35‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, SO AS TO EXTEND CERTAIN PROVISIONS OF THIS SECTION TO SERVICES PROVIDED BY AN INSTITUTION FOR AN EDUCATIONAL INSTITUTION WHILE EMPLOYED BY A PRIVATE EMPLOYER HOLDING A CONTRACTUAL RELATIONSHIP WITH THE EDUCATIONAL INSTITUTION.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 24, 2012

Mr. President and Senators:

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

H. 5026 -- Rep. J.E. Smith: A BILL TO AMEND SECTION 1‑23‑600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE AN OBSOLETE REFERENCE EXEMPTING APPEALS FROM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO THE COURT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 29, 2012

Mr. President and Senators:

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

S. 836 -- Senators Grooms, Verdin, Knotts, Bright, Bryant, Courson, Campsen, McConnell, Cleary, Rose, Hayes, Shoopman, Massey, Campbell, Fair, Gregory, Cromer, L. Martin and Alexander: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 10 TO ENACT THE INTERSTATE HEALTHCARE COMPACT, TO PROVIDE THAT COMPACT MEMBERS MUST TAKE ACTION TO OBTAIN CONGRESSIONAL CONSENT TO THE COMPACT, TO PROVIDE THAT THE LEGISLATURE IS VESTED WITH THE RESPONSIBILITY TO REGULATE HEALTHCARE DELIVERED IN THEIR STATE, TO PROVIDE FOR HEALTHCARE FUNDING, TO ESTABLISH THE INTERSTATE ADVISORY HEALTH CARE COMMISSION AND TO PROVIDE ITS COMPOSITION, POWERS, DUTIES, AND AUTHORITY, TO PROVIDE THE EFFECTIVE DATE OF THE COMPACT, TO PROVIDE FOR AMENDING THE COMPACT, TO PROVIDE FOR THE MANNER OF WITHDRAWAL FROM THE COMPACT, AND TO PROVIDE NECESSARY DEFINITIONS.

Respectfully submitted,

Speaker of the House

Received as information.

Senator LARRY MARTIN moved under the provisions of Rule 32 to waive placing the Bill on the Calendar for consideration tomorrow.

**Point of Order**

Senator SETZLER raised a Point of Order that the motion was in violation of Rule 32 inasmuch as it pertained to all Bills being returned from the House with amendments.

The ACTING PRESIDENT overruled the Point of Order and stated that the motion only applied to S. 836.

On motion of Senator LARRY MARTIN, the motion under Rule 32 was withdrawn.

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

**Message from the House**

Columbia, S.C., May 22, 2012

Mr. President and Senators:

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

H. 3710 -- Reps. J.E. Smith, Hayes, D.C. Moss and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑1‑77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

Very respectfully,

Speaker of the House

Received as information.

**H. 3710 -- SENATE INSISTS ON ITS AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

H. 3710 -- Reps. J.E. Smith, Hayes, D.C. Moss and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑1‑77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

On motion of Senator RYBERG, the Senate insisted upon its amendments to H. 3710 and asked for a Committee of Conference.

Whereupon, Senators LOURIE, BRYANT and MASSEY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**HOUSE CONCURRENCE**

S. 1538 -- Senators Williams and Leatherman: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF NATURAL RESOURCES NAME THE BLACK CREEK BOAT LANDING, ON HIGHWAY 327 IN FLORENCE COUNTY AS “JAMES R. HARWELL LANDING”, AND TO INSTALL APPROPRIATE SIGNS CONTAINING “JAMES R. HARWELL LANDING” ON THE PROPERTY.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3657 -- Reps. Cooper and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑45‑17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12‑59‑85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; AND TO AMEND SECTIONS 12‑51‑50, AS AMENDED, AND 12‑51‑70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO ONE THOUSAND DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE.

H. 4886 -- Rep. Willis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 17, 2012, BY THE STUDENTS OF FOUNTAIN INN ELEMENTARY SCHOOL OF GREENVILLE COUNTY SCHOOL DISTRICT, WHEN THE SCHOOL WAS CLOSED DUE TO BAT INFESTATION, IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**HOUSE BILLS RETURNED**

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

H. 4689 -- Reps. Hiott, Skelton, Owens, Hixon, Loftis, Hodges, Knight, Dillard, Erickson, Crawford, Clyburn and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑143 SO AS TO PROVIDE HEALTH AND SANITARY REQUIREMENTS FOR HOME BASED FOOD PRODUCTION OPERATIONS, INCLUDING PROCEDURES FOR PROTECTING FOOD ITEMS PREPARED FOR SALE BY THESE OPERATIONS, AND FOOD ITEM PACKAGING AND LABELING REQUIREMENTS; TO PROVIDE THAT THESE OPERATIONS MAY NOT SELL FOOD ITEMS AT WHOLESALE; TO PROVIDE THAT THESE OPERATIONS ARE NOT RETAIL FOOD ESTABLISHMENTS; AND TO PROVIDE A PROCESS WHEREBY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY INVESTIGATE COMPLAINTS.

H. 4054 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑36 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE KEOWEE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE A PENALTY.

H. 4814 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2011‑2012, TO PROVIDE REPORTING REQUIREMENTS WITH RESPECT TO A SPECIFIC APPROPRIATION, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

**THIRD READING BILL**

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

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

**AMENDED, READ THE THIRD TIME**

H. 3111 -- Reps. Young, Sandifer, Hayes and D.C. Moss: A BILL TO AMEND SECTION 38‑73‑525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS’ COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, SO AS TO REQUIRE THE INSURER TO ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38‑73‑1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, SO AS TO REQUIRE THESE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator THOMAS proposed the following amendment (AGM\  
19627AB12), which was adopted:

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

/ SECTION 1. Section 42‑15‑90 of the 1976 Code is amended to read:

“Section 42‑15‑90. (A) ~~Fees for attorneys and physicians~~ Attorney fees, physician fees, and ~~charges of hospitals~~ hospital charges for services under this title ~~shall be~~ are subject to the approval of the commission~~;~~, but ~~no~~ a physician or hospital ~~shall be entitled to~~ may not collect ~~fees~~ a fee from an employer or insurance carrier until ~~he~~ the physician or hospital has made the reports required by the commission in connection with the case.

(B)(1) ~~Any person who receives any fee or other consideration or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the Commission or such court or who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation shall be guilty of a misdemeanor and, upon conviction thereof, shall, for each offense, be punished by a fine of not more than five hundred dollars or by imprisonment not to exceed one year, or by both such fine and imprisonment.~~ A person may not:

(a) receive a fee, gratuity, or other consideration for a service rendered pursuant to this title unless the fee, gratuity, or other consideration is approved by the commission or a court of competent jurisdiction; or

(b) make it a business to solicit employment for an attorney or himself with respect to a claim or award for compensation under this title.

(2) A violation of this section constitutes a misdemeanor and, upon conviction, each offense is subject to a fine of not more than five hundred dollars, imprisonment for not more than one year, or both.

(C)(1) The commission may adopt criteria to establish a new fee schedule or adjust an existing fee schedule to establish maximum allowable payments for medical services provided by medical practitioners exclusive of hospital inpatient services and hospital outpatient services and ambulatory surgery centers based in whole or in part on the requirements of a federally funded program, but if it adopts adjustments to an existing fee schedule, it must adopt these adjustments on an annual basis and the adjustments may not exceed the percentage change indicated by the federally funded program. The commission shall conduct an evidentiary hearing to review a proposed adjustment to increase or reduce these fees by more than ten percent annually to determine whether to:

(a) increase or reduce the proposed adjustment as the commission considers appropriate; or

(b) accept the proposed adjustment.

(2)(a) A decision of the commission to increase or reduce a fee schedule to establish maximum allowable payments for medical services provided by medical practitioners exclusive of hospital inpatient services and hospital outpatient services and ambulatory surgery centers by more than ten percent is reviewable by expedited appeal to the Administrative Law Court pursuant to the Administrative Procedures Act.

(b) On appeal, the court may:

(i) accept the increase or decrease;

(ii) impose a lesser increase or decrease;

(iii) revert the fee schedule to as it was immediately prior to the annual adjustment;

(iv) adjust the appropriate conversion factors as necessary; or

(v) make other adjustments the court considers reasonable.

(c) The court shall issue a decision within ninety days after it receives the appeal.

(d) During the pendency of this appeal, the portion of the fee schedule under review must remain the same as it was immediately prior to the proposed changes, but all other portions of the fee schedule or conversion factors are effective and remain unchanged.”

SECTION 2. Section 1‑23‑600(A)(4), as last amended by Act 334 of 2008, is further amended to read:

“(4) Workers’ Compensation Commission, except as provided in Section 42‑15‑90; or”

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

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 32; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Coleman

Courson Davis Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Peeler

Pinckney Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas

**Total--32**

**NAYS**

**Total--0**

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

**AMENDED, READ THE THIRD TIME**

S. 1504 -- Senator Pinckney: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

There was no objection.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator PINCKNEY proposed the following amendment (GGS\22413ZW12), which was adopted:

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

/ SECTION 1. Section 2 of Act 476 of 1998 is amended to read:

“Section 2. (A) ~~The single member districts of Jasper County School District shall be as follows:~~

~~DISTRICT 1~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~GILLISONVILLE~~

~~Tract 9501.00~~

~~Blocks:~~ ~~152, 158, 159, 160, 161, 162,~~

~~166, 167, 168, 169, 170, 172,~~

~~173, 174, 175, 176, 177, 178,~~

~~179, 180, 181, 182, 184, 185,~~

~~186, 189, 190, 192, 193~~ ~~611~~

~~GRAYS~~

~~Tract 9501.00~~

~~Blocks:~~ ~~101, 102, 103, 104, 105, 106,~~

~~107, 108, 109, 110, 111, 112,~~

~~113, 114, 115, 116, 117, 118,~~

~~119, 122, 123, 124, 125, 126,~~

~~127, 128, 129, 130, 131, 132,~~

~~133, 134, 135, 136, 137, 138,~~

~~139, 140, 141, 142, 143, 144,~~

~~145, 146, 147, 148, 149, 150,~~

~~151, 163, 164, 165, 171~~ ~~680~~

~~PINELAND~~

~~Tract 9501.00~~

~~Blocks:~~ ~~201, 202, 203, 204, 205, 206,~~

~~207, 208, 209, 210, 211, 212,~~

~~213, 214, 215, 216, 217, 218,~~

~~219, 242, 243, 244, 245, 246,~~

~~247, 250, 251, 283, 284~~ ~~425~~

~~DISTRICT TOTAL~~ ~~1,716~~

~~PERCENT VARIATION~~ ~~‑0.290~~

~~DISTRICT 2~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~PINELAND~~

~~Tract 9501.00~~

~~Blocks:~~ ~~220, 221, 222, 223, 224, 225,~~

~~226, 227, 228, 229, 230, 231,~~

~~232, 233, 234, 235, 236, 237,~~

~~238, 239, 240, 241, 248, 249,~~

~~252, 253, 254, 255, 256, 257,~~

~~258, 259, 260, 261, 262, 263,~~

~~264, 265, 266, 267, 268, 269,~~

~~270, 271, 272, 273, 274, 275,~~

~~276, 277, 278, 279, 280, 281,~~

~~282, 285~~ ~~619~~

~~RIDGELAND 1~~

~~Tract 9501.00~~

~~Blocks:~~ ~~301, 302, 303, 304, 309, 310,~~

~~311, 312, 313, 314, 315, 316,~~

~~317, 318, 319, 320, 321, 326,~~

~~327, 328, 329, 330, 331, 332,~~

~~333, 334, 335, 336, 337, 338~~ ~~344~~

~~Tract 9502.00~~

~~Blocks:~~ ~~226, 227B~~ ~~32~~

~~TILLMAN~~

~~Tract 9501.00~~

~~Blocks:~~ ~~401, 402, 403, 404, 405, 406,~~

~~407, 408, 409, 410, 411, 412,~~

~~413, 414, 415, 416, 417, 418,~~

~~419, 420, 421, 422, 423, 424,~~

~~425, 426, 427, 430, 432, 433,~~

~~436, 437, 439, 448, 449, 450,~~

~~451, 452, 453, 454, 455, 456,~~

~~457, 458, 459, 460, 461, 462,~~

~~463, 464, 466, 467, 495, 496,~~

~~497~~ ~~697~~

~~DISTRICT TOTAL~~ ~~1,692~~

~~PERCENT VARIATION~~ ~~‑1.685~~

~~DISTRICT 3~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~COOSAWHATCHIE~~

~~Tract 9502.00~~

~~Blocks:~~ ~~101, 102, 103, 104, 105, 106,~~

~~107, 108, 109, 110, 111, 112,~~

~~113, 114, 115, 116, 117, 118,~~

~~119, 120, 121, 122, 123, 124,~~

~~125, 126, 127, 128, 129, 130,~~

~~131, 132, 133, 138, 139, 140,~~

~~141, 142, 143, 144, 145, 146,~~

~~147, 148, 161, 162, 163, 164,~~

~~165, 166, 167, 168, 169, 170,~~

~~171, 172, 173, 174, 175, 176,~~

~~177, 178, 179, 180, 181, 182,~~

~~183, 184, 185, 186, 187, 188,~~

~~189, 190, 191, 192, 193, 194,~~

~~195, 196, 197~~ ~~716~~

~~GRAHAMVILLE 2~~

~~Tract 9502.00~~

~~Blocks:~~ ~~301, 302, 312, 313, 314, 315,~~

~~316, 317, 318, 319, 320, 321,~~

~~322, 323, 324, 325, 326, 327,~~

~~328, 329, 330, 331, 333, 401,~~

~~402, 403, 404, 405, 406, 407,~~

~~408, 409, 410, 411, 412, 413,~~

~~414, 415, 416, 417, 418, 419,~~

~~420, 421, 422, 423, 424, 425,~~

~~426, 427, 428, 429, 430, 431,~~

~~433, 434, 435, 436, 437, 438,~~

~~439, 440, 445, 446, 447, 448,~~

~~449~~ ~~1,014~~

~~GRAYS~~

~~Tract 9501.00~~

~~Blocks:~~ ~~120, 121, 153, 154, 155, 156,~~

~~157~~ ~~22~~

~~DISTRICT TOTAL~~ ~~1,752~~

~~PERCENT VARIATION~~ ~~.+1.801~~

~~DISTRICT 4~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~COOSAWHATCHIE~~

~~Tract 9502.00~~

~~Blocks:~~ ~~134, 135, 136, 137, 149, 150,~~

~~151, 152, 153, 154, 155, 156,~~

~~157, 158, 159, 160~~ ~~178~~

~~GILLISONVILLE~~

~~Tract 9501.00~~

~~Blocks:~~ ~~183, 187, 188, 191, 194, 195,~~

~~196, 197~~ ~~135~~

~~RIDGELAND 1~~

~~Tract 9501.00~~

~~Blocks:~~ ~~305, 306, 307, 308, 322, 323,~~

~~324, 325~~ ~~200~~

~~Tract 9502.00~~

~~Blocks:~~ ~~201, 202, 203, 204, 206, 207,~~

~~208, 209, 210, 211, 212, 213A,~~

~~213B, 213C, 214, 215, 216, 217,~~

~~218, 219, 220, 221, 222A, 222B,~~

~~223, 224, 225, 227A, 228, 229A,~~

~~229B, 230, 231, 232, 233, 234,~~

~~235, 236, 237, 238A, 238B, 239A,~~

~~239B, 240, 241, 242, 243, 244,~~

~~245, 246, 247, 248, 249, 250,~~

~~251, 252, 253, 254, 255, 256,~~

~~257, 258, 259, 303, 304, 305,~~

~~306, 307, 308, 309A, 309B, 310,~~

~~342, 343, 344A, 344B, 345, 346,~~

~~347, 348, 349, 350A, 350B,351A,~~

~~351B, 352A, 352B, 359, 360, 361,~~

~~362, 363, 364, 365, 366, 367,~~

~~368, 369, 370, 371~~ ~~1,259~~

~~DISTRICT TOTAL~~ ~~1,772~~

~~PERCENT VARIATION~~ ~~+2.963~~

~~DISTRICT 5~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~GRAHAMVILLE 1~~

~~Tract 9502.00~~

~~Blocks:~~ ~~501, 542, 543, 544, 545, 546,~~

~~547, 548, 549, 550, 558, 559,~~

~~618, 619~~ ~~369~~

~~RIDGELAND 1~~

~~Tract 9501.00~~

~~Blocks:~~ ~~347, 348, 349, 350, 351, 352,~~

~~353, 354~~ ~~199~~

~~RIDGELAND 2~~ ~~1,194~~

~~TILLMAN~~

~~Tract 9501.00~~

~~Blocks:~~ ~~438~~ ~~0~~

~~DISTRICT TOTAL~~ ~~1,762~~

~~PERCENT VARIATION~~ ~~+2.382~~

~~DISTRICT 6~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~HARDEEVILLE 1~~

~~Tract 9503.00~~

~~Blocks:~~ ~~201, 202, 203, 204, 205, 206,~~

~~207, 208, 209, 210, 211, 212,~~

~~213, 214, 215, 216, 217, 218,~~

~~219, 220, 221, 222, 223, 224,~~

~~225, 226C, 227B, 228, 229, 230,~~

~~235B, 236, 237B, 238, 239B, 259~~ ~~269~~  ~~HARDEEVILLE 2~~ ~~1,189~~

~~TILLMAN~~

~~Tract 9501.00~~

~~Blocks:~~ ~~428, 429, 431, 434, 435, 440,~~

~~441, 442, 443, 444, 445, 446,~~

~~447, 465, 468, 469, 470, 471,~~

~~472, 473, 474, 475, 476, 477,~~

~~478, 479, 480, 481, 482, 483,~~

~~484, 485, 486, 487, 488, 489,~~

~~490, 491, 492, 493, 494~~ ~~121~~

~~Tract 9503.00~~

~~Blocks:~~ ~~101B, 102, 103, 104, 105, 106,~~

~~107, 108, 109, 110, 111, 112,~~

~~113, 114, 115, 116, 117, 118,~~

~~119, 120, 121, 122, 125, 126,~~

~~135, 136, 194~~ ~~79~~

~~DISTRICT TOTAL~~ ~~1,658~~

~~PERCENT VARIATION~~ ~~‑3.660~~

~~DISTRICT 7~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~GRAHAMVILLE 1~~

~~Tract 9502.00~~

~~Blocks:~~ ~~601, 602, 603, 604, 605, 606,~~

~~607, 608, 609, 610, 611, 612,~~

~~613, 614, 615, 616, 617, 620,~~

~~621, 622, 623, 624, 625, 626,~~

~~627, 628, 629, 630, 631, 632,~~

~~633, 634, 635, 636, 637, 638,~~

~~639, 640, 641, 655, 656, 657,~~

~~658, 659, 660, 661, 662, 663,~~

~~664, 665, 670, 694, 695, 696,~~

~~697~~ ~~739~~

~~GRAHAMVILLE 2~~

~~Tract 9502.00~~

~~Blocks:~~ ~~311, 332, 334, 335, 336, 337,~~

~~338, 339, 340, 341, 353, 354,~~

~~355, 356, 357, 358, 432, 441,~~

~~442, 443, 444, 450, 451~~ ~~657~~

~~OKATIE~~ ~~328~~

~~DISTRICT TOTAL~~ ~~1,724~~

~~PERCENT VARIATION~~ ~~+0.174~~

~~DISTRICT 8~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~HARDEEVILLE 1~~

~~Tract 9503.00~~

~~Blocks:~~ ~~226A, 226B, 227A, 231, 232, 233A,~~

~~233B, 233C, 234A, 234B, 235A, 237A,~~

~~239A, 240, 241, 242, 243A, 243B,~~

~~244, 245A, 245B, 246, 247, 248,~~

~~249, 250, 251, 252A, 252B, 253,~~

~~254, 255, 256, 257, 258, 260,~~

~~261, 262, 263, 264, 265, 266,~~

~~267, 268, 269, 270, 271, 272,~~

~~273, 274, 275, 276, 277, 301A,~~

~~301B, 302, 303, 304, 305, 306A,~~

~~306B, 307A, 307B, 308, 309, 310,~~

~~311, 312, 313, 314, 315, 316,~~

~~317, 318, 319, 320, 321, 322,~~

~~323, 324, 325, 326, 327, 328,~~

~~329, 330, 331, 332A, 333A, 333B,~~

~~333C, 340A, 341A, 341B, 342, 343,~~

~~344A, 344B, 345, 346, 414, 415,~~

~~416~~ ~~1,759~~

~~DISTRICT TOTAL~~ ~~1,759~~

~~PERCENT VARIATION~~ ~~+2.208~~

~~DISTRICT 9~~

~~Area~~ ~~Population~~

~~Jasper County~~

~~LEVY.~~ ~~1,652~~

~~DISTRICT TOTAL.~~ ~~1,652~~

~~PERCENT VARIATION~~ ~~‑4.009~~

~~(B)~~ ~~The Office of Research and Statistical Services of the Budget and Control Board shall maintain an official map of the districts established in subsection (A) and shall, upon request, assist the local election officials and the district in implementing the provisions of this act.~~

(1) Notwithstanding another provision of law, beginning with school board elections in 2012, the nine single‑member election districts from which members of the Jasper County Board of Education must be elected are as shown on the Jasper County Board of Education map S‑53‑00‑12 as maintained in the Division of Research and Statistics of the State Budget and Control Board.

(2) The demographic information shown on this map is as follows:

District Pop Dev. %Dev. NH\_WHT %NH\_WHT NH\_BLK %NH-BLK VAP

1 3,533 -7 -0.20% 1,272 36% 2,087 59.07% 2,660 2 3,543 3 0.08% 1,740 49.11% 1,224 34.55% 2,640 3 3,569 29 0.82% 922 25.83% 2,108 59.06% 2,882 4 3,471 -69 -1.95% 2,048 59% 897 25.84% 2,711

5 3,532 8 -0.23% 1,289 36.49% 1,999 56.60% 2,611 6 3,512 -28 -0.79% 898 25.57% 1,238 35.25% 2,482 7 3,617 77 2.18% 1,094 30.25% 1,848 51.09% 2,650

District NHWVAP %NHWVAP NHBVAP %NHBVAP AllOth AllOthVAP

1 977 36.73% 1,571 59.06% 174 112

2 1,389 52.61% 872 33.03% 579 379

3 821 28.49% 1.724 59.82% 539 337

4 1,689 62.30% 658 24.27% 526 364

5 1,035 39.64% 1,416 54.23% 244 160

6 740 29.81% 845 34.05% 1,376 897

7 870 32.83% 1,355 51.13% 675 425

Pop NH\_WHT NH\_BLK VAP NHWVAP NHBVAP AllOth AllOthVAP

Total 24,777 9,263 11,401 18,636 7,521 8,441 4,113 2,674

(B) The boundaries of the school district of Jasper County are not altered by the provisions of this act. These school district lines are as defined by law and any census blocks that may be divided are done so only for statistical purposes and to establish a population base.”

SECTION 2. Notwithstanding another provision of law, filing for the even numbered election districts in the 2012 Jasper County School Board elections shall commence on September 15, 2012. The odd numbered election districts shall offer for election to the Jasper County School Board in 2014.

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

Renumber sections to conform.

Amend title to conform.

Senator PINCKNEY explained the amendment.

The amendment was adopted.

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

**READ THE SECOND TIME**

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

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

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

**Ayes 35; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hayes Hutto

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Williams

**Total--35**

**NAYS**

Knotts

**Total--1**

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

**READ THE SECOND TIME**

H. 3390 -- Reps. R.L. Brown and Whipper: A BILL TO AMEND SECTION 57‑9‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY, SO AS TO PROVIDE THAT NOTICE OF INTENTION TO FILE A PETITION MUST BE POSTED ALONG THE STREET, ROAD, OR HIGHWAY SUBJECT TO THE APPROVAL OF THE LOCATION OF THE POSTING BY THE GOVERNMENTAL ENTITY RESPONSIBLE FOR MAINTENANCE OF THE STREET, ROAD, OR HIGHWAY.

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

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

**Ayes 38; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Shoopman

Thomas Williams

**Total--38**

**NAYS**

Sheheen

**Total--1**

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

**READ THE SECOND TIME**

H. 4092 -- Reps. Limehouse, Sottile, Gilliard, Stavrinakis, McCoy, Whipper and R.L. Brown: A BILL TO AMEND SECTION 44‑95‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE SMOKING IS PROHIBITED, SO AS TO PROVIDE THAT SMOKING IS NOT ALLOWED IN BUILDINGS ON CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING WHEN IT IS PROHIBITED BY THE GOVERNING BODY OF THE INSTITUTION AND TO PROVIDE THAT A GOVERNING BODY IS NOT PRECLUDED FROM ESTABLISHING A SMOKE-FREE CAMPUS.

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

Senator LOURIE explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 34; Nays 5**

**AYES**

Alexander Anderson Campbell

Campsen Coleman Courson

Cromer Davis Fair

Gregory Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--34**

**NAYS**

Bright Bryant Grooms

*Martin, Shane* Massey

**Total--5**

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

**READ THE SECOND TIME**

H. 4516 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 43‑35‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INVESTIGATION OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS IN CERTAIN FACILITIES OPERATED BY THE STATE, SO AS TO PROVIDE THAT NONCRIMINAL REPORTS OF ABUSE, NEGLECT, AND EXPLOITATION OF PERSONS COMMITTED TO THE DEPARTMENT OF MENTAL HEALTH PURSUANT TO THE SEXUALLY VIOLENT PREDATOR ACT MUST BE REFERRED BY THE STATE LAW ENFORCEMENT DIVISION TO THE CLIENT ADVOCACY PROGRAM OF THE DEPARTMENT OF MENTAL HEALTH FOR INVESTIGATION.

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

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4641 -- Reps. Daning, Knight, Crosby, Ott, King, Brannon, Southard, Erickson, McEachern, J.E. Smith, Atwater, Spires, Gilliard, Battle, Bowers, R.L. Brown, Chumley, Cobb‑Hunter, Harrison, Herbkersman, Hosey, Howard, Long, Lowe, Lucas, Murphy, Pitts, Tallon, Toole and Whipper: A BILL TO AMEND SECTION 59‑112‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN‑STATE TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS UNDER CERTAIN CONDITIONS, SO AS TO REVISE THE CRITERIA UNDER WHICH VETERANS WHO ARE HONORABLY DISCHARGED AND THEIR DEPENDENTS MAY RECEIVE IN‑STATE TUITION RATES.

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 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4705 -- Reps. Brady, Butler Garrick, Long, Funderburk, Thayer, Henderson, Pope, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-60 SO AS TO REQUIRE HOSPITALS TO PROVIDE PARENTS OF NEWBORNS, PRIOR TO DISCHARGE, EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE AND TO REQUIRE THIS INFORMATION TO INCLUDE THE CENTER FOR DISEASE CONTROL’S RECOMMENDATION THAT PARENTS RECEIVE THE TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINE DURING POST PARTUM TO PROTECT NEWBORNS FROM THE TRANSMISSION OF PERTUSSIS; AND TO PROVIDE THAT HOSPITALS ARE NOT REQUIRED TO PROVIDE OR PAY FOR A VACCINATION AGAINST PERTUSSIS.

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

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Williams

**Total--38**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 5287 -- Reps. Pope, Delleney, King, Long, D.C. Moss, V.S. Moss, Norman and Simrill: A BILL TO AMEND SECTION 22‑2‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY JURY AREAS, SO AS TO PROVIDE FOR ONE JURY AREA COUNTYWIDE FOR THE YORK COUNTY CENTRALIZED DUI COURT.

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

Senators HAYES and JACKSON proposed the following amendment (JUD5287.001), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND SECTION 22‑2‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY JURY AREAS, SO AS TO PROVIDE FOR JURY AREAS IN RICHLAND AND YORK COUNTIES.

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

SECTION 1. Section 22‑2‑190(40) of the 1976 Code is amended to read:

“(40) Richland County

(a)(1) Blythewood~~‑‑Blythewood~~

(2) Columbia~~‑‑Columbia Ward 1, Columbia Ward 2, Columbia Ward 3, Columbia Ward 4, Columbia Ward 19, Columbia Ward 20, Columbia Ward 22, Columbia Ward 28, Columbia Ward 29, Columbia Ward 30~~

(3) Dentsville~~‑‑Arcadia, Dentsville, Keels, Midway, Woodfield~~

(4) Dutch Fork~~‑‑Ballentine, Friarsgate, Harbison, Kingswood, Riverside, St. Andrews, Springville, Whitewell~~

(5) Eastover~~‑‑Eastover, Garners~~

~~Gadsden‑‑Gadsden~~

(6) Hopkins~~‑‑Bluff, Hopkins~~

~~Horrell Hill‑‑Horrell Hill, Pinewood~~

(7) Lykesland~~‑‑Brandon, Columbia Ward 26, Columbia Ward 27, Knollwood, Lykesland, Pennington, Woodlands, Hampton~~

(8) Olympia~~‑‑Columbia Ward 5, Columbia Ward 10, Columbia Ward 11, Olympia~~

(9) Pontiac~~‑‑Briarwood, Killian, Pontiac~~

(10) Upper Township~~‑‑Ardincaple, College Place, Columbia Ward 21, Dennyside, Fairlawn, Fairwold, Greenview, Lincolnshire, Meadowlake, Ridgewood~~

(11) Waverly~~‑‑Columbia Ward 6, Columbia Ward 7, Columbia Ward 8, Columbia Ward 9, Columbia 12, Columbia Ward 13, Columbia Ward 14, Columbia Ward 15, Columbia Ward 16, Columbia Ward 17, Columbia Ward 18, Columbia Ward 23, Columbia Ward 24, Columbia Ward 25, Cooper, East Forest Acres, Edgewood, Keenan, North Forest Acres, Oakwood, Satchelford, South Forest Acres~~

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Division of Research and Statistics of the South Carolina Budget and Control Board designated as document M‑79‑12, and on copies filed with the Richland County Department of Planning and Development Services, and available on the Richland County website.

(c) Notwithstanding the provisions of subitem (a), for the Richland County Magistrates Centralized Court:

One jury area countywide.”

SECTION 2. Section 22‑2‑190(46) of the 1976 Code is amended to read:

“(46) York County

(a) ~~Bethel‑Kings Mountain‑‑Bethany, Bethal, Bowling Green, Clover No. 1, Clover No. 2~~

~~Broad River‑Bullocks Creek‑‑Blairsville, Bullocks Creek, Hickory Grove, Hopewell, Sharon, Smyrna~~

~~Catawba‑Ebenezer‑‑Catawba, Ebenezer, Highland Park, Lesslie No. 1, Lesslie No. 2, Mt. Holly, Northside, Red River, Rock Hill No. 1, Rock Hill No. 2, Rock Hill No. 3, Rock Hill No. 4, Rock Hill No. 5, Rock Hill No. 6, Rock Hill No. 7, India Hook, Edgewood, Fewell Park, Mt. Gallant~~

~~Fort Mill‑‑Fort Mill No. 1, Fort Mill No. 2, Fort Mill No. 3, Fort Mill No. 4, Tega Cay~~

~~York‑Bethesda‑‑Cannon Mill, Cotton Belt, Filbert, McConnellsville, Newport, Oak Ridge, Ogden, Tirzah, York No. 1, York No. 2, Northwestern~~

(1) Clover

(2) Fort Mill

(3) Rock Hill

(4) Western York County

(5) York

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Division of Research and Statistics of the South Carolina Budget and Control Board designated as document M‑91‑12, and on copies filed with the York County Management Information Systems Department, and available on the York County website.

(c) Notwithstanding the provisions of subitem (a), for the York County Centralized DUI Court:

One jury area countywide.”

SECTION 3. This act takes effect on July 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES 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 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4652 -- Reps. Sandifer, Harrell, Lucas, Bingham, Hardwick, Harrison, Owens, White, Allison, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bikas, Bowen, Brady, Brannon, Chumley, Clemmons, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Edge, Erickson, Forrester, Frye, Gambrell, Hamilton, Hearn, Henderson, Herbkersman, Hiott, Hixon, Horne, Huggins, Limehouse, Loftis, Long, Lowe, McCoy, Merrill, D.C. Moss, V.S. Moss, Murphy, Nanney, Norman, Parker, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Ryan, Simrill, Skelton, G.M. Smith, G.R. Smith, J.R. Smith, Sottile, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Viers, Whitmire, Willis, Young, Battle, Hayes and Anthony: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑7‑110 SO AS TO PROVIDE AN EMPLOYER MUST CONSPICUOUSLY POST CERTAIN NOTICE CONCERNING THE RIGHTS OF AN EMPLOYEE; BY ADDING SECTION 41‑7‑120 SO AS TO PROVIDE CERTAIN DEFINITIONS AND PROHIBITIONS CONCERNING GOVERNMENT CONTRACTS; BY ADDING SECTION 41‑7‑130 SO AS TO REQUIRE A LABOR ORGANIZATION TO FILE CERTAIN INFORMATION WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO AMEND SECTION 41‑7‑10, RELATING TO PUBLIC POLICY CONCERNING THE RIGHT TO WORK, SO AS TO PROVIDE CERTAIN DEFINITIONS AND TO LIMIT APPLICABILITY OF THOSE DEFINITIONS; TO AMEND SECTION 41‑7‑40, AS AMENDED, RELATING TO THE DEDUCTION OF LABOR ORGANIZATION MEMBERSHIP DUES FROM EMPLOYEE WAGES, SO AS TO PROVIDE AN EMPLOYEE MUST AUTHORIZE THIS DEDUCTION IN A CERTAIN MANNER, AND TO CLARIFY THAT OTHERWISE LEGAL POLITICAL CONTRIBUTIONS ARE NOT PROHIBITED; TO AMEND SECTION 41‑7‑80, RELATING TO PENALTIES FOR A VIOLATION OF RIGHT TO WORK LAWS, SO AS TO LIMIT THE APPLICABLE FINE TO A MAXIMUM OF TEN THOUSAND DOLLARS; TO AMEND SECTION 41‑7‑90, RELATING TO REMEDIES AVAILABLE TO A WORKER FOR A VIOLATION OF HIS RIGHT TO WORK, SO AS TO PERMIT TREBLE DAMAGES, REQUIRE A PERSON SEEKING THIS RELIEF TO DEMONSTRATE A FACTUAL BASIS FOR A CLAIM IN A CERTAIN MANNER, AND PROVIDE AN EXCEPTION; AND TO AMEND SECTION 41‑7‑100, RELATING TO CIVIL PENALTIES THE DEPARTMENT MAY ASSESS FOR A VIOLATION AND RELATED APPEALS, SO AS TO PROVIDE A CIVIL PENALTY MAY NOT EXCEED TEN THOUSAND DOLLARS.

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

The Committee on Labor, Commerce and Industry proposed the following amendment (JUD4652.004), which was adopted:

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

/ A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 41‑7‑10, RELATING TO PUBLIC POLICY CONCERNING THE RIGHT TO WORK, SO AS TO PROVIDE CERTAIN DEFINITIONS AND TO LIMIT APPLICABILITY OF THOSE DEFINITIONS; TO AMEND SECTION 41‑7‑80, RELATING TO PENALTIES FOR A VIOLATION OF RIGHT TO WORK LAWS, SO AS TO PROVIDE A RANGE FOR AN APPLICABLE FINE FROM ONE THOUSAND DOLLARS TO A MAXIMUM OF TEN THOUSAND DOLLARS; TO AMEND SECTION 41‑7‑90, RELATING TO COURT REMEDIES AVAILABLE TO A PERSON FOR A VIOLATION OF HIS RIGHT TO WORK, SO AS TO PERMIT TREBLE DAMAGES, REQUIRE A PERSON SEEKING THIS RELIEF TO CONTEMPORANEOUSLY PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION WITH THE BASIS FOR THE LAWSUIT, AND PROVIDE AN EXCEPTION; TO AMEND SECTION 41‑7‑100, RELATING TO CIVIL PENALTIES THE DEPARTMENT MAY ASSESS FOR A VIOLATION AND RELATED APPEALS, SO AS TO PROVIDE A CIVIL PENALTY MAY NOT EXCEED TEN THOUSAND DOLLARS; TO ADD SECTION 41‑7‑110 SO AS TO PROVIDE AN EMPLOYER OR AN EMPLOYEE WITH PERMISSION MAY CONSPICUOUSLY POST CERTAIN NOTICE CONCERNING THE RIGHTS OF AN EMPLOYEE; AND TO ADD SECTION 41-7-130 REQUIRING CERTAIN REPORTS TO BE FILED WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

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

SECTION 1. Section 41‑7‑10 of the 1976 Code is amended to read:

“Section 41‑7‑10. It is hereby declared to be the public policy of this State that the right of persons to work ~~shall~~ must not be denied or abridged ~~on account~~ because of membership or nonmembership in ~~any~~ a labor union or labor organization.”

SECTION 2. Section 41‑7‑80 of the 1976 Code is amended to read:

“Section 41‑7‑80. ~~Any~~ An employer, labor organization, or other person ~~whomsoever~~ who ~~shall violate any~~ violates a provision of this chapter ~~shall be~~ is guilty of a misdemeanor, and, upon conviction ~~thereof in any court of competent jurisdiction, shall~~, must be punished by imprisonment for not less than ten days nor more than thirty days ~~or by~~, a fine of not less than ~~ten nor more than~~ one thousand dollars but not more than ten thousand dollars, or ~~by~~ both ~~in the discretion of the court~~.”

SECTION 3. Section 41‑7‑90 of the 1976 Code is amended to read:

“Section 41‑7‑90.(A) ~~Any~~ A person whose rights are adversely affected by ~~any~~ contract, agreement, assemblage, or other act or thing done or threatened to be done and declared to be unlawful or prohibited by this chapter ~~shall have the right to~~ may apply to ~~any~~ a court having general equity jurisdiction for appropriate relief. The court~~, in any such proceeding,~~ may grant and issue ~~such~~ a restraining~~,~~ and other~~,~~ appropriate orders ~~as may be appropriate,~~ including an injunction restraining and enjoining the performance, continuance, maintenance, or commission of any such contract, agreement, assemblage, act or thing, and may determine and award, as justice may require, ~~any~~ actual damages, costs, and attorneys’ fees ~~which have been~~ sustained or incurred by ~~any~~ a party to the action, and, in the discretion of the court or jury, treble damages and punitive damages in addition to the actual damages. The provisions of this section are cumulative and are in addition to all other remedies ~~now or hereafter~~ provided by law.

(B) Contemporaneously with the filing of an action in court, a person applying for relief pursuant to this section must file, with the director or his designee, a copy of the court pleadings, or an affidavit with the director stating the legal and factual basis for each claim and application for relief based on the available evidence at the time of the filing of the affidavit.

(C) The contemporaneous filing requirement of subsection (B) does not apply to a case in which the period of limitation may expire, or there is a good faith basis to believe it may expire on a claim stated in the complaint within ten days of the date of filing and, because of the time constraints, the plaintiff asserts that an affidavit could not be prepared, or a copy of the pleadings could not be provided. In such a case, the plaintiff has forty-five days after the filing of the court action to file a copy of the pleadings or an affidavit with the director.”

SECTION 4. Section 41‑7‑100 of the 1976 Code, as added by Act 357 of 2002, is amended to read:

“Section 41‑7‑100. (A) ~~A~~ An employer, labor organization, or other person who violates the provisions of this chapter may be assessed by the Director of the Department of Labor, Licensing and Regulation a civil penalty of not more than ~~one hundred~~ ten thousand dollars for each offense.

(B) The director shall promulgate regulations establishing procedures for administrative review of civil penalties assessed under this chapter.

(C) ~~A~~ An employer, labor organization, or other person aggrieved by a final action of the department may appeal the decision to the Administrative Law ~~Judge Division~~ Court in accordance with the Administrative Procedures Act and the rules of the Administrative Law ~~Judge Division~~ Court. Service of a petition requesting a review does not stay the department’s decision pending completion of the appellate process.”

SECTION 5. Chapter 7, Title 41 of the 1976 Code is amended by adding:

“Section 41‑7‑110. An employer, or a single employee of that employer with the permission of the employer, may post in a conspicuous place a notice containing the provisions of Sections 41‑7‑10, 41‑7‑20, 41‑7‑30, 41‑7‑40, 41‑7‑70, and 41‑7‑90 printed in at least fourteen point font. This notice must bear a title reading ‘Your Rights as a Worker in South Carolina’ in at least forty‑eight point font. The director or his designee shall furnish the printed form of this notice upon request or make it available electronically on the department’s website.”

SECTION 6. Chapter 7, Title 41 of the 1976 Code is amended by adding:

“Section 41-7-130. A labor organization with members that work in South Carolina shall file with the department contemporaneously copies of the documents required to be filed with the Secretary of Labor, pursuant to 29 U.S.C. §§ 400 et seq.,as amended.”

SECTION 7. 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 act, 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 8. This act takes effect upon approval by the Governor, and the provisions of Section 41-7-90, as amended, shall apply to any actions filed with a court after the effective date. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee 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 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Williams

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4687 -- Reps. King, Parks, Butler Garrick, J.E. Smith and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-63-74 SO AS TO REQUIRE DEATH CERTIFICATES TO BE ELECTRONICALLY TRANSMITTED AMONG ALL PARTIES REQUIRED TO COMPLETE THE DEATH CERTIFICATE; TO REQUIRE ELECTRONIC FILING OF THE DEATH CERTIFICATE WITH THE BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO PROVIDE THAT REQUIRED SIGNATURES MUST BE PROVIDED ELECTRONICALLY; AND TO DEFINE “ELECTRONIC SIGNATURE”.

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

The Committee on Medical Affairs proposed the following amendment (H-4687), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 5 and inserting:

/ SECTION 2. This act takes effect September 1, 2012. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 5025 -- Reps. Govan, Cobb‑Hunter, King, Limehouse, J.H. Neal, Ott, R.L. Brown and Gilliard: A BILL TO AMEND SECTION 59‑127‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

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

The Committee on Education proposed the following amendment (5025R001.DJ), which was adopted:

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

/ SECTION 1. Section 59‑127‑20 of the 1976 Code is amended to read:

“Section 59‑127‑20. (A) South Carolina State University is managed and controlled by a board of trustees, composed of ~~thirteen~~ eleven members, ~~twelve~~ nine of whom are elected by the General Assembly~~, one member from each congressional district and six~~ from the State at large for terms of four years each and until their successors are elected and qualify. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. A graduate of South Carolina State University, elected at large by secret ballot by the members of the South Carolina State University National Alumni Association, or its successor, is the tenth member of the board of trustees. The Governor of the State or his designee is ex officio, the ~~thirteenth~~ eleventh member of the board of trustees. In case of a vacancy on the board, the Governor may fill it by appointment until the next session of the General Assembly, except that the vacancies as provided in subsection (B) do not constitute a vacancy pursuant to this provision. Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively, ~~one corresponding in number to each congressional district and~~ Seats ~~7‑12~~ 1‑11 at large. Seat 10 shall be occupied by a South Carolina State University graduate elected at large by secret ballot by members of the South Carolina State University National Alumni Association, or its successor. The Governor or his designee occupies Seat ~~13~~ 11. ~~Of the three present members of the board who reside in the sixth congressional district, the member with the longest remaining current term shall be the resident member selected from that congressional district occupying Seat 6. The two remaining members not determined to be the resident member from the sixth congressional district shall be considered at‑large members of the board occupying Seats 8 and 12, respectively. The terms of each of these three members shall not be affected by the provisions of this paragraph.~~

~~The~~ Except as provided in subsection (B), the terms of the ~~present~~ members of the board who are elected by the General Assembly expire on the thirtieth day of June of the year in which the terms are scheduled to expire. The General Assembly shall elect successors to the elective trustees not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.

(B) ~~Beginning with members elected to the board during 1992, terms of members are four years. In 1993, members from Seats 1, 2, 3, 4, 5, and 11 must be elected, and the term of the member elected in 1993 from Seat 3 shall be one year, the terms of the members elected in 1993 from Seats 1, 2, and 4 shall be two years each, the term of the member elected in 1993 from Seat 11 shall be three years, and the term of the member elected in 1993 from Seat 5 shall be four years. Thereafter, successors to the members of the board elected in 1993 and successors to members of the board provided six‑year terms by the provisions of this subsection must be elected for terms of four years each.~~

(1) The terms of persons serving on former Seats 11 and 12 end as of June 30, 2012. On or after June 30, 2012, the Governor or his designee serves on Seat 11. The terms of persons serving on former Seats 5, 6, 8, and 10 end as of June 30, 2013. The General Assembly shall elect in 2013 from the State at large the persons to serve on Seats 5, 6, and 8 for terms of four years to begin on July 1, 2013. Pursuant to subsection (A), the South Carolina State University National Alumni Association shall elect by secret ballot, on or before June 30, 2013, a graduate to serve on Seat 10.

(2) As of June 30, 2014, the terms of the persons serving on former Seats 3, 7, and 9 end. The General Assembly shall elect in 2014 from the State at large the persons to serve on Seats 3, 7, and 9 for terms of four years to begin on July 1, 2014.

(3) As of June 30, 2015, the terms of the persons serving on former Seats 1, 2, and 4 end. The General Assembly shall elect in 2015 from the State at large the persons to serve on Seats 1, 2, and 4 for terms of four years to begin on July 1, 2015.

(C)(1) By no later than August 30, 2013, the South Carolina Commission on Higher Education shall produce a draft report, provided to all members of the board of trustees, that contains a review of the policies on personnel, procurement, and accounting of finances that have been promulgated and implemented by South Carolina State University and its board of trustees as of that date. The report shall contain recommendations for changes to these policies consistent with improving institutional effectiveness, accountability, and performance. The board and all personnel in the university must cooperate with the Commission on Higher Education in its review of these policies.

(2) Upon receipt of the draft report, the board of trustees shall have forty days to respond to the South Carolina Commission on Higher Education on each of the recommendations and on any inaccuracies in the draft report. The response must include information as to the acceptance or rejection of each recommendation. If a recommendation is rejected, the board must provide in its response why it has rejected the recommendation. If a recommendation is accepted, the board must provide in its response how the recommendation shall be implemented.

(3) The Commission on Higher Education, within forty‑five days of receipt of the responses from the board of trustees, shall make any revisions to the draft report necessary to correct inaccurate statements and include the responses from the board of trustees. This will be considered the final report. This final report shall be posted on the websites of the South Carolina Commission on Higher Education and South Carolina State University, and an electronic copy shall also be provided to the President Pro Tempore of the South Carolina Senate and to the Speaker of the House of Representatives. ” /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the committee amendment.

The committee 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 26; Nays 15**

**AYES**

Alexander Anderson Campbell

Coleman Courson Ford

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

Matthews McGill Nicholson

O'Dell Pinckney Rankin

Reese Scott Setzler

Sheheen Williams

**Total--26**

**NAYS**

Bright Bryant Campsen

Cromer Davis Fair

Gregory Grooms *Martin, Shane*

Massey Peeler Rose

Ryberg 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. 1397 -- Senators Gregory, Hayes, Davis, Sheheen, Jackson, Reese, Setzler, Grooms, Hutto, Bright, S. Martin, Lourie and Rose: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2015, THE COMMISSION ON HIGHER EDUCATION AND THE PRESIDENTS OF PUBLIC COLLEGES AND UNIVERSITIES SHALL SUPPORT THE GENERAL ASSEMBLY’S EFFORTS TO ESTABLISH ACCOUNTABILITY‑BASED FUNDING FOR PUBLIC COLLEGES AND UNIVERSITIES.

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

The Committee on Education proposed the following amendment (1397R001.JEC), which was adopted:

Amend the resolution, as and if amended, page 3, after line 17, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Colleges under the jurisdiction of the State Board for Technical and Comprehensive Education as provided for in Section 59-53-20 are exempt from the provisions of this resolution. /

Amend the resolution further, as and if amended, page 2, by striking line 1 and inserting:

/ SECTION 2. (A) Beginning in the 2014‑2015 fiscal year, the /

Renumber sections to conform.

Amend title to conform.

Senator COURSON explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Joint Resolution.

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

**Ayes 36; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Ford Grooms

Hayes Hutto Jackson

Knotts Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--36**

**NAYS**

Fair

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4699 -- Reps. Bannister, Harrison, Horne, Sellers, Hearn, Young, H.B. Brown, J.E. Smith, Brannon, Stavrinakis, Funderburk, Allen, Weeks, Munnerlyn and McLeod: A BILL TO AMEND SECTION 14‑5‑610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS AND ADDITIONAL AT‑LARGE JUDGES, SO AS TO INCREASE THE NUMBER OF AT‑LARGE CIRCUIT COURT JUDGES FROM THIRTEEN TO NINETEEN; AND TO AMEND SECTION 63‑3‑40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO ADD SIX ADDITIONAL FAMILY COURT JUDGES WHO SHALL BE AT LARGE AND MUST BE ELECTED WITHOUT REGARD TO THEIR COUNTY OR CIRCUIT OF RESIDENCE.

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

The Judiciary Committee proposed the following amendment (JUD4699.002), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 3, by striking lines 26 through 32 and inserting:

/ (D) In addition to the judges authorized by this section, there must be six additional family court judges elected by the General Assembly from the State at large for terms of office of six years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at‑large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. 6, respectively.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee 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 36; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Pinckney

Rankin Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--36**

**NAYS**

Peeler

**Total--1**

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

**ADOPTED**

H. 4703 -- Reps. Pitts, Herbkersman, Parker, Hardwick, White, Erickson, Henderson, Limehouse, Sandifer, G.R. Smith, Spires, Tribble and Ott: A CONCURRENT RESOLUTION TO AFFIRM THE AUTHORITY OF THE STATE OF SOUTH CAROLINA IN DETERMINING APPROPRIATE ACTIVITIES AND USES OF RESOURCES IN WATERS CONTROLLED BY THE STATE AND TO RECOGNIZE THE CRITICAL ROLE OF STATES IN FEDERAL OCEAN PLANNING, INCLUDING THE GATHERING OF COASTAL AND MARINE SPATIAL DATA.

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

**ADOPTED**

H. 5131 -- Reps. Clemmons, Bowen, Taylor, J.R. Smith, Sandifer and Vick: A CONCURRENT RESOLUTION MEMORIALIZING THE UNITED STATES JUSTICE DEPARTMENT TO REVISE ITS REGULATIONS FOR THE AMERICANS WITH DISABILITIES ACT OF 1990 PERTAINING TO PLACES OF PUBLIC ACCOMMODATION PROVIDING INDIVIDUALS WITH DISABILITIES ACCESS TO AMENITIES, INCLUDING ACCESS TO POOLS, SO AS TO REQUIRE THAT THIS ACCESS MAY BE PROVIDED BY USE OF A PORTABLE CHAIRLIFT, RATHER THAN A PERMANENT CHAIRLIFT.

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

**ADOPTED**

H. 5192 -- Rep. Cobb‑Hunter: A CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF PROPER INFANT NUTRITION AND THE CREATION OF OUTREACH NUTRITIONAL AND HEALTH‑SCREENING PROGRAMS, AND ACKNOWLEDGING THE BENEFITS OF BREASTFEEDING FOR BOTH INFANTS AND MOTHERS.

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

**ADOPTED**

H. 4124 -- Rep. V.S. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON EL BETHEL ROAD THAT CROSSES THICKETTY CREEK IN CHEROKEE COUNTY “COLONEL JAMES STEEN MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “COLONEL JAMES STEEN MEMORIAL BRIDGE”.

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

**COMMITTEE AMENDMENT ADOPTED**

**CONCURRENT RESOLUTION ADOPTED, AS AMENDED**

**RETURNED TO THE HOUSE**

H. 5165 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF ATLAS ROAD AND VETERANS ROAD IN RICHLAND COUNTY “HOWARD R. CAMPBELL INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “HOWARD R. CAMPBELL INTERSECTION”.

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

The Committee on Transportation proposed the following amendment (SWB\5335CM12), which was adopted:

Amend the concurrent resolution, as and if amended, by striking lines 19 through 42 on page 1, and lines 1 through 6 on page 2 and inserting:

/ Whereas, the Honorable Julius Murray and Mr. Howard R. Campbell are two well respected and outstanding citizens in the Midlands Region of South Carolina; and

Whereas, the Honorable Julius Murray was born on March 23, 1938, the son of Dozier and Sallie Murray; and

Whereas, he earned a Bachelor of Arts degree from Columbia College of Missouri; and

Whereas, he and his wife Gertrude, are the proud parents of three children; and

Whereas, from 1979 to 1983, he served the citizens of South Carolina House District Number 70 with distinction as a member of the South Carolina General Assembly; and

Whereas, Mr. Howard R. Campbell is a successful businessman who has owned and operated a successful heating, ventilation, and air conditioning company for more than sixty years; and

Whereas, he is a Master Fitter with the Richland County Board of Gas Examiners, a Master in Mechanical Trade with the City of Columbia, a Master Electrician with the Richland County Board of Electrical Examiners, and a Journeyman Gas Fitter with the City of Cayce Board of Gas Examiners; and

Whereas, he is an active member of the Christ the King Lutheran Church and unselfishly devotes his time and talents toward helping the members of his community; and

Whereas, he and his wife, Evelyn, are held in esteem throughout their community; and

Whereas, it would be fitting and proper to recognize both former State Representative Julius Murray’s and Mr. Campbell’s service to the State by naming separate highway facilities in their honor. Now, therefore,

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

That the members of the General Assembly request that the Department of Transportation name the intersection located at the juncture of Atlas Road and Veterans Road in Richland County “Julius Murray Intersection” and erect appropriate markers or signs at this intersection that contain the words “Julius Murray Intersection”, and name the portion of Greenlawn Drive in Richland County from its intersection with Garners Ferry Road to its intersection with Leesburg Road “Howard R. Campbell Road” and erect appropriate markers or signs along this portion of highway that contain the words “Howard R. Campbell Road”.

Amend the concurrent resolution further, by deleting the title contain on lines 11 through 17 on page 1 and inserting:

/ TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF ATLAS ROAD AND VETERANS ROAD IN RICHLAND COUNTY “JULIUS MURRAY INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “JULIUS MURRAY INTERSECTION”, AND NAME THE PORTION OF GREENLAWN DRIVE IN RICHLAND COUNTY FROM ITS INTERSECTION WITH GARNERS FERRY ROAD TO ITS INTERSECTION WITH LEESBURG ROAD “HOWARD R. CAMPBELL ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “HOWARD R. CAMPBELL ROAD”. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Concurrent Resolution was ordered returned to the House with amendments.

**CARRIED OVER**

H. 4451 -- Reps. Bowen, Whipper, Bikas, Sottile, Herbkersman, D.C. Moss, Allison, Parker, Huggins, Bowers and Hearn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56‑5‑3890, 56‑5‑3895, AND 56‑5‑3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THESE PROVISIONS; 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 POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF IMPROPER USE OF AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE.

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

**CARRIED OVER**

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2905 TO INCLUDE MOPEDS IN THE DEFINITION OF MOTOR VEHICLES FOR THE PURPOSES OF THE ARTICLE.

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

**COMMITTEE AMENDMENT TABLED**

**AMENDED, CARRIED OVER**

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D.C. Moss, V.S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48‑1‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48‑1‑130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER AND TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 48‑1‑250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS.

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

There was no objection.

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

The Committee on Medical Affairs proposed the following amendment (H-4654-1), which was tabled:

Amend the bill, as and if amended, page 2, by striking line 14 and inserting:

/ permitting requirements; or

(d) normal farming, silviculture, aquaculture, and ranching activities that are not prohibited by or otherwise subject to regulation. /

Amend the bill further, page 2, by striking lines 41-42 and inserting:

/ (4) A person must first petition the department in writing for a declaratory ruling as to the applicability of a specific, existing regulatory program to a proposed or existing discharge into the environment, provided that the proposed or existing discharge is not exempt or excluded from permitting as is set forth in Section 48-1-90(A)(2). The person proposing to emit or emitting such discharge must be named on and served with the petition. The department must, within sixty days after receipt of such petition, issue a declaratory ruling as to the applicability of such program to such discharge. If the department determines a permit is required under such program and that no exception or exclusion exists, including, but not limited to the exceptions set forth in Section 48-1-90(A)(2), the department must issue a declaration requiring the submission of an application to permit such discharge pursuant to the applicable permitting program. If the department further determines that immediate action is necessary to protect the public health or property due to such unpermitted discharge, the department may further declare the existence of an emergency and order such action as the department deems necessary to address the emergency. Any person to whom such emergency order is directed may apply directly to the Administrative Law Court for relief and must be afforded a hearing within forty-eight hours. Regardless of whether a hearing is held, the department must revoke all emergency orders as soon as conditions or operations change to the extent that an emergency no longer exists.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO moved that the committee amendment be tabled.

The committee amendment was laid on the table.

Senators COURSON, HUTTO, PEELER, SHEHEEN, SCOTT, CAMPBELL, SETZLER, CAMPSEN, ROSE and VERDIN proposed the following amendment (4654R002.VAS), which was adopted:

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

/ SECTION 1. Section 48‑1‑90 of the 1976 Code is amended to read:

“Section 48‑1‑90. ~~(a)~~(A)(1) It is unlawful for ~~any~~ a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department.

(2) The permit requirements of subsection (A)(1) of this section, Section 48‑1‑100, and Section 48‑1‑110 do not apply to:

(a) discharges in a quantity below applicable threshold permitting requirements established by the department;

(b) discharges for which the department has no regulatory permitting program;

(c) discharges exempted by the department from permitting requirements; or

(d) normal farming, silviculture, aquaculture, and ranching activities that are not prohibited by or otherwise subject to regulation.

(3) Subsection (A)(2) of this section must not be construed to:

(a) impair or affect common law rights;

(b) repeal prohibitions or requirements of other statutory law or common law; or

(c) diminish the department’s authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in Section 48‑1‑10(7), or to respond to accidental discharges or spills.

~~(b)~~(B)(1) ~~Any~~ A person who discharges organic or inorganic matter into the waters of this State as described in subsection ~~(a)~~(A) to the extent that the fish, shellfish, aquatic animals, wildlife, or plant life indigenous to or dependent upon the receiving waters or ~~any~~ property ~~are~~ is damaged or destroyed ~~shall be~~ is liable to the State for ~~such~~ the damages ~~as may be proved~~. The action ~~shall~~ must be brought by the State in its own name or in the name of the department.

(2) The amount of ~~any~~ a judgment for damages recovered by the State, less ~~cost~~ costs, ~~shall~~ must be remitted to the agency, commission, department, or political subdivision of the State that has jurisdiction over the fish, shellfish, aquatic animals, wildlife, or plant life or property damaged or destroyed.

(3) The civil remedy ~~herein~~ provided ~~shall~~ in subsection (B)(2) is not ~~be~~ exclusive, and ~~any~~ an agency, commission, department, or political subdivision of the State with appropriate authority may undertake in its own name an action to recover ~~such~~ damages ~~as it may deem advisable~~ independent of this subsection.

(4) A person must first petition the department in writing for a declaratory ruling as to the applicability of a specific, existing regulatory program to a proposed or existing discharge into the environment, provided that the proposed or existing discharge is not exempt or excluded from permitting as is set forth in Section 48‑1‑90(A)(2). The person proposing to emit or emitting such discharge must be named on and served with the petition. The department must, within sixty days after receipt of such petition, issue a declaratory ruling as to the applicability of such program to such discharge. If the department determines a permit is required under such program and that no exception or exclusion exists, including, but not limited to, the exceptions set forth in Section 48‑1‑90(A)(2), the department must issue a declaration requiring the submission of an application to permit such discharge pursuant to the applicable permitting program. If the department further determines that immediate action is necessary to protect the public health or property due to such unpermitted discharge, the department may further declare the existence of an emergency and order such action as the department deems necessary to address the emergency. Any person to whom such emergency order is directed may apply directly to the Administrative Law Court for relief and must be afforded a hearing within forty‑eight hours. Regardless of whether a hearing is held, the department must revoke all emergency orders as soon as conditions or operations change to the extent that an emergency no longer exists. A party contesting any department decision on a petition may request a contested case hearing in the Administrative Law Court. Notwithstanding the administrative remedy provided for in this section, no private cause of action is created by or exists under this chapter.”

SECTION 2. Section 48‑1‑130 of the 1976 Code is amended to read:

“Section 48‑1‑130. ~~Any~~ A person discharging sewage, industrial waste, or other waste or air contaminant into ~~any of~~ the ~~waters or ambient air~~ environment of the State, in such manner or quantity as to cause pollution, without regard to the time that ~~such~~ the discharge began or whether ~~such~~ or not the continued discharge has been by virtue of a permit issued by the department, shall discontinue the discharge ~~of such sewage, industrial waste or other wastes into, or in such manner or quantity as to cause pollution of, the waters of the State~~ upon receipt of ~~a final~~ an order of the department ~~issued pursuant to the provisions of this chapter. But in the case of such discharges, except those discharges causing an actual or potential hazard to public health, no final order of discontinuance of discharge shall be entered until a reasonable time after service of an order of the Department determining that such discharge constitutes pollution in contravention of the standards adopted by the Department and directing the alleged polluter to take such steps as may be necessary to abate the polluting content of such discharge to conform to the standards of the department~~. An order is subject to review pursuant to Section 44‑1‑60 and the Administrative Procedures Act. This section does not abrogate any of the department’s emergency powers.”

SECTION 3. Section 48‑1‑250 of the 1976 Code is amended to read:

“Section 48‑1‑250. ~~Causes of action resulting from the violation of the prohibitions contained in this chapter inure to and are for the benefit of any person or persons damaged as the result of any such violation~~ No private cause of action is created by or exists under this chapter. A determination by the department that pollution exists or a violation of ~~any of the prohibitions~~ a prohibition contained in this chapter has occurred, whether or not actionable by the State, ~~create~~ creates no presumption of law or fact inuring to or for the benefit of ~~persons~~ a person other than the State.”

SECTION 4. (A) There is created the “Isolated Wetlands and Carolina Bays Task Force” to review, study, and make recommendations concerning issues related to isolated wetlands and Carolina Bays in South Carolina. The task force shall be comprised of the following members:

(1) the Chairman of the Senate Agriculture and Natural Resources Committee, ex officio, or his designee, who shall serve as chairman;

(2) the Chairman of the House of Representatives Agriculture, Natural Resources and Environmental Affairs Committee, ex officio, or his designee, who shall serve as vice‑chairman;

(3) one member representing the South Carolina Chamber of Commerce;

(4) one member representing the Coastal Conservation League;

(5) one member representing the Conservation Voters of South Carolina;

(6) one member representing the South Carolina Association of Realtors;

(7) one member representing the South Carolina Association of Homebuilders, upon consultation with the South Carolina Association of General Contractors;

(8) one member representing the South Carolina Farm Bureau;

(9) one member representing the South Carolina Manufacturer’s Alliance;

(10) one member representing the South Carolina Chapter of the Sierra Club;

(11) one member representing the South Carolina Wildlife Federation;

(12) one member representing the Environmental Law Project; and

(13) one member representing the utilities industry.

(B) The task force shall meet as soon as practicable after the effective date of this act for organizational purposes.

(C) The members of the task force shall serve without compensation and may not receive mileage or per diem.

(D) Vacancies on the task force shall be filled in the same manner as the original appointment.

(E) The task force shall compile a comprehensive inventory of existing data and information regarding Carolina Bays and isolated wetlands in South Carolina. The inventory, as far as possible, must identify the number, distribution, size, description, and characteristics of the Carolina Bays and isolated wetlands throughout the State. The task force must also compile a glossary of standard terms and definitions used when describing Carolina Bays and isolated wetlands, their various types, and characteristics.

(F) During its review and study of Carolina Bays and isolated wetlands, and in its findings and recommendations, the task force shall consider at least:

(1) the biological, hydrological, ecological, and economic values and services of Carolina Bays and isolated wetlands;

(2) prior disturbances of Carolina Bays and isolated wetlands and the cumulative impacts of disturbances to isolated wetlands and their functions;

(3) methods to avoid adverse impact on Carolina Bays and isolated wetlands;

(4) methods to minimize adverse impact on Carolina Bays and isolated wetland function that can be avoided;

(5) manners of compensation for any loss of Carolina Bays and isolated wetland functions that cannot be avoided or minimized;

(6) methods to provide public notice of wetlands permitting applications;

(7) the utility of using a general permitting program for Carolina Bays and isolated wetlands disturbance, where practical;

(8) the proper balance between the economic development value of a proposed permitted activity and the impact on Carolina Bays and isolated wetlands;

(9) achieving a goal of “no net loss” wetlands;

(10) concerning proposals to impact Carolina Bays and isolated wetlands, including those appearing to be geographically isolated, the aggregate benefits and services of similarly situated wetlands in the watershed should be considered;

(11) concerning mitigation for Carolina Bays and isolated wetland impacts, whether a watershed based approach should be followed in order to replace wetland functions and services where they are most needed in the impacted watershed; and

(12) whether, and the extent to which, the standards used by the Department of Health and Environmental Control in evaluating discharges to federal wetlands can and should be used for non‑federal wetlands.

(G) The task force shall make a report of its findings and recommendations related to Carolina Bays to the General Assembly on or before January 1, 2013. The task force shall make a report of its findings and recommendations related to isolated wetlands on or before July 1, 2013, at which time the study committee terminates.

(H) The staffing for the task force must be provided by the appropriate committees or offices of the Senate and House of Representatives. The task force may utilize staff of other government agencies with relevant issue area expertise upon request.

SECTION 5. The term “permit” as used in the Pollution Control Act is inclusive and intended to mean all permits, certifications, determinations, or other approvals required by law issued by the department, consistent with the definition of “license” as found in Chapter 23, Title 1 of the Administrative Procedures Act.

SECTION 6. The repeal or amendment by this act of any law or any other provision contained in this act, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, liabilities, or rights and does not amend or repeal any provisions of the South Carolina Pollution Control Act for any federal project for which a final Environmental Impact Statement has been issued but no subsequent record of decision has been issued as of the date of this enactment and for any such project, the Pollution Control Act remains in full force and effect as it existed prior to the passage of this act. 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 or other provisions contained in this act.

SECTION 7. 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 act, 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 8. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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

**OBJECTION**

H. 4939 -- Reps. Quinn, Weeks and Rutherford: A BILL TO AMEND SECTION 61‑6‑1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS THE SOLE RESPONSIBILITY OF THE RETAIL DEALER.

Senator LEATHERMAN objected to the Bill.

**OBJECTION**

S. 1353 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 8‑13‑1140 OF THE 1976 CODE, RELATING TO THE DISCLOSURE OF ECONOMIC INTERESTS BY PUBLIC OFFICERS AND EMPLOYEES, TO REQUIRE A PERSON THAT IS REQUIRED TO FILE THE STATEMENT TO FILE FOR ANY YEAR IN WHICH THAT PERSON HOLDS OFFICE FOR ANY PORTION OF THE YEAR.

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

Senator LEATHERMAN objected.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE SINE DIE RESOLUTION.**

**CARRIED OVER**

S. 1553 -- Senators Courson and L. Martin: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 7, 2012, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, JUNE 19, 2012, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 21, 2012, FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN MONDAY, NOVEMBER 12, 2012, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

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

**THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

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

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

**CONCURRENCE**

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

The House returned the Bill with amendments.

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

There was no objection.

The question then was concurrence with the House amendments.

Senator KNOTTS explained the amendments.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews Nicholson O'Dell

Peeler Pinckney Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--37**

**NAYS**

**Total--0**

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

**CONCURRENCE**

S. 1492 -- Senator Bryant: A BILL TO PROVIDE THAT THE DESIGNATED PARCELS OF PROPERTY IN ANDERSON COUNTY ARE MADE A PART OF ANDERSON COUNTY SCHOOL DISTRICT FIVE.

The House returned the Bill with amendments.

Senator BRYANT asked unanimous consent to concur with the House amendments.

There was no objection.

The question then was concurrence in the House amendments.

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

**CONCURRENCE**

H. 3720 -- Reps. Cooper, Henderson and Patrick: A BILL TO AMEND SECTION 12‑6‑3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE JOBS TAX CREDIT, SO AS TO REVISE THE REQUIREMENTS OF A QUALIFYING SERVICE‑RELATED FACILITY AND A TECHNOLOGY INTENSIVE FACILITY; BY ADDING SECTION 12‑6‑3411 SO AS TO PROVIDE THAT A CORPORATION ESTABLISHING A NATIONAL CORPORATE HEADQUARTERS OR EXPANDING OR ADDING TO AN EXISTING NATIONAL CORPORATE HEADQUARTERS IN THIS STATE, WHICH IN CONNECTION THEREWITH ADDS AT LEAST FIFTY NEW FULL‑TIME JOBS SHALL BE EXEMPT FROM PAYING STATE CORPORATE INCOME TAXES FOR A PERIOD OF TEN YEARS; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO TAX CREDITS FOR PROVIDING INFRASTRUCTURE, SO AS TO INCREASE THE MAXIMUM AGGREGATE CREDIT TO FOUR HUNDRED THOUSAND DOLLARS ANNUALLY; TO AMEND SECTIONS 4‑12‑30, 4‑29‑67, AND 12‑44‑90, ALL AS AMENDED, RELATING TO FEE IN LIEU OF TAXES, SO AS TO PROVIDE THAT A COUNTY AUDITOR OR COUNTY ASSESSOR MAY REQUEST AND OBTAIN ANY FINANCIAL BOOKS AND RECORDS FROM A SPONSOR THAT SUPPORT THE SPONSOR’S TAX FORM OR RETURN TO VERIFY THE CALCULATIONS OF THE FEE IN LIEU OF TAXES TAX FORM OR RETURN; AND TO AMEND SECTION 12‑36‑2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT COMPUTERS, COMPUTER EQUIPMENT, COMPUTER HARDWARE AND SOFTWARE PURCHASES FOR A DATACENTER AND ELECTRICITY USED BY A DATACENTER.

The House returned the Bill with amendments.

Senator O’DELL explained the House amendments.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

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

The House returned the Bill with amendments.

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

**Amendment No. 1**

Senator HUTTO proposed the following amendment (JUD1031.005), which was adopted:

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

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

“Section 16‑11‑523. (A) For purposes of this section, ‘nonferrous metals’ means metals not containing significant quantities of iron or steel, including, but not limited to, copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum other than aluminum cans, a product that is a mixture of aluminum and copper, catalytic converters, lead-acid batteries, steel propane gas tanks, and stainless steel beer kegs or containers.

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

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

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

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

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

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

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

(F) If a person is convicted of violating the provisions of this section and the person has been issued a permit pursuant to Section 16-17-680, the permit must be revoked.

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

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

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

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

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

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

(2) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including, but not limited to, copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum other than aluminum cans, a product that is a mixture of aluminum and copper, catalytic converters, lead-acid batteries, steel propane gas tanks, and stainless steel beer kegs or containers.

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

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

(B)(1) A secondary metals recycler shall obtain a permit to purchase nonferrous metals. A secondary metals recycler’s employee is not required to obtain a separate permit to purchase nonferrous metals provided that the employee is acting within the scope and duties of their employment with the secondary metals recycler. A secondary metals recycler’s employee who intends to purchase nonferrous metals on behalf of the secondary metals recycler at a location other than a fixed site shall have a copy of the secondary metals recycler’s permit readily available for inspection.

(2) If a secondary metals recycler intends to purchase nonferrous metals at a fixed site or fixed sites, the secondary metals recycler shall obtain a permit from the sheriff of the county in which each of the secondary metals recycler’s fixed sites are located. The sheriff ~~shall~~ may issue the permit to the secondary metals recycler, if the secondary metals recycler:

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

(b) has not been convicted of a violation of Section 16-11-523 or this section; and

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

(3) If a secondary metals recycler intends to purchase nonferrous metals at a location other than a fixed site, the secondary metals recycler shall obtain a permit from the sheriff of each county in which the secondary metals recycler intends to purchase nonferrous metals. The sheriff may issue the permit to the secondary metals recycler if the secondary metals recycler:

(a) can sufficiently demonstrate to the sheriff the secondary metals recycler’s ability to comply with the provisions of this section;

(b) has not been convicted of a violation of Section 16-11-523 or this section; and

(c) declares on an application provided by the sheriff that the secondary metals recycler is informed of and will comply with the provisions of this section.

(4) The South Carolina Law Enforcement Division shall develop the application and permit in consultation with the state’s sheriffs and representatives from the secondary metals recyclers’ industry.

(5) A sheriff may investigate a secondary metals recycler’s background prior to issuing a permit for purposes of determining if the secondary metals recycler qualifies to be issued a permit.

(6) ~~The~~ A sheriff may charge and retain a two hundred dollar fee for ~~the~~ each permit.

(7) ~~The~~ A sheriff shall keep a record of all permits issued ~~pursuant to this subsection~~ containing, at a minimum, the date of issuance, and the name and address of the ~~permit holder~~ secondary metals recycler.

(8) ~~The~~ A permit is valid for twenty‑four months.

(9) A permit may be denied, suspended, or revoked at any time if a sheriff discovers that the information on an application is inaccurate, a secondary metals recycler does not comply with the requirements of this section, or a secondary metals recycler is convicted of a violation of Section 16-11-523 or this section.

(C)(1) A person or entity ~~other than a holder of a retail license, an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider,~~ who wants to transport or sell nonferrous metals to a secondary metals recycler shall obtain a permit to transport and sell the nonferrous metals. An entity’s employee is not required to obtain a separate permit to transport or sell nonferrous metals provided that the employee is acting within the scope and duties of their employment with the entity. An entity’s employee who intends to transport and sell nonferrous metals on behalf of an entity shall have a copy of the entity’s permit readily available for inspection.

(2) If a person is a resident of South Carolina or an entity is located in South Carolina, the person or entity shall obtain a permit from the sheriff of the county in which the person resides or has a secondary residence or in which the entity is located or has a secondary business. The sheriff ~~shall~~ may issue the permit to the person or entity if the:

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

(b) person or entity has not been convicted of a violation of Section 16-11-523 or this section; and

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

(3) If ~~the~~ a person is not a resident of South Carolina or ~~the~~ an entity is not located in South Carolina, the person or entity shall obtain a permit ~~to transport and sell nonferrous metals~~ from ~~the~~ any sheriff of ~~the~~ any county ~~in which the secondary metals recycler purchasing the nonferrous metals is located~~. The sheriff may issue the permit to the person or entity if the:

(a) person is not a resident of South Carolina or the entity is not located in South Carolina;

(b) person or entity has not been convicted of a violation of Section 16-11-523 or this section; and

(c) person or entity declares on an application provided by the sheriff that the person or entity is informed of and will comply with the provisions of this section.

(4) The South Carolina Law Enforcement Division shall develop the application and permit in consultation with the state’s sheriffs and representatives of the secondary metals recyclers’ industry.

(5) A sheriff may investigate a person or entity’s background prior to issuing a permit for purposes of determining if the person or entity qualifies to be issued a permit.

(6) ~~The~~ A sheriff may not charge a fee for ~~the~~ a permit. A sheriff may charge a ten dollar fee to replace a permit that has been lost or destroyed. If the original permit is later found by the person or entity, the person or entity must turn the original permit into the sheriff or destroy the original permit.

(7) ~~The~~A sheriff shall keep a record of all permits issued ~~pursuant to this subsection~~ containing, at a minimum, the date of issuance, the name and address of the ~~permit holder~~ person or entity, a photocopy of the ~~permit holder’s~~ person’s identification or of the employee’s identification, ~~the license plate number of the permit holder’s person’s motor vehicle or the entity’s motor vehicle,~~ and the ~~permit holder’s~~ person’s photograph or the entity’s employee’s photograph.

(8) ~~The~~A permit is valid ~~for twelve months~~ statewide and expires on the person’s birth date on the second calendar year after the calendar year in which the permit is issued, or, if the permittee is an entity, the permit expires on the date of issuance on the second calendar year after the calendar year in which the permit is issued. ~~If a person or entity only wants to sell or transport nonferrous metals a maximum of two times in a twelve month period, the person or entity can obtain a forty‑eight hour permit from the applicable sheriff’s office pursuant to this subsection, except that the person only needs to call the sheriff’s office, provide the required information, and obtain a permit number. A person or entity only may request such a permit two times in a twelve month period.~~

(9) A permit may be denied, suspended, or revoked at any time if a sheriff discovers that the information on an application is inaccurate, a person or entity does not comply with the requirements of this section, or a person or entity is convicted of a violation of Section 16-11-523 or this section.

~~(2)(a)~~(10)(a) It is unlawful for a person or entity to obtain a permit to transport and sell nonferrous metals for the purpose of transporting or selling stolen nonferrous metals.

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

(D)(1) It is unlawful to purchase nonferrous metals in any amount for the purpose of recycling the nonferrous metals from a seller ~~who is not a holder of a retail license, an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider,~~ unless the purchaser is a secondary metals recycler who has a valid permit to purchase nonferrous metals issued pursuant to subsection (B) and the seller has a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C). A secondary metals recycler may hold a seller’s nonferrous metals while the seller obtains a permit to transport and sell nonferrous metals pursuant to subsection (C).

(2) A secondary metals recycler shall maintain a record containing, at a minimum, the date of purchase, the name and address of the seller, a photocopy of the seller’s identification, a photocopy of the seller’s permit to transport and sell nonferrous metals, if applicable, the license plate number of the seller’s motor vehicle, if available, the seller’s photograph, the weight ~~or length,~~ and size or other description of the nonferrous metals purchased, the amount paid for ~~it~~ the nonferrous metals, and a signed statement from the seller stating that the seller is the rightful owner or is entitled to sell the nonferrous metals being sold. If the secondary metals recycler has the seller’s photograph on file, the secondary metals recycler may reference the photograph on file without making a photograph for each transaction; however, the secondary metals recycler shall update the seller’s photograph on an annual basis. A secondary metals recycler may use a video of the seller in lieu of a photograph provided the secondary metals recycler maintains the video for at least one hundred and twenty days. A secondary metals recycler may maintain a record in an electronic database provided that the information is legible and can be accessed by law enforcement upon request.

(3) All nonferrous metals that are purchased by and are in the possession of a secondary metals recycler and all records required to be kept by this section must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies during regular business hours. The records must be maintained for ~~two years~~ one year from the date of purchase.

~~(2)~~(4) ~~A secondary metals recycler shall purchase copper, catalytic converters, and beer kegs by check alone~~ A secondary metals recycler shall not enter into a cash transaction in payment for the purchase of copper, catalytic converters, and beer kegs. Payment for the purchase of copper, catalytic converters, and beer kegs must be made by check alone issued and made payable to the seller. A secondary metals recycler shall neither cash a check issued pursuant to this item nor use an automated teller machine (ATM) or other cash card system in lieu of a check.

~~(3)~~(5) A secondary metals recycler shall prominently display a twenty‑inch by thirty‑inch sign in the secondary metals recycler’s fixed site that states: ‘NO NONFERROUS METALS, INCLUDING COPPER, MAY BE PURCHASED BY A SECONDARY METALS RECYCLER FROM A SELLER UNLESS THE SELLER IS A HOLDER OF A RETAIL LICENSE, AN AUTHORIZED WHOLESALER, A CONTRACTOR LICENSED PURSUANT TO ARTICLE 1, CHAPTER 11, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, A GAS, ELECTRIC, COMMUNICATIONS, WATER, PLUMBING, ELECTRICAL, OR CLIMATE CONDITIONING SERVICE PROVIDER, OR THE SELLER PRESENTS THE SELLER’S VALID PERMIT TO TRANSPORT AND SELL NONFERROUS METALS ISSUED PURSUANT TO SECTION 16‑17‑680, CODE OF LAWS OF SOUTH CAROLINA, 1976.’

~~(4)~~(6) A purchaser who violates a provision of this subsection:

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

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

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

If the purchaser obtained a permit to purchase nonferrous metals pursuant to subsection (B), the permit must be revoked.

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

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

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

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

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

If the seller obtained a permit to transport and sell nonferrous metals pursuant to subsection (C), the permit must be revoked.

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

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

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

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

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

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

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

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

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

The secondary metals recycler’s permit to purchase nonferrous metals issued pursuant to subsection (B) must be revoked.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) ~~valid~~ military identification card.

(I) A secondary metals recycler must not purchase or otherwise acquire an iron or steel:

(1) manhole cover; or

(2) drainage grate.

~~(I)~~(J)(1) Except as provided in item (2), ~~The~~ the provisions of this section do not apply to:

(a) the purchase or sale of aluminum cans;

(b) a transaction between a secondary metals recycler and another secondary metals recycler;

(c) a governmental entity;

(d) a manufacturing or industrial vendor that generates or sells regulated metals in the ordinary course of its business;

(e) a holder of a retail license, an authorized wholesaler, an automobile demolisher as defined in Section 56‑5‑5810(d), a contractor licensed pursuant to Chapter 11, Title 40, a residential home builder licensed pursuant to Chapter 59, Title 40, a demolition contractor, a provider of gas service, electric service, communications service, water service, plumbing service, electrical service, climate conditioning service, core recycling service, appliance repair service, automotive repair service, or electronics repair service; or

(f) organizations, corporations, or associations registered with the State as charitable organizations or any nonprofit corporation.

(2) An exempted entity listed in item (1) is subject to the provisions of subsection (C)(10) and subsection (G)(5).

A secondary metals recycler shall maintain a record of transactions involving exempted entities listed in item (1) pursuant to subsection (D) and is subject to the penalty provisions of subsection (D)(6). Any item of nonferrous metals acquired from an exempted entity listed in item (1) is subject to a hold notice pursuant to subsection (F).

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

SECTION 3. Section 40-27-10 of the 1976 Code is amended to read:

“Section 40-27-10. ~~Any~~ A person or entity buying junk other than junk that consists of nonferrous metals, as defined by Section 16-17-680, or vehicles shall keep a book that ~~he~~ the person or entity shall keep open to the inspection of all persons, wherein ~~he~~ the person or entity shall set down the name and address, city, and street of every person selling junk and an itemized statement of all junk bought from such ~~person~~ persons and the ~~date of~~ purchase dates. ~~Any~~ A person or entity buying junk that consists of nonferrous metals, as defined by Section 16‑17‑680, is subject to the provisions of Section 16‑17‑680. A person or entity buying junk that consists of vehicles is subject to the provisions of Sections 56‑5‑5670 and 56‑5‑5945.”

SECTION 4. Section 40-27-20 of the 1976 Code is amended to read:

“Section 40-27-20. ~~Such~~A person or entity shall keep each article of junk ~~so~~ purchased other than junk that consists of nonferrous metals, as defined by Section 16-17-680, and vehicles for a period of seventy‑two hours following ~~such~~ the purchase and shall keep ~~such~~ the junk open to the inspection of all persons. A person or entity buying junk that consists of nonferrous metals, as defined by Section 16‑17‑680, is subject to the provisions of Section 16‑17‑680. A person or entity buying junk that consists of vehicles is subject to the provisions of Sections 56-5-5670 and 56-5-5945.”

SECTION 5. Section 56-3-1380 of the 1976 Code is amended to read:

“Section 56-3-1380. ~~Any~~An owner who dismantles or wrecks ~~any~~ a vehicle registered and licensed ~~under the provisions of~~ pursuant to this chapter shall forward to the Department of Motor Vehicles the registration card, ~~and~~ license plate, and revalidation sticker last issued for ~~such~~ the vehicle. A person or entity who disposes of a vehicle to a demolisher or secondary metals recycler shall provide the vehicle’s title certificate to the demolisher or secondary metals recycler so that the demolisher or secondary metals recycler can surrender the title certificate to the Department of Motor Vehicles pursuant to Sections 56-5-5670 and 56-5-5945.”

SECTION 6. Section 56-5-5640 of the 1976 Code is amended to read:

“Section 56-5-5640. If an abandoned vehicle has not been reclaimed ~~as provided for in~~ pursuant to Section 56‑5‑5630, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may have the abandoned vehicle sold at a public auction pursuant to ~~the provisions set forth in~~ Section 29‑15‑10. The vehicle’s purchaser ~~of the vehicle~~ shall take title to ~~it~~ the vehicle free and clear of all liens and claims of ownership, shall receive a magistrate's order of sale, and is entitled to register the purchased vehicle and receive a certificate of title. The Office of Court Administration shall design a uniform magistrate’s order of sale for purposes of this section, Section 56-5-5670, and Section 56-5-5945, and shall make the order available for distribution to the magistrates. The magistrate’s order of sale given at the sale must be sufficient title for purposes of transferring the vehicle to a demolisher or secondary metals recycler for demolition, wrecking, or dismantling, and in ~~this~~ such case no further titling of the vehicle is necessary. The expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the vehicle in custody, and all notice and publication costs incurred pursuant to ~~the provisions of~~ Section 29‑15‑10 must be reimbursed up to the amount of the auction sale price from the vehicle’s sale proceeds ~~of the vehicle~~. ~~Any remainder of the~~ The remaining sale proceeds must be held for the vehicle’s owner ~~of the vehicle~~ or entitled lienholder for ninety days. The magistrate ~~must~~ shall notify the vehicle’s owner and all lienholders by certified or registered mail, return receipt requested, that the ~~vehicle~~ vehicle’s owner or lienholder has ninety days to claim the proceeds from the vehicle’s sale ~~of the vehicle~~. If the ~~vehicle~~ vehicle’s proceeds are not collected within ninety days from the day after the notice to the vehicle’s owner and all lienholders is mailed, then the ~~vehicle~~ vehicle’s proceeds must be deposited in the county or municipality’s general fund ~~of the county or municipality~~.”

SECTION 7. Section 56-5-5660 of the 1976 Code is repealed.

SECTION 8. Section 56-5-5670 of the 1976 Code is amended to read:

“Section 56‑5‑5670. (A) For purposes of this section, ‘vehicle’ has the same meaning as defined by Section 56‑5‑120 and includes, but is not limited to, a ‘trailer,’ as defined by Section 56‑5‑240, a ‘semitrailer,’ as defined by Section 56‑5‑250, and a ‘pole trailer,’ as defined by 56‑5‑260.

(B)(1) Except as provided by subsections (C), (D), and (E), a person or entity may not dispose of a vehicle to a demolisher or secondary metals recycler without a valid title certificate for the vehicle in the person or entity’s name. The person or entity shall provide the vehicle’s title certificate to the demolisher or secondary metals recycler.

(2) ~~A~~ The demolisher or secondary metals recycler ~~who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling, or demolishing~~ is not required to obtain a certificate of title for the vehicle in ~~his~~ the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that ~~it~~ the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler ~~must~~ shall surrender ~~for cancellation~~ the certificate of title~~, auction sales receipt, or disposal authority certificate~~ to the Department of Motor Vehicles for cancellation.

(3) The Department of Motor Vehicles ~~must~~ shall issue forms~~, rules,~~ and regulations governing the surrender of ~~auction sales receipts, disposal authority certificates, and~~ certificates of title as appropriate.

(4) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a title certificate pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(C)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler with a valid magistrate’s order of sale in lieu of a title certificate, if the person or entity purchases the vehicle at a public auction pursuant to Section 56-5-5640. The person or entity shall provide the magistrate’s order of sale to the demolisher or secondary metals recycler.

(2) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the magistrate’s order of sale to the Department of Motor Vehicles.

(3) The Office of Court Administration shall design a uniform magistrate’s order of sale for purposes of this subsection and Section 56-5-5640, and shall make the order available for distribution to the magistrates. The Department of Motor Vehicles shall issue forms and regulations governing the surrender of magistrates’ orders of sale as appropriate.

(4) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a magistrate’s order of sale pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(D)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler with a valid sheriff’s disposal authority certificate in lieu of a title certificate, if the vehicle is abandoned upon the person or entity’s property or into the person or entity’s possession and the vehicle does not meet the requirements of subsection (D)(1). The person or entity shall provide the sheriff’s disposal authority certificate to the demolisher or secondary metals recycler.

(2) The person or entity shall apply to the sheriff of the jurisdiction in which the vehicle is located for a disposal authority certificate to dispose of the vehicle to a demolisher or secondary metals recycler. The application must provide, at a minimum, the person or entity’s name and address, the year, make, model, and identification number of the vehicle, if ascertainable, along with any other identifying features, and must contain a concise statement of the facts surrounding the abandonment. The person or entity shall execute an affidavit stating that the facts alleged are true and that no material fact has been withheld. If the sheriff determines that the application is executed in proper form, and the application demonstrates that the vehicle has been abandoned upon the person or entity’s property or into the person or entity’s possession, the notification procedures set forth in Section 56‑5‑5630 must be followed. If the vehicle is not reclaimed pursuant to Section 56‑5‑5630, the sheriff shall give the applicant a certificate of authority to dispose of the vehicle to a demolisher or secondary metals recycler. A disposal authority certificate may contain multiple listings.

(3) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the sheriff’s disposal authority certificate to the Department of Motor Vehicles.

(4) The South Carolina Law Enforcement Division shall design a uniform sheriff’s disposal authority certificate for purposes of this subsection and shall make the certificate available for distribution to the sheriffs. The Department of Motor Vehicles shall issue forms and regulations governing the surrender of sheriffs’ disposal authority certificates as appropriate.

(5) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a sheriff’s disposal authority certificate pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(E)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler without a title certificate, magistrate’s order of sale, or sheriff’s disposal authority certificate, if:

(a) the vehicle is abandoned upon the person or entity’s property or into the person or entity’s possession, or if the person or entity is the owner of the vehicle and the vehicle’s title certificate is faulty, lost, or destroyed; and

(b) the vehicle:

(i) is lawfully in the person or entity’s possession;

(ii) is twelve model years old or older;

(iii) does not have a valid registration plate affixed; and

(iv) has no engine or is otherwise totally inoperable.

(2) The person or entity shall complete and sign a form affirming that the vehicle complies with the requirements of subsection (D)(1). The demolisher or secondary metals recycler shall maintain the original form affidavit in the transaction records as required by this section.

(3) The Department of Motor Vehicles shall develop a form affidavit for purposes of this subsection and shall make the form affidavit available for distribution to the demolishers and secondary metals recyclers.

(4) Prior to completion of the transaction, the demolisher or secondary metals recycler shall verify with the Department of Motor Vehicles whether the vehicle has been reported stolen. The Department of Motor Vehicles shall develop an electronic system for demolishers and secondary metals recyclers to use to verify at the time of a transaction whether a vehicle has been reported stolen. The Department of Motor Vehicles shall not charge a demolisher or secondary metals recycler a fee for verifying whether a vehicle has been reported stolen. If the Department of Motor Vehicles indicates to the demolisher or secondary metals recycler that the vehicle has been reported stolen, the demolisher or secondary metals recycler shall not complete the transaction and shall notify the appropriate law enforcement agency. The demolisher or secondary metals recycler is under no obligation to apprehend the person attempting to sell the vehicle. If the Department of Motor Vehicles indicates to the demolisher or secondary metals recycler that the vehicle has not been reported stolen, the demolisher or secondary metals recycler may proceed with the transaction. In such case, the demolisher or secondary metals recycler is not criminally or civilly liable if the vehicle later turns out to be a stolen vehicle, unless the demolisher or secondary metals recycler had some other knowledge that the vehicle was a stolen vehicle.

(5) The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations at the time of the transaction or no later than the end of the day of the transaction. A demolisher or secondary metals recycler who reports vehicles to the National Motor Vehicle Title Information System through a third party consolidator complies with the requirements of this subitem if the demolisher or secondary metals recycler reports the vehicle to the third party consolidator so that the third party consolidator is able to transmit the vehicle information to the National Motor Vehicle Title Information System in compliance with federal laws and regulations no later than the end of the day of the transaction.

(6) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a form affidavit pursuant to this subsection shall not wreck, dismantle, demolish, or otherwise dispose of the vehicle until at least three business days after the transaction has taken place.

~~(B)~~(F) A demolisher or secondary metals recycler who purchases or otherwise acquires nonferrous metals, as defined by Section 16‑17‑680, ~~must~~ shall comply with and is subject to the provisions of Section 16‑17‑680.

~~(C)~~(G)(1) A demolisher or secondary metals recycler ~~must~~ shall keep an accurate and complete record of all ~~abandoned~~ vehicles ~~and vehicle parts with a total weight of twenty‑five pounds or more~~ purchased or received by ~~him~~ the demolisher or secondary metals recycler in the course of ~~his~~ business. A demolisher, but not a secondary metals recycler, shall also keep an accurate and complete record of all vehicle parts with a total weight of twenty-five pounds or more purchased or received by the demolisher in the course of business. These records must contain, at a minimum:

(a) the demolisher or secondary metals recycler’s name and address;

(b) the name of the demolisher or secondary metals recycler’s employee entering the information;

(c) the name and address of the person or entity from whom the vehicle or vehicle parts, as applicable, were purchased or received~~,~~;

(d) a photo or copy of the person’s driver’s license or other government issued picture identification card that legibly shows the person’s name and address~~,~~. If the vehicle or vehicle parts, as applicable, are being purchased or received from an entity, the demolisher or secondary metals recycler shall obtain a photo or copy of the entity’s agent’s driver’s license or other government issued picture identification card. If the demolisher or secondary metals recycler has a photo or copy of the person or entity’s agent’s identification on file, the demolisher or secondary metals recycler may reference the identification on file without making a photocopy for each transaction;

(e) the date when the purchases or receipts occurred~~, and~~;

(f) the year, make, model, and identification number of the vehicle or vehicle parts, as applicable and if ascertainable, along with any other identifying features; and

(g) a copy of the title certificate, magistrate’s order of sale, sheriff’s disposal authority certificate, or an original form affidavit, as applicable.

(2) The records ~~are~~ must be kept open for inspection by any ~~police~~ law enforcement officer at any time during normal business hours. All vehicles on the demolisher or secondary metals recycler’s property or otherwise in the possession of the demolisher or secondary metals recycler must be available for inspection by any law enforcement officer at any time during normal business hours.

(3) ~~Any record~~ Records required by this section must be kept by the demolisher or secondary metals recycler for at least one year after the transaction to which it applies. A demolisher or secondary metals recycler may maintain records in an electronic database provided that the information is legible and can be accessed by law enforcement upon request.

~~(D)~~(H)(1) A person who violates the provisions of this section for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense. For a second or subsequent offense, the person is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars for each offense not to exceed ten thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than three years, or both. Each violation constitutes a separate offense.

(2) A person who falsifies any information on an application, form, or affidavit required by this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned for not less than one year nor more than three years, or both.

(3) In lieu of criminal penalties, the Department of Motor Vehicles’ director, or the director’s designee, may issue an administrative fine not to exceed one thousand dollars for each violation, whenever the director, or the director’s designee, after a hearing, determines that a demolisher or secondary metals recycler has unknowingly and unwillfully violated any provisions of this section. The hearing and any administrative review must be conducted in accordance with the procedure for contested cases under the Administrative Procedures Act. The proceeds from the administrative fine must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of implementing this section.

(4) A vehicle used to transport a vehicle or vehicle parts, as applicable, illegally disposed of in violation of this section may be seized by law enforcement and is subject to forfeiture; provided, however, that no vehicle is subject to forfeiture unless it appears that the owner or other person in charge of the vehicle is a consenting party or privy to the commission of the crime, and a forfeiture of the vehicle encumbered by a security interest is subject to the interest of the secured party who had no knowledge of or consented to the act. The seizure and forfeiture must be accomplished in accordance with the provisions of Section 56-29-50.

(I) The Department of Motor Vehicles shall convene a working group chaired by the Director of the Department of Motor Vehicles, or the director’s designee, for the purpose of assisting in the development of a form affidavit to be used for the disposal of vehicles to demolishers or secondary metals recyclers, the development of an electronic system for demolishers and secondary metals recyclers to use to verify at the time of a transaction whether a vehicle has been reported stolen, and assisting in the development of forms and regulations pursuant to this section. The working group must consist of representatives from the demolishing industry, secondary metals recycling industry, the trucking industry, law enforcement agencies, and other relevant agencies, organizations, or industries as determined by the director, or the director’s designee.”

SECTION 9. Section 56-5-5945 of the 1976 Code is amended to read:

“Section 56‑5‑5945. (A) For purposes of this section, ‘vehicle’ has the same meaning as defined by Section 56‑5‑120, and includes, but is not limited to, a ‘trailer,’ as defined by Section 56‑5‑240, a ‘semitrailer,’ as defined by Section 56‑5‑250, and a ‘pole trailer,’ as defined by 56‑5‑260.

(B)(1) Except as provided by subsections (C), (D), and (E), a person or entity may not dispose of a vehicle to a demolisher or secondary metals recycler without a valid title certificate for the vehicle in the person or entity’s name. The person or entity shall provide the vehicle’s title certificate to the demolisher or secondary metals recycler.

(2) ~~A~~The demolisher or secondary metals recycler ~~who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling, or demolition shall~~ is not ~~be~~ required to obtain a certificate of title for the vehicle in ~~his~~ the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that ~~it~~ the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender ~~for cancellation~~ the certificate of title ~~or sales receipt issued under Section 56-5-5850~~ to the Department of Motor Vehicles for cancellation.

(3) The Department of Motor Vehicles shall issue forms and regulations governing the surrender of certificates of title as appropriate.

(4) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a title certificate pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(C)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler with a valid magistrate’s order of sale in lieu of a title certificate, if the person or entity purchases the vehicle at a public auction pursuant to Section 56-5-5640. The person or entity shall provide the magistrate’s order of sale to the demolisher or secondary metals recycler.

(2) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the magistrate’s order of sale to the Department of Motor Vehicles.

(3) The Office of Court Administration shall design a uniform magistrate’s order of sale for purposes of this subsection and Section 56-5-5640, and shall make the order available for distribution to the magistrates. The Department of Motor Vehicles shall issue forms and regulations governing the surrender of magistrates’ orders of sale as appropriate.

(4) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a magistrate’s order of sale pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(D)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler with a valid sheriff’s disposal authority certificate in lieu of a title certificate, if the vehicle is abandoned upon the person or entity’s property or into the person or entity’s possession and the vehicle does not meet the requirements of subsection (D)(1). The person or entity shall provide the sheriff’s disposal authority certificate to the demolisher or secondary metals recycler.

(2) The person or entity shall apply to the sheriff of the jurisdiction in which the vehicle is located for a disposal authority certificate to dispose of the vehicle to a demolisher or secondary metals recycler. The application must provide, at a minimum, the person or entity’s name and address, the year, make, model, and identification number of the vehicle, if ascertainable, along with any other identifying features, and must contain a concise statement of the facts surrounding the abandonment. The person or entity shall execute an affidavit stating that the facts alleged are true and that no material fact has been withheld. If the sheriff determines that the application is executed in proper form, and the application demonstrates that the vehicle has been abandoned upon the person or entity’s property or into the person or entity’s possession, the notification procedures set forth in Section 56‑5‑5630 must be followed. If the vehicle is not reclaimed pursuant to Section 56‑5‑5630, the sheriff shall give the applicant a certificate of authority to dispose of the vehicle to a demolisher or secondary metals recycler. A disposal authority certificate may contain multiple listings.

(3) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the sheriff’s disposal authority certificate to the Department of Motor Vehicles.

(4) The South Carolina Law Enforcement Division shall design a uniform sheriff’s disposal authority certificate for purposes of this subsection and shall make the certificate available for distribution to the sheriffs. The Department of Motor Vehicles shall issue forms and regulations governing the surrender of sheriffs’ disposal authority certificates as appropriate.

(5) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a sheriff’s disposal authority certificate pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(E)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler without a title certificate, magistrate’s order of sale, or sheriff’s disposal authority certificate, if:

(a) the vehicle is abandoned upon the person or entity’s property or into the person or entity’s possession, or if the person or entity is the owner of the vehicle and the vehicle’s title certificate is faulty, lost, or destroyed; and

(b) the vehicle:

(i) is lawfully in the person or entity’s possession;

(ii) is twelve model years old or older;

(iii) does not have a valid registration plate affixed; and

(iv) has no engine or is otherwise totally inoperable.

(2) The person or entity shall complete and sign a form affirming that the vehicle complies with the requirements of subsection (D)(1). The demolisher or secondary metals recycler shall maintain the original form affidavit in the transaction records as required by this section.

(3) The Department of Motor Vehicles shall develop a form affidavit for purposes of this subsection and shall make the form affidavit available for distribution to the demolishers and secondary metals recyclers.

(4) Prior to completion of the transaction, the demolisher or secondary metals recycler shall verify with the Department of Motor Vehicles whether the vehicle has been reported stolen. The Department of Motor Vehicles shall develop an electronic system for demolishers and secondary metals recyclers to use to verify at the time of a transaction whether a vehicle has been reported stolen. The Department of Motor Vehicles shall not charge a demolisher or secondary metals recycler a fee for verifying whether a vehicle has been reported stolen. If the Department of Motor Vehicles indicates to the demolisher or secondary metals recycler that the vehicle has been reported stolen, the demolisher or secondary metals recycler shall not complete the transaction and shall notify the appropriate law enforcement agency. The demolisher or secondary metals recycler is under no obligation to apprehend the person attempting to sell the vehicle. If the Department of Motor Vehicles indicates to the demolisher or secondary metals recycler that the vehicle has not been reported stolen, the demolisher or secondary metals recycler may proceed with the transaction. In such case, the demolisher or secondary metals recycler is not criminally or civilly liable if the vehicle later turns out to be a stolen vehicle, unless the demolisher or secondary metals recycler had some other knowledge that the vehicle was a stolen vehicle.

(5) The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations at the time of the transaction or no later than the end of the day of the transaction. A demolisher or secondary metals recycler who reports vehicles to the National Motor Vehicle Title Information System through a third party consolidator complies with the requirements of this subitem if the demolisher or secondary metals recycler reports the vehicle to the third party consolidator so that the third party consolidator is able to transmit the vehicle information to the National Motor Vehicle Title Information System in compliance with federal laws and regulations no later than the end of the day of the transaction.

(6) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a form affidavit pursuant to this subsection shall not wreck, dismantle, demolish, or otherwise dispose of the vehicle until at least three business days after the transaction has taken place.

~~(B)~~(F) A demolisher or secondary metals recycler who purchases or otherwise acquires nonferrous metals, as defined by Section 16‑17‑680, ~~must~~ shall comply with and is subject to the provisions of Section 16‑17‑680.

~~(C)~~(G)(1) A demolisher or secondary metals recycler shall keep an accurate and complete record of all vehicles ~~and vehicle parts with a total weight of twenty‑five pounds or more~~ purchased or received by ~~him~~ the demolisher or secondary metals recycler in the course of ~~his~~ business. A demolisher, but not a secondary metals recycler, shall also keep an accurate and complete record of all vehicle parts with a total weight of twenty-five pounds or more purchased or received by the demolisher in the course of business. These records ~~shall~~ must contain, at a minimum:

(a) the demolisher or secondary metals recycler’s name and address;

(b) the name of the demolisher or secondary metals recycler’s employee entering the information;

(c) the name and address of the person or entity from whom the vehicle or vehicle parts, as applicable, were purchased or received~~,~~;

(d) a photo or copy of the person’s driver’s license or other government issued picture identification card that legibly shows the person’s name and address~~,~~. If the vehicle or vehicle parts, as applicable, are being purchased or received from an entity, the demolisher or secondary metals recycler shall obtain a photo or copy of the entity’s agent’s driver’s license or other government issued picture identification card. If the demolisher or secondary metals recycler has a photo or copy of the person or entity’s agent’s identification on file, the demolisher or secondary metals recycler may reference the identification on file without making a photocopy for each transaction;

(e) the date when the purchases or receipts occurred~~, and~~;

(f) the year, make, model, and identification number of the vehicle or vehicle parts, as applicable and if ascertainable, along with any other identifying features; and

(g) a copy of the title certificate, magistrate’s order of sale, sheriff’s disposal authority certificate, or an original form affidavit, as applicable.

(2) The records ~~shall~~ must be kept open for inspection by any law enforcement officer at any time during normal business hours. All vehicles on the demolisher or secondary metals recycler’s property or otherwise in the possession of the demolisher or secondary metals recycler must be available for inspection by any law enforcement officer at any time during normal business hours.

(3) ~~Any record~~ Records required by this ~~Section~~ section ~~shall~~ must be kept by the demolisher or secondary metals recycler for at least one year after the transaction to which it applies. A demolisher or secondary metals recycler may maintain records in an electronic database provided that the information is legible and can be accessed by law enforcement upon request.

~~(D)~~(H)(1) A person who violates the provisions of this section for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense. For a second or subsequent offense, the person is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars for each offense not to exceed ten thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than three years, or both. Each violation constitutes a separate offense.

(2) A person who falsifies any information on an application, form, or affidavit required by this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned for not less than one year nor more than three years, or both.

(3) In lieu of criminal penalties, the Department of Motor Vehicles’ director, or the director’s designee, may issue an administrative fine not to exceed one thousand dollars for each violation, whenever the director, or the director’s designee, after a hearing, determines that a demolisher or secondary metals recycler has unknowingly and unwillfully violated any provisions of this section. The hearing and any administrative review must be conducted in accordance with the procedure for contested cases under the Administrative Procedures Act. The proceeds from the administrative fine must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of implementing this section.

(4) A vehicle used to transport a vehicle or vehicle parts, as applicable, illegally disposed of in violation of this section may be seized by law enforcement and is subject to forfeiture; provided, however, that no vehicle is subject to forfeiture unless it appears that the owner or other person in charge of the vehicle is a consenting party or privy to the commission of the crime, and a forfeiture of the vehicle encumbered by a security interest is subject to the interest of the secured party who had no knowledge of or consented to the act. The seizure and forfeiture must be accomplished in accordance with the provisions of Section 56-29-50.

(I) The Department of Motor Vehicles shall convene a working group chaired by the Director of the Department of Motor Vehicles, or the director’s designee, for the purpose of assisting in the development of a form affidavit to be used for the disposal of vehicles to demolishers or secondary metals recyclers, the development of an electronic system for demolishers and secondary metals recyclers to use to verify at the time of a transaction whether a vehicle has been reported stolen, and assisting in the development of forms and regulations pursuant to this section. The working group must consist of representatives from the demolishing industry, secondary metals recycling industry, trucking industry, law enforcement agencies, and other relevant agencies, organizations, or industries as determined by the director, or the director’s designee.”

SECTION 10. Section 56-19-480(A) of the 1976 Code is amended to read:

“(A) An owner who scraps, dismantles, destroys, or in any manner disposes to another, except to a demolisher or secondary metals recycler, as wreckage or salvage, a motor vehicle otherwise required to be titled in this State immediately shall mail or deliver to the Department of Motor Vehicles the vehicle's certificate of title notifying the department to whom the vehicle is delivered together with a report indicating the type and severity of any damage to the vehicle. A person or entity who disposes of a vehicle to a demolisher or secondary metals recycler shall provide the vehicle’s title certificate to the demolisher or secondary metals recycler so that the demolisher or secondary metals recycler can surrender the title certificate to the Department of Motor Vehicles pursuant to Sections 56‑5‑5670 and 56‑5‑5945.”

SECTION 11. 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 12. 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 13. Subsection (H) of Section 56-5-5670 of the 1976 Code as contained in SECTION 8 and subsection (H) of Section 56-5-5945 of the 1976 Code as contained in SECTION 9 take effect upon approval by the Governor. All other provisions of this act take effect one hundred eighty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

**Total--0**

The amendment was adopted.

**Amendment No. 2**

Senator REESE proposed the following amendment (DKA\  
4132SD12), which was adopted:

Amend the bill, as and if amended, Section 16‑17‑680(B), as contained in SECTION 12, by adding after item (9) a new item to read:

/ (10) A sheriff shall issue permits during regular business hours. /

Amend the bill further, Section 16‑17‑680(C), as contained in SECTION 12, by adding after item (10) a new item to read:

/ (11) A sheriff shall issue permits during regular business hours. /

Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

The amendment was adopted.

There being no further amendments, the Bill was ordered returned to the House of Representatives with amendments.

**CARRIED OVER**

H. 4726 -- Reps. Pitts, Parks and Pinson: A BILL TO AMEND SECTION 6‑11‑1230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF PUBLIC SERVICE DISTRICT AND SPECIAL PURPOSE DISTRICT COMMISSIONS, INCLUDING, AMONG OTHER THINGS, THE POWER TO ASSESS THE COST OF THE ESTABLISHMENT AND CONSTRUCTION OF A SEWER LATERAL COLLECTION LINE, SO AS TO PROVIDE THAT IF A RESIDENTIAL SUBDIVISION RECEIVED CONCEPTUAL APPROVAL FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR SEPTIC TANK USE AND SUBSEQUENTLY FIVE OR MORE LOTS IN THE SUBDIVISION WERE DENIED PERMITS BY THE DEPARTMENT, AN ASSESSMENT MAY BE LEVIED ON THE ABUTTING PARCELS IN THE SUBDIVISION FOR THE ACTUAL COSTS OF THE SEWER LATERAL COLLECTION LINES, TRANSMISSION LINES, AND ASSOCIATED INFRASTRUCTURE AND TO PROVIDE THAT A LETTER OR CERTIFICATE OF THE DEPARTMENT ESTABLISHES THESE CONDITIONS AUTHORIZING THE ASSESSMENT.

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

**POINT OF ORDER**

**BILL RETURNED TO THE HOUSE**

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7‑13‑40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES’ QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7‑13‑190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7‑13‑350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

The House returned the Bill to the Senate with amendments.

**Point of Order**

Senator CAMPSEN raised a Point of Order that the amendments on the Bill were to the third degree and, therefore, the Senate could not consider the Bill.

The PRESIDENT sustained the Point of Order.

The Bill was returned to the House, with no action taken by the Senate on the Bill.

**CARRIED OVER**

S. 105 -- Senators Verdin, Leventis and L. Martin: A BILL TO AMEND THE 1976 CODE, BY ADDING ARTICLE 8 TO CHAPTER 25, TITLE 57, TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO CREATE AND SUPERVISE A STATEWIDE PROGRAM RELATED TO PROVIDING DIRECTIONAL SIGNS ALONG THE STATE’S MAJOR HIGHWAYS AND INTERCHANGES LEADING TO AGRITOURISM ORIENTED FACILITIES ENGAGED IN EDUCATIONAL OR AGRITOURISM ACTIVITIES.

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

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

**DEBATE INTERRUPTED**

H. 3508 -- Reps. Gambrell, Sandifer, Harrell, Erickson, Limehouse, Weeks, H.B. Brown, Agnew, Allison, Anthony, Bales, Bannister, Bedingfield, Bingham, Brady, Brannon, G.A. Brown, Cole, Crosby, Forrester, Hardwick, Harrison, Hayes, Hiott, Hixon, Horne, Lowe, Lucas, McCoy, D.C. Moss, Owens, Parker, Pinson, Pitts, Skelton, J.E. Smith, J.R. Smith, Sottile, Tallon, Vick, White, Taylor, Hamilton, Battle, Allen, Dillard, Alexander, Cooper, Mack and Bowen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO RETITLE ARTICLE 23, CHAPTER 9, TITLE 58, RELATING TO GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS AS “GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDERS”; BY ADDING SECTION 58‑9‑2660 SO AS TO PROVIDE A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER MAY PETITION THE PUBLIC SERVICE COMMISSION TO DESIGNATE ONE OR MORE AREAS AS AN “UNSERVED AREA”, TO SPECIFY THE PROCEDURE FOR MAKING AND PROTESTING THIS PETITION, TO PROVIDE FOR A HEARING OF A PROTEST TO A PETITION, TO PROVIDE FOR THE APPLICATION OF CERTAIN PROVISIONS OF LAW TO AN UNSERVED AREA, AND TO PROVIDE A PROCESS FOR PETITIONING FOR A DETERMINATION THAT AN AREA HAS CEASED TO BE AN UNSERVED AREA; TO AMEND SECTION 58‑9‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING TELEPHONE COMPANIES, SO AS TO MODIFY THE DEFINITION OF “BROADBAND SERVICE”; TO AMEND SECTION 58‑9‑2600, RELATING TO THE PURPOSE OF ARTICLE 23, CHAPTER 9, TITLE 58, SO AS TO MAKE CONFORMING CHANGES AND CLARIFY THE SCOPE OF THE ARTICLE; TO AMEND SECTION 58‑9‑2610, RELATING TO DEFINITIONS CONCERNING GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 58‑9‑2620, AS AMENDED, RELATING TO DUTIES, RESTRICTIONS, RATE COMPUTATIONS, AND ACCOUNTING REQUIREMENTS OF GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES, TO GIVE THE OFFICE OF REGULATORY STAFF JURISDICTION TO INVESTIGATE THE COMPLIANCE OF A GOVERNMENT‑OWNED COMMUNICATIONS PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, TO PROVIDE THE COMMISSION MAY ENFORCE THE COMPLIANCE OF A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, AND TO CLARIFY THAT THIS SECTION DOES NOT EXPAND OR LIMIT THE JURISDICTION OF THE COMMISSION OR OFFICE OF REGULATORY STAFF WITH RESPECT TO ANY SERVICE PROVIDER OTHER THAN A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER; TO AMEND SECTION 58‑9‑2630, RELATING TO CERTAIN TAX COLLECTIONS AND PAYMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 58‑9‑2650, AS AMENDED, RELATING TO LIABILITY INSURANCE RATES FOR COMMUNICATIONS OPERATIONS, SO AS TO MAKE CONFORMING CHANGES.

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

Senator RANKIN explained the committee amendment.

Senator ALEXANDER spoke on the committee amendment.

On motion of Senator COURSON, debate was interrupted by adjournment.

**MOTION ADOPTED**

Senator COURSON moved that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 11:00 A.M.

The motion was adopted.

**MOTION ADOPTED**

On motion of Senator LOURIE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Hallie Bacote Perry of Columbia, S.C., beloved widow of the late Judge Matthew J. Perry. Mrs. Perry was born in Timmonsville, S.C. She was an educator, serving for many years as a teacher in Richland County School District Number One. She was a member of St. Luke Episcopal Church and was very active in civic organizations. She was a loving wife and devoted mother to a son, Michael J. Perry.

**ADJOURNMENT**

At 3:27 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

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